

CONTENTS

Relational Justice

BULLETIN

Sponsored by LINKLATERS

Issue 6 April 2000

3 A Gateway to Relational Justice? John Harding

A Partnership for Justice Graham Giles

6 How not to raise a Juvenile Delinquent Lisa Robson

8 Creating Relational Courts Nik Peasgood



Published by the
Relationships Foundation

Registered Charity No. 327610

3 Hooper Street
Cambridge CB1 2NZ
Tel: 01223 566333
Fax: 01223 566359
Email: r.f@clara.net

Enquiries to Dr Jonathan Burnside

Production by
Stephen Lown Graphic Designer

INTEGRATING PENAL & SOCIAL POLICY

Home Office Minister of State **Paul Boateng** discusses how a relational correctional policy can be put into practice



When this Government was elected we pledged to be tough on crime and on the causes of crime. In order to achieve this we must of course ensure that the police are properly equipped and supported and that we make crime more difficult to commit. We also need to ensure that we have a criminal justice system which is fair and inspires public confidence, and that the sentence of the court is effectively enforced. Just as importantly, we need to ensure that time spent under sentence either under community supervision or in custody is used constructively to equip offenders to take their place as responsible law-abiding members of society. We must stop the revolving door: for the last thirteen years or more some 55% of offenders completing their sentence have gone on to re-offend within two years.

We need to promote a greater sense of responsibility in offenders and respect for the community's laws and expectations. We need to focus on intensive programmes to tackle offending behaviour; ensure that offenders comply with the conditions of community sentences so that programmes can be delivered, and foster reparation to victims and the community at large. The Criminal Justice and Court Services Bill, now before Parliament, is designed to support the first two of these objectives by establishing a national probation service strategically focussed on them, and by promoting a range of court disposals that will support them.

"We need to ensure that time spent under sentence is used constructively."

JOINED-UP POLICY

We also need to tackle those factors which lead to social exclusion and which we know are linked to criminal behaviour; basic skill shortages which are restricting access to employment, substance abuse, lack of permanent and decent accommodation and the breakdown of family relationships. In short, penal policy needs to be more joined up with wider social policy and correctional in intent and effect.

It is not a choice between getting tough with offenders on the one hand and equipping them to lead responsible, law-abiding lives on the other. The report of the latest British Crime Survey shows that many members of the public see a very clear link between reducing the crime rate and changing family and school environment together with increasing the number of people with jobs. A substantial body of research supports that view.

We are determined to ensure that punishment and rehabilitation of offenders in prison and in the

community should be based on evidence of what will reduce their re-offending. There is a growing body of international evidence showing that some ways of working with offenders, if properly targeted and implemented, can produce significantly better results in reduced re-offending. We are introducing programmes run both in prisons and by probation services in the community.

WHAT WORKS

The evidence shows that programmes work when they are linked to such key factors as; managing risk effectively; targeting offending behaviour; addressing characteristics linked with re-offending; taking account of offenders' capacity to learn; promoting community regeneration; and maintaining quality and integrity of practice.

To ensure that such programmes are well designed, delivered to consistently high standards and are well matched to the characteristics of the offender, we have created a new Accreditation Panel for the prison and probation services which draws together some of the most influential experts from this country, the USA and Canada. The Panel, chaired by Sir Duncan Nichol, recommends and revises criteria for programme design and accredits individual programmes. It also advises on curriculum development, and on education and research.

'What Works' goes further than intensive programmes targeted at particular offenders or category of offender. Research shows that offenders are less likely to re-offend if employed. Screening the prisoner population indicates that 60% or more have standards of basic literacy and numeracy at level 1 (the average for a 14 year old) or below. Level 1 proficiency gives access to only 4% of jobs. The challenge ahead of us is clear.

In addition to focussing on raising levels of literacy and numeracy both for prisoners and those serving community sentences, since 1998 we have been running Welfare to Work schemes for 18-24 year olds in prisons throughout the country. These cover a broad range of job and life skills, including literacy, communication and numeracy and other core competencies needed for employment; practical matters including health and safety, first aid and hygienic food handling; preparation for interviews, interpersonal skills and improving individual self-worth.

The Prison Service has also been making imaginative use of peer partner and family literacy

Continued on Page 2

schemes. These have proved to be successful in reaching offenders who would not normally consider addressing their basic skills needs, and very valuable in giving supporters a usable qualification and in sustaining parent and family relationships. A particularly striking example of relational correctional policy put into practice.

It comes as no surprise that a lack of permanent and decent accommodation is directly related to re-conviction. There is a new focus for prison and probation services on preventing homelessness and it will be a key element of the monitoring regime for both services with a new joint performance indicator by 2001.

