



WORKING TOGETHER

1991 and all that: Some Reflections on Partnership in Juvenile Justice under the CJA 1991

The Government circular emphasises that partnership between all the agencies and organisations involved was the key to successful implementation of the new statutory provisions on young offenders.

"The Act also gives recognition to the principle that in dealing with this problem (of juvenile offenders) the co-operation of many agencies is necessary. The Justices, especially those sitting in juvenile courts, education authorities, police authorities, probation officers and other social workers are all involved."

There are one or two clues in the quotation to show that it does not come from the 1992 joint circular on Young People and the Youth Court about the changes to the arrangements for dealing with young offenders made by the Criminal Justice Act 1991. In fact it is drawn from the Home Office circular dated 9 August 1933 about the Children and Young Persons Act 1933.

Joint planning

As with the 1933 Act, close co-operation between all those involved in working with juvenile offenders is recognised as being essential for the successful implementation of the young offender provisions of the 1991 Act. For community sentencing purposes the Act recognises 16 and 17 year old offenders as a group. The 1992 joint circular called on probation services and social services departments jointly to encourage all relevant local services and agencies to come together to plan the future arrangements for dealing with 16 and 17 year olds in the community. A survey carried out shortly before the new provisions came into force on 1 October 1992 showed that arrangements between social services departments and probation services had been agreed or were under discussion in almost all areas. The responses suggested that there were likely to be joint social services/probation teams in 31 areas.

Such jointly agreed local arrangements are essential if services are to be delivered efficiently and effectively. Consistency in service delivery will be enhanced by the application of the new National Standards covering a wide range of topics from the preparation of pre-

sentence reports to supervision before and after release from custody. These National Standards, which were specially prepared to complement the implementation of the 1991 Act, were themselves drawn up with the participation of representatives from a wide range of organisations. They apply to the work of both social services departments and probation services.

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Community sentences

Under the 1991 Act, the full range of juvenile and adult community sentences are available for 16 and 17 year old offenders. The Act requires that the particular community sentence imposed on an offender should be the one that is most suitable for him or her. The joint circular on Young People in the Youth Court suggested that, in making the decision about suitability in relation to 16 and 17 year olds, courts would wish to have regard to their stage of development in the transition from childhood to adulthood. The National Standards on probation, supervision, community service and combination orders establish criteria to help with the proper targeting of these orders. The relevant information is conveyed to the court through a pre-sentence report, prepared in accordance with the National Standards. For 16 and 17 year olds there is an important choice to be made between a probation order and a supervision order. The National Standard on Supervision Orders gives guidance on this.

"..... the clearest distinguishing feature is that the supervision order is intended to help a young person develop into an adult, whereas a probation order is more appropriate for someone who is already emotionally, intellectually, socially and physically an adult. Since many 16 and 17 year olds are still very much in the stage of transition into adulthood, the supervision order may often in practice be the more appropriate form of supervision."

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Prison remands

An area of particular concern to all those involved with juvenile offenders and alleged offenders is the continuing use of prison remands. The Government is committed to ending prison remands when enough local authority secure accommodation is available. More secure accommodation will be needed and work to provide it is in hand. Meanwhile, carefully planned joint initiatives can help reduce the need for prison remands. Bail support schemes play an important part. Funding for them is available under the Home Office Supervision Grant Scheme.

Systemic monitoring

Monitoring is essential to the efficient and effective delivery of services. It takes on an added importance when agencies and organisations are working together towards shared objectives. The joint circular on Young People and the Youth Court identified a need for the partnership arrangements it commended to be properly monitored, with particular regard to questions of gender and race. At the national level, section 95 of the 1991 Act puts a duty on the Government to publish annually information about the costs of the criminal justice system, and gender and race issues. The first booklets have already been published. The publication of this information is an important step towards a more efficient and fairer criminal justice process.

A special relationship

One special form of partnership is that between legislation and practice. In the 1980s, despite fears that custodial sentences for juveniles might increase following the Criminal Justice Act 1982, the efforts of all the practitioners within the system ensured that this did not happen. Instead not only was there less use of custody; the number of known juvenile offenders also fell sharply. New legislation poses fresh challenges. The challenge for the 1990s is to make sure that the partnership between legislation and practice following the 1991 Act continues the very real successes of the 1980s.

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