

# Changing policy and practice? Criminal justice research in Scotland

Michele Burnam looks at closer working between criminologists and the Scottish Executive.

Despite the proximity and close historical and political ties with other parts of the UK, Scotland's distinctive legal and institutional traditions have resulted in distinctive arrangements, practices, and traditions. Prosecution, criminal procedure, sentencing, prison, parole, and the supervision of offenders all have unique and individual characteristics, such that it is difficult to compare Scotland's criminal justice or its law, with other jurisdictions. Importantly, these institutions provide a framework for understanding Scottish criminal justice culture and policy networks. Arguably, the current relationship between academic research and criminal justice policy making in Scotland also has some distinctive characteristics, arising from a particular configuration of political priorities, expediency, localised institutional arrangements, and research and policy networks.

## A climate of change

Pre-devolution, a number of informed commentators argued that Scottish criminal justice had resisted many of the more pernicious influences of New Labour (Young, 1997; McAra, 1999). While managerialism and an emphasis on public protection were becoming increasingly evident, along with signs of neo-correctionalist interventions, there nevertheless remained a commitment to welfarist principles, as expressed in the continued adherence to social work with offenders and the Children's Hearing System. Devolution saw

the establishment of a Justice Department, and two Justice Committees, which placed criminal justice issues more firmly on the political agenda. Some criminologists in Scotland were of a view that the advent of a Scottish parliament, with devolved Ministries, rendered the Justice Department more vulnerable to immediate political pressures than had previously been the case. Certainly, in the years immediately post-Devolution, virtually every aspect of criminal justice became subject to intense scrutiny in the form of consultation, review, and legislation (Croall, 2006). This was accompanied by the vigorous introduction of targets and efficiency measures in the governance of crime, and restructuring of the delivery of criminal justice services. As elsewhere, youth crime and youth justice, in particular, became increasingly politicised. Nevertheless, while the impact of global influences is being felt, it is arguably the case that at least some aspects of Scottish criminal justice policy are managing to resist convergence with the more 'punitive managerialist' cultures found elsewhere. These are interesting times. Political conditions changed significantly (again) with the establishment of a Scottish Nationalist Party minority administration last year, signalling a new period of fluidity, and possibility.

The conditions under which the Scottish Centre for Crime and Justice Research (SCCJR) arose are instructive for locating the basis for

the current relationship between policy making and research. Although the formation of SCCJR arose from the interplay of several factors (and indeed the idea of a core-funded university-based criminal justice research centre had been around for some time), it seems likely that increased demands on both government research managers and policy makers post-Devolution were amongst the most significant. The restructuring of both the funding and delivery of criminal justice were creating internal pressures which, in turn, highlighted informational needs and gaps in the evidence base. Moreover, the contracting arrangements for government-sponsored research at the time were less than satisfactory. In-house research contracting staff were largely inexperienced, and this hampered both the formulation of feasible research specifications and constructive ongoing funder-contractor dialogue during the period of a contract. In addition, the focus of many 'research' specifications was for management-information purposes, with criminological input and research marginalised, in favour of that undertaken by more generic research consultancies. Government research managers wished to create conditions whereby 'an informed and sustained debate could take place with experienced criminological researchers, in dialogue with Justice Department researchers and policy makers who can represent the identified criminal justice policy requirements of Ministers' (Bottoms, 2003). Importantly, this signalled a *receptivity* to the possibility of a broader, and deeper, conversation, and a *recognition* of a criminological perspective and evidence base that could be usefully brought to bear.

Key also were certain structural weaknesses affecting research capacity and the research evidence base. Existing university-based research capability was fragmented. Academic researchers were scattered across several universities, often working alone. While certain topics (e.g. youth justice, probation, sentencing) were relatively well

researched, other important areas were not, which affected both the range and depth of the evidence base in relation to offences, offenders, and victims that were needed to guide policy making. The enhancement of research capability in areas which responded to strategic opportunities and needs in public policy, and which would result in high-quality research and increased international visibility, was a key criterion for funding by the Scottish Funding Council (HEFCE equivalent), and the opportunity for re-shaping and extending capacity in Scottish criminology was largely realised through this means.

Following a review by Tony Bottoms (2003) which appraised the case for a university-based Scottish criminal justice research centre, SCCJR was formed as a multi-institutional partnership between several Scottish universities. Primarily created to support and develop research on crime and criminal justice, it is aimed at promoting collaboration, enhancing research capacity, and increasing the international profile and impact of Scottish research. In addition to considerable investment from the universities to support staffing and infrastructure, SCCJR received core funding of £1.6 million from the Scottish Funding Council and £1 million from the Justice Department.

