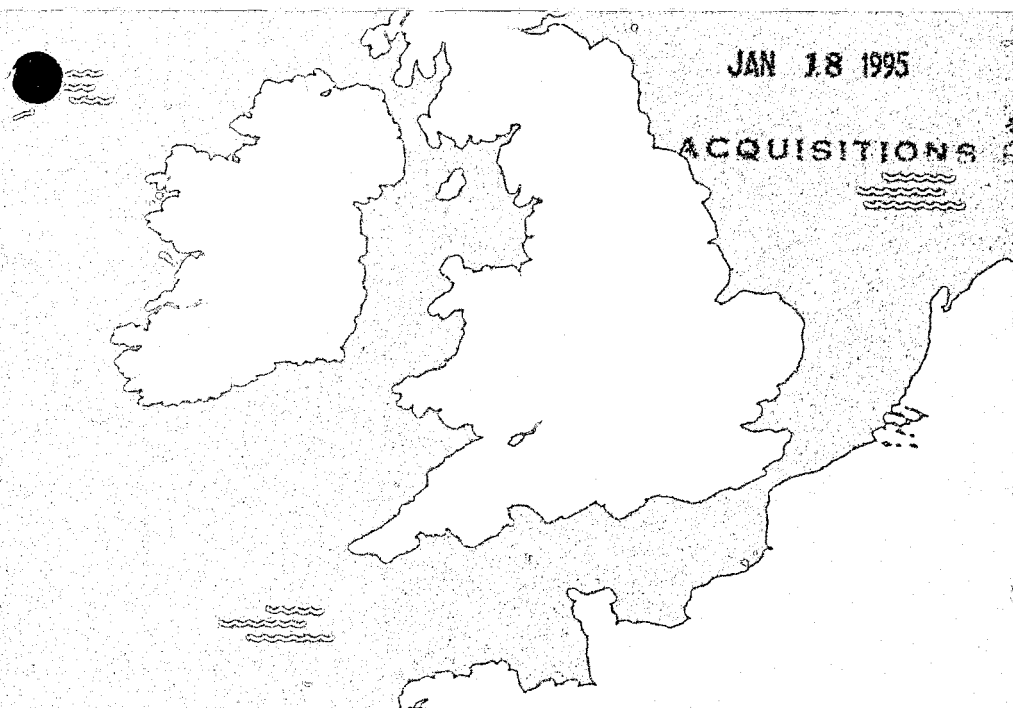


152349

JUVENILE JUSTICE AND CHILD CARE

IN ENGLAND NCJRS



CENTER FOR THE STUDY OF

● *Youth Policy*

School of Social Work
The University of Michigan

NOVA University
Shepard Broad Law Center

JUVENILE JUSTICE AND CHILD CARE IN ENGLAND

Professor Spencer Millham
University of Bristol: School of Applied Social Studies
Dartington Social Research Unit

152349

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position, or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been
granted by
Center for the Study of Youth
Policy

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Ira M. Schwartz
School of Social Work
The University of Michigan
1015 East Huron Street
Ann Arbor, Michigan 48104-1689
(313) 747-2556

Judge Frank Orlando (Ret.)
Nova University
The Shepard Broad Law Center
3100 S.W. 9th Avenue
Fort Lauderdale, Florida 33315
(305) 760-5700

This publication was made possible by a gift from the Annie E. Casey Foundation.

Additional copies may be obtained by contacting:

*Center for the Study of Youth Policy
School of Social Work
The University of Michigan
1015 East Huron Street
Ann Arbor, Michigan 48104-1689
(313) 747-2556*

Cover Illustration by: Jim Sanders

Cover Design By: First Impression Printing Co.
4115 Jackson Road
Ann Arbor, Michigan 48103

Printed: January, 1991

The University of Michigan Regents:

Deane Baker, Paul W. Brown, Shirley M. McFee, Neal D. Nielsen, Philip H. Power, Veronica Latta Smith, Nellie M. Varner, James L. Waters, James J. Duderstadt, President, *ex officio*

The University of Michigan, as an Equal Opportunity/Affirmative Action employer, complies with applicable federal and state laws prohibiting discrimination, including Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973. It is the policy of The University of Michigan that no person, on the basis of race, sex, color, religion, national origin or ancestry, age, marital status, handicap, or Vietnam-era veteran status, shall be discriminated against in employment, educational programs and activities, or admissions. Inquiries or complaints may be addressed to the University's Director of Affirmative Action, Title IX and Section 504 Compliance, 6015 Fleming Administration Building, Ann Arbor, Michigan 48109-1340, (313) 763-0235. T.D.D. (313) 747-1388.

