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# PERSISTENT YOUNG OFFENDERS

AN EVALUATION OF TWO PROJECTS

David Lobleigh and David Smith

# PERSISTENT YOUNG OFFENDERS

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# Persistent Young Offenders

## An Evaluation of Two Projects

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# Series Editor's Foreword

The editors of the Welfare and Society series are delighted to publish this exceptionally insightful and illuminating study of two projects in Scotland which were set up to work with young people in trouble with the law. Both evaluations were commissioned by the Scottish Executive. Too often the main result of an evaluation commissioned by an official body is a long report which is read (we hope) by officials, but is not drawn fully to the attention of the academic community. Sometimes this may be the appropriate outcome, but in other cases the research has broader implications which deserve to be more widely read and thought about. This is clearly the case in this study: it not only tells the story of these pioneering projects and the young people who passed through them, but also contributes to our understanding of what is needed to work successfully with young offenders; of how interagency collaboration works, and what happens when it doesn't; of the strengths of Scottish policy and tradition in youth justice, and the opportunities this offers for creative work; and of why evaluative research requires more than a mechanical counting of outputs and outcomes. Such discussions are timely and important when, particularly in England and Wales, the dominant policy themes in youth justice appear to be a politically motivated display of toughness, an increasing reliance on custodial punishment, and an insistence on treating young offenders as criminals first and children second.

This book shows the importance of working with persistent young offenders in a patient, consistent, understanding and resilient way, relying on skilled and experienced workers to apply the evidence-based lessons of 'what works' within the context of a personal relationship and a long-term commitment, rather than the centralised and managerialist approach to the prescription of 'interventions' which has been much criticized in England and Wales. The Scottish policy context, in which services for young people in trouble have emphasized their welfare and their developmental needs rather than concentrating simply on offending and anti-social behaviour, is an important part of the background to these projects, and has been less well studied and understood outside Scotland than it deserves. Finally, students of evaluation methodology will see a good example of methodological triangulation and of the combination of qualitative and quantitative methods, contrasting markedly with the rather one-dimensional approach preferred, and indeed prescribed, by the Home Office<sup>1</sup> (Home Office 2004).

Lancaster University has a distinguished track record in youth justice research, much of it led by David Smith, including the influential 'Lancaster Model' of the 1980s which showed how the use of custodial sentences and residential care for young offenders could be drastically reduced. This book adds to that tradition. We are also pleased to be including another criminological title in the series, to add to

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1 Home Office (2004) *Home Office and YJB Standards for Impact Studies in Correctional Settings*. London: Home Office Research, Development and Statistics.

the earlier volumes by Kevin Haines on juvenile justice, Myriam Denov on female sex offenders and Maurice Vanstone on the history of the Probation Service. We hope, with the help of the team at Ashgate, to continue to publish high quality studies of this kind.

Peter Raynor  
May 2007

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We owe thanks to many people, some of whom must remain anonymous, for their support for the research presented here. In particular, we want to thank: the staff of the projects, for their hospitality and willingness to be the subjects of research; other members of the staff of Apex Scotland and Barnardo's Scotland; the young people who attended the projects, for the time they gave and the insights they provided, and their parents and other family members; staff of the police and the Reporter's Administration in Fife; and staff in the police, social work, education services and the Reporter's Administration in Clackmannanshire, Falkirk and Stirling, and in the former Central Region. Gary Denman and Tina Stern worked on the Freagarrach evaluation during its early and later stages respectively, and Marc Radley helped with the analysis of data on young offenders in central Scotland; we are grateful for their contributions. In both evaluations we had the support of an Advisory Group in Edinburgh, and benefited from the help and advice of Diane Machin and Joe Curran of the Central Research Unit. We are of course solely responsible for any errors and inadequacies that remain.

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# Introduction

The core of this book is an account of the evaluation of two projects for persistent juvenile offenders in Scotland, from which, we claim, it is possible to extract messages of general value and continuing importance. One of the projects, Freagarrach, still exists (in late 2006);<sup>1</sup> the other, CueTen, lasted for only three years, from 1995 to 1998, when its funding was stopped. Perhaps the most obvious message of the book is that Freagarrach was a successful project, and that CueTen, while it had its virtues, was much less so; and because we think there is more to be learned from success than from failure (and because it is certainly pleasanter to write and, we hope, read about), we deal with Freagarrach at greater length than with CueTen. We want to be clear from the start, however, that our analysis of the relative failure of CueTen locates its problems in the conception of its purpose, the content of its programme, and the circumstances of its establishment, and not in any deficiencies of its hard-working, thoughtful and helpful staff; and we should also stress that Apex Scotland, which ran the project, is now a very different organisation, has shown itself capable of working successfully with juvenile as well as adult offenders, and has established its credibility in this field (Apex Scotland, 2006).

