YOUTH JUSTICE FAMILY GROUP CONFERENCES: DO RESTORATIVE MEASURES PREVENT RE-OFFENDING?

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Abstract
With the introduction of the Crime and Disorder Act (1998) in the UK, a shift in policy and in turn a developing interest in restorative programmes as a means of preventing youth offending and reducing recidivism was seen. This paper will draw upon the findings of the evaluation of the Hampshire Youth Justice Family Group Conference Project. It will examine issues around process; the extent that participants felt that the young person took responsibility for his/her actions, paid reparation to the victim/community and was reintegrated into their family/society. Finally it will discuss whether this type of restorative intervention is successful in reducing recidivism.

Background
For more than 300 years there has been a concern and fear over the state of juvenile delinquency. Society has gone from seeing children as ‘innocent angels’ to ‘demons or devils’. In 1816, as fears that young people were out of control escalated, the Society for Investigating the Alarming Increase of Juvenile Delinquency in the Metropolis published a report that would explain the rise in juvenile crime (Goldson, 2000). The report found that there were three principal ‘causes’: the want of education, the want of employment and inadequate parenting, and two further ‘auxiliary causes’; ‘defective’ policing and the ‘over-severity’ of the criminal code for children, which were responsible for the youth offending. However, it is recorded that the fear of crime at the time was the product of middle class irrationality and based upon unreliable crime statistics (Goldson, 2000; Brown, 1998).

In the UK today very little has changed, as the underlying causes of youth offending are found to be not dissimilar to those of nearly two hundred years ago: poor education, inadequate parenting and socio-economic deprivation (Farrington, 1989). What also has changed very little are the approach and intrigue that young people and delinquency create, as Muncie states:
What is it about ‘youthfulness’ or ‘being a teenager’ that appears to be a constant source of fascination and concern for politicians, media commentators and academic stylists? Why has this age group, in particular, been afforded such critical attention? The problem years of ‘teenage’ are usually delineated by the terms ‘youth or adolescence’, a period extending from an ‘innocent’ childhood to the ‘social maturity’ of adult... While ‘child’ and ‘adult’ are largely neutral terms [implying] what is generally viewed as a normative period in life, ‘youth’ and ‘adolescence’ usually conjure up a number of emotive and troubling images. These range from notions of uncontrolled freedom, irresponsibility, vulgarity, rebellion and dangerousness to those of deficiency, vulnerability, neglect, deprivation or immaturity (Muncie, 1999: 3).

Although the view of young people and children has always been of concern it was not until the murder of James Bulger in 1993, by two ten year old boys, that a fear that our children were out of control hit its pinnacle:

Ten years on, the Bulger murder was still being talked about as ‘iconic’ galvanizing a mistrust of youth in general (Muncie, 2004: 3).

As a result of the Bulger murder the political stance taken to prevent offending and re-offending by young people saw a radical development, and a system that traditionally espoused some elements of considering the welfare of young people moved dramatically to a draconian method of justice. The Prime Minister at the time, John Major, reiterated this stating, “society needs to condemn a little more and understand a little less” (Smith, 2003:32). However, this developing draconian stance although adopted by both the British and American governments was not typical of the international picture (Smith, 2003).

In New Zealand the concern about the number of Maori children being taken into care and involved in the justice system resulted in the introduction of a traditional Maori approach to conflict resolution which involves young people, their families and communities in a decision-making process. Family Group Conferences or FGCs as this process is known, was enshrined into legislation as the primary means of dealing with young people with care and protection and justice issues in New Zealand.

FGCs, and a variation on their theme, have been developed and adapted internationally, with schemes being implemented in Australia, the United States of America (USA), Canada, Sweden, Eire and the United Kingdom (UK), to name but a few. What has also become associated with this form of intervention is the notion of restorative justice (RJ), that each person affected by a crime should have a stake in resolving the issues created by it.

In the UK, following the introduction of the Crime and Disorder Act (CDA) 1998 the political stance on how young offenders in England and Wales should be treated moved away from a traditional European focus to one which offered a more internationally bifurcated approach. On the one hand there was evidence of a policy transfer from the USA, which condoned a crime control strategy, thus introducing “zero tolerance policing... curfews, electronic monitoring...the naming and shaming of young offenders and strict controls over parents” (Muncie, 2002:29). On the other hand there was evidence that policy had also been inspired by the Australasians’ relative success of ‘offender/victim participation and harm minimisation’ (Muncie, 2002:29) through the use of restorative justice.