Nova University:

The Shepard Broad Law Center, President Abraham Fischler, Dean Roger Abrams

Nova University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award bachelors, masters, educational, specialist, and doctoral degrees. The University is chartered by the State of Florida. The Shepard Broad Law Center of Nova University is a member of the Association of American Law Schools and is accredited by the American Bar Association. Nova University admits students of any race, sex, age, color, nondisqualifying handicap, religious, national or ethnic origin.

Table of Contents

Foreword	v
Juvenile Justice and Child Care in England	1
The Dartington Social Research Unit	2
Comparisons Between the United Kingdom and the USA ...	3
The Demise of the Reform Schools	5
The Use of Security	9
Conclusions	13
Publications of the Dartington Social Research Unit referred to in the talk	16

FOREWORD

In October, 1990, the Center for the Study of Youth Policy conducted a policy seminar on juvenile justice for legislators and youth corrections officials from five states (Virginia, Arizona, Nevada, Indiana and Hawaii). These states were selected because they were in the process of re-examining their youth correction policies and practices.

Professor Spencer Millham, the Director of the prestigious Dartington Social Research Unit at the University of Bristol in England, was invited to be a faculty member at the seminar. Professor Millham described the recent and dramatic changes in the youth correction system in England. It is a system where officials closed down all of their large juvenile reform schools and congregate care facilities in favor of a system that primarily relies on community-based services.

Because policymakers, juvenile justice professionals, child advocates, and public interest groups throughout the country are struggling with how to tackle the juvenile crime problem most effectively, we thought we would share Professor Millham's insights with others. Although the nature and scope of the juvenile crime problem in England is different from that in the United States, there is much we can learn from the English experience. That certainly proved to be the case at the seminar.

This piece is particularly inviting because of Professor Millham's sharp tongue and brilliant wit. He discusses a difficult subject in an infinitely readable fashion.

Ira M. Schwartz
Director
Center for the Study of Youth Policy
University of Michigan
School of Social Work
January, 1991

Juvenile Justice and Child Care in England

Professor Spencer Millham

First of all I would like to say how nice it is to be here and to extend my thanks to the Annie E. Casey Foundation and to Ira Schwartz for making our visit possible. I have been deeply fond of the United States ever since I survived the London blitz as a child on a diet of your food parcels, dried egg, and old copies of the *National Geographic*. The magazines my father found on the troop ships coming into the London docks, and the dried egg was given out by welfare workers. Well, 50 years on, academics' salaries being what they are in the United Kingdom, I am still almost living on dried egg, and my unit firmly believes that all my ideas come from old copies of the *National Geographic*, so things do not change much, but it is nice to be here.

Today my slot is *Juvenile Justice and Child Care in England*. Well, England is not the whole of the United Kingdom, and what is true for children in Scotland is not true for England and Wales or Northern Ireland. The United Kingdom is quite densely populated — there are 56 million people and, as such, both juvenile justice and child care in the United Kingdom present a complex picture, and it is difficult to summarise.

Indeed, the difficulties of describing services for the young offender came home to me forcibly recently when I was sharing a platform with a Professor from Minneapolis. I discovered to my unease that we had 20 minutes together on World Trends in Juvenile Crime, and when I protested that this seemed a rather difficult task, my American colleague smiled at me, with a smile Americans reserve for those of us from the third world, and said, "Well, you can have the easy bit, you do delinquency south of the equator." It was not one of my best performances.

The Dartington Social Research Unit

But, to begin with some comments about the Dartington Social Research Unit, what actually do we do? It came into being way back in 1964, when Mr. Wilson, a Labour Party Prime Minister, was swept to power with a socialist programme. One of his aims, amongst many reforms, was to do something about the English public school system. Now England, being what it is, has public schools which are not public at all. They are, in fact, private academies which educate the children of the monied classes and are frequently accused of creating and fashioning the governing elite. They are schools which you might know, places such as Eton, Harrow, Winchester and the like. We were asked to create a research unit for the study of residential institutions, and we scrutinised this school system, indeed, we came up with many ideas on how these schools might be made more relevant to the state education system. But as you know, research is a somewhat leisurely occupation, and Mr. Wilson went out of office long before we could report. Mr. Wilson is now Lord Wilson, indeed, all our socialists cannot wait to become lords and flit about in ermine and knee breeches and have tea with Her Majesty. So we found ourselves very much left behind.