MAINTAINING OFFENDERS' LINKS WITH THE COMMUNITY

We know that drug misuse and crime are strongly connected. Around 50,000/60,000 drug users are arrested and prosecuted every year. We seek to strike the right balance between treatment and punishment for drug misusing offenders. Every prison now provides a basic drug intervention service through CARAT schemes: (counselling, assessment, referral, advice and throughcare), and there is additional provision for more intensive treatment. CARATS drug services are also contracted to provide relapse prevention and support for up to eight weeks after release as a safety net. The Prison Service is working to educate and support prisoners' families in dealing with pressures to smuggle and the effects of smuggling, and is actively engaged with Adfam, the national charity helping drug users' families. The Criminal Justice and Court Services Bill is designed to help break the cycle of abuse and recidivism by introducing compulsory drug testing of offenders and alleged offenders, and we are piloting a drug Treatment

and Testing Order and Drug Abstinence Orders as disposals for the courts.

As part of our overall commitment to reduce re-offending and protect the public, we are making the fullest possible use of new technology in the supervision of offenders. As from 1 December 1999, Curfew Orders given as a

sentence of the court under the Criminal Justice Act 1991 have been available to the courts on a national basis. The Criminal Justice and Court Services Bill would enable the courts to extend their use further in suitable cases. Home Detention Curfew allows prisoners sentenced to less than

four years who have passed a rigorous risk assessment to ensure that they present no danger to the public to serve the last part of their sentence – two weeks to sixty days depending on the length of the original sentence – in the community being electronically monitored. As a transition between custody and the community, and with a 95% success rate, the results are very encouraging.

The positive role of the Community Service Order in reducing re-offending should never be underestimated. There is evidence from research that the way in which the order is managed can make a significant difference to the likelihood of the offender re-offending. In particular, work placements whose benefit to others is quite clear; which provide for offenders to have direct contact with the beneficiaries of their work; and which offer opportunities for the offender to develop new skills, have a positive effect on future behaviour.

To implement this approach, and with funding from the Crime Reduction Programme, a number of projects are being thoroughly evaluated to confirm previous research findings, and if successful will provide a model for the delivery of Community Service Orders throughout England and Wales.

"Penal policy needs to be more joined up with wider social policy and correctional in intent and effect."

In talking about reintegrating the offender back into the community, we should not forget the part restorative justice has to play by prompting reparation from offender to victim and, by so doing, bringing home to the offender the full impact of their behaviour.

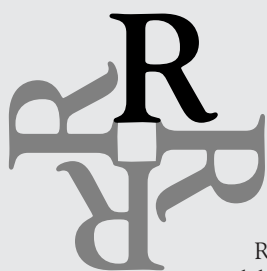
To strengthen this principle we have introduced, by the Crime and Disorder Act 1998, criminal justice reforms which emphasise the provision of more reparation to victims, the reintegration of young offenders into the community and the promotion of greater responsibility from offenders, and their parents. Relevant measures include, the Final Warning Scheme, the Reparation Order, the Action Plan Order and Youth Offending Teams.

ACHIEVING SUCCESS

The Youth Justice Board is playing a vital role in promoting: a culture which treats young people fairly regardless of background and one in which young people believe they have opportunities to contribute to society, the rights of victims and the rights and responsibilities of children, young people and their parents; a youth justice system in which young people are proud to work, which works in partnership with services for children and young people and with other partnerships helping to renew communities.

This is an ambitious programme we have embarked upon and one which will not produce results overnight. Our focus now, however, must increasingly be on delivering outcomes – reduced crime, reduced re-offending and greater public confidence. People within the system want to achieve success and we in Government will do all we can to ensure this. By moving forward, together, to achieve this common goal – my expectations and hopes are high.

The Rt. Hon. Paul Boateng MP is Minister of State for Prisons and Probation at the Home Office.



Views expressed are those of the authors and do not necessarily reflect the policies of the Relationships Foundation.

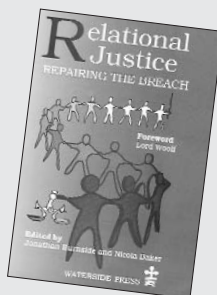
WHO WE ARE

The **Relational Justice Bulletin** is a quarterly publication by the **Relationships Foundation**, a Cambridge-based charity, as part of its **Relational Justice** initiative.

Relational Justice is a fresh approach to crime and punishment.

Rather than looking at crime solely as an offence against the state, it sees it as a breakdown of relationships between offenders, victims, families and the community.

The concept was developed by the **Relationships Foundation** in the early nineties. It first gained public exposure with the publication of the book **'Relational Justice: Repairing the Breach'** (Waterside Press, 1994), which was welcomed by Lord Woolf as 'a radical new approach which anyone with any concern about the criminal justice system needs to be aware'. Since then, it has been shown to have wide implications for policy and practice.



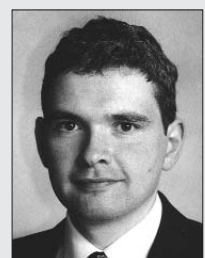
The **Relational Justice Bulletin** has been launched as a platform for discussion of the ideas at the heart of **Relational Justice** as well as exchange of good practice across the system.