**Restorative Justice**

As previously mentioned the concept of Restorative Justice (RJ) was imported primarily from New Zealand and Australia, although in some states of America RJ interventions were also being conducted. The ideologies behind RJ that crime is fundamentally a violation against individuals, that these violations create liabilities and as such obligations and that it seeks to heal and put right the harm done (Zehr and Mika, 2003:41-42), ultimately reflect the communitarian approach of the government. Restorative Justice also reinforces their crime control approach through the recognition that both young people and their parents/carers should take responsibility for offending behaviour.

The understanding of RJ was also supported through the development of Braithwaite’s reintegrative shaming theory (Braithwaite, 1989). This theory, which further endorses communitarianism, helped bring RJ greater recognition as it informs the very popular police-led restorative conferencing which, until the implementation of the referral order in 2002, was the most widely used form of RJ in the United Kingdom.

**FGC Development in the UK**

It has been reported by Lupton and Nixon (1999) that family group conferences have been used in Hampshire since 1992, following a visit, in 1990, from New Zealand practitioners who came to “share ideas and provide training” (pg72). This visit was supported by the Family Rights Group (an independent charity whose role it is to improve practice and the law as it relates to families) who took it upon themselves to provide further training events, literature and to establish a national pilot group (Lupton and Nixon, 1999).

It was through this pilot group that support and advice was given to developing projects, of which Hampshire was providing one. This initial pilot project, which was supported by Hampshire Social Services and was offered as an alternative to other child welfare interventions, was to be one of many projects to develop in Hampshire, over the following ten years.

Notwithstanding the vast amount of information that the publication of research into the UK pilot projects generated and the facilitation that this made of the increased interest in...
The aims of the project were that Youth Justice Family Group Conferences (YJFGC) were to:

- focus on the offence and its consequences for the young person, victim, family and reduce offending behaviour;
- give a voice to the victim, so that they are fully heard and valued;
- encourage young people and their families to take responsibility for their offending behaviour;
- encourage families to participate in decision making regarding their young person’s offending behaviour in order to prevent re-offending;
- support families in developing a plan that will assist their young person;
- reintegrate the young person back into his/her family and community.

The objectives were to

- reduce re-offending / level of offending;
- increase support for young people who are offending;
- increase victim satisfaction with the justice system.

The referral criteria were kept very simple and were based on those set for the two-year pilot study (Jackson, 1998). Thus the young person’s eligibility depended upon whether;

- they are 10 – 17 years of age;
- they make an admission of guilt;
- they are involved in an offence with an identifiable victim;
- the crime is serious enough for a community penalty;
- the young person agrees, in principle, to taking part in the FGC and, if available in court one adult family member agrees to participate in the conference.

Following the pilot phase, there had been a number of changes in the youth justice process, primarily through the introduction of the Crime and Disorder Act (1998), which resulted in a piloting of a Youth Offending Team. As a consequence of the Act, the government’s shift towards restorative justice, and the positive research that had come from New Zealand (Maxwell and Morris, 1993), it was decided to use FGCs for offences likely to result in a community penalty, in particular an Action Plan Order.

The Action Plan Order (APO) is a community penalty and therefore the seriousness of the offence needs to justify such an order being applied. The order runs for a period of three months and is imposed by the court if it is of the opinion that the rehabilitation of the young person will prevent re-offending. The order requires the young person to comply with an individualised action plan developed by a YOT officer. The requirements within the APO are unique to the young person but usually incorporate one or more of the following requirements:

FGCs across the country, their practice development has been limited (Lupton and Nixon, 1999). The reasons for the lack of take up nationally and internationally have been well recorded (see Maxwell and Morris, 1993a; Braye and Preston Shoot, 1995; Lupton and Nixon, 1999).

Hampshire, however, has been very committed to the FGC ethos and as mentioned, a number of other FGC projects have developed; these include education (see Holden and Crow, 2000), young people as carers (see Clarkson and Frank, 2000), youth justice (see Jackson, 1998 and McKenzie, 2000) and domestic violence (see Goehrish and Bright, 2000). All these projects are important in the development of FGCs in Hampshire and indeed have produced and are producing some interesting research data.