But, thankfully, the Home Office took an interest in the ways that the Unit looked at residential institutions. This, after all, was prior to the work of Goffman and Etzioni and many scholars in this country which pioneered studies of complex organisations, particularly residential institutions. The Home Office in the United Kingdom was the government department responsible for juvenile and adult justice. It is in charge of the courts and the prisons, and, at the time, the reform schools, large institutions for young delinquents aged between 10 and 21 years, which had been in existence for many years. It was these residential centres that the government next asked us to summarise, thus our interest in juvenile justice.

How have these studies been undertaken? Firstly, we are interested in a *longitudinal perspective*, looking over time, three years, five years and so on, at children's experiences as a career wider than the isolated events, such as criminal convictions, which influence their life chances. We are interested in the *process* of caring for or controlling children by agencies; for example, does a child dealt with by one agency enjoy a different long-term experience to a similar child dealt with by another agency? We are also concerned to explore the *outcomes of interventions*, a research approach which has particular

benefits in the field of criminal justice.

Secondly, our research is based upon detailed investigations of *children's experiences* but also draws upon the perspectives of those who provide and receive the various services. How does the social worker view the problem? What does the child think about the way he or she is being treated?

Thirdly, we are funded by Central Government and work very closely with the Department of Health, the legislators at Westminster. We see our role as providing objective and scientific information of the highest quality which can be used by policy-makers in the development of strategies for dealing with deprived and disturbed youngsters. We provide the data; they fashion the policies. Finally, we are acutely aware of the importance of the *history* of particular services and interventions. England is a fossil, a beautiful fossil whose contours were formed many centuries ago and are resistant to the ravages of time.

Comparisons Between the United Kingdom and the USA

So, that is how we conduct our research studies, but before I give glimpses of the English juvenile justice system it might be useful to remind ourselves of what may be significant differences between the United Kingdom and the United States or what may be strong similarities. It is important that we compare like with like. I forget who it was that said the United States and the United Kingdom were two nations divided by a common language, but often what sounds the same, indeed what are the same words, represent something completely different. I can remember recently talking about the ways in which our unemployed and delinquent young people were used in community and voluntary work and was advocating to an audience they experiment with similar projects. I described how these young people assisted old people, whom they roused in the morning to see if they needed help. I advocated to my audience, which was largely American, a scheme of 'knocking up the elderly.' A ripple of interest passed round the audience and an American in the front row said loudly, "Gee, that's some project." So language can impose barriers as well as ease communication.

How do our systems compare? First, the system in the United Kingdom is highly centralised, and the government at Westminster decides child care policies, enacts the appropriate laws, provides the bulk of the finance and, through government departments, lays

down practical guidelines for professionals, and through the inspectorates sees that these guidelines are observed. These inspectors can and do arrive at social work teams, take out the files and see what is going on. Moreover, Westminster is very very powerful; quality is maintained and it is consistent across the country. Thus, the experience of a delinquent in the South-West of England or in Wales does not differ much from that in London or in the North.

Secondly, there is little private provision for child care in the United Kingdom, and although our child care charities sound as if they are making a dazzling and overwhelming contribution (by charities I mean organisations such as Barnardo's, Save the Children fund, The National Children's Home and others), their contribution is by no means as great as they would like to imagine. For example, their combined budgets are less than one of the local authority budgets for social services in the United Kingdom, and we have, in fact, 117 local authorities in England and Wales as a whole. So, I would stress the private sector is negligible. Child welfare and juvenile justice is a state-financed, state-regulated system.

Although the nature of crime does not differ much between the United Kingdom and the United States in that 90% of the offences are property offences, I believe you have problems that, thankfully, we do not have. For example, extreme violence, particularly that associated with firearms, is a very rare experience in the United Kingdom. It is almost unknown with boys under the age of 21, and it is a pretty rare event even with adults. Our police are not armed in the normal course of their duties, and this greatly changes the nature of violent crime in our society.

Thankfully, we are also an island and as a result we do not have a major drug problem. Crime is not organised in the way that it probably is here, and race and ethnicity are much more issues in the United States than they are in the United Kingdom, and I stress that you understand and deal with these issues much better than we do.