You are warmly invited to join the growing number of professionals and practitioners who are already receiving it (see subscription form on the back page) and to contribute your own ideas and experience.

The **Relationships Foundation** is a registered charity dedicated to developing new 'relationships-based' approaches to social, economic and political issues.

Your help would be welcome in publicising the Relational Justice Bulletin. Free A5 leaflets are available for your use. You can request copies on the form on the back page.

Dr Jonathan Burnside is Editor of the Relational Justice Bulletin



A GATEWAY TO RELATIONAL JUSTICE?

John Harding looks at the relational implications of referral orders under the Youth Justice and Criminal Evidence Act



The Youth Justice and Criminal Evidence Act 1999 introduces a new primary sentencing disposal for young offenders under the age of 18 pleading guilty and convicted for the first time. It represents a milestone by providing an opportunity for relational justice before a young person's offending behaviour becomes persistent. According to the Home Office's draft guidance to youth offending teams and youth courts, the primary aim of the referral order is to prevent reoffending by young people by providing an opportunity for them to make restoration to the victim; take responsibility for the consequences for their offending behaviour and achieve re-integration into the law-abiding community. These ideas are at the heart of Relational Justice thinking.

In each case the courts will refer a young person who meets the criteria to a local youth offender panel. The referral order will be available in both the youth court and the adult magistrates' court and will only be available in the Crown Court where the court is sitting in its appellate jurisdiction.

A CHALLENGING CONTRACT

The panel will invite to the first hearing, set up within 15 days of making the referral order, parents or guardians of the young offender together with the victim of the crime and his/her supporters, if the latter persons agree to attend. The panel is also free to invite other influential adults in the young person's life.

Before the panel meets for the first time the youth offending team (YOT) will contact the young person to conduct a risk assessment and collate background material on the young offender. The YOT will also contact the victim(s) to ascertain their willingness to attend, the terms of participation and the nature of reparation.

As part of the process of the panel meeting, the Chair will give all the participants an opportunity to express their views and feelings about the consequences of the offending behaviour and what steps need to be taken to prevent re-offending. Unlike a youth court, the young person will not be legally represented. Following the exchange between the parties the panel members will seek to negotiate a contract that is both challenging and realistic with the young offender. All contracts must include some element of reparation (e.g. an apology, financial reparation, and work to make good any damage or work for the benefit of the community). The panel may also add other requirements, which may be related to school attendance, being at home at specific times or addressing a drug problem through referral to a treatment agency.

The young person keeps a written record of

the contract, which reminds him of what will happen if he fails to meet his obligations. The contract is set for a period of up to twelve months. During that time, the local youth offending team is responsible for monitoring the



Jason Shenai

progress of the order and arranging for a final review session with the panel towards the end of the term. If the young person fails to meet the terms of the order, he can be taken back to the original youth court for re-sentencing.

In order to maintain confidence and trust between the referring court and the youth offending panels, the manager of the youth offending team is expected to provide feedback to the sentencer on the implementation of referral orders.

THE PACE OF CHANGE

Following Royal Assent for the 1999 Act, the referral order provisions will be introduced on a pilot basis from June 2000 for a period of 18 months, with a

view to making the provisions available across England and Wales from early 2002.

This major step in the Government's programme of youth justice reform builds on the Crime and Disorder Act 1998 which, in turn, set in motion the creation of youth offending teams and a panoply of legislative change in the youth courts. While all youth offending teams in England and Wales are intended to be fully operational from 1st April 2000, the pilot areas have only been in place for the past eighteen months. The issue, therefore, of the pace of change remains important with the radical reform represented by referral orders and the creation of panels.

The panels should look significantly different from the arrangements for the youth court magistrates' setting. We know that one member of the panel will be drawn from a youth offending team and the other two members will be recruited from local communities through a variety of means, including local press notices

and word of mouth. However, to do this properly requires time and imagination.

In addition, it is important that panels reflect the different ethnic, cultural and social backgrounds of the communities they serve. Furthermore, the issue of payment has not been sufficiently addressed. Whilst out of pocket expenses are available to panel members for training sessions and support meetings, it may be questioned whether this is sufficient to compensate a potentially able recruit from, say, an ethnic minority who needs a whole or part time job to maintain her family? There are dangers here of replicating recruitment patterns for youth court magistrates, with referral courts failing to attract a wide enough berth of applicants on the grounds of time and loss of income. This could undermine the success of the whole experiment.

Of particular interest to Relational Justice, the guidance notes make it clear that panel meetings are to be conducted in the evenings and weekends in accessible locations which are community based rather than located in the formalised world of the courthouse.

STANDING AT THE GATEWAY

Heavy emphasis is placed on training for panel members. In the first year, new members will be expected to go through training in excess of 70 hours with additional training for those taking panel leadership roles. The training is linked to a list of desirable competencies including knowledge of offending behaviour, working effectively as an individual and team members, and learning to communicate with all the parties attending a panel meeting.

