

*Irish Association for the Study of Delinquency*

*Conference 2000*

*Perspectives on Juvenile Justice*

The 2000 annual conference of the IASD took place in the Stand House Hotel, Curragh, Co. Kildare on 10 & 11 November.

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## ***The Irish Association for the Study of Delinquency***

The Irish Association for the Study of Delinquency (IASD) promotes reform, development and effective operation of the criminal justice system.

It does so by:

- providing a forum where experienced personnel can discuss problems and ways of working;
- promoting study and research in the field of criminal justice;
- promoting the highest standards of practice by professionals working in, and associated with, the criminal justice system;
- representing the collective views of its members; and
- building links with similar professional organisations at home and abroad.

IASD activities are designed to lead to increased mutual understanding and provide insights into the challenges posed by crime. By opening informal channels of communication, the Association improves cooperation between the different parts of the criminal justice system. It is not a pressure group for change, nor is it aligned politically.

Activities include an annual conference, seminars on issues of current concern, dedicated working groups, and study tours. Publications include *Preventing Offending - A Stake in Civic Society* (Proceedings of 1998 Conference) and *Keeping Offenders in the Community - Electronic Tagging and Voice Tracking* (Proceedings of 1999 Conference).

Members may be retired or serving personnel. They participate in a private, individual capacity and do not represent their organisations in any way. The annual membership subscription currently stands at £20.

The affairs of the Association are overseen by an Interim Council whose membership includes: Justice Michael Moriarty (Chairman), Kieran O'Dwyer (Secretary / Treasurer), Seán Aylward, Seán Feely, Judge Gillian Hussey, Bernard Owens, Seán Redmond, Mary Ellen Ring and Martin Tansey.

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## ***Executive Summary***

### ***I. Keynote Addresses***

**Mr Eddie Sullivan (Secretary-General, Department of Social, Family and Community Affairs)** focused on the challenges facing society in an era of growing prosperity. He outlined the many achievements that have been made in recent years, including a positive impact on the level of consistent poverty, a major reduction in unemployment and a new emphasis on family policy. A longitudinal birth cohort study was suggested as one way of disentangling the relative importance of social and individual factors in juvenile delinquency.

**Mr Jack Holland (Association of Chief Officers of Probation, England and Wales)** examined the development of probation practice with young offenders. He highlighted the cyclical nature of the debate about how society should deal with young people who come into conflict with the law, and set out some of the key ingredients of effective interventions. The potential importance of approaches based on ideas of restorative justice was discussed.

**Mr Owen Keenan (Chief Executive, Barnardos Ireland)** set out some of the implications for policy and practice of an approach to childcare rooted in an awareness of research findings and oriented towards prevention. He held out as a defining value that young offenders should be seen as children first and offenders second.

## ***II. Key Messages from Plenary Discussions***

- Removing children from their home should be option of last resort.
- There are unprecedented difficulties recruiting for the ‘caring professions’.
- Longitudinal research is needed.
- Education plays a vital role in preventing delinquency.
- Interventions must be matched to local conditions.
- Staff training & clear objectives are integral to the success of new initiatives.
- Work with offenders must be explicable to policy makers.
- The definition of ‘family’ is wide.
- Parenting skills are important.
- Family Group Conferences may herald a new approach to youth justice.
- Community support services must be locally based.

## ***III. Main Themes from Workshops***

- The welfare and justice systems are interlinked and interdependent.
- Delinquency does not develop in a vacuum; the socio-economic context is important.
- A lifespan perspective is central if resources are to be effectively allocated.
- It is important not to neglect funding for non-capital initiatives.
- Research is required into ‘criminal careers’, especially why some at risk children do not offend.
- The voluntary and community sector is changing as the economy develops.
- Youth crime must be considered in a family context.
- There needs to be clarity about the changing nature of youth crime.
- Young people themselves are part of any solution and should be consulted.
- The role of fathers needs to be seriously addressed.
- Specific approaches might be required for specific types of offending.

- Care must be taken not to equate 'success' simply with reduced recidivism.
- Interventions can be damaging, even if they do not involve institutionalisation.
- There is too little emphasis on family and community support.

## **Welcome**

**Mr Justice Michael Moriarty**

**Chairman, Irish Association for the Study of Delinquency**

Mr Justice Moriarty welcomed the “*extended criminal justice community*” to the IASD annual conference. He spoke of the growing strength of the Association and the gradual realisation of its desire to provide an arena for rational debate and structured reflection. IASD meetings created a unique opportunity for dialogue. Freed from the requirement to represent the viewpoint of their organisation, members came together to air differences and frustrations, exchange ideas about good practice, and generate a shared understanding about key issues and contemporary developments.

Underpinning these activities was an awareness of the “*danger of relying on anecdote*” as Mr Justice Moriarty put it. Study of the Irish criminal justice system was impeded by a lack of basic statistical information. This meant that policies and practices could emerge from intuition and hunch rather than evidence and principle. One vital function of the IASD was the creation of a climate in which research and evaluation became integral parts of the policy making process. In this context a warm welcome was extended to the Institute of Criminology recently established in the Law Faculty at University College Dublin, and represented at the conference by Dr. Peter Young (Director), Dr. Emma Clare (Research Fellow) and Dr. Ian O’Donnell (Research Fellow).

When there is little hard information available the media sometimes becomes the primary definer of criminal justice issues. Court reporting in particular has a role to play in creating a public understanding of crime and punishment based on the unusual and the absurd, filtered through the lenses of journalist and sub-editor. Mr Justice Moriarty urged delegates to broaden the debate about criminal justice, ensuring that deliberations were evidence-led, while “*not shirking from getting to the question of*

*sentencing*". The courts are the fulcrum of the criminal justice system and a critical awareness of their *modus operandi* is essential.

Even the most feverish discussions over a two-day conference are unlikely to lead to immediate solutions to what have often been seen as intractable problems. However the strengthening of relationships between policy makers and practitioners, and the building of networks across the range of organisations from which conference delegates are drawn - Probation and Welfare Service, Garda Síochána, Prisons Service, Department of Justice, Equality and Law Reform, Department of Education and Science, Department of Social, Family and Community Affairs, Health Boards, Law Reform Commission, Community and Voluntary Sector groups - are essential elements of the Association's attempt to "*promote reform, development and effective operation of the criminal justice system*".

## ***Opening Address***

***Ms Mary Hanafin TD***

***Minister of State, Department of Health and Children***

In her opening remarks the Minister noted the progress of the Children Bill 1999 and its emphasis on detention as an option of last resort. She referred to the importance of the Bill in providing alternative and appropriate ways of dealing with children who come before the courts and, in particular, preventing children becoming involved in crime in the first instance through the operation of Family Welfare Conferences.

She stressed the need for a continuum of care and the enhanced provision of basic services such as drug treatment and literacy training. She suggested that more formal co-operation was necessary to develop and to encourage a better understanding of all the issues involved in the care of young people.

The Minister also referred to recent amendments to the Children Bill relating to the role of the Special Residential Services Board.

The Board will operate in two ways. Firstly, it will assist the courts, on request, in identifying suitable places for children found guilty of committing offences. Secondly, it will give an expert view on proposals by health boards to apply for special care orders for children. This enhanced role of the Board will provide better co-ordination in the services available for children appearing before the courts.

Finally, the Minister noted the forthcoming launch of the National Children's Strategy - *Our Children: Their Lives* - and said that she hoped it would prove a significant step in the direction of a more child-centred society.

## ***Plenary Discussion***

The Conference was concerned to see that adequate safeguards were in place in cases where children were removed from their families, whether to the care of the Health Board or to a place of detention. **Ms Hanafin** stated that the Government's desire, as expressed in its legislative programme and National Children's Strategy, was to identify potential problems early in order to provide support. The removal of a child from its home environment was to be a measure of last resort.

The lack of trained social workers was raised as a problem with wide ramifications. Gardaí experienced difficulties dealing with children who presented out of hours and felt that there were inadequate facilities for onward referral. The Probation and Welfare Service was finding it difficult to recruit staff. **Ms Hanafin** described how her department had advertised for social workers in Britain, South Africa and Australia, as well as increasing the number of training places at third level institutions in Ireland. Despite these efforts, at a time when so many other more lucrative employment opportunities were available, it was proving extremely difficult to find people prepared to accept jobs, especially in the highly stressful area of residential childcare.

The Conference felt that although adequate financial rewards were important for those operating in the social services, other less tangible factors were also relevant. In particular it was essential to value those who worked in the 'caring professions'. Without respect, recognition and dignified treatment, additional material rewards would mean less.

The gendered nature of juvenile crime was raised as an issue worthy of research. While most of the young people who come into contact with the gardaí or appear before the courts are male, there can be little doubt that girls are sometimes charged with serious crimes of violence. **Ms Hanafin** stated that the Children Bill 1999 did

not take account of gender differences as there was not enough information available in this regard to drive policy formulation.

**Key Messages**

Removing children from family home is option of last resort.

Trained social workers are in short supply.

There are unprecedented difficulties recruiting for the 'caring professions'.

## ***Social Inclusion for All***

***Mr Eddie Sullivan Secretary-General,***

***Department of Social, Family and Community Affairs***

*This keynote address focused on the challenges facing society in an era of growing prosperity. It outlined the many achievements that have been made in recent years, including a positive impact on the level of consistent poverty, a major reduction in unemployment and a new emphasis on family policy. A longitudinal birth cohort study was suggested as one way of disentangling the relative importance of social and individual factors in juvenile delinquency.*

I am very pleased to be here today and I would like to thank your Chairman, Michael Moriarty, for inviting me to address your Annual Conference. In his letter of invitation your Chairman indicated that you would be interested in getting the perspective of “*someone not normally associated with the criminal justice system*” - I will be keeping his letter as a character reference for the future!

This morning I want to share with you some of the main policies and services operated by the Department and touch on some of the challenges facing us and the opportunities open to us.