In addition, our health service is free and it is very good. For example, I use it and rely on it and so do most of my friends. And this position has a direct impact on both the care population and aspects of delinquency provision. Good, free ante-natal care is provided for all, and this greatly reduces the need to take infants into care because of neglect or poor child rearing. As there is little private health insurance, there is not a big private psychiatric system, thus the mental health sector does not have a role in sheltering

or containing delinquent and difficult adolescents. The psychiatric provision in the United Kingdom is very powerful, but for many decades has been devoted to keeping quite disturbed people in the community. So the mental hospitals do not provide a bolt-hole for difficult children, and even serious offences, such as murder and rape, are not viewed as symptoms of disturbance.

Next, of particular importance, young delinquents are not distinguished from other children in the care of social services. This means that they qualify for, and receive, many of the same care approaches as children suffering from abuse, neglect and abandonment.

Finally, government policies regarding children and adolescents are based upon consensus, everyone agrees that compassion and support should be provided for those in state care, and that even delinquency among the young can be seen as a cry for help. Thus, there is little political mileage to be made in taking a strongly retributive and hard line stance towards young delinquents. It is also important to stress that juvenile policies in the United Kingdom are research led. Indeed, a particularly good example of this is the recent *Children Act* of 1989. Governments fund research into youth issues, and the research contribution is viewed with equanimity. For example, I have never in 30 years been muzzled or lent on by politicians to conceal embarrassing findings, and as a 'rent-a-mouth' constantly on public platforms, that is something to think about.

It is also important to realise that our legislators, policymakers and senior civil servants are incredibly able; they are clever guys. I am sure it is the same here, indeed, if you seek a sensitive and insightful scrutiny of research work, it is the legislators, not the academic community, that provide the most informed estimate of its value. Policy, legislation and practice in children's services reflect very swiftly what research studies are saying. As such, the research that is provided for administrators has to be clear, concise and answer the questions posed. It has to be of the very highest quality.

The Demise of the Reform Schools

Let us now illustrate some of these themes by looking at several of the Unit's studies over the past 25 years and the impact that these studies have had on juvenile justice and child care policies. From a glance at the work of the Unit, trends in the United Kingdom's approach to juvenile crime will appear, although I would stress that it is not only our research that has influenced policy, they have been

linked with a package of other studies produced over many years.

First of all let us look at *After Grace Teeth*, which was a study of the reformatory schools. Indeed, it was the first major study of our reformatory school system, although the institutions have been in existence for more than 200 years, and it was also the last study of the reformatories, because largely as a consequence of the research, the institutions were closed down. The study was funded by Government, by the Home Office who took the research messages with alacrity.

In 1965 we had about 56 reformatory schools in England and Wales and Northern Ireland. Scotland had about 12 reformatories. These institutions sheltered about 9,000 delinquent boys and 1,000 delinquent girls for various lengths of time. You could enter one of these training schools even at the tender age of 10 years; the average stay for children was two years, but many of the boys were transferred up the system because of repeated offences while they were in the training schools. Once in the system, many children never emerged until late adolescence. It was a system in its own right, and the keen kids, the high flyers, graduated to prison at 18 years of age. We looked carefully at 12 schools and 1,200 delinquent boys, carefully selected to give us a national picture. And we tracked their experience both within the schools and for two years after leaving.

To get into the reformatories, you had to commit offences, you then went to the Juvenile Court, and the magistrates would give you a reform school order. Then off you would go. The offences for which children were placed in the training schools were often trivial; many went in 1969 for what I believe you would call status offences.

There was a wide variety of regimes among the training schools. Many of them were the old industrial and farm schools created in the 19th Century, designed to give vocational training to the young. So, to the sounds of lowing cattle and clucking chickens, London delinquents were supposed to miraculously reform. There were also four nautical schools, marvellous direct survivors of the boys training hulks of the 18th Century. These were old ships anchored out in the estuaries on which inconvenient and delinquent juveniles were housed. Some of you may recollect the opening of Dickens' book *Great Expectations* which pictures an escapee from one of these training hulks. In these training schools, boys in naval uniforms marched everywhere, bands played and the whole thing looked like part of the Falkland Islands task force. If they had been

towed out to sea, these establishments would have sailed for a week without anybody noticing anything, and the boys were posted up each morning, not as though they would run away from the institution, but as having 'abandoned ship.'