I conclude with a word about the entry point of referral to the panel. The guidance restricts entry to first time defendants in a youth court who plead guilty. My fear is that the sweep may be too broad, embracing too many less serious offenders who could swamp the new proceedings. It is hoped in the light of experience that the

category of offenders who are eligible might be expanded to include offenders with a more persistent pattern of offending as currently happens in New Zealand. The panel meetings offer a unique opportunity of holding young offenders to account for their crimes. I believe

that the experience can be equally telling and powerful to the more persistent as well as the less serious offender. I hope that we will have this opportunity and pass through the gateway of Relational Justice.

John Harding is Chief Probation Officer of the Inner London Probation Service

"The Youth Justice and Criminal Evidence Act 1999 represents a milestone by providing an opportunity for relational justice."

"The youth offender panel meetings offer a unique opportunity of holding young offenders to account for their crimes."

A PARTNERSHIP FOR JUSTICE

Graham Giles explains the challenge of implementing Relational Justice amid social revolution



Romania and its region are societies living in a social revolution that encompasses hope and fear, danger and opportunity. Delinquency is an unavoidable part of this transition, which is exacerbated by the changing demographic nature of Central Europe and the adolescent population explosion. Abused or neglected children become street children and then institutionalised, delinquent and imprisoned children. Later they join the growing fraternity of homeless, uneducated, unemployable young adults. Post-soviet leaders, confused about their identity and with a tendency to blame the consequences of transition instead of finding a vision for reconciling fragmented communities, are uncertain about how to respond to the crisis of Balkan justice.

The growth of delinquency in most of Central and Eastern Europe is placing extreme pressure on institutions of law and order. Police forces, court officials and prison departments are caught between unprecedented demand on the one

hand and inadequate resources on the other. Existing penal institutions have reached saturation point. Romania has three times the number of prison inmates

per capita compared with Britain. Her throughput rises towards 100,000 annually with many on remand awaiting trial. This places an immense burden on an already fragile economy and has implications for long term social instability.

Anxiety about international terrorism, organised racketeering, commercial fraud and cross border illicit trade has also raised the profile of criminal justice in Central Europe. Five decades of misery, stagnation and isolation have taken their toll, expressing an acute need for fundamental reform. Indeed, it is impossible to create a new paradigm for justice without acknowledging the deep wounds inflicted by history. Transforming militarised police and penitentiary systems from an ethic of 'punish and destroy' to one of 'social inclusion' is not easy.

LIFE AND DEATH IN ROMANIAN PRISONS

Being arrested and held in a Romanian prison is a shock to anyone. For a child it is a horrifying experience and one almost guaranteed to cause extreme damage. Dormitories are overcrowded, with bunks stacked three or four levels high and frequently with two or three inmates in the same bed. A hole in the floor often serves as a toilet

whilst other sanitary, dentistry and pharmaceutical facilities are primitive. The cell boss is typically a muscular prisoner who rules without restraint and who has the power to grant or deny the most basic human rights. For some, self-mutilation is the only means of escape. Slashed wrists, swallowed razor blades and even disembowelment are all used to gain access to external medical care. Others seek psychological release by overdosing on painkillers, inducing hallucinations and kidney failure. Several prisoners died recently after drinking surgical alcohol that had been coloured with a poisonous chemical. Those who survive the experience carry home tuberculosis, hepatitis, scabies, venereal diseases and post traumatic stress disorders. The culture is one of arbitrary punishment without justice, which reduces the chances of subsequent rehabilitation.

Strange as it may seem, senior law-enforcement officers have a vested interest in maintaining overcrowding, even though this puts an intolerable strain on staff, inmates and social resources generally. The evils of over-crowding in Romania are legion. Overcrowding preserves the

need for higher security and therefore the need for military staff and it offers considerable scope for bribery at every stage, from arrest to parole. In addition, it inevitably encourages prison building, ensures limited reform and slows down the pace of change. It is a sad fact that any strategy for change in Romania, no matter how well meaning, intelligent or timely, is inevitably