My predecessors at the Department of Social, Community and Family Affairs would, perhaps, be surprised at my being here to talk to you today. If I have learned one thing during my time in the Department, however, it is that the problem of social exclusion, as we now call it, has many dimensions and cuts across the responsibilities of many different Departments. I believe there is no possibility of this multifaceted problem being effectively addressed unless we are prepared to work together in a co-ordinated way.

I am also here because the particular role of our own Department has changed significantly in recent years - as illustrated by the new name which the Department now has. This reflects the fact that income maintenance, which was traditionally the core business of the Department, cannot, on its own, deal with the problem of poverty. The issues of Family and Community are central to addressing poverty in an effective way and by giving a specific responsibility to the Department in these areas of policy the Government has in effect recognised the need for this broader approach to tackling the problem.

We all know that society is changing significantly and very quickly. The economic environment has changed fundamentally. Our expectations for the future have altered out of all recognition. The rate of progress has been astonishing.

But progress on all fronts has been tempered by a new set of challenges. Prosperity has brought new uncertainties and insecurities as people work longer and harder and have less time for themselves and for their families. The question of getting the balance right between work and family life is now assuming a new prominence. It is becoming a major issue for all of us.

The major improvements in economic well-being and personal wealth bring into sharper focus the plight of those in society who have not benefited from the 'Celtic Tiger'. The persistence and multifaceted nature of disadvantage experienced in some areas of the country requires innovative responses, and sustained commitment by all involved is needed to tackle the social exclusion of these communities.

### ***Changes in Family Structures and Formation***

There have been considerable changes in family structures and formation in recent years and these have been well documented by the Commission on the Family which

reported in 1998 with a series of key recommendations for supporting families more effectively. There is a concern about what is happening to the stability of family relationships. One of the more important and dramatic changes which has occurred in recent years has been the increase in lone parent families. The increasing percentage of births to unmarried parents and the growing number of unmarried parents within the total lone parent population is frequently a topic of debate. Births outside marriage accounted for 25 per cent of all births in 1995 and are estimated at over 30 per cent in 1999.

The increase in marital breakdown is also a concern. The number of separated persons per 1,000 married persons increased from 11.5 in 1981 to 41.4 in 1991 and to nearly 60 in 1997. It is traumatic for the family members, particularly children, and it gives rise to new challenges for the parent who takes on the main responsibility for the children. And it is worth reminding ourselves that Ireland is not unique in experiencing these changes in family forms.

Lone parents have traditionally had low rates of participation in employment, although this has changed in more recent times, and they face a greater risk of poverty than other families. Data show that female-headed lone parent households are at greater risk of falling below the 50 per cent relative income poverty line than are male lone parent or couple headed households.

The policy response must address the needs of these parents for support in rearing their children and in building secure families for themselves. In all these circumstances, children, their well-being and their rights to have an optimal experience of childhood must be a primary concern for all of us.

All parents want to do the best for their children and most children grow up happy and healthy. They succeed at home, in school and in their community and often they succeed in the most difficult of circumstances.

The reasons why some children succeed and others do not and, more specifically for us here today, why some children turn to crime and others do not are complex. We all know that there is no one single solution. Children grow up in multiple contexts; at home with their families, at school, and in active involvement in neighbourhoods and communities. Families, schools and local communities routinely help to develop protective factors, the knowledge, the skills, personal integrity, coping strategies and self-esteem, which help most children to grow into competent caring adults and contributing members of society. Families, schools and local communities are key players in a collaborative partnership in pursuit of shared child centred objectives.

### ***Tackling Disadvantage***

There is now a growing body of evidence, much of which has its origins in the exploration of the nature and causes of poverty, that tackling disadvantage, strengthening family life and investing in community support can assist in preventing crime and enhancing the quality of all our lives. While poverty does not automatically lead to crime there is considerable evidence, not least in terms of the socio-economic profile of criminals, which suggests that it is a key factor in precipitating criminal activity, especially among young unemployed males.

Many have pointed to poverty - no matter what way one defines it - as a major contributory factor to criminality among young people. This is but one reason why reducing poverty is not only good for the poor; it is also good for society as a whole.

The core business of the Department is to provide income support to individuals and families. This is a huge responsibility. At an operational level, expenditure on income support programmes including pensions, child benefit, the one-parent family payment, and family income supplement amounts to £5.3 billion this year. There are some 880,000 individuals involved and between them they have nearly 600,000 dependants. At a policy level, issues such as the adequacy of income support payments for those on fixed incomes, questions about the incentives and disincentives to work and to family formation are to the fore in our work to improve and develop support programmes. The larger question of tackling social exclusion is the overriding objective.

Much of our work in the fields of family policy and community development involves close collaboration with other Government Departments and agencies in the statutory and voluntary sector with shared responsibilities for family and community support.

### ***Poverty Reduction***

The promotion of a caring and inclusive society in which every citizen can feel that he or she has a role to play and can expect to share in the general increasing levels of prosperity is what we, as a society, must strive for.

As people at this conference well know, social exclusion and marginalisation are not manifested just by financial poverty or living in areas of social deprivation. Not only do disadvantaged people have greater reliance on the State for direct income support and housing, they also suffer from poorer health and lower educational achievement resulting in lower prospects for employment.

Many marginalised areas are also disproportionately affected by crime and drug abuse, while a disproportionately large percentage of the prison population comes from them. As a result, society suffers in two ways. Clearly, social exclusion imposes additional costs, direct and indirect, on society and reduces the quality of life generally; for example, through crime. Secondly, society loses the potential contribution - both economic and otherwise - which people who are affected by social exclusion could make to it. Thus, alleviating poverty and building an inclusive society yield multiple benefits by reducing the direct cost of social exclusion, improving the quality of life generally and allowing people to contribute to the wealth of the nation and to share in the benefits of economic and social development. Most importantly, these benefits are not 'once off'. On the contrary, they can continue to benefit society and, indeed, future generations.

The challenge facing us is how to use our resources effectively and change society for the better. The National Anti-Poverty Strategy (NAPS) was drawn up to do just that. The Strategy recognises the multifaceted nature of poverty, the disadvantages that cause yet more disadvantage, and the fact that there is no one magic cure that can be found to reduce and eliminate it.

Much progress has been made in this area in recent years. The current target to reduce consistent poverty to below five per cent by 2004 is an ambitious one and replaces the original target which was to reduce consistent poverty to below 10 per cent by 2007. ESRI data from 1998 put the proportion of households in consistent poverty at just over eight per cent. Specifically in relation to children the most recent data show a five per cent drop between 1997 and 1998 resulting in 50,000 fewer children being in consistent poverty.

Setting a standard against which our success or failure can be achieved injects real meaning into our efforts and helps to ensure that we remain focused.



### ***Poverty and the Programme for Prosperity and Fairness***

But while we can speak of achievements, of progress and development, we can also point to new challenges that emerge as we become more prosperous. The new Partnership Agreement - the *Programme for Prosperity and Fairness* - includes the most radical and far-reaching social inclusion package of all social partnership agreements to date. One of the objectives is to provide every person with sufficient income to live with dignity and also to ensure that the real value of social welfare payments is maintained and, where possible, to ensure that all share in the fruits of economic growth. There are a number of complex issues involved in developing what is effectively a benchmark for adequacy of adult and child social welfare payments. The question of adopting a specific approach to the up-rating or indexation of payments raises significant implications and a working group is being set up to examine and report on this.

The Anti-Poverty Strategy itself is also being examined and existing targets and the underlying methodology are to be reviewed and revised. New targets will have to be considered. Included in this review is an examination of urban disadvantage, rural poverty and housing.

### ***Community and Voluntary Groups***

The voluntary and community sector is a major player in the economic and social fabric of Irish life. Its concerns and its developing relationship with the State sector in contributing to the well-being of Irish society and to the creation of a vibrant, participative democracy and civil society must be acknowledged. Voluntary and community groups play a crucial part in improving the quality of the people's lives by helping them to develop the capacity to change their situation for the better. However, many groups that operate in disadvantaged areas or with people in particularly

disadvantaged circumstances face considerable hurdles and challenges in their efforts to bring about positive change.

Disadvantaged communities require support to enable them to realise their potential to play a real part, and have a real say, in their own development. The Department supports self-help and community development initiatives. We have a number of grant schemes aimed at helping people to develop the confidence and the capacity to participate as partners alongside statutory agencies and others in local development initiatives.

These schemes concentrate on a wide range of support for local self-help groups, community development, welfare rights and information work, and on the provision of seed money to enable community groups pilot initiatives identified as meeting new and emerging community needs. The schemes are aimed at developing people and their capacity to participate in society, rather than at the provision of services or at direct economic development or job creation initiatives.

It is important for a democracy to have a lively and involved voluntary and community sector which is independent and sufficiently wide-ranging to represent the many diverse elements of society. Of its nature, it can be independent, diverse, specific and local and it is these characteristics which give it a valuable role. By working together with voluntary and community groups, we can help end cycles of poverty and marginalisation; which can often lead young people to become disillusioned and turn to crime.

Some of you will be aware of the Government's recent White Paper. Its full title reveals the fundamentals of its content: *A White Paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary Sector*. The White Paper is the beginning of a

process that will hopefully have a real impact on the work that is done in local communities. Its objective is to put a more cohesive framework of support in place for the sector. It sets out the rationale for developing the relationship and the principles that should underpin that relationship.

All agree that early intervention is crucial if we are to assist children and parents in their respective roles. Our Department is responsible for the provision of out of school child care and is in the process of setting up a Working Group that will define what out of school childcare is and how it should be delivered. In addition the forthcoming National Children's Strategy will provide a key framework for interventions in children's services across the system of Government activity.

### ***Strengthening Families***

Building strong and stable relationships is the core of the new family-focused support services introduced by the Government under the auspices of the Department in recent years. This year £10m has been provided for these services. A significant proportion of the allocation (£3.7m) has been made available to support the provision of marriage counselling, child counselling in relation to marital separation, and bereavement counselling by some 400 voluntary groups throughout the country.