The interest of using FGCs in youth justice in England and Wales developed through the dedication of the National Association for the Care and Resettlement of Offenders (NACRO) which established an informal national steering group with a view to developing pilot initiatives. However, central funding at this time was not forthcoming and as a consequence a number of projects obtained local funding. Hampshire was one of these areas which found funding from the Rank Foundation, the Hampshire Probation Partnership Budget, Hampshire and Basingstoke and Deane Crime Prevention Panels, Social Services, the Prince’s Trust, and Smith’s Charitable Trust via the Hampton Trust. What developed from this funding was the pilot of the Hampshire Youth Justice Family Group Conference Project (see Jackson, 1998).

The research relating to youth justice FGCs is limited. The majority of the research is international and has been conducted by Maxwell and Morris (1993; 1999) and Olsen, Maxwell and Morris (1995). In the UK Jackson’s (1998) pilot project evaluation provides information on the FGC process and outcomes of a project being used as a diversion from court in England and Wales. Although both Maxwell and Morris (1993) and Jackson (1998) do discuss the restorative aspects of FGCs neither of them evaluate this particular aspect in any depth.

The Hampshire Youth Justice Family Group Conference Project.

The second phase of the Hampshire Youth Justice Family Group Conference Project began in April 1999 and finished in March 2002. Like the pilot phase the Hampton Trust managed the project on behalf of the funding multi-agencies. These were the Youth Justice Board, Hampshire County Council, Southampton City Council and the Isle of Wight Council with the total funding in the first year of the project having been provided by the YJB. However the ratio of funding altered over subsequent years.

The research across the country, their practice development has been limited (Lupton and Nixon, 1999). The reasons for the lack of take up nationally and internationally have been well recorded (see Maxwell and Morris, 1993a; Braye and Preston Shoot, 1995; Lupton and Nixon, 1999).
The young person is obliged to meet with a responsible officer, usually a member of the youth offending team and not only to observe the requirements stipulated in the order but also to comply with any directions given by the YOT officer.

The Crime and Disorder Act stipulates that prior to the order being passed, a written report by a member of the YOT should be presented to the court. The report itself should be an indication of the requirements that will make up the order, the benefits of them to the young person and also the perspective of the young person’s parents/guardians to the proposed order.

The positioning of the FGCs at the APO stage was decided upon as Youth Offending Team draft guidelines regarding the use of the new orders recommended the use of FGCs at this point of intervention. It was felt by the Hampton Trust and YOT management that a FGC could be used to help inform the written action plan report (APR) to be presented to the court prior to its commission. It was envisioned that this process would empower the young person and his or her family and promote a commitment to the APO and therefore make compliance more likely.

The allocation of young people to the project was on a first come first served basis, following the satisfaction of the referral criteria mentioned above. It was anticipated the project would conduct 150 conferences; this estimate was based both on experience from the pilot project and on the funding capacity. However, this was not to be realised as only 44 referrals were made to the Project.

The FGC, as discussed, was used to inform the action plan report and therefore to enable the FGC to take place within the traditional punitive system a rather complicated process had to be arranged. The process was reliant upon the magistrates’ court agreeing to two adjournments in order for the FGC to take place and the APR written. This element of the process proved particularly difficult to arrange as the youth justice system has a requirement to ensure that all young people pass through the system within seventy-one days - from arrest to sentencing, known as ‘fast-tracking’ (Narey, 1999). Thus it was imperative that magistrates understood why the adjournment was being requested and why it was deemed to be necessary.

The Evaluation Of The Hampshire YJFGC Project

The research period was April 1999 to October 2001. The method used to evaluate the impact of the project upon re-offending behaviour was a comparative mixed-method approach, involving both quantitative and qualitative data. It was decided that due to the ‘real world’ context of the research randomisation and thus an experimental design would not be possible. There would however be a comparison group between those receiving and those not receiving the FGC intervention, although it must be acknowledged that this would not enable comparing like with like but could assess similarity between the two groups. The comparison group arose from referrals made to the Project, in cases where, through an informed decision being made by either the young person or his or her parent or guardian decided not to have an FGC. All of the comparison group were eligible to be included in the research group.