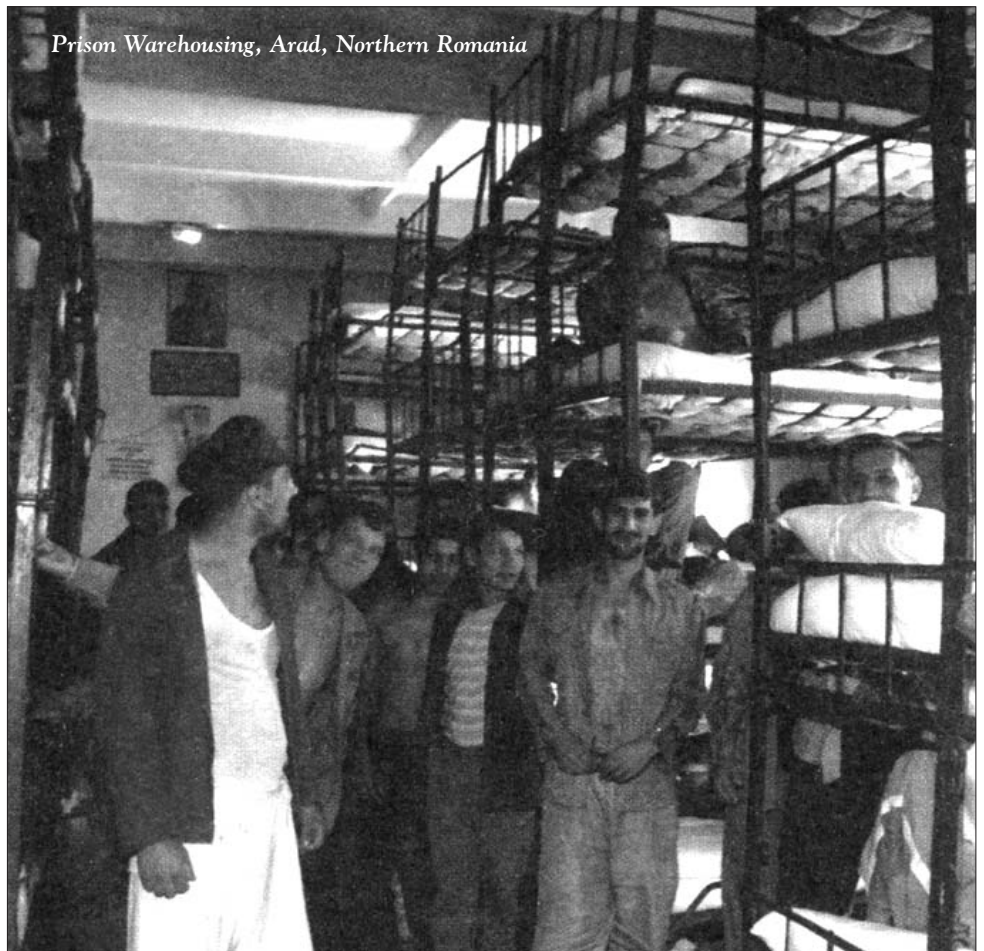
viewed by those inside and outside the penitentiary system with suspicion. Consequently, real reform demands an awareness of the continuing influence of powerful individuals who are sceptical or opposed to any serious legal or administrative reforms that they cannot directly control.

This is a real problem. How can a senior military officer support a path to demilitarisation that could lead to early retirement or to his replacement by a civilian magistrate? How can a prison commandant support the implementation of a form of probation that would result in fewer prisoners and the cancellation of lucrative contracts to build a huge new penitentiary? At a local level there are officers and sub-officers, who are understandably resistant to anything that

"Transforming militarised police and penitentiary systems from an ethic of 'punish and destroy' to one of 'social inclusion' is not easy."



Prison Warehousing, Arad, Northern Romania





could end their well-paid 'jobs for life'. New departures must contend with a noxious blend of corruption, self-interest, militarism and administrative inertia.

THE 'PARTNERSHIP FOR JUSTICE' PROJECT

There is no way forward in perpetuating the black legacy of Romania's totalitarian past. The solution must be found in achieving social reintegration, particularly for non-violent offenders. There are three main reasons for this. First, the main priority for law enforcement in terms of volume is first-time offending by children, juveniles and young adults. Second, restorative and community sanctions free the police and courts to concentrate on combating serious offending by known recidivists and the dangerous Balkan cartels. Third, alternatives to incarceration are urgently needed if we are to optimise the chances of demilitarisation, reform, European integration and professional development, as well as the success of democratisation, and anti-corruption initiatives.

Since the early 1980s the British charity *Europe to Europe* has promoted dialogue and professional co-operation between non-governmental and judicial agencies in Romania. The mission of its 'Partnership for Justice' project has been to implement and support professional legal reform in Romania. After several years of negotiations and co-operation with government departments and prison officers we have helped to establish a working model for a prison and community-

based probation service. Social Work undergraduates at Bucharest University can now specialise in Probation Studies. This will eventually become available as a distance learning course for students and practitioners from various disciplines. A Master's Degree in Probation will be launched in 2000. A new legal framework to extend the pilot probation scheme throughout Romania went before Parliament in October 1999. It is part of a series of initiatives designed to change attitudes, training procedures and practice and to revive Romania's former tradition of penological progress. Our focus is on securing social policy development alongside diversion from custody for minors, mothers and first-time offenders; the key to proficient judicial sanctions in the new millennium. Readers in other countries should take heart. If it can happen in Romania, it can happen anywhere.

Crucially, probation infers the replication of new relational dynamics, an inter-disciplinary and non-governmental partnership for justice which devotes a higher importance to solving social dilemmas than it does to punishing social deviants. By calling our new graduates 'probation counsellors' or 'community justice counsellors' rather than 'officers' we mean to emphasise the relational values of 'assist, advise and befriend' without negative militaristic overtones, whilst acknowledging the operational imperatives of protecting the public and potential victims.