Important changes, briefly discussed below, took place on the level of Scottish national politics during the period of the evaluation, but a change that occurred earlier also had an impact on the projects, and particularly on Freagarrach, which was conceived and planned as part of an inter-agency strategy for an administrative entity which soon after ceased to exist. At the beginning of 1996 the regional structure of local government in Scotland was largely replaced by a reversion to the older model of smaller unitary authorities. Central Region, in which Freagarrach worked from two sites, Polmont in the south and Alloa in the north, was disaggregated into Clackmannanshire, Falkirk and Stirling. Of these Clackmannanshire, to the north and east of the old region, is the smallest in terms of both area and population; indeed, its population of about 49,000 makes it the smallest local authority in mainland Scotland. The largest of the new authorities in terms of population is Falkirk, with about 144,000 people; it is also the most urban and industrial of the three. Stirling is by far the largest geographically, with a rural area to the west and north stretching into the southern Highlands; most of its population of around 86,000 live in the historic town of Stirling itself. CueTen was located in Glenrothes in Fife partly because local government reorganisation promised to be minimally disruptive there. Fife's population of about 350,000 is larger than the total of the old Central Region, although its area is only about 60 per cent of Stirling's. Glenrothes, the administrative centre, was a post-war New Town whose prosperity, it was hoped,

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1 It now works from one site, in Stirling, and not from the two it occupied for most of the evaluation period.

would be based on coal mining; unfortunately the mine beside which it was built never proved economically viable.<sup>2</sup>

As in much of Scotland's central belt, there are areas of urban decline and serious deprivation in Fife and the former Central Region, often highly localised and close to sites of historic importance and scenic beauty. Anyone who knows Fife only slightly will tend to associate it with St Andrews, the ancestral home of golf and of Scotland's oldest university, or with attractive fishing villages, rather than with the areas of post-industrial decline, resulting especially from the collapse of coal mining, that are also a feature of the area. Stirling Castle stands on its strategically important rock in the Forth Valley above a town ill-served by urban development and skirted by poor social housing estates, among them one at Bannockburn, the site in 1314 of Scotland's most famous victory in its fight to maintain independence from England. The Ochil Hills that rise steeply from the plain of Clackmannan form a Highland landscape in miniature, but Alloa, Clackmannanshire's largest town, has rates of unemployment and long-term sickness or disability above the Scottish average, and the brewing industry for which it was once known has shrunk to near-invisibility. Falkirk, the site of a battle in the wars of independence in 1297 which tends to receive less local attention because the Scots lost, is less immediately appealing in aesthetic terms than the other areas, but has survived the processes of deindustrialisation relatively well, thanks to the large petro-chemical works at nearby Grangemouth. Overall, while none of these areas has anything like the extent of deprivation found in parts of Glasgow, they are all characterised by social and economic divisions which mean that attractive and prosperous urban districts often exist next to neighbourhoods marked by social, environmental and economic damage.

## **Changes in Politics and Policy**

The projects were evaluated over the period 1995–2001, thus spanning a time of important constitutional change in Scotland, which culminated in the first elections to the Scottish Parliament in May 1999. This devolution of important areas of political power has led to changes in policy on young offenders, as in other spheres of social and criminal justice policy, and the policy environment of 2006 differs from that in which the projects were established. The election of 1999, using a system of proportional representation, led to control of the Scottish Executive by a Labour-Liberal Democrat coalition, with the Scottish National Party (SNP) the largest party in opposition; the result of the 2003 election was the same, though the SNP strengthened its position, mainly at Labour's expense. The pre-devolution system of juvenile justice in Scotland, established by the Social Work (Scotland) Act of 1968, was distinctive in being a 'full-fledged, welfare-oriented system' (Bottoms, 2002: 254), and by the time Bottoms was writing was a 'relatively rare surviving example' of such a system among western nations. It had long attracted international attention for the priority it gave to the best interests of children, its relative indifference to

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2 All the information about the areas in which the projects were located comes from the 2001 census and related (and more recent) material on associated websites. See <http://www.scrol.gov.uk/scrol/common/home.jsp> and the relevant local government sites.

whether children in trouble were also offenders, and its lack of provision of punitive measures (Lockyer and Stone, 1998); and given its status as a distinctively Scottish achievement, it might have been (and was) hoped that it would remain safe after devolution (Smith, 2000). Up to a point, this has been the case, though the exclusive focus on the child's welfare has been modified by a provision that the system may also take the public interest into account (Doob and Tonry, 2004); but it is also the case that youth offending has become a political issue since the creation of the Scottish parliament in a way that it was not before devolution.