Research Design

All the participants involved in the FGCs received a brief self-completion postal questionnaire. The young person was given a questionnaire, prior to the FGC, which dealt with issues regarding his or her feelings towards the crime, the victim and how it had affected his / her family. Following the FGC all the participants, the young person, family members/ friends, the victim, professionals and YOT officer were given a questionnaire to complete and send back to the researcher. These questionnaires concentrated on restorative, process and satisfaction issues. The magistrates presiding over the case were also given a postal self-completion questionnaire following the young person’s return to court for sentencing. This asked questions relating to the impact of the FGC upon the young person and future offending behaviour and whether they were satisfied with the plan that the conference had generated. In total 118 questionnaires were returned completed.

<table>
<thead>
<tr>
<th>Questionnaire</th>
<th>Returns</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young Person’s questionnaire – Pre-conference</td>
<td>17</td>
<td>57</td>
</tr>
<tr>
<td>Post-conference</td>
<td>15</td>
<td>50</td>
</tr>
<tr>
<td>Victim’s questionnaire</td>
<td>9</td>
<td>82</td>
</tr>
<tr>
<td>Parent/family questionnaire</td>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>YOT Officer’s questionnaire</td>
<td>15</td>
<td>52</td>
</tr>
<tr>
<td>Professional’s questionnaire</td>
<td>18</td>
<td>60</td>
</tr>
<tr>
<td>Magistrate’s questionnaire</td>
<td>16</td>
<td>20</td>
</tr>
</tbody>
</table>

Table 1: Breakdown of questionnaires returned.
For each of the FGCs there was also a number of different kinds of data collected, for example, referral forms, case histories and baseline data forms. The researcher also actively carried out field research by attending a sample of the FGCs; the purpose of this function was that it enabled a content analysis of the proceedings to be conducted. The relationship between family members and the young person was observed, as were the dynamics between the offender and the victim, if he/she had attended. It was also an opportunity to evaluate the effect of the victim input, face-to-face contact vs. letter etc.

In order to evaluate the impact of the FGC, in particular the criminal activity between youths attending a FGC and those having a court case only, data was collected from a comparison group. This comparison group was made up from the young people who had a referral made for a FGC but for whatever reason did not participate in the intervention.

**Research Findings**

**The Questionnaires and Baseline data - Background**

Both groups of referrals were representative of the national picture (Heidensohn, 2002) relating to gender and offending, as the majority of them were male. The average age of the young people in this research was 14.7 years for the FGC group and 14.2 years for the comparison group with the majority of those opting for an FGC living with just one parent rather than in a ‘traditional’ nuclear family. This tends to suggest that young people from single parent families were more inclined to accept the help of their wider family if the opportunity became available.

Both the FGC and the comparison group had comparable offences leading to the referral, however, this was in contrast to the findings in the pilot project (Jackson, 1998) where the FGC group consisted of slightly more prolific offenders. When comparing offences, which led to the FGC, those committed in Jackson’s study were not as serious as those committed by the referrals in this phase of the Project. However, this was to be expected as this phase of the Project was situated within the justice system rather than a diversion to court. Also due to the changes in legislation by replacing police cautions with the reprimands and the final warning, followed by the prosecution of the young person when they committed another offence, evidence suggests that young people are being pulled into the system and receiving higher tariff sentencing much earlier on in their offending careers than previously was the experience (Smith, 2003; Austin and Krisberg, 2002).

The average number of family members who attended the FGC was four and on average three professionals attended. In one case there was no professional representation and in just five cases the professionals outnumbered the family members. This is a contrast to previous YJ FGC research findings as Jackson (1998) found that in all but one of the cases the professionals slightly out numbered or equalled family members. International research also suggests that in New Zealand early practice showed that youth justice FGCs were less well attended by family members than welfare conferences (Thornton, 1993). However, this study mirrors the findings of research conducted in child welfare conferences where the ratio of professionals to family members is on average 2:6 (Marsh and Crow, 1998).