At each stage of this project a relational response indicated the strong approval for genuine partnership and the sense of shared obligation to extend our collaboration further. Beginning with an offer of professional dialogue in 1991 the General Director of Prisons opened access to the most infamous and feared institutions when he signed and rubber stamped the first

"The next challenge is to create a safe relational network for extending this successful experiment."

approval of its kind in over 40 years. In subsequent years approvals followed for every requested programme involving penitentiary officers and prisoners, including tax exemptions to improve conditions through delivery of thousands of blankets, three ambulances, TB drugs, other basic pharmaceuticals and surgical equipment which the struggling

economy could not afford. Staff at the notorious Jilava Prison near Bucharest came to look at those boxes of medicine from the West with their own eyes, unable to believe that there were people who cared.

"Probation infers a new relational dynamic that devotes more importance to solving social dilemmas than to punishing social deviants."

A Secretary of State responsible for prison reform and anti-corruption policy in the Ministry of Justice asserted that "probation must be cut from the old bureaucratic, political and institutional outlooks" if it is to form "the core of a new paradigm of justice in Romania." Nevertheless, in order to be the focus of Relational Justice in Romania, probation must stay uncorrupted by the repressive bureaucratic, political and

institutional mentalities that prevailed before the Revolution in December 1989.

RELATIONAL JUSTICE AND SOCIAL REVOLUTION

The next challenge is to create a safe relational network for extending this successful experiment by scale and scope to

forty-one police and court districts and thirty-five prisons. Such programmes are making resocialisation for offenders and victims the focus for demilitarisation, anti-corruption and human rights implementation inside the overcrowded Romanian penal system. Recently the national police service has also expressed an interest in launching our concept of community justice alongside their initiatives in crime prevention. No-one should underestimate the significance of this in the Romanian context, not least regarding the treatment of ethnic minorities. As a totally new democratic feature in the social management and reintegration of offenders, probation has the potential to provide a



Ambulances donated to Gherla Penitentiary, Transylvania

creative relational interface for positive change in the police, courts, prisons and local authorities of Romania. It can restore community participation and is helping to establish again people's trust in the justice system. This is a crucial moment to ponder the choices for offending minors, juveniles and young adults as the neighbourhood of Europe moves capriciously into a new millennium.

Graham Giles is Director of the charity Europe to Europe and Associate Professor at Bucharest University responsible for Probation Studies, Community Justice Administration and Human Rights.

HOW NOT TO RAISE A JUVENILE DELINQUENT

Lisa Robson describes her experience of piloting the pioneering parenting orders



It is widely recognised that the effects of different child-rearing styles is an internationally recognised risk factor in youth crime, with neglectful or erratic parenting a predictor of potential persistent juvenile offending. It therefore follows that helping the parents of such children to develop better parenting skills may have a significant impact on curbing youth offending. U.S. research has shown that helping vulnerable parents to develop good parenting skills halved youth offending rates.¹

With this in mind, sections 8 and 9 of the Crime and Disorder Act 1998 ("CDA 1998") introduced the new 'parenting order'. This is designed to help and support parents to 'control' the behaviour of their children. The parenting order requires the parent or guardian to attend counselling or guidance sessions once a week, up to a maximum of three months, although the court can impose parenting orders for up to a year if they consider that additional requirements are necessary. In October 1998 a small Youth Offending team, made up of multi-agency professionals, was formed in Sunderland to pilot the new parenting order. This article describes our experience of piloting these pioneering orders over the past sixteen months. It is a key moment for reflection because the parenting orders go nationwide with the full implementation of the CDA 1998 in April 2000.

THE GUINEA-PIGS

In January 1999 we wrote to the parents of each child or young person on our caseload asking if they would like to voluntarily attend a parental support group, once a week for 8 weeks. All the parents had children who had committed at least one offence and were either on a supervision order, probation order, or post-custodial licence, or else they were in custody and we were delivering their throughcare plan. Eight parents responded – all women. We knew from our probation and youth justice experience of working with young offenders and their families that we were in a fortunate position to pilot a groupwork programme as team members. More significantly, the two group facilitators had already established relationships with the mothers.

Some parents soon got 'cold feet', however, and the core attendance settled at five women. Our aim was to deliver sessions that were

empowering and not punitive and we were delighted with the results of our initial group. Following the completion of the programme, two of the mothers got together the funding to turn an old Salvation Army building on their estate into a simple, 'no-frills' youth centre. The club still runs today and is managed entirely by volunteers who are parents. Any potential problems can be managed by parents who have usually known the teenagers since they were babies.

However, this initial group consisted just of volunteers. We then had to face the challenge of using the same service for parents who were ordered to attend our classes, while at the same time meeting the aim of preventing offending by young people.