The objective is to provide easily accessible support for families which encounter difficulties in their personal relationships. A goal of intervention is to reduce conflict so that children's well-being remains centre stage. Where couples have decided to separate, the policy approach is to support ongoing parenting relationships and continuing relationships with other family members where this is in the children's best interest.

There is a very distinct role for the Family Mediation Service in supporting continuity and stability in family life where parents have decided to separate. The Family Mediation Service is a free, professional confidential service which enables couples, who have decided to separate or who have already separated, reach agreement on all issues related to their separation. The service assists couples to address the issues on which they need to make decisions including: post-separation living arrangements; finances; and, in particular, parenting arrangements to enable children to have an ongoing relationship with each parent.

The adversarial approach of litigation, which requires parents to take opposing stances, can adversely affect children. The Family Mediation Service helps couples to negotiate their own agreements away from the adversarial system. This process, involving a collaborative approach to decision-making, improved communication between parents, reduced misunderstanding and conflict, and parents retaining control of their own agreements offers the best setting for the needs of the child to be met. Over the past two years, the number of centres providing this valuable service has been increased from two, Dublin and Limerick, to eleven with the establishment of services in Cork, Wexford, Athlone, Dundalk, Tralee, Galway, Tallaght, Castlebar and most recently, a new office in Marino serving Dublin's northside.

It is planned to establish the service on a statutory basis. A programme to promote awareness about the benefits of family mediation is underway. I personally believe there is potentially a much wider role for family mediation, particularly in relation to parent and child relationships where the legal system might be involved. I look forward to these possibilities being explored as the service develops.

Our Department has also developed other initiatives directed at supporting families and these include:

**Family Services Project:** Pilot projects have been set up in Waterford, Cork, and Finglas in Dublin. They are testing out a customised programme of support which is being made available to families with more complex needs. The pilot projects focus on the most vulnerable families, for example, very young lone mothers, other parents rearing children without the support of a partner and dependent spouses in households with children depending on social welfare payments. It is hoped that the additional support involving individual attention, customised information and enhanced access (an appointment will be set up where possible) to services and supports which would assist the family will enhance the capacity of those in the most difficult family circumstances to improve their personal situations.

Initial indications are that the pilots have been successful and do enhance our response to those families with the most complex needs. In the light of the evaluation of the projects we will have to examine the possibilities and implications of developing and extending this programme.

**Families Research Programme:** High quality research to inform the future development of policy is, in my view, fundamentally important to the development of the appropriate policy responses in all these fields. We have been working steadily over recent years to build up our research capacity. One of the major difficulties for policy makers and for professionals working in the field of family policy is the lack of research on the outcomes over time for families and children. It is not known, for example, how children from different family circumstances fare in the longer term. Such studies as have been carried out have in the main concentrated on what are generally regarded as adverse circumstances. Much remains to be learnt about the circumstances or combination of circumstances in which children succeed.

A similar gap exists in our knowledge about young people and delinquency. Studies have explored possible links between delinquency and social status, income, educational attainment, family breakdown, lone parenthood, absent parents and so on. I am sure you could name many more. None of these have given us complete answers. The Families Research Programme is designed to support innovative, original research in the field of family policy and family services and in areas highlighted by the Commission on the Family in their report, *Strengthening Families for Life*, as being in need of further investigation.

Thirteen proposals are being funded under the Programme at present. They cover a range of family-related topics including marriage and the effectiveness of marriage counselling, grandparents and their role in family life, children and parental separation, an assessment of parenting needs for support fathers, and the processes of family formation in modern Ireland.

### ***National Child Development Study***

The Department, in conjunction with the Department of Health and Children, is involved in a feasibility study examining the possibility of conducting a longitudinal study of children. Such a study has never been undertaken in Ireland.

We would have much to learn from a comprehensive study, focusing on a significant number of children, which examines their progress and well-being at critical periods from birth to adulthood. Such a study would identify the persistent adverse effects which lead to social disadvantage and exclusion, educational difficulties, ill health and deprivation. By studying a representative sample of children over a period of time, it would be possible to identify the key factors which, independent of other influences, most help or hinder children's development

The feasibility study is to be launched shortly. The intention is that the report when completed will be submitted to the Government for consideration. I have no doubt that a longitudinal birth cohort study would yield very valuable information about why some children succeed in the longer term and others face a life of adversity and difficulty. Better information about cause and effect would allow us to develop more effective policies and interventions.

### ***Conclusion***

The Department's contact with families spans their life cycle from maternity through income support, during illness and unemployment, providing payments to families on low wages, through to active age adults who are working and paying PRSI and through to pensions and retirement. We have a specific responsibility for those who are most vulnerable.

This morning, I have touched on some of the main policies and services of the Department which have an impact on these children, their families and their communities. But, of course, those with the most complex needs need the most comprehensive response, a response that involves all those agencies and community and voluntary organisations with a shared concern for children.

Close working relationships with the Departments of Health and Children, Education and Science, Justice, Equality and Law Reform, and the local agencies, in pursuit of shared family objectives, can harness the synergies of the statutory functions and responsibilities of each Department to bring about new and innovative responses to help break cycles of disadvantage.

These innovative responses need to involve all of us in a sustained effort. We need to be strategic about our responses rather than reactive. We have already seen the benefits of partnership on a larger scale; the added value of combined, co-ordinated effort has quickly become an agreed model of good practice.

We have applied this thinking to good effect already. The Integrated Services Process provides an example of how bodies can work together to produce quality results. The ultimate aim of the process is to develop new procedures to ensure a more focused and better co-ordinated response by statutory authorities to the needs of communities with the greatest level of disadvantage. Approaching the end of its pilot phase, it is intended to extend the ISP beyond its initial four target areas to other regions of urban disadvantage.

On a broader level, we could offer the example of the newly formed County Development Boards as another model. The CDBs will bring together the four key interests of social partners, local development bodies, the state agencies and local government, and will ensure that public services operating locally will work to a common agenda. Through these Boards, the local authority, together with relevant local organisations and agencies, will discuss and agree a vision and plan for the local area in the context of drawing up a strategy for social, economic and local development.

Returning to the issue of families and children, the importance of early intervention is also underlined through the development of the Springboard Initiatives (family support projects for children at risk). The objective of these projects is to establish a pilot family support project in a number of identified communities throughout the country. These projects work intensively with children, mainly in the seven to 12 year age group, who are at risk of going into care or getting into trouble. The projects also work with the children's families.

All of these examples, while working on different levels, underline the importance of working with communities and across organisations to achieve quality, lasting results. An affluent society is one measure of success yet it has thrown up new challenges and has highlighted disparities. But I believe a consistent co-ordinated approach along the lines I have roughly sketched here today, provides us with the best opportunity yet to break the cycles of disadvantage once and for all.

### ***Plenary Discussion***

The Conference was interested in the notion of a longitudinal study. **Mr Sullivan** said that it was regrettable such an exercise had not been carried out 25 years ago, as there is a lengthy interval before results emerge from research projects of this nature. He explained that a clearer understanding of the reasons why young people turn to crime would allow for the design of more focused interventions. An ongoing cohort study would also allow for some evaluation of the effectiveness of a variety of approaches as they were being implemented.

It was important for the Department of Social, Community and Family Affairs to have a sound understanding of the societal correlates of juvenile delinquency. Although the department does not have a specific crime-prevention brief there is no doubt that some of its policies have a role in shaping the environment in which decisions about crime are made. For example, policies which affect the income available to economically marginal groups may have a direct impact on the motivation to offend. Indeed it is the Department's mission *“to promote social well-being through income and other supports which enable people to participate in society in a positive way.”*

The importance of education was stressed repeatedly in comments from the floor. **Mr Sullivan** agreed that a proper education was a central component of the well-being of the child and that an interrupted or partial schooling could have far reaching consequences.

The extent to which troublesome and troubled children were being treated with medication was raised by one delegate who felt that too often the problems of childhood and adolescence were being neutralised with prescription drugs.

In this way the sources of the disturbance were not identified and appropriate remedial action could not be taken. If widespread, this was a worrying trend.

It is difficult to develop policies and programmes during a time of rapid social and economic change, such as Ireland is currently undergoing. Other countries, which experienced similar transformations, have developed expertise dealing with the problems associated with young people and crime. We must be cautious however about uncritically importing initiatives that have been successful elsewhere. It may be that we need to develop solutions that are carefully tailored to indigenous conditions. Perhaps we need an Irish solution to the local expression of a universal problem?

### **Key Messages**

- Longitudinal research is needed.
- Education plays a vital role in preventing delinquency.
- Interventions must be matched to local conditions.

## **Reflecting on 'What Works' in Dealing with Young Offenders**

**Mr Jack Holland**

**Association of Chief Officers of Probation, England and Wales**

*This keynote address examined the development of probation practice with young offenders. It highlighted the cyclical nature of the debate about how society should deal with young people who come into conflict with the law, and set out some of the key ingredients of effective interventions. The potential importance of approaches based on ideas of restorative justice was discussed.*

Let me clarify from the start that I am not an academic. I am essentially a practitioner at heart and a manager by occupation. I want to use both aspects of that self-description to say something about my experience of work with young offenders, both at practical and at strategic policy level. In particular I want to reflect upon the very recent reforms in work with young offenders in the United Kingdom.

When I joined the Probation Service it was at a critical juncture. In 1968 the Seebohm Committee had recommended the establishment of a unified social services structure encompassing areas as diverse as child welfare, mental health, the elderly, the disabled and probation. In the subsequent legislation probation was left out, largely because probation officers objected. The objection reflected an ambivalence of role between being a law and order or a welfare agency. That ambivalence has now been resolved in relation to adults (over 18 years olds) in favour of law and order, but remains an issue for the younger age group.

Since the murder of a young child, James Bulger, by two older children, the press-led attitude that even children should be seen as solely responsible for their actions and

punished accordingly, has been in the ascendancy over, at the other extreme, a view that young people's offending is entirely an expression of their need for welfare, care and nurture. Professional agencies and Government, thank goodness, still see that there is a balance to be struck.