From the total 30 FGCs convened just over half (57%) had some form of victim representation, 30% of this being directly from the victim. Those who did not attend were victims of violent offences and indirect victims such as shoplifting. The victim representation is comparable with that found by Morris and Maxwell (1993b) who had a 51% representation but a higher direct attendance of 44%. The evidence from other restorative interventions tends to suggest that internationally victims are willing to meet their offender (see Hayes, Prenzler and Wortley, 1998: Strang, Barnes, Braithwaite and Sherman, 1999). Notwithstanding this evidence internationally, nationally victim uptake tends to be low as the pilot of the referral order reports (5% uptake: Crawford and Newburn, 2003) and as the research on the pilot of the youth offending team also indicates (Holdaway, Davidson, Dignan, Hammersley, Hine and Marsh, 2001).

**The Process**

The FGC as an environment in which the young person’s behaviour could be challenged appeared to have worked well in the perception of most participants. However, in respect of having a choice in attending the FGC young people felt much less empowered than other participants. In contrast, all victims present at the conference felt that they had a choice whether to attend or not.

In all other aspects of the process, most of the young people had a positive experience, being allowed to say what they wanted to say; being listened to; what they said being taken notice of; being treated well by others, and being happy with the plan. This too is consonant with the findings of both Jackson’s 1998 study and those found in the welfare and New Zealand youth justice research (Morris and Maxwell, 1993b; Marsh and Crow, 1998).

**Feelings About the Crime**

From the outset of the research it was apparent that there were very few ‘hardened’ attitudes towards crime among the young people. Most of them were fully aware of the wrongness of their behaviour and were neither pleased nor happy about the way they had acted. Rather than feeling proud of the offence they had committed, mostly they felt ashamed and sorry about the crime and most recognised that the crime they had done was bad.

On the whole, this awareness of themselves and the crime continued largely unchanged during the conference experience. However, bearing in mind the small numbers involved and consequently the difficulty in identifying trends, there were slight shifts. For example, following the FGC fewer young people thought that their crime was bad (80% post FGC
Reintegration

Reintegration of the young people back into their families and into the community is in part founded upon them having adequate self-esteem. Interestingly the data showed that there was a similarity in how the young people felt they were treated and how they felt about themselves during the conference. As 80% (12 of 15) of them felt like they were bad as everyone knew what they had done and similarly this 80% felt like they were treated as a bad person during the conference. However, over half of the young people (53%) thought of themselves as a 'bad' person before the conference, whilst after the conference only one third felt this way, thus indicating an improvement in self-image among the young people and as such some reintegration would have taken place.

Reintegration back into the community is premised in part by how others see the young people. Almost all the family members (96%) were of the impression that the conference did not treat their young person as a 'bad' person, which is a contradiction to how the young people perceived themselves to be treated. However, self-esteem is an important aspect of reintegration and even though the family members felt that the experience was positive, it would be how the young people feel that would affect their reintegration.

Before the conference most of the young people cared what the victim and others thought of them, indicating that there was a level of sensitivity among the young people on which to build. The majority of the young people sensed that their family/carer was upset by their crimes, however, most of them did feel that their family/carer cared for them during the conference and that they had been forgiven by them by the end of the conference. The forgiveness, by the family and community, is extremely important in the shaming process as Braithwaite (1989) suggests that if the shaming is negative and the young person feels that they have been forgiven and accepted then the shaming will be reintegrative and positive. However, if the young person feels that they have not been forgiven and accepted then the shaming will be deintegrative and negative outcomes are likely.

Reparation, Restitution and Responsibility

A further indication for the effect that the FGCs had on the young people relates to the victim participation within the conference. Of the 15 young people in the post conference survey sample, ten had some sort of victim representation at their conference. Before the conference, only 65% (11 of 17) of the young people expressed a degree of interest as to how their actions had affected the victim; forty-five percent (six) had 'not really' given it a thought, suggesting a certain ignorance or dismissiveness among the young people. At the same time, most young people (82%: 14 of 17) cared about how the victim of their crime felt about what they did and most of the young people also indicated that they would like to be able to say sorry to the victim of their crime. This tends to show a deficit between the feelings for others and feelings for themselves, the latter being the stronger one.

However, following the conference there was a change in feeling of the young people as now a larger proportion (80%: 12 of 15) stated that the conference had made them more aware of how their actions affected other people, thus enabling them to take some responsibility for their behaviour. Notwithstanding the small numbers of young people involved in this study and the lack of a control group this is a positive development in itself.