POPULAR WITH SENTENCERS

The parenting orders were taken up by Sunderland Magistrates with surprising speed. Sentencers appeared to prefer the new legislation to fines and parental bindovers (where the parent is bound over for a certain amount of money on condition that the child does not offend again). This was an acknowledgement that direct work with parents could be a worthwhile disposal with real possibility of behavioural change. Since December 1998, Sunderland Magistrates court has made 93 parenting orders, 59 of which are currently operational (51 for females; 8 for males). 43 were made pursuant to Education Act 1996 Proceedings, where the parents have been prosecuted for their child's non-attendance. A further 16 were made in the youth court, where parents

"A strong relationship between the facilitator and the parent can be modelled by the parent to improve relationships at home."

were vulnerable and scared and could be verbally aggressive. The first news of a parenting order is often a terrible shock to parents. Yet many were also relieved; especially those who wanted help, but who for one reason or another did not receive it.

We found that a lack of understanding and genuine fear had kept the mothers – all of whom were compulsory attendees – away from the voluntary classes. Accordingly, the initial sessions are 'ice-breakers' and are designed for parents to feel accepted and not judged. They also provide an opportunity for facilitators to engage with any resistance. We learnt that the assessment process could be used to engage with parents, to identify their individual needs, and to give them the right kind of support. In Sunderland we assess each parent's suitability for either group or one to one sessions and we have offered some parents a combination of both.

'VERA VICTIM' OR 'EASY EDDIE'?

A key discovery is that the most effective parenting groupwork programmes are directly attributable to at least one group facilitator building a trusting relationship with each parent prior to commencing the programmes. This facilitator is a member of the Youth Offending Service staff. We found, for example, that one group only lasted three weeks because of the 10 mothers invited to attend, the facilitator had met only three of them. It seems that when it comes to modelling recommended relationships to parents, the

relationship between the facilitators and parents is key. If there is a strong relationship between the facilitator and the parent, this relationship can be modelled by the parent to improve relationships at home.

Parents are presented with extreme stereotypes of parenting styles, personified by "Vera Victim", "Easy Eddie" and "Positive Peter". They are helped to identify their own parenting style which may be a mixture of one, more or all of these stereotypes. By working through exercises in an experiential way, they are encouraged to move towards an 'authoritative' style of parenting (as opposed to an 'authoritarian' style). Characteristics of the recommended 'authoritative' style include: clear communication; personal responsibility; assertiveness; honesty and fairness. Parents are given the confidence to set clear, consistent boundaries within a firm structure and to give reasoned justifications to their children. As indicated a moment ago, central to this success is the ability of group facilitators to model the behaviour they would like to see repeated.



The Centre for Crime & Justice Studies

the compulsory nature of our involvement in their lives. Breach of the parenting order can lead to a criminal conviction with a fine of up to £1,000. We were faced with parents feeling angry, resentful, upset, shamed and feeling as if they had failed. They were particularly

We make it clear to parents that the YOS team is not there to punish them, but to support them in their parenting as much as possible. The idea is not just to help them to cope with difficult

"One of the fathers from our men's group started to praise his child for behaviour he wanted to see repeated."

children but also to encourage them to set up networks and mentoring schemes so they can help each other after the classes

come to an end. Questions may be raised, however, concerning the value of providing relational support without accompanying material support. Difficulties also remain with intransigence from partners or male heads of households who are resistant to the new ideas the women learn from the classes. Fewer fathers have so far been served with parenting orders than mothers.

The experience of working with parents in Sunderland has so far been predominately positive. One of the fathers from our men's group started to praise his child for behaviour he wanted to see repeated. The results were spectacular: his son now wants to spend more time with his dad because he thinks he has changed and he likes him better. Other fathers felt more involved in parenting because they had begun to *really* listen to what was being said without interrupting with questions and judgements.

THE NEED FOR PARENTING ORDERS

We have been at pains not to alienate parents. We have sought to be inclusive by offering a 'two-tier' programme. This aims to deliver as

much as possible on a voluntary basis and uses parenting orders only when it is clear that there is no other way to bring parents in. Many find the use of a statutory order repellent, yet it has motivated parents to attend who otherwise would never have come. The parenting order has also ensured that needy parents 'stay the course'. Voluntary attendees often 'dropped out' at crucial stages of the work; for example, when we began to discuss taking personal responsibility as parents and considered in-depth how our feelings affected our relationships.

Moreover, people who are ordered to attend do better than those who come on a voluntary basis. This is because

compulsory attendees tend to be less aware of help available and more open to change. And by giving the team

regular contact with many women in the community, the parenting orders have opened the eyes of local agencies to what life is like in those areas and to what the real problems are. In these, and in other ways, we have shown that by supporting and building on parents' current skills and promoting honest communication, relationships can improve. Parenting orders are here and the signs are that we can use them to tackle the underlying relational causes of crime.

"Parenting orders can be used to tackle the underlying relational causes of crime."



David Kidd-Hewitt

Lisa Robson was Youth Offending Team development officer with Sunderland Youth Offending Services until February 2000 when she was seconded to Barnardos SunGate Parenting Project.

¹ Home Office. 1997. *No More Excuses*. London: HMSO.