There were early signs that the Scottish Executive would indeed not only maintain the Children's Hearings System (CHS) but might extend its scope to include 16–17 year-olds as well as children under 16. This was the proposal of the report of an Advisory Group on Youth Crime set up shortly after the 1999 election (Scottish Executive, 2000), and it was largely accepted by the Executive; but the report recognised that if this was to be achieved it would require a substantial injection of new resources into the CHS. A subsequent report (Audit Scotland, 2002) had, according to Whyte (2003: 80), more political impact, and 'fuelled an ongoing political debate...The political consensus of 2000 proved short-lived, and the politicisation of youth justice in Scotland dominated the run up' to the 2003 election. By the summer of 2002 Scottish Ministers were talking both about putting more resources into the CHS to fast-track persistent offenders and about establishing a pilot youth court for 16–17-year-old persistent offenders, an option specifically rejected three years before (Smith, 2003). Some of the policy complexity, or perhaps confusion, and the political capital the SNP and Conservatives tried to make from it, is illustrated in the following exchange from the Official *Record* of the Scottish Parliament for 13 June 2002 (at <http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-02/sor0613-02.htm#Col12706>); the excerpt may also shed light on the style with which Members of the Scottish Parliament conduct their business:

The First Minister (Mr Jack McConnell): I take this opportunity to wish Mr Swinney [MSP for North Tayside, and at the time leader of the SNP] a happy birthday – I believe it is his birthday today.

Members: Aw.

The Presiding Officer (Sir David Steel): No singing, please...

Mr Swinney: I thank the First Minister for the birthday greetings. I am sorry to tell him that today is not my birthday... My advice to the First Minister is not to believe the rubbish that he reads in the newspapers. I have a quote for the First Minister: 'the juvenile courts system in England is a disaster. Even with fast tracking, it is an absolute disaster, and they look with considerable envy at the hearings system, even with its flaws. So, to suggest that courts are going to be the solution is not the answer'. Is that the view of the Government?

The First Minister: It is wrong of Mr Swinney to take out of context a remark that was made this morning... It is quite clear that the development of youth courts in Scotland is



an option that we should look at to deal with the serious problems of young offenders in Scotland...

Mr Swinney: ... We have had strategy after ministerial review after strategy after working group, but the problem of youth crime has not gone away. When will the First Minister speak clearly on youth crime and when will his ministers follow his direction? ... When will the First Minister start to listen to the people of Scotland and deliver real action on youth crime?

The First Minister: ... There is a problem in our youth justice system in the way in which it addresses the middle teenage years. The children's hearings system is not coping and the adult courts are turning young offenders into permanent adult offenders. That problem needs to be tackled...

David McLetchie (Lothians) (Con): ... Assault, robbery, breach of the peace, vandalism and more are referred to the children's hearings system under the present system, which the First Minister wants to extend. The First Minister is in complete and utter disarray on the issue and is at odds with his ministers. When Richard Simpson said this morning that the First Minister's youth courts idea would be a disaster, was he speaking for the Executive or for himself? Are the youth courts still on the agenda or are they dead in the water? ...

The First Minister: ... We need to consider options such as youth courts precisely because of the important issue that Mr McLetchie identified – the number of youngsters in their mid-teenage years who commit serious offences and the lack of public confidence in the ability of the children's hearings system to deal with them...

Roseanna Cunningham (Perth) (SNP): The First Minister is in trouble.... The First Minister should just sit down...

The First Minister: The SNP is heating up in its cauldron today. The cauldron is getting a bit hot before the weekend. At least there is a full turnout today. [Interruption.]

The Executive did continue to consider the youth court option, and the first pilot court was established in Hamilton in June 2003, followed just over a year later by a second in Airdrie – both towns in Scotland's central belt (Piacentini and Walters, 2006). While commentators concerned with the welfare of juvenile offenders, and with the maintenance of the distinctively Scottish approach to youth justice, might console themselves with the thought that the youth courts were at least diverting young offenders from the adult system, Piacentini and Walters argue that it is not clear that this was actually what the pilot courts did. They see the youth court as 'simply an adult court setting masquerading as a fast-track youth process' (2006, 55). This aspect of it was, however, found to be successful in bringing cases to a swift conclusion and dealing more efficiently with breaches of orders (Popham et al, 2005), which enabled the Executive to announce in November 2006 that in view of the 'broadly positive' findings of the evaluation of the pilots funding would be made available for up to three further youth courts (Scottish Executive press release at <http://www.scotland.gov.uk/News/Releases/2006/11/24101019>). While the tone of the press release is modest rather than triumphant, and at the time the number and