In the context of the families’ understanding of responsibility, most family members felt that their young person was held adequately accountable for the crime and understood the impact of their actions on others. With regard to the plan and the reparation aspect of it there were positive feelings towards it from the young people and their family members. While 80% of the young people felt tentatively (‘yes a little’) positive about the conference, 73% felt ‘a lot’ and a further 13% ‘a little’ positive that the plan would make up for their crime. Just over three quarters of the family members thought that the conference had allowed their young person to repay the victim for the harm the offence caused as 56% felt that the content of the plan would make up for the crime.

It is clear from the findings that the experiences gained by the young people undertaking a FGC were positive and that the FGC enabled the young people to take responsibility for their behaviour and to think about how this behaviour affected others. It is also apparent that the FGC is a good environment in which the young person can attempt to recompense for the offence and that having the acceptance and love of their family and professionals is a good resource with which to reintegrate them back into their family and community. The evidence suggests that the process certainly made the young people think about the crime and the victim, which it can be argued is less likely to happen when a traditional court case is held, especially when through the fast tracking system where there is very little victim input.

Re-conviction Rates

Broken Down into 12 Monthly Periods

All the young people who were referred to the Project were included in the re-conviction study. The data was collected by Hampshire Police and began in October 2001. The time span for the re-conviction rates is between three and 24 months (October 1999 - July 2001) the date being taken from the young person’s return to court for sentencing for the FGC referral associated offence. As the time span is large, the data will be presented initially in two segments, 24 - 12 months and 12 - 3 months, before it will be looked at in its totality.
There were 21 referrals made from October 1999 to October 2000 (24 - 12 Months). Ten of these referrals proceeded to FGC and 11 did not (see table 2). For the cases which did not proceed, the re-conviction data shows that all 11 (100%) young people have been re-convicted of an offence. Three have been re-convicted once, four re-convicted twice, two re-convicted three times, one re-convicted four times and one re-convicted five times. Four of this group also have impending cases. Further examination of the data showed that four of the cases re-convicted committed offences, which scored higher on the gravity score chart for offences, five committed offences of a similar score and the remaining two committed offences of a lesser score.

However, the re-conviction study shows that five (50%) of the ten FGC group were not re-convicted. Of the remaining five that were, two have been re-convicted once, two twice and one four times. Two of these also have impending cases. In all but one of the cases, which has been re-convicted, the offences are of a lower gravity score. The young person who committed four further offences however, committed offences of a higher gravity score.

Table 2: Re-convictions October 1999 to October 2000

<table>
<thead>
<tr>
<th>Number</th>
<th>Number of times re-convicted</th>
<th>total re-convictions</th>
<th>total cases pending</th>
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</thead>
<tbody>
<tr>
<td>Referrals</td>
<td>21</td>
<td>5*</td>
<td>2</td>
</tr>
<tr>
<td>FGC</td>
<td>10</td>
<td>5*</td>
<td>2</td>
</tr>
<tr>
<td>Non FGC</td>
<td>11</td>
<td>0</td>
<td>3*</td>
</tr>
</tbody>
</table>

*one case pending

During the period November 2000 to October 2001, twenty-three referrals were made (see table 3). Only three of these did not proceed to FGC. Of these three one has been re-convicted and two have not. The re-convicted case has been re-convicted only once and has a case pending.

Table 3: Re-convictions November 2000 to October 2001

<table>
<thead>
<tr>
<th>Number</th>
<th>Number of times re-convicted</th>
<th>total re-convictions</th>
<th>total cases pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referrals</td>
<td>23</td>
<td>5*</td>
<td>4**</td>
</tr>
<tr>
<td>FGC</td>
<td>20</td>
<td>15*</td>
<td>4**</td>
</tr>
<tr>
<td>Non FGC</td>
<td>3</td>
<td>2</td>
<td>1***</td>
</tr>
</tbody>
</table>

* 7 of the 15 have a case pending
** 3 of the 4 have a case pending
*** has a case pending

Of the 20 cases which proceeded to the FGC 15 had not been re-convicted and five had. Of the 15 not re-convicted seven had cases pending, all for offences of a similar or lower gravity score. Four of the FGC cases with re-convictions had only been re-convicted once (similar or lower gravity scores) and one had been re-convicted three times (committed an offence with a higher gravity score). Only three of the five re-convicted had cases pending.