The Youth Offender Teams (YOTs) created by the 1998 Crime and Disorder Act seek to reflect this by the establishment of multi-disciplinary working between health, social services, police, probation and education workers. The objective is to address children's needs as well as confronting their behaviour. I will return shortly to reflect upon this development, based upon my experience of a two-year pilot study into YOTs in my own area of Hampshire. But first I want to go back again to my early experience.

Although probation remained outside of the new unified social services departments it did retain a role with young people. In short, under fourteen-year olds went to the social services, over fourteen-year olds went to probation, and I took a particular interest in work with that group which we then called juveniles. I was surprised by the continuing ambivalence of probation officers, sometimes displayed by almost open hostility, or at any rate lack of empathy, for young people. 'My' clientele were routinely blamed for damage in the waiting room and castigated for unruly noise when visiting the building. This, remember, in the golden age of late 1960s enlightenment. If this was the attitude of trained professionals what chance for enlightenment about wayward youngsters in the wider society?

My work then and for some years to come was an eclectic mix of styles involving nurturing, psychoanalytic casework and family work, but predominantly reactive commonsense. Intermediate Treatment, a description of theoretically more intensive work (which also made an early attempt to encourage social service and probation joint work) spawned many creative groupwork projects. These gradually degenerated

into unstructured youth club styles of outdoor pursuit activity with little clarity of how offending behaviour in itself might be tackled.

Indeed, as with adult probation work, we came in any case to a view, given academic credibility by Martinson in 1974, that whatever one does with or to offenders will not affect the likelihood of further offending. Whatever efforts were being made to derive evidence from supervision projects faded as supervision in the community took on a moral/ethical justification (more civilised than custody) or an economic one (cheaper than custody). I do not accept that individual practitioners ever believed their work could not make a difference. There were always individual cases that told you otherwise, but systematic re-evaluation of what it was that made a difference was conspicuously missing.

Community Service Orders (CSO), though not directed at juveniles, became particularly attractive in this environment, offering a community option of an entirely punitive character. The Warnock Report of 1970 actually envisaged a more positive approach, seeking to link community service work with voluntary work. Offenders would work alongside ordinary volunteers in order to: (a) redeem the offender by paying back society; and (b) enable them to learn new skills and better behaviour by the example of the volunteers. These embryonic restorative ideas and notions of pro-social modelling were soon rather subsumed in the development of the CSO as a semi-industrial work-gang operation. There are warnings here for developing reparation schemes not to become mini-Community Service Orders. I will return to restorative ideas in a moment.

First let me briefly report upon the demise of the 'nothing works' concept and introduce a more optimistic note. The work of researchers in North America and parts of Europe took note of the fact that practitioners could describe cases in which supervision had led to reduced reoffending and began complex research into whether

there were identifiable features which commonly occurred in the supervision of such cases. Gendreau and Ross in their book *Effective Correction and Treatment*, amongst others, used the statistical technique of meta-analysis to identify criteria linked with reduced offending. On a more worrying note the research also identified that certain supervision styles made things worse. Indeed projects organised along the right lines, if poorly applied, also made things worse. That is to say they actually resulted in increased offending.

The key elements to the 'What Works' process have at their heart a cognitive approach aimed at 'teaching' young offenders to use thinking skills, understand consequences and develop a set of values which appreciate how victims are affected by crime. But in addition there are other criteria and a generally accepted set of guidelines can be articulated as:

- Cognitive work - teach new thinking skills
- Focus on higher risk individuals for intensive work
- Attend to criminogenic needs (social needs which are related to offending)
- Adapt supervision style to responsiveness of individual
- Be community based
- Be multi-modal - use different methods but always evaluate
- Have integrity - do not get blown off course

In the UK these principles are being incorporated into probation work with young adults. The Youth Justice Board is to introduce a similar requirement to use the methods in youth justice. This is appropriate since much of the research was initially conducted on people from the ages of 12 to 21 years. Additional features, applicable especially to young people, are the application of 'buddying' or mentoring schemes, work with parents, work on drugs problems and, most important of all, attending to basic education and employment skills.

These needs reflect the latest evidence on the types of young offender we now encounter. Evidence in the UK is outlined in the Audit Commission Report *Misspent Youth* which was published in 1998 and has provided the springboard for the development of YOTs.

Two key issues from *Misspent Youth* are that the peak offending age for males is now 18 years and, incredibly, that the youth justice system was spending some 80 per cent of its resources on 'process', a huge proportion of this on court procedure with apparently endless adjournments. The Government response was threefold. First, to require early intervention with young offenders rather than diversion from the court process. Second, to require shorter court procedure (from an average 142 to 71 days arrest to sentence). Third, to create multi-agency teams bringing together social services, police, probation, education and health.

The Crime and Disorder Act 1998 which encompasses the above reforms is in many ways very progressive. The multi-agency teams are an excellent idea. The introduction of shorter, more flexible disposals like Reparation Orders and Action Plan Orders help us to respond to lower risk cases in a positive way. Assistance to parents has been introduced sensibly, and bringing the secure estate into youth justice control has considerable potential.

All of these excellent ideas have been undertaken in the unfortunate climate of public attitudes which I referred to early in this paper. The reduction in the age of criminal responsibility and the move to provide only one caution before action, were influenced by media-led public fears about youth crime which, added to rather negative attitudes to youth in general, created a desire for tough action. Tony Blair's election slogan was "*tough on crime, tough on the causes of crime*" and it is the tough bit that continues to be emphasised. As an aside let me quote an article from a major

newspaper about a fortnight ago: "*When politicians are talking about action against burglars the word tough has increased by 57 per cent and, in relation to violence, by a massive 71 per cent*". Consider this in relation to the results of the latest British Crime Survey which show that crime is actually falling!

The combination of a reduced age of criminal responsibility, the enforced and dramatic reduction in cautioning and the new obsession with the speed of justice has resulted in a massive 30 per cent increase in work for the YOT in which I am involved. Furthermore the re-badging of 'youth custody' as 'detention and training', perhaps because of the marketing of the positive nature of the regimes or perhaps because of the punitive overtone of the rhetoric of politicians, has resulted in a 25 per cent increase in custodial sentencing in Hampshire. The consequent shortage of beds all but destroys a key aim of keeping youngsters in custody close to their homes and families.

I have been closely involved in the oversight of a major pilot YOT in Wessex (incorporating Hampshire and the Isle of Wight) which has been operating for two years now. The increased investment through imputing police, health and education practitioners plus increasing probation funding has undoubtedly provided capacity and more flexible expertise to tackle the 'What Works' objective of reducing reconviction rates. Police and probation joined social services with enthusiasm. Health and education practitioners did likewise but their organisations have been much more ambivalent.

Regrettably the increase in demand to which I have referred has sometimes led to an 'all hands to the pumps' approach to management. This mitigates against getting the best from the expertise and connections of each discipline and sometimes has led to a measure of professional defensiveness. For example social workers and probation officers have been suspicious of police officers preparing court reports. Time and

attention to team building has gradually produced quite positively orientated teams, a process of culture adaptation which has taken two years but now leaves us with huge potential for positive multi-disciplinary services to young people, valuing the strengths of each agency rather than competing.

For those with an interest in the spending proportions, the national picture is that social services contribute 60 per cent of the cost, police 13 per cent, probation 12 per cent, and health and education about 7.5 per cent each. In addition to this core provision, the independent/voluntary sector has been 'commissioned' to provide some of the new community based interventions (for example, Reparation Orders).

This leads me to a brief reflection on the development of restorative processes, which includes reparation. In my overview of 'What Works' I focused upon direct work with offenders. There is however a need to consider outcomes from our response to crime on a wider basis than just reconviction. This means including the effect on victims and upon the community as a whole. The theory of restorative justice seeks to square this circle. Restorative processes at the most comprehensive would provide a positive linkage which would assist the offender to become reintegrated into the community and avoid further crime; provide a satisfactory outcome for the victim, perhaps through compensation, but also by reducing fear; provide more involvement and information; and heal some of the community rift, perhaps beginning to reduce negative and punitive attitudes.

Work on restorative processes is well documented. On the face of it restoration is a wholly positive idea. However there are complications. There is a great danger that whoever organises the process may unbalance the situation. For instance victims may be 'used' to meet the criminal justice agencies' end of dealing with the offender. Alternatively I have heard of community based processes in some European settings where young offenders have been required to put things right by such an onerous set

of actions as to be disproportionate to their behaviour. So victims need to be supported and to have advocates. Young offenders also need support and advice on how to engage, and coordinators need to understand proportionality or have limits set from the outset.

In practice within the UK I have experienced restorative processes through:

**Reparation Orders:** These are now well established in youth courts. However the ‘speeding up justice’ agenda has caused courts to require victim consultation as to their preparedness to receive reparation to be undertaken on a very short time scale, at worst by telephone from the court. However schemes in Southampton and elsewhere are showing positive outcomes with strong support both from direct victims and corporate victims (e.g. shops). The Order requires the young person to engage in a reparation process and complete up to 24 hours of reparation which can be direct to the victim or indirect to the community. The young person is typically involved in an initial session to help him or her to understand the impact of their offence on any victim. They then have to complete a letter of apology and finally undertake an agreed task. It is too early to report on reoffending outcomes.

**Victim Offender Mediation:** This is not a requirement within the youth justice services but has been undertaken by some probation services, notably the West Midlands, sometimes as a pre-court action and sometimes as a part of a Probation Order. Reparation is not an essential part of this process. At this stage some positive results are noted in terms of reconviction but more particularly victim satisfaction outcomes are excellent.

**Family Group Conferences:** These are derived from New Zealand processes building upon the strong Maori culture. I have personal experience of such a

scheme organised experimentally in Basingstoke. Here a cohort of 15 and 16 year olds was divided into a control and a participant group. Offences were taking cars and burglary. Conferences involved a coordinator, family member/parents/significant others, police, the victim and a supporter (usually from Victim Support). Results showed a 30 per cent reduction in reoffending for the participant group compared with the control. Problems were mainly getting families/parents involved and providing agency resources to follow through plans agreed by the conference.