In addition, there were many religious establishments, indeed I can remember asking one of the principals of a training school what his main aim was for his young delinquents. With a seraphic look towards heaven he thundered at me, "I am preparing my boys for death," an aim which was not easily evaluated.

There were, of course, other styles of reformatory life; there were the therapeutic communities, and there were the 'avant garde' schools where children lived on bamboo shoots and spring waters to reduce their aggression, and they rolled around on the floor feeling their way towards a relationship. Indeed, the training schools, when we scrutinised them, seemed to have adopted a wide variety of approaches, all ostensibly designed to reform the criminal child and to put him or her in line for a viable career in the outside world.

Now if such ideologies help staff function, particularly in the unenviable task of reforming delinquents, then it was not the role of the research to judge their performance. At least not as long as the institutions delivered the goods. Unfortunately, the schools did not deliver the goods. We found that over two-thirds of the children who left the reformatories were reconvicted again within two years of leaving. Often the offences committed were of sufficient seriousness to thrust the young people back into custody. It seemed to make no difference what regime you experienced, whether you were young or old, white or black, violent or a petty thief, clever or stupid, nice guy or jerk, you went back into custody very quickly. This was not an encouraging finding for government.

But, O.K., delinquency is a bit resistant to modification; did the reformatory schools do much else with the children? The boys received schooling, but although the institutions had been in existence for hundreds of years their educational programmes were very poor indeed. The schools had no expertise in remedial education, and they felt that they needed none. If you wanted dazzling work with the backward or illiterate youth you had, in fact, to look to the approach of the armed forces.

All right, if education was not a great success, did they do better with vocational training? Did the institutions get the boys ready for employment? We found that the boys busily painted and decorated rooms, built walls, reared cattle, sailed boats, mended

television sets, worked computers; they were very busy. However, when you compared the employment the boys received in the outside world with what vocational courses they had pursued within the walls, there was no correlation between the two at all. There did, however, seem to be a link between institutional experience and future delinquency, for in the reform schools residents learned very considerable skills; many went in for dodging school and came out skilled burglars. Thus, on release, few boys got a job and those that did failed to hang on to employment for long.

Perhaps education and vocational skills are difficult to implant, but were the reformatory institutions more successful with their children's family and social relationships? After all, family problems are endemic amongst young delinquents. With the boy's absence from home, and the failure of parents to visit or to participate in the boy's training experiences, reunion with the family was very difficult after a long separation. Many boys were virtually isolated and had nowhere to go to on release from the institutions, and most boys solved their problems by drifting around the big cities, their worlds wedged into plastic bags. Indeed, even today, about half of London's homeless are made up of young people who came from these sorts of backgrounds. And finally the training schools did not even control the delinquents they had admitted because lots of the lads were continually on the run. If the boys had enough of the system and ran away, the institutions were usually so remote from their homes, that the young people had to steal cars and anything else to survive and get back. So their criminal records actually increased, and where did they go? They went home to mum.

We published this study in 1972 under the title *After Grace Teeth*. The study was just what the government wanted. The re-organisation of the children's departments, which was then under way, and their location within the newly created social services departments, gave the Home Office the opportunity to thrust the young delinquent in their direction. Instead of a reform school order, the young offender got a care order. Social workers then decided where the child would be placed. It was hoped that social workers would love this idea; with their beards, sandals and worried looks they could really get their teeth into something difficult like juvenile delinquents. Interestingly enough, the reform schools were not particularly alarmed, because they assumed there was nowhere else for the difficult kids to go; nowhere but to them. They knew all about delinquents, while social workers had not a clue.

Unfortunately, things did not quite work out that way. The government gave money to fund a wide range of alternative programmes, and the social workers, cordially disliking residential solutions because they were stained by the *ancien regime*, would not send the boys. The school beds emptied and there was no one around to save the ailing dinosaur of the reform school system from collapse. By 1980 half the training schools in England and Wales had gone, while the rest frantically sought a new image. By 1990 they have all gone, and the large looming distant reformatory schools are a thing of the past.

The Use of Security

But to illustrate things are not that smooth and that hiccups can occur as a system changes, let us look at developments in maximum security for adolescents which paralleled these liberalising moves for the young delinquent. Parts of this development provide a cautionary warning.