### **A special relationship?**

Arising from the negotiations preceding SCCJR's establishment was the forging of a carefully worded Collaboration Agreement aimed at facilitating cooperative working between SCCJR and the Justice Department, 'in order to encourage the enhanced contribution of social scientific academic knowledge, experience and expertise to policy, research and analysis.' This Agreement breaks away from the contractor/service model and is intended more as a 'mutual agreement' between partners, identifying a range of possible research-informed activities to enhance awareness, within government, of research, including international and comparative perspectives, to support the design,

development, and implementation of Scottish criminal justice.

A key question is the degree to which this 'special relationship' might compromise autonomy and be potentially constraining. As Garland and Sparks (2000:201) cautioned, there are a number of dangers associated with academic-policy interactions, and serious political limits to the 'expert role'. One danger is that our research agenda could become over-dominated by the government's explicitly political concerns in relation to crime control and criminal justice, resulting in a narrowing down rather than a broader criminological agenda. A related risk is that we become focused too much on short-term requirements of Ministers, rather than building knowledge useful for governments in a longer-term way. While it is important we nurture our indigenous criminological knowledge, guarding against its displacement (Newburn and Jones, 2007), another risk, deadly in a small jurisdiction such as ours, is that we become too parochial and inward-looking, rather than outwards to appropriate comparative analyses.

It is important to emphasise, though, that research-based policy engagement is just part of SCCJR's remit and activities. Currently, a focus on more 'blue skies' conceptual work, and the development of longer-term programmatic and research council funded research is where the bulk of our efforts lie. Nevertheless, it is a balancing act which requires serious and careful attention.

### **Size matters?**

With its compact size, Scotland affords academics opportunities for engagement in participatory policy making which are largely denied elsewhere. The specific characteristics of both the policy and academic context in mediating the opportunities for dialogue and the potential impact of research are important here. Responsibility for criminal justice policy and research, broadly conceived, does not lie solely within a single government department. While the Justice Analytical Services Division has

policy responsibility for court affairs, prisons, offenders, and police and community safety, Education and Training has primary responsibility for issues relating to children, including the Children's Hearings System. It also has responsibility for general social work policy, and the oversight of local authority social work, including work with offenders. The main policy focus in relation to substance misuse is primarily located within Health and Community Care.

Despite the spread of responsibility across several departments, there are a relatively small group of people in strategic policy positions involved in the most important decisions across all aspects of criminal justice policy making and legislation. There is thus relatively little scope for specialisation given the quite broad scope of issues that these individuals address. Those representing the voluntary sector and other stakeholders in policy debates likewise are few in number, with several having moved into, or out of, academia. Many academics hold positions within criminal justice think-tanks and pressure groups; a significant number have experience of working in government or as practitioners, and have formed enduring cross-sectoral alliances on the way. There are a relatively small number of criminological researchers in Scotland; we tend to know and communicate with each other in a way that is rare in larger jurisdictions. SCCJR cemented several longstanding research coalitions and is actively forging new interdisciplinary ones. Much criminological research therefore takes place in an environment that is probably somewhat different to the rest of the UK, and this local specificity is important for both framing and informing the nature of academic/practitioner/policy maker dialogue and exchange.

Criminal justice policy networks in Scotland, largely due to the small numbers, are typically characterised by short lines of communication, a degree of informality, and a relatively high level of interpersonal relations and contact. It is not unusual, in professional gatherings, to find all

the key policy makers, stakeholders, and academics in one room. Networks important for information sharing have been built up over numbers of years, rendering researchers and policy makers 'colleagues' in the same policy field.

Building on these relationships, the inception of SCCJR has undoubtedly led to increases in the level of contact between criminologists and policy makers, and more exposure to policy circuits, allowing us more potential to participate in policy making processes than the average criminologist in larger jurisdictions. Over the past 12 months, we have, variously, individually or collectively provided expert evidence to the Justice Committees, sat on advisory committees on a range of policy issues, reviewed and contributed to a range of internal documentation, provided briefing papers, and methodological advice, and participated in policy and research

reviews. The possibilities for making an impact on policy decisions, and criminal justice practice, in Scotland is considerable, though not always in the same ways or to the same extent, and certainly not always guaranteed. This is in itself a highly political (and volatile) process, and will inevitably be mediated by the political actors involved.

While mindful of the dangers of claiming this as a 'radiant moment' for Scottish criminology and while there will continue to be debates about the extent to which criminologists can and (or indeed should) influence policy making, there is at least here in Scotland an important opportunity to increase both the awareness and the standard of public debates about crime and criminal justice. ■

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**Michele Burnam** is Professor of Criminology at the University of Glasgow and co-director of the Scottish Centre for Crime and Justice Research.

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