The best known version in the UK is the Thames Valley Restorative Conferencing Process. The process accords with the reintegrative shaming theories developed by Professor John Braithwaite of the Australian National University. The offender is confronted with the victim through a trained coordinator. There is a police presence and parents also attend. The outcome is an apology and some form of reparation. The scheme operates at the final warning stage (caution) and if the offender complies there is no prosecution. Results are positive and the Youth Justice Board appears to favour this model even though many police services are sceptical.

All of these processes are expensive. The Youth Justice Board is now using pilot studies to introduce Youth Referral Panels similar to the Scottish Children's Panels, which may also require reparation as an alternative to prosecution.

In conclusion, I have tried to reflect rather than analyse the key developments of work with young offenders using my experience from the late 1960s onwards. I have suggested how public attitudes have always been ambivalent, rarely challenged (even by professionals), moving towards modern day hostility and fear. I have rather briefly set out an agenda of more positive action through understanding effective interaction ('What Works') and modernising the process (YOTs). Finally I have presented an all

too simplified view of the exciting possibilities of restorative justice. Such is the power of this new bandwagon that the recent UN International Congress on Crime and Prevention was wall to wall with presentations of restorative practice!

Let me end with two warnings. Firstly this paper has majored on youth justice's almost total focus on the need to reduce offending. But there is another issue - the perpetrators are also victims - they are children as well as offenders, frequently the outcome of dysfunctioning and abusing families. Secondly, these children do not suddenly become adults, and the definition of youth needs to be subject to an assessment of maturity so that youth justice melds into adult justice rather than drops into it.

### *Plenary Discussion*

The Conference was interested to learn from the experience in England and Wales what would be the most important obstacles to the creation of effective youth justice teams. **Mr Holland** advised that there were three issues to be addressed at the outset. First, that inter-agency agreements and appropriate authorities are clarified. Second, that sufficient attention is paid to team building and staff training. Staff should be seconded for fixed terms so that teams are regularly refreshed with new personnel and skills are shared and transferred. Third, that there is a clear plan about what interventions will be on offer.

There would always be a tension between developing generic programmes and tailoring interventions to the needs of individual offenders. Programme development can lead to a form of regimentation that is not in the interests of the child or young person. This trend can be exacerbated for example by demands for the accreditation of offending behaviour interventions. The advantage of the 'What Works' approach is that it provides a toolkit to those working with individuals, whether one to one or in a group setting. It lends rigour to the work and makes it possible to explain what is being done to policy makers and funding bodies. If properly applied it need not be overly prescriptive.

One delegate was curious as to the extent to which family group conferences, which all too often depend on the contribution of a single mother, might be used to create a new group of mentors for a child in difficulties. **Mr Holland** replied that it was important to think laterally about who might constitute a significant force in a young person's life and to involve the young person in this decision. The child's supporters in a group conference need not necessarily be blood relatives. Also, it would be entirely appropriate to involve a father who was in prison and this is made possible in a number of penal institutions by the provision of family centres.

### **Key Messages**

- Staff training and clear objectives are integral to the success of new initiatives.
- Work with offenders must be explicable to policy makers.
- The definition of 'family' is wide.

## ***Partnership in Practice: Crisis to Prevention***

***Mr Owen Keenan***

***Chief Executive, Barnardos Ireland***

*This keynote address set out some of the implications for policy and practice of an approach to childcare rooted in an awareness of research findings and oriented towards prevention. It held out as a defining value that young offenders should be seen as children first and offenders second.*

I must say I feel very privileged if not a little daunted at being invited to contribute to your conference today. I recognise that neither I, nor my organisation, Barnardos, would necessarily be top of mind when addressing issues of juvenile justice and delinquency. On the other hand, in a world where it is increasingly necessary to seek out the potential for integration of both ideas and action, I would like to interpret your invitation as a recognition that, by at least exchanging our respective perspectives and experiences, we can succeed both in serving vulnerable young people more effectively, and in enhancing the contribution that we are making to society.

A key point I want to emphasise - and it is fundamental - is that, if we are to be effective in both enabling children to overcome adversity and protecting society, we must value and develop opportunities for the welfare and justice systems to work in integrated and collaborative ways. Furthermore, we must build our interventions from the perspectives of the child and his or her context rather than from the perspectives of the systems that we represent. Let me develop this by first looking at young offenders as children.

### *Young Offenders as Children*

The UN Convention on the Rights of the Child, which Ireland has ratified, defines as children those under the age of 18 years. Clearly then, all juvenile offenders are children under the Convention in spite of the many emotions and attitudes they may provoke.

The role of the formal justice system in reducing overall crime rates amongst children and young people is viewed as peripheral by some. Indeed, recent research from the Home Office in London shows that the most promising strategies for reducing the risk of young people becoming delinquent include frequent home visits by health professionals during pregnancy and early childhood, education in parenting, and high quality nursery education.

Most children think differently from adults about committing criminal offences. In many instances they fail to see the difference between mischief and crime; many have little notion of the consequences of their actions on victims. For example, an Australian study found that it was only after experiencing a family conference that one child discovered the elderly person whose house he had opportunistically burgled was afraid to go out for fear it might happen again. Another benefit of the family group conference was described to me by a New Zealand colleague as the opportunity it presented for the victim to see the offender, not as the imagined large, powerful, dangerous and continuing threat to their security, but as a vulnerable, isolated, frightened and less physically intimidating, child.

Delay in proceedings with children should be avoided at all costs. In terms of rehabilitation, it makes little sense to engage a child in an analysis of an offence that might have been committed 12 months previously and is now well forgotten (due to the time it has taken to process their case through the court). But also with some

children it may be important to intervene quickly after the first court appearance if only to help parents and the child stick to bail conditions and avoid drift. Drift and delay turn children at risk into persistent offenders.

I am sure that everyone of us would agree on the importance of identifying and addressing the root causes of juvenile crime. This has been the subject of much conjecture over very many years but there is, I think, an emerging consensus on the types of experiences and social phenomena that can increase the likelihood of offending. These risk factors are supported by research findings and include the following:

- Cognitive behavioural disorders
- Lack of social commitment
- Drug and alcohol misuse in early years
- Growing up in a run down, non-cohesive labeled neighbourhood
- Low income
- Falling behind in school
- Bullying behaviour
- Truancy
- Harsh and erratic discipline
- Conflict between parents
- Parental offending behaviour / drug or alcohol misuse

The logic goes, and this seems to be reasonable, that the more risk factors faced by a child, the more likely they are to become delinquent. This list is not exhaustive but it does provide for an analysis of the way that services and supports are delivered and integrated. Indeed the underlying point is that by addressing clusters of risk the benefits can be disproportionate, for example in reducing the likelihood of criminal activity.

One point I would like to make when talking about child and family poverty is that being poor does not make you a bad parent, but living in poverty makes parenting all the more difficult. It is such a serious cause of stress, if it is allied to other factors (poor or violent relationships, addictions, absence of positive role models), it can have a most detrimental effect.

Reciprocally, where the impact of these factors can be reduced or, better, where protective factors can be enhanced - particularly the stake a child feels that they have in their family, neighbourhood, community, school - the less likely they are to engage in criminal activity.

There is a growing appreciation that to influence change in children you need to address the systems in which they operate - peer group, school, community, but most of all families. There is little point in developing a purposeful therapeutic or offence focused relationship with a child if they return to a chaotic situation at home.

### ***Children within Families***

It is a sad reality that in spite of Ireland's growing economic wealth, many children and families continue to experience extreme difficulty. In some respects the problems are getting worse, not better. Let me read you a case prepared for me by one of our family support project leaders, a highly experienced professional who has worked in both the UK and Ireland.

This young boy for his own safety was taken into foster care. When the placement broke down after 18 months, and with no alternative available, he was returned home. It was acknowledged informally that this was not the best decision for the child but that it was the only option available to the health board in the absence of adequate structures to meet the boy's needs. The decision was not in the best interest of the child. His family was not prepared, and protested this at the time. There was no bed or bedding available for him. For the first few nights he 'topped and tailed' with his (pregnant) fourteen year old sister. He then slept on the sofa in the family living room for almost three weeks until we purchased his bed. He has now been at home for eight weeks and no school will take

him because of his family's reputation. He spends his day running around his small estate, spending time with older men about whom there are serious concerns.

The home to which he was returned is seriously overcrowded. He shares a three bedroom house with his parents, three teenage sisters and their three infants. His brother and his partner (both teenagers) and their baby spend time in the house, sometimes staying overnight. There are visitors to the house who are a real cause of concern to the health board; one in particular is thought to present a risk to the very young children and to the young women.

Physically the conditions are deplorable. There is no hot water with the only heating provided by a range that is inefficient and expensive to run. Washing and cooking facilities are inadequate. The sense of deprivation is palpable. Generally the house is in a state of disarray, with rubbish on the floor in the living room, soiled nappies and even on occasion dog faeces. My focus has been the boy. It is not hard to imagine just how the babies are affected by these 'third world conditions'.

So how might the safety net have come into play? For this child, the absence of any preparation for his return to home had major repercussions. The lack of a residential unit that specialised in the rehabilitation process and which would have supported both the boy and his family does not bode well for successful reintegration. One could ask, should a return to home decision have been made? There is no physical space for this child, no support, and no school; there was not even a bed on which he could spend his first or indeed his twentieth night. Conditions in the house were poor, there was the certainty rather than risk of contact with potential abusers, little activity to occupy his time, and no possibility of constructive engagement to support his development. The list is endless. What hope does a young person in these circumstances have?

This, I am sure you will agree is a very troubling account of one boy's, indeed one family's, reality. There is little point in apportioning blame, but analysis of the causal factors, and how to address them is, of course, vital. Not least because this is not an isolated case - there are many families in Ireland today where extreme deprivation and dysfunction may be found. There is no reference, in this account, to offending behaviour on the part of the boy, but there are many serious risk factors present, and I am sure those of you in charge of places of detention will recognise that many of your charges have experienced this level of disorganisation and disturbance in their earlier lives. I also think that this highlights the importance of responding to the critical needs of this boy in the context of his total situation and that a rigid divide, for example between justice and welfare concerns, is neither in his best interests, nor likely to be effective. On the contrary, it is important to be aware of, and intervene in,

the systems that children operate in, in order to promote their development and reduce the risk of offending behaviour.