By 1976 we were back on the delinquency scene again, looking at custody and maximum security for adolescents. This was because the social services were slow off the ground in getting a wide range of community programmes going for young people, those who would previously have been in residential care. Although government money was freely available and the local authorities had saved a lot from getting rid of the residential schools, they had become preoccupied with organising a wide range of social services and engineering new projects. In addition, the 16-year-old adolescent delinquent rather frightened that new generation of young social workers who had been rapidly trained to cope with the increased demands made upon the social services. At the same time, the liberals were pushing treatment, and delinquency was viewed as a disease.

From the warm ashes of the reformatory schools, a phoenix-like system almost as custodial as its predecessor was rearing its head, this time devoted to treatment. Naturally the government was uneasy, particularly as social workers, therapists, probation service, almost every professional with a voice talked of a good child care system, excellent and effective treatments of delinquents, approaches which sadly were bedevilled by a group of recalcitrant, difficult boys — aggressive lads, who needed security. If these rotten apples could be gotten out of the barrel everything would be hunky-dory. It was the task of the research unit and other academics to scrutinise what was going on.

So first we looked at treatments. And we found that a wide range of therapies, none of them scientifically validated, had taken off. Many of the theories were psycho-dynamic, some were even dietary, some had elements of behaviour modification, some stressed educational demands, and while residence was not a necessary part of treatment, it certainly could help. Thus, the crumbling residential sector took heart. They could have a role in treatment, particularly with those difficult children who would stay long.

Naturally for treatments you had to diagnose and assess. Thus the children with problems found themselves on their way to the same institutions as before, but now graced with different titles: 'Observation and Assessment,' 'Intensive Care,' any euphemism for roughly the same experience. There they spent a month or more playing ping-pong with erstwhile custodians, now graced with the title of 'Residential Social Workers.' Daily a posse of psychologists, sociologists, social workers, indeed anyone with a need for a meal ticket, sat round and assessed the kids' problems. It was, unfortunately, a process rather lost upon the children. I can remember standing with a group of children outside an assessment meeting being held by the staff. A new boy said to one of the others, "What's this for?" to which the other, obviously a deep conformist, replied, "This is where you discuss your problems with the staff." "But I haven't got any problems," said the new boy, at which a world weary voice from the back of the group said, "Well, if you haven't got any problems, you'd better get some quick, mate, because otherwise you'll never get out."

At the end of this wearisome process, children were allocated. However, we found it was clear that you could accurately forecast where the child was likely to go at the moment of entry to the observation and assessment by the very limited options available for disposal. Assessments for treatment were secret, they could not be challenged, parents and children did not see them and they were highly labelling. The treatment assessment hung like an albatross around the child's neck, dipped into for a spicy read by anyone in control, and highly likely to colour court reports if the lad stayed long in social services care, or as was highly likely, committed a further or serious offence. Naturally we and other researchers pitched into the observation and assessment process and thankfully it is now largely discredited.

But assessment was not enough. If you did not respond to treatment in the open situation, you required treatment in security,

and as the pressures on a newly developing, professionally insecure service were considerable, the demand for secure treatment places rose. And naturally the government was alarmed that they would have to meet the bill.

So one day we received a letter, the nicest research commission we have ever had, from a leading civil servant. "Please, if you can get into these secure places, go and find out what's happening and tell us quick." Not surprisingly the same sad story as we had found 10 years ago in reformatory schools unfolded.

Initially it was clear that the problem children were largely the product of the care system itself. Children with repeated breakdowns, in fostering or small group residential homes. Children who ran home to see what was up and why nobody had sent them a letter. Running away from places that you and I would run away from, deeply anxious about home because their links with the outside world were withering. Aggressive children who exploded at yet another placement breakdown or another movement while in state care. Children who responded badly to the fresh face of their umpteenth social worker that year. Children who felt they were wanted by no one, who, through years in state care, had lost touch with the outside world and their families. All were problematic, all were being moved around the system under the guise that treatment existed somewhere, as long as it was provided by someone else. As the children rested on the bosom of social workers, which was a largely foam rubber bosom promising more than it actually delivered, security became the final answer. And they could be placed in security without reference to the courts, because the children were in state care and social workers were omni powerful.

Above all, particularly worrying to government, the system cost a fortune, because now the staff were professional and expected a professional rate for the job. It was not like the old days when you could pay ex-marines a pittance for taking training school boys for ennobling moments in mountain drizzle. The Department of Health was horrified because the spirit of legislation in 1969 which stressed decarceration and community care was being subverted by the very people who should have been offering an alternative supporting service. When carefully scrutinised over a two year period, maximum security offered nothing to the children who stayed within its walls; it provided an ante-chamber to the prison system. There was little evidence that pretentious treatment regimes were offering any more. Indeed, 80% of the difficult

children in the child care units emerged to go rapidly back into custody.