David Kidd-Hewitt

SUBSCRIPTION FORM

Annual subscriptions to the *Relational Justice Bulletin* are:

- £9.00 for individuals
 - £15.00 for organisations
 - £6.00 for students / unwaged
- (add an extra 25% for overseas)

☐ I wish to subscribe to the *Relational Justice Bulletin* and enclose a cheque/postal order, made payable to the Relationships Foundation, for:

- ☐ £9.00 (individual)
- ☐ £15.00 (organisation)
- ☐ £6.00 (students / unwaged)
- (add an extra 25% for overseas)

☐ I also enclose a donation of £ to support the work of the Relational Justice Project.

☐ Please send me more information about the Relational Justice Project.

☐ I would like to order copies of the book *Relational Justice: Repairing the Breach* (£11.00 each including P&P) and enclose a cheque/postal order for £

☐ Please send me more information about the Relationships Foundation.

☐ Please send copies of your free A5 publicity leaflet promoting the Bulletin.

Name

Address

Postcode

Return to: The Relationships Foundation,
Jubilee House, 3 Hooper Street,
Cambridge CB1 2NZ

The Relationships Foundation is a Registered Charity No. 327610

CREATING RELATIONAL COURTS

Nik Peasgood describes how better relationships have led to better justice in the Leeds Domestic Violence Cluster Court



Court treatment of domestic violence cases often fails to recognise the seriousness and complexity of these types of cases. Conviction rates are low and sentencing is variable. It was recognised in Leeds that although many agencies had devised domestic violence policies, justice did not seem to be working effectively.

In September 1997, Leeds held an inter-agency seminar for magistrates and court personnel. Monitoring the extent of domestic violence cases and the quality of information the courts had at their disposal were shared concerns. A multi-agency working group was established to investigate the logistics of a special 'domestic violence court.' The group recognised the gender-specific nature of domestic violence and the need for that to be acknowledged by the court. The working group consists of: Leeds Inter-Agency Project (Women and Violence); Stipendiary Magistrates; the Help Advice and the Law Team (HALT Domestic Violence); Clerks to the Court; Crown Prosecution Service; West Yorkshire Police; West Yorkshire Probation; Leeds Law Society and Stop Terrorising and Oppressing Partners (STOP). The group commissioned a 'counting exercise' at the beginning of 1999 to discover the likely number of cases and it immediately became clear that the numbers could justify a specialist court.

"The objective is courts working in a more relational way, in order to improve justice."

THE PILOT

The Leeds Domestic Violence Cluster Court was established in June 1999 to run for a pilot year. This innovative project, opened by the Home Secretary, Jack Straw, is the first of its kind in the country. The project is a good example of *Relational Justice* because its objective is a seamless, more co-ordinated approach to processing domestic violence cases that minimises distress to survivors and punishes perpetrators. It is about getting courts to work in a more relational way to improve the quality of justice. The advantages of this 'clustering' approach are widely recognised. Clustering cases into a specific court enables all the appropriate agencies to attend and provide up to date information. The police mark the charge sheet as 'domestic violence' and fill in a domestic violence incident report for each stage. This information is passed to the CPS and court listings. The CPS and magistrates

therefore have more information at their disposal, including relevant histories, related civil matters, child protection issues together with implications for bail conditions.

INTER-AGENCY WORK

The clustering approach also provides agencies with the opportunity to provide support to the women who have to attend, for example, through the presence of HALT workers. HALT Domestic Violence was set up as it was recognised that there is no statutory duty to inform the woman (who is often not only the survivor of domestic violence but

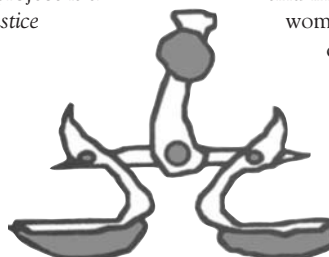
also the sole witness) how the case is progressing. HALT has multi-agency support and backing and it is the first such project in the UK to offer help, legal advice and support to women going through the criminal and civil justice systems. We attend the Cluster Court and offer, among other

things, support for any women that may be attending; up to date information to the CPS on the women's behalf; and monitor cases for the benefit of women who do not want to attend. In these and other ways we can ensure a better service. As the project is multi-agency, we have been able to monitor cases and outcomes, as well as design and implement training packages for the professionals involved.

The court has already, in its short time, increased the co-ordination of agencies involved in the prosecution of perpetrators and the support of women experiencing domestic violence. Giving women information empowers them to make

informed decisions, and with support and information from the outset, women are less likely to withdraw charges. This strengthens the work of the CPS and should result in more convictions.

A similar scheme in New Zealand helped to increase conviction rates by 90%. It is essential that we keep the Cluster Court and make it work more effectively, encouraging partner organisations and targeting punishment and support appropriately.



Nik Peasgood has worked with survivors of domestic violence, rape and sexual assault. She is Project Manager of HALT Domestic Violence, and is a member of the Domestic Violence Cluster Court Working Group.