Many of the structural divisions in the way we address the problems of, and challenges presented by, children and families are dictated by demarcation lines drawn by legislation, the organisation of the business of government, and so on. But this bears little relation to the experience of families.

Effective intervention with families involves engaging with them on their terms with supports that are relevant and useful to them, and on terms that clearly indicate acceptance and respect. Indeed, it has been suggested that the single most important factor in determining a positive outcome is the quality of the relationship between worker and family. The whole process of engagement with families requires a great deal of skill and persistence; it is no good just making appointments or 'referring on' where families feel they have been failed in the past. It means calling, again and again, in an attempt to build a relationship. It means making things happen, it may mean initially helping to effect small material changes in people's lives, it means that you sometimes roll up your sleeves and help with the washing up as well as engaging in a therapeutic relationship, it means being flexible and above all it means not giving up or writing off. Families also need to be seen in the context of the communities in which they live and interventions must be sensitive to the importance of strengthening - or indeed rebuilding - families' 'connectedness' to the wider community.

### ***Designing Responses around the Evidence***

It is clearly important from both the young person's perspective and that of society that any consideration of the appropriate response to juvenile offending should focus on the evidence of 'What Works'. It seems to me important to make the point in

passing that before we ask ‘What Works?’ we have to ask ‘what is acceptable?’ I say this because I think we have to start with our value base.

If we only concentrate on what is effective we risk losing the critical perspective of what is acceptable, what is humane. For example we have had the execution of prisoners in the US for crimes committed when they were children and the amputation of hands under the Muslim code (which no doubt may be effective in preventing the repetition of certain crimes). While I am confident that such draconian measures will never be part of the Irish system, the critical questions are ‘what is humane?’ and ‘what is acceptable?’

Let us concentrate for a few moments on what we know about the backgrounds of those who fall foul of our system of justice. In particular, a number of retrospective studies on adult male prisoners give us food for some thought. Let me share just a few statistics from research conducted by Paul O’Mahony that I think are particularly relevant.

- 28 per cent of prisoners came from families broken by separation. Taking all early family disruptions into account, including those caused by the death of a parent only 58 per cent of the sample were brought up by both parents until 16 years of age.
- 50 per cent of prisoners left school before the legal minimum age of 15 years.
- only a quarter sat any public examinations.
- 44 per cent had a sibling who had been in prison.
- prisoners with more deprived childhoods had more serious criminal careers and more severe penal outcomes.
- early conviction and school leaving were strongly predictive of the seriousness of a criminal career.

The importance of targeting preventative initiatives to reach the high offending group is clear. What is evident is that this is by no means a hidden group. Some of those who misbehave most (persistent offenders) are known to the relevant agencies already, suggesting that for this group the effort needed is in applying effective interventions.

## ***Ways Forward - Opportunities and Barriers to Partnership***

There is, of course, the risk of becoming incapacitated because as a precondition for progress we require (or demand) seismic and structural change. I think it was Karl Popper who said, “*There is an inherent danger in overlooking present evils in the pursuit of eventual Nirvana*”. Does it have to be this way? No, not at all. There are undoubtedly major structural deficiencies which will act against effective responses, but progress is not always contingent upon the big changes occurring. Let us look very briefly at just a couple of areas where relatively small changes could result in significant progress.

Often young offenders and children in need of welfare are the same children. How will the proposed Children Act benefit them? How, for example, might we have responded to the needs of the 17 year old recently featured in media reports after handing in a quantity of white powder thought to be heroin? By a family group conference? By a court ordered welfare conference? By one of each perhaps? I suspect that there would be a wide disparity in the way this case would be dealt with around the country

The point I am making is that the children who are the focus of our attention do not fall neatly under the aegis of individual Government Departments, nor will they meet the access criteria of the different types of family conference. In fact the more complex these children’s lives become, the less likely the structure will hold if the conferences become the new battleground for agencies to fight over which children are not their responsibility. Does it really matter what the conference is as long as the best response is organised as quickly as possible? Is there not a need to rationalise the conferences into one planning forum with the capacity to respond to different objectives depending on the child’s presenting needs or the offence which needs resolving?

Delay in criminal proceedings is worse for children. 'Drift' can promote vulnerable young people into persistent offenders who 'jump bail' and offend prolifically. There is no statutory duty to intervene in the life of a young person when they are on bail, to help them remain in school, engage in training or support their parents at ten o'clock at night to enforce a curfew restriction, but the strategic benefits are obvious. Some people will have problems no doubt, with regard to natural justice, in that intervening in a child's life prior to conviction in some way infers guilt. I would say that remanding a child in custody prior to conviction appears to carry no such concern.

Bail support schemes for children are effective, conducive to harnessing the strengths of families, could provide new and realistic remand options for courts and cost very little. Why not try them as a pilot? They were introduced on a pilot basis in England and Wales in 1994 and it is now a statutory duty for all areas around the country to provide a bail support scheme.

The burden of change is not just with statutory agencies. There is also a challenge to service providers (like Barnardos) to modify their approach in line with changing needs, to pool resources, or in the final analysis to fold up and allow resources to be used in other developments. Hopefully the fall-out will not be quite so dramatic but, certainly, I would have to acknowledge that some voluntary organisations can be criticised for adopting purist positions that cannot be delivered upon but allow them to take the high moral ground. I am not, incidentally, playing down what I consider to be a vital advocacy role of the voluntary sector. It is just that I believe this privilege also imposes responsibilities, and that this can be a significant challenge for some.

In the interests of balance, however, I also have to say that, from our perspective, for all the appearance of consultation, the experience all too often is of exclusion from the important consultations and, I believe, the consequent loss in policy terms of potentially valuable insights and expertise.

One of the opportunities we are currently experiencing, of course, is the availability of considerable resources. I have heard the Minister of State declare on several occasions recently that money is not the problem. Such a change in a few short years! But the real question is how our newfound wealth will be used in the interests of children, families and society.

At least now there is a growing awareness of the interrelatedness of many disparate sectors and resources. Even the fact that I have been invited to address this conference illustrates this. But again, the real question here is whether we have the capacity and commitment to move beyond the rhetoric of partnership to implement it with all its inevitable complexities and challenges.

I would like to suggest that a particularly significant event - at least potentially - is taking place on Monday next (13 November 2000) with the launch of the National Children's Strategy. Its real significance is in the fact that, for the first time, an Irish Government is articulating a vision for children and setting policy and service objectives for the coming decade. We may not agree with all of its detail but on principle I believe its publication should be broadly welcomed. And as someone who is a fairly regular critic of Government actions in relation to children and families, I believe that on this occasion the spotlight should fall on the opposition parties for, without their support, the Strategy might survive no more than two, rather than ten years, and the needs and interests of children would become a political football once more.

On the other hand, if implemented consistently over several years, I believe the Strategy will have important cumulative benefits. In addition, an increasing focus on children's rights and the establishment of an office of Ombudsman for Children will

have significant influence and act as a catalyst for change, hopefully change that is in the interests of children and families and contributes to social stability.

### ***Conclusion***

It is possible to argue for more effective responses to juvenile offending through the adoption of more draconian and repressive measures. However the acceptability of these in a mature civilised society is questionable. They are certainly at variance with our obligations under the Convention on the Rights of the Child and, while they may have some short-term successes, for example in removing some troubled and troublesome youngsters from our streets, their long-term prognosis in terms of recidivism is not reassuring.

On the other hand, an approach that emphasises causal and risk factors and responds appropriately and effectively is likely to produce more acceptable long-term outcomes. Undoubtedly more sophisticated and therefore more complex, this approach requires action at points that do not feature in a more conventional consideration of delinquency.

I hope I have demonstrated that the task of intervening effectively in the lives of very vulnerable children and families requires a value base that is supportive of them and their interests; and involves action at many different levels and in concert with other agencies and service providers. There is a clear need for improvement in the coherence and integration of interventions if expectations of better outcomes from increased levels of resources are to be realised.

At the more 'macro' level of Government policy and provision for children, it is difficult to avoid the conclusion that we have reached, perhaps, a watershed, a critical time in the history of Ireland's provision for, and treatment of, children and young

people. Any judgement of performance since Independence is likely to return a verdict that verges on the 'appalling'. No past Government can emerge with credit. Successive Governments have abandoned, neglected and utterly failed children.

Indeed the record is so poor, it is difficult to see how it could be maintained even if, perversely, this was attempted. However Ireland is now a different country and, while one cannot be blind to continuing aberrations, there is genuine reason to believe that we are on the brink of a new dawn in policy and provision for children and their families.

Firstly it is important to acknowledge the tentative and faltering improvements of the past decade. Inadequate, certainly, yet inexorably leading to greater awareness of the past, the present and the aspirations we need for the future. Secondly, the unprecedented economic growth of recent years has provided the possibility and the opportunity. But, perhaps most of all, it has been the recognition of the rights of children that has had greatest significance.

A less optimistic view is that such progress as has been achieved is minimal, perhaps magnified by packaging and public relations but not materially different from what had gone before. We know only too well what that looks like and it must be rejected. The quality of our provision for children is a political issue and must be kept on the political agenda. But it is more than that. It is a moral issue and it goes to the heart of the kind of society we have, or aspire towards. The past is perhaps characterised as the society we told ourselves we had, but had not. Now there is an opportunity for us to divine a future and pledge to realise it, knowing it will take time, money and commitment.

And it is not optimism that will make the difference. Rather it is passion, commitment and dedication. Many of the basic requirements are now in place and there has never

been a better opportunity in the history of the State. So, one is bound to ask, if we cannot achieve more effective and beneficial outcomes for children and families now, will we ever?