But centralised power has its advantages, simply because the government cut off the money, fixed the number of secure places at 350 for England and Wales as a whole, and they made the entry criteria to security so strict that the beds could not be filled. Social workers had to apply to the courts if they wished to place a child in secure accommodation, and decisions were periodically and carefully reviewed. Indeed, the secure units found themselves rapidly in a 'Catch 22' situation. If the child did not improve in security, then obviously the treatment was not up to much. If the child did improve, then you no longer needed security. Thus, for the government, although getting rid of the reformatory school was relatively easy by passing the whole issue to social services, the undermining and minimising of security provided by the local authorities had to rely on legislation at the courts.

Slowly through the late '70s and right through the 1980s not only did the use of residential care for delinquents decline, the use of security for the most difficult was also reduced. Interestingly these studies of security were better received by the Thatcherite right, who wanted value for money, than the trendy, liberal, sweaty left, who believed in treatment, in therapies, in child welfare, whether the child and the families wanted welfare or not. Thus, the decline in residence in the United Kingdom was not a gut feeling inspired by 'do-gooders,' it was justified by the complete failure of residential institutions to deliver the goods — a failure which was relentlessly and authoritatively demonstrated by research.

So, in the United Kingdom not only have the training schools and reformatories disappeared, not only has observation and assessment of the treatment regimes swiftly withered, but residence as a whole has been in retreat. Security has ceased to be an issue in the United Kingdom, and the whole drift of policy for delinquents has been to divert them, to keep them out of the system, to buy time for them so that the natural falling away from crime in the late teens can get a chance to operate, for other things to take over the delinquent's interest, for distractions to appear. One of our most eminent criminologists, David Downes, once wrote that the fall in the age of marriage in the United Kingdom had probably done more to eradicate youth crime than the work of all the professionals put together. There may be much truth in this, after all marriage is marginally preferable to maximum security, although not necessarily

less expensive.

As in Massachusetts, despite this pattern of decarceration and diversion, crime has not rocketed amongst juveniles in the United Kingdom; a large number of delinquents have disappeared off the scene altogether. Neither has there been widespread public outcry at young offenders getting away with it. It is generally recognised that incarceration perpetuates and intensifies delinquency rather than providing any discouragement.

Let us put it another way, in 1969 when we completed *After Grace Teeth*, there were 58 reform schools in England and Wales, and today only four survive. So different are they from the old training schools that these schools would be horrified to hear me mention them in the same breath. In many cases the buildings were sold, and, actually, the residential system being hydra-headed as it is, several have become private homes for the elderly! In 1969 London had 2,000 reform school places for both boys and girls; today it gets by with 200 residential places for all children in care, not only the delinquents, and quite frequently these places are not filled. The general public has not risen in horror, indeed, in the opinion polls the government is seen to be firmly tackling law and order issues. De-institutionalisation has not proved an electoral liability. It has enabled a government who, in other areas such as education, general welfare provision and housing has actually penalised poor children and adolescents, to appear to be progressive, benign and forward looking. So there have been, over the past two decades, major changes in the ways we approach the juvenile offender.

Conclusions

What are the strengths of our juvenile justice system and what are its weaknesses? It is a system that encourages diversion. It keeps a large number of children away from damaging residential placements. It diverts the young and inexperienced offender away from any statutory intervention and keeps even the persistent offender in non-stigmatising, less damaging community projects. Many offenders have no action taken against them, others are cautioned about their behaviour, while the remainder undertake a minimum of community service. Research, and it is highly sophisticated research, done by a variety of research institutes, including the Home Office itself, shows that this strategy has a lower re-offending rate than any other approach we know. It is very hard in England these days for a young offender of 16 years and under to get into custody. You might not cure the lot, but you can certainly

reduce offending to a nuisance value.