### *Plenary Discussion*

Many prisoners are parents. The Conference was interested in the extent to which parenting courses might be of value in penal institutions. **Mr Keenan** expressed unease at terms such as ‘parenting education’ as they suggest that there is only one right way to bring up children. He felt that there was plenty of scope to develop less prescriptive initiatives based around prisoners’ self-defined needs as parents, and aimed at strengthening their inherent capacities. There would be some value in peer parenting.

In England and Wales the legislation allows courts to impose Parenting Orders. The experience has been that a degree of ‘benign coercion’ is required to motivate people to participate in groups where child rearing is discussed. **Mr Keenan** felt that there were major concerns linking parenting to coercion and that if these programmes drove a wedge further between children and parents they would be unacceptable. They may transform the family home into a battleground. If there are reasons to believe that such orders have value, then it should be possible to structure matters such that parents and children consent to them.

The family group conference is an integral part of the Children Bill 1999. **Mr Keenan** felt that if properly implemented it could mark a radical new departure in youth justice. With a focus on family support and the welfare of the child, conferences could identify the strengths that virtually all families contain within them, and harness them to protect and empower the child and reduce the risk of reoffending.

One delegate enquired about the importance of the local neighbourhood in the development of family support services to learn that it was part of the Barnardos philosophy that services should be within ‘buggy pushing distance’ of those who

depended on them. It was important for the credibility of Barnardos that the neighbourhood be used, when possible, as the unit of organisation.

**Key Messages**

- Parenting skills are important.
- Family Group Conferences may herald a new approach to youth justice.
- Community support services must be locally based.

## ***Thematic Review of Workshop Discussions***

Delegates were divided into workshop groups that met for two closed sessions. The groups were asked to consider the tensions between welfarist and justice-based approaches to youth offending, and the extent to which juvenile crime was preventable. Facilitators presented a summary of their group's discussions to the main conference when it reconvened.

The workshop facilitators were:

Ms Agnes Aylward (Director of Strategic Development, Teagasc),

Mr Seán Redmond (Regional Manager, Barnardos)

Dr Peter Young (Director, Institute of Criminology, University College Dublin).

The main themes that emerged during the workshops are outlined next.

## **Workshop I - Dealing with Children: Welfare or Justice?**

*Workshop participants were asked to consider what they understood by the terms 'welfare' and 'justice'. What are the defining characteristics of each approach? To what extent are young offenders actually victims who are in need of care rather than punishment? Can welfare principles be incorporated into justice approaches, and vice versa, or are the two mutually exclusive? At what stage and in what circumstances should justice take precedence over welfare?*

### **Clarification of terms**

The discussion ranged over the extent to which welfare and justice approaches were mutually exclusive. Some delegates felt that the defining characteristic of a welfarist approach was a focus on the needs of the individual child while a justice approach was characterised by a focus on society's need for an appropriate punishment. Others felt that there was an inevitable overlap. If the welfare system was working properly it would keep young people out of the reaches of the criminal justice system. As it will inevitably fail in some cases it is important that the justice system retains some capacity to deal with welfare issues. We should never stop caring, even when we start punishing.

To maintain a dichotomy between welfare and justice was felt to be unhelpful. It suggested setting up a confrontation. A consensus developed that it was better to think of the two systems as interlinked and interdependent, while having different priorities. The important thing to remember was that these terms were contested, being open to different interpretations according to the context. It was noted that ideas of restorative justice may have become popular, to some extent at least, because they seemed to offer an attractive fusion of the principles of welfare and justice.

### **The wider context**

It was important to raise awareness of the relationship between class, poverty, inequality and the welfare and justice systems. There can be little doubt that few children from wealthy families are in care or in custody. The wide range of interventions available to the State is typically deployed against a narrow band of citizens, usually those characterised by low income and multiple social disadvantage.

What are the wider societal issues at play here? Do the children of the poor behave differently to the children of the rich or is it that society responds differently? If the latter, two questions arise. First, what protections do children in wealthy families enjoy and could these be extended to their less fortunate peers? Second, how can we ensure that the law is even in its application?

### **Labels are unhelpful**

It is important to think about who defines 'offender' and 'victim'. What do we mean when we describe a young person as a victim? Are they victims of deprivation? Of lack of care? Of crime? Perhaps it would be more constructive to ignore the labels and concentrate instead on the problem behaviour, identify the reasons for it and target interventions accordingly.

This raises the question about how early it is appropriate (or acceptable) to intervene. While the formal justice system does not come into play until the age of criminal responsibility is reached (currently seven years), there can be little doubt that problem behaviours are often evident much earlier than this, and by age seven may be deeply ingrained. Should the focus be on children when they begin school (say at five years)? Again by this stage a number of difficulties may already be established. It should be possible to devise measures of predicting risk so that potential problems can be identified, and dealt with, in advance.

Perhaps all that can be said is that it is difficult to identify an optimum time for providing support and a flexible array of resources should be available to deal with

problems as they become apparent over the course of the life cycle. This would begin with advice about nutrition, diet and lifestyle during pregnancy, and continue as required throughout childhood and adolescence.

### **Allocation of resources**

There was a generally held view that spending across all areas of government had reached unprecedented levels. There was some debate however about how Ireland's newfound wealth should be distributed. Where are resources needed and how can they be best directed? What can be done to ensure that the funding possibilities offered by the economic boom are utilised in the best interests of the nation's children?

It was felt that the exigencies of government meant it was easier to attract funding for major capital projects (such as the prison building programme) which have an obvious outcome, than for family support workers whose work is essential but nebulous. The options are not mutually exclusive but there is a need to ensure that non-capital initiatives are not neglected. It would be too simple to say that key problems can be reduced to matters of finance. There are political and ideological influences at play also.

Funding may be based on key measures of performance. This can have a damaging influence. To give an example it is easier to measure the number of people entering and leaving prison than it is to measure the number of people kept out of prison in the first place. As a corollary it is likely to be easier to obtain funding to improve the processing of the former than the latter. As a general rule it is easier to get resources to fix something than to stop it getting broken.

### **Evidence**

There is little research into the relative efficacy of various sanctions. Research in other jurisdictions indicates that there is a high level of reoffending after imprisonment and

the earlier we can intervene the greater the potential impact. There are also questions to be asked about why some children do not offend. What are the factors associated with resilience? What can we learn from studying young people who grow up in an environment where risk factors are present, but who - despite the odds - lead law abiding lives?

Research is also required to discover why young people desist from crime. Individuals are not born with an unwavering desire to offend. Criminal careers usually run their course by early adulthood. If we can identify why people stop offending in the normal course of events there might be important preventive lessons to be learned.

The research does not speak for itself and results need careful interpretation. There are a number of anomalies. For example we are told that 89 per cent of those dealt with by the Juvenile Diversion Programme do not reoffend before they reach the age of 18. This is a narrow measure of 'success' and does not explain why so many young people are being incarcerated and why the workload of the Probation and Welfare Service has not fallen. We need to adopt a healthy scepticism towards statistics that are not independently evaluated. While hard data are a crucial aid to understanding, they must be carefully compiled, vigorously tested and held under continuous review. Statistical information is only of value if it is robust.

### **The 'Celtic Tiger' economy**

There was consensus about the need for additional staff across a range of occupational areas. At the top of the list were probation officers, child psychologists, special needs teachers and social workers. However there are very real problems finding people who are prepared to become involved in difficult (and relatively poorly paid) work, at a time when so many alternative employment opportunities are available. Although additional posts had been sanctioned for the Probation and Welfare Service, recruitment was proving difficult.

There are wider issues here about the fate of the community and voluntary sector during a time of increased labour market participation and growing wealth. At a societal level could it be said that tolerance and compassion are inversely related to prosperity? Or could it more simply be that voluntary activity is less attractive when paid employment is available?

### **Parents and families**

The site of intervention is also of key importance. There are a number of levels including the individual, family, peer group, school, workplace, hospital, Garda station, prison and neighbourhood. Juvenile crime can have a substantial ripple effect. The young person's difficulties are often a symptom (and indeed a cause) of problems elsewhere. Work with children will often have to be family-centred. Involving the schools is crucial also. Time and again it was stressed that if young people are to have the opportunities they deserve they must remain engaged with the educational system. The poor level of literacy among young offenders was cited as evidence of a failure of the educational system. It was the result of one problem and the cause of many more.

There are inter-generational aspects too. Workshop participants spoke of a concentration of criminality in a small number of families. Some families are expected to fail and they live down to expectations. How can this cycle of learned helplessness and hopelessness be changed? There is a need to improve the thinking skills of those working with these difficult families. The biases, assumptions and

negative thoughts of the professionals need to be challenged also. We are not always as impartial and neutral as we like to think.

**Key Messages**

- The welfare and justice systems are interlinked and interdependent.
- Delinquency does not develop in a vacuum; sight must not be lost of the socio-economic context.
- A lifespan perspective is central if resources are to be effectively allocated.
- It is important not to neglect funding for non-capital initiatives.
- Research is required into 'criminal careers', especially why some at risk children do not offend.
- The voluntary and community sector is changing as the economy develops.
- Youth crime must be considered in a family context.

## **Workshop II - Responding to Juvenile Offending: Prevention or Cure?**

*Workshop participants were asked to consider whether juvenile offending was preventable. How much of it is there, how serious is it and how does it differ from adult crime? What are the limits to prevention, practical or otherwise? Why is it important to grapple with it? To what extent are prevention programmes in place and how successful are they? How are young offenders processed, first-timers as well as persistent and serious criminals? What aspects of the system improve matters and what aspects make things worse? What more needs to be done?*

### **What do we mean by juvenile offending?**

Discussions of juvenile crime are often based on assumptions that remain unarticulated and untested. It was felt that the more precisely we could delineate our area of inquiry, the further the debate could be driven ahead. What kind of juvenile offending do we, as a society, want to target? Much of it is anti-social rather than criminal and the appropriateness of invoking the law to deal with public disorder and nuisance is questionable. It was felt that the legal approach may be necessary on occasion to prevent this kind of activity leading to more serious criminal involvement. Also it has implications for people's quality of life. Neighbourhoods where young people appear to be out of control can be fearful, hostile places.

While it is clear that few children commit serious crimes such as murder, rape or armed robbery, it is difficult to get a fix on the precise nature of juvenile crime. Is it decreasing along with the overall drop in recorded crime? Is it becoming less prevalent but more vicious? The available data give few insights and care must be taken to match perceptions against reality. It may be that there is less juvenile crime than is sometimes thought and it is of less consequence than we imagine.

### **Consult the youth**

The young people whose lives can be dramatically and irrevocably changed when the State takes action for or against them are rarely asked for their views. What do they want? What are their hopes, fears and concerns? What opportunities do they believe are not open to them? Just as they are part of the problem, they must be included in the search for a solution.

Those who work in the system are literally generations removed from young people. Youth 'culture' is more than just a series of fads and fashions that adults find difficult to comprehend. The turmoil of adolescence is universal, if transient. The young people themselves are needed as interpreters and guides. This is especially true at a time of rapid social change.

There is also the issue of shifting social contexts. There are few hard and fast rules. It may be that certain practices are common to parents and children despite the fact that they are against the law. This further complicates matters. For example, how can we expect children to abstain from alcohol and drug use if their parents condone it?

### **Men and women**

The question arose of parental roles. A standard pattern emerged with monotonous regularity. Women are the primary carers. Men have little input and are often neglectful. This may be on account of a lack of either confidence or responsibility. These differences suggest that gender specific strategies are required. Women need to be supported emotionally and with practical assistance. Men's confidence as capable fathers needs to be enhanced and measures need to be taken to encourage responsibility.

The parents of young people at risk are often themselves young people at risk. Sometimes parenting skips a generation and parents only grow into the role with their grandchildren. Changing family patterns are another part of the complex environment for troubled children.

### **Offence focus**

If the problem behaviours exhibited by young people are mostly related to larceny, criminal damage and motoring (car theft, driving offences, vandalism and so forth) then the most effective programmes may be those that focus on these behaviours. Similarly, it is important to establish which particular sanctions work best for first offenders, recidivist property offenders, violent and addicted young people. Given that juvenile crime springs from so many sources one must take care not to overestimate the likely impact of single interventions.

The comparative dimension is often relevant. Innovative programmes in other jurisdictions may form the basis of schemes tailored to local conditions in Ireland. Too often project work is based on the creativity and enthusiasm of one or two individuals and grinds to a halt when they lose energy or move on. To counter this it is important to pay attention to the structures within which individual initiative is embedded.

When effectiveness has been demonstrated the next stage is mainstreaming. It was suggested that the Connect programme offered a useful model. This programme aims to prepare prisoners for entry into the labour market after release. It was begun on a modest scale in Mountjoy prison and evaluated by a team of psychologists from the National Training and Development Institute. Initial results were very encouraging in terms of placing prisoners in employment, assisting in their resettlement and reducing levels of recidivism. The programme is now being rolled out nationwide and the

evaluation will continue as it is implemented with greater numbers of prisoners in a wider variety of institutions.

### **Defining success**

We need to spell out in advance the criteria determining success and failure and to be realistic about what we can hope to achieve. It is not feasible to think in terms of 'eliminating' juvenile crime. It is probably better to think in more modest terms of aggregate risk reduction. Outcomes may be small but still significant.

Often evaluators (and funding bodies) develop a preoccupation with recidivism as the primary, and sometimes the sole, index of programme success. This issue generated excited debate. Can a programme be considered to 'work' if it does not reduce the rate of offending? Could it be a success if it increased an individual's social skills? Or would this just create more socially skilled offenders? What if it reduced the frequency or seriousness of crime? Could it be considered a success if a violent heroin addict was only ever reconvicted for personal possession of cannabis? Strictly speaking, of course, this would make him a recidivist in the same way as if he committed a grievous assault to fund a continuing heroin addiction.

A focus on recidivism alone is limiting. Yet the answer does not lie in the development of ever more sophisticated statistical techniques. However advanced and objective the methods used it remains the case that recidivism rates only take account of those who reoffend, are apprehended and reconvicted. Thus the successful repeat offenders are not included. Rates of recidivism do not equate to levels of reoffending. It was argued that this is a fundamental methodological flaw.

### **When is intervention not needed?**

One important caveat was raised. This was that interventions can be harmful and that given the petty nature of much juvenile crime there will be cases when the best

approach is to do nothing, or as little as possible. We must intervene parsimoniously and with full awareness of the potential harms. This is especially true with regard to custodial care. Institutions can sometimes have beneficial effects but they are inherently damaging in that they take young people from home, strip them of responsibility, introduce them to a criminal subculture, and reduce future job and travel opportunities as a consequence of acquiring a criminal record. Perhaps all we can reasonably expect of the best institution is that it has a 'null effect' in that children leave no worse off than when they entered.

### **Skewed priorities**

The full spectrum of care is not available at the moment. There is pressure from the courts to provide secure accommodation. One regrettable consequence of this is that it diverts attention from the creation of family and community supports. If the creation of high support units is not balanced by the development of a range of other measures a community care vacuum will develop. This is not in the interests of chaotic families who need a flexible response.

Courts sometimes detain young people due to a lack of options. If a proper range of alternatives were in place there would be a reduced demand for custody. We are being propelled in the direction of high security accommodation by the lack of community based facilities for teenagers. If this trend continues the gulf will become wider and more difficult to bridge. This may exacerbate the already heavy reliance on institutions.

Aftercare is crucial, especially for young people leaving penal institutions. The period immediately after release, when the rigid structures of institutional life have been removed, is when the need for support is often most acute. Services provided during the custodial portion of a sentence must be integrated with those available on release. Continuity of care should be central to the planning of any sentence.



### **The importance of human dignity**

On a macro level it is necessary to have a political debate about what is an acceptable way to treat our children. A collective vision is required. On a micro level it is important to stop seeing families and young people at risk as 'other' and to start seeing them as equal. They are people first. This principle, after all, is expressed in Article 1 of the Universal Declaration of Human Rights: *"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."*

### **Key Messages**

- Need to be clear about the changing nature of youth crime.
- Young people themselves are part of any solution and should be consulted.
- The role of fathers needs to be seriously addressed.
- Specific approaches might be required for specific types of offending.
- Care must be taken not to equate 'success' simply with reduced recidivism.
- Interventions can be damaging, even if they do not involve institutionalisation.
- There is too little emphasis on family and community support.

## **Concluding Comment**

The conference ended with a discussion about implementation. How could delegates take forward what they had learned over two informative and thought-provoking days? How could a case be made to political leaders and senior policy makers? If principles of good practice are emerging from our work how can we bring these to the attention of Government? There is little doubt that the more precisely we can describe the evidence upon which we base our solutions, the more likely we are to achieve a response. A key concern for our ‘customers’ in Government is the effective translation of theory into practice. Perhaps this would be a fitting theme for the next meeting of the IASD?

In his final remarks the IASD chairman, Mr Justice Michael Moriarty, called on delegates to consider “*how can we move beyond the comfortable rhetoric of partnership and enhance our capacity to influence in a non-political way.*” He emphasised that although the Association was not a lobby group it would be entirely appropriate for members to return to their respective organisations with a new perspective on juvenile justice, wrought from conference deliberations. If the IASD could facilitate the transmission of shared understandings in this way it would have succeeded admirably.

## Conference Participants

|                           |                                       |
|---------------------------|---------------------------------------|
| Ms. Agnes Aylward         | Teagasc                               |
| Mr. Sean Aylward          | The Irish Prisons Service             |
| Mr. Fran Bissett          | National Youth Federation             |
| Mr. Matt Bowden           | Juvenile Justice Review Group         |
| Mr. Terry Boyle           | Probation and Welfare Service         |
| Mr. Oliver Brannigan      | Probation Board for Northern Ireland  |
| Mr. Richard Brennan       | The Irish Prisons Service             |
| Justice Declan Budd       | Law Reform Commission                 |
| Ms. Ita Burke             | Probation and Welfare Service         |
| Ms. Olwyn Burke           | Law Reform Commission                 |
| Mr. Martin Butler         | The Irish Prisons Service             |
| Ms. Linda Carter          | Finglas Child and Adolescent Centre   |
| Dr. Emma Clare            | Institute of Criminology              |
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| Ms. Dara Dowling          | Law Reform Commission                 |
| Ms. Ashling Dunne         | The Irish Prisons Service             |
| Ms. Lorraine Edwards      | South Eastern Health Board            |
| Mr. Dermot Ellis          | The Irish Prisons Service             |
| Supt. John Fleming        | An Garda Síochána                     |
| Mr. Liam Hickey           | St. Josephs School, Tipperary         |
| Mr. Jack Holland          | Probation Service - England and Wales |
| Inspector Michael Jackson | An Garda Síochána                     |
| Mr. Patrick Jennings      | Pol Ó Murchú Solicitors               |
| Mr. Owen Keenan           | Barnardos, Ireland                    |
| Mr. John Kelly            | Juvenile Justice Review Group         |
| Mr. Ciaran Kennedy        | Probation and Welfare Service         |
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|                              |   |
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| Mr. Seán Lowry               | Probation and Welfare Service                                 |
| Ms. Jane McCullough          | Law Reform Commission   |
| Ms. Bernie McDonnell         | Department of Health and Children<br>- Child Care Policy Unit |
| Ms. Mary McGagh              | Probation and Welfare Service                                 |
| Dr. David Millar             | Garda Research Unit   |
| Mr. Justice Michael Moriarty | Four Courts   |
| Mr. John Murphy              | Probation and Welfare Service                                 |
| Mr. Dermot Murphy            | The Irish Prisons Service                                     |
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| Mr. John O'Brien             | The Irish Prisons Service                                     |
| Mr. Michael O'Connor         | Oberstown Boys Centre   |
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| Mr. John O'Dwyer             | Department of Justice, Equality and Law<br>Reform             |
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