Secondly, it is a system that reflects long-standing efforts and traditions in the United Kingdom for children and young people to be treated sensitively and sympathetically. We view children as a scarce and valuable resource on which crumbling geriatrics like me will increasingly rely for pensions, care and support. This, I hope, these adolescents will provide as they enter the labour market. Thus, the policies reflect intelligent self interest. Neither are these policies recent and a passing fashion. Listen to this:

I would ask you to consider especially the case of youths between 16 and 21, an old prison visitor told me that they often cry for the first time on entering prison. Imprisonment is an evil which falls only on the sons of the working class. The sons of other classes may commit the same kinds of event and in boisterous moments, whether at Oxford or Cambridge or anywhere else made do things for which the working class lad will be committed to prison.

Now this is not the musing of some Marxist nut, it was Winston Churchill in 1908 when, as Home Secretary, he was passing the *Children Act* which took all children under 17 out of prison. Whatever Winston Churchill was, he was not 'permissive.'

Thirdly, the system represents a workable, viable compromise between welfare and justice, between those who think delinquency is a cry for help and those who feel punishment must fit the crime. Fourthly, it activates a variety of agencies to work with young people and puts a duty on them to co-operate without in fact interfering with professional autonomy.

Fifthly, in recent years we have become very well aware of how much various welfare interventions cost. The hidden costs to families and young people of a criminal career is very considerable. For example, not only were our training schools enormously costly, but so was keeping their graduates in the prison system to 25 and 30 years of age. This was the destination for most of the boys who left the reform schools. And, of course, you also had to provide welfare for their dependents, the offenders' wives and children.

But there is still a long way to go in improving the lot of our delinquent young people in the United Kingdom. What are the weaknesses of the system?

Firstly, the emphasis on diversion and the desperate desire to keep children and adolescents out of the justice system effectively denies the seriousness of persistent delinquency. Some children,

only a very few, need to be away from home, and others who ache for maximum support do not always get it.

Secondly, the system treats every child the same and *some* children, again only a very few, could actually benefit from specialist schemes. In fact, there is a danger that we can be insensitive to the needs of particular groups and certain children go miss out. Our study (*Lost in Care*) of a large cohort of children going through local authority care demonstrates this very clearly.

Fourthly, the range and combination of schemes we have amassed can be confusing. It can seem curious that, at sixteen years of age, for borrowing a motor-bike, a young offender could be fined, cautioned or given a conditional discharge; he could be playing table tennis with a policeman on Saturday afternoons or pushing prams around a supermarket on a community service order; he could be doing a spot of reparation — meeting the victim; he could be enmeshed in the ever widening net of intermediate treatment or exploring his inner self in an encounter group; the offender could be waiting in an observation and assessment centre, just waiting; or he could be placed in a penal institution scrubbing the floor. The variety is endless and bewildering. As some of our offenders repeatedly borrow motor-bikes, this sequence of experiences can follow in quick succession. The young person becomes utterly bemused, and the inconsistency in rewards and punishment actually intensifies the behaviour.

Finally, and by far the most significant weakness in our approach to juvenile delinquency, our attention to the younger offender and the emphasising of diversion means we think less about those who at 16 and 17 graduate to young offender institutions which are part of the prison system. Michael Little at the Dartington Social Research Unit has recently looked at this group in his book *Young Men in Prison*. He finds these youngsters are viewed as thugs who have defeated our best intentions, when in fact they are the most tragic young people we have. They simply have no hope and nothing going for them at all. The shock of transfer from the welfare system to the custody of punishment provided by the prison system is very considerable, and far too little thought has been given to the needs of the older adolescent offender. Today the legislation under consideration in the United Kingdom hopes to address this problem.

The last 20 years have seen great advances in our care of young delinquents in the United Kingdom; what we must try to do now

is to take these ideas on diversion and community care forward to tackle the problems of the older adolescent offender, those of young adults.

Publications of the Dartington Social Research Unit referred to in the talk.

Lambert, R. and Millham, S., *The Hothouse Society*, Penguin, 1974.

Millham, S., Bullock, R. and Cherrett, P., *After Grace-Teeth*, Human Context Books, 1975.

Millham, S., Bullock, R. and Hosie, K., *Locking Up Children*, Saxon House, 1978.

Millham, S., Bullock, R., Hosie, K. and Haak, M., *Lost in Care*, Gower, 1986.

Little, M., *Young Men in Prison*, Dartmouth, 1990.



The University of Michigan
School of Social Work
1015 East Huron Street
Ann Arbor, Michigan 48104-1689

CENTER FOR THE STUDY OF *Youth Policy*



Shepard Broad Law Center
3100 S.W. 9th Avenue
Ft. Lauderdale, Florida 33315