Re-conviction Rates in Totality

The re-conviction data can be presented in two ways. Firstly as straight re-conviction information and secondly with those who have cases pending. The plain re-conviction data of the young people who had a FGC indicates that 20 (67%) had not been re-convicted, six (20%) had been re-convicted of one offence, two (7%) of two offences, one (3%) of three offences and one (3%) of four offences (n=30).

For the comparison cases only two (14%) had not been re-convicted. Four (29%) of the cases had been re-convicted once, four (29%) had been re-convicted twice, two (14%) three times, one (7%) four times and one (7%) five times (n=14).

Re-conviction Rates Exclusive of Pending Cases

If these figures are looked at in isolation there is a reduction in re-conviction of 53% for the young people who received a FGC compared to those who had the traditional court method only. When conducting a chi-squared analysis this result is proven to be statistically significant and that there is a relationship with the FGC and the absence of subsequence conviction (Chi-Sq 10.476; p=0.0001).
Reconviction and Pending Cases Together

When the impending cases are taken into consideration the re-conviction rate of the FGC cases changes (see table 4). What is apparent is that eight of the young people who had not been convicted since their FGC, had cases pending, thus 12 (40%) cases had not been re-convicted or had any cases pending and 18 (60%) had either been re-convicted or had cases pending. As neither of the two young people who had not been re-convicted, from the comparison group, had any cases pending the re-conviction statistics for this group remained the same (12 (86%) had been re-convicted and two (14%) had not).

These figures show that there is still a reduction in re-conviction however it has been reduced to 26% and is no longer statistically significant (Chi-Sq 2.909; p = 0.084).

Table 4 The Number of Re-convictions and Impending Cases for Both the FGC and Comparison Cases.

<table>
<thead>
<tr>
<th>number of re-conviction</th>
<th>FGC Attendees</th>
<th>Non-FGC Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>with re-conviction</td>
<td>with pending cases</td>
</tr>
<tr>
<td>0</td>
<td>20 (67%)</td>
<td>8 (67%)</td>
</tr>
<tr>
<td>1</td>
<td>6 (20%)</td>
<td>3 (25%)</td>
</tr>
<tr>
<td>2</td>
<td>2 (7%)</td>
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<td>4</td>
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</tr>
<tr>
<td>5</td>
<td>Nil</td>
<td>nil</td>
</tr>
<tr>
<td>Total</td>
<td>30 (100%)</td>
<td>12 (100%)</td>
</tr>
</tbody>
</table>

Overall Re-conviction Rates

When considering all those who had re-'offended' (both those re-convicted and with pending cases over the total period of data collection, Oct 1999 to end of October 2001) the picture shows that there are 29 instances of re-offending among eighteen FGC attendees (or 1.6 offences per FGC attendee) and 32 instances among twelve in the comparison group (or 2.6 offences per young person who did not choose a conference). However, there is no statistically significant difference in the likelihood of individuals committing more than one offence (Mann-Whitney U; 69.000; p = 0.104).

Overall, there is mixed evidence. Looking at those free of convictions alone there is an indication that FGC attendance is connected with reduced likelihood of offending per individual compared with those who chose not to attend a conference. However, taking into account cases that are pending and overall numbers of re-convictions in each of the two groups, no significant differences are found.

Conclusion

This research has shown the FGC process to be a very individual and differing experience for all those involved. The degree to which the participants were able to engage with the process depended upon a number of factors including the skill of the co-ordinator and the ability of the young person and family members to deal with particular problems and issues. The FGC process empowered family members, the young person and the victim by affording them greater control over decisions about how the offending behaviour was dealt with and how reparation was made. Thus empowerment, "enabling the formerly powerless to exert at least some measurement of control over their lives" (Holdsworth, 1991:12), was achieved.

Although it was not possible to use a randomized controlled study in order to make explicit comparisons between a control group and the FGC group the research still produced some interesting findings in relation to how the FGC affected the young person's self-belief and feelings towards their offence and victim. In most instances this was a positive outcome in particular in relation to how the young person felt about his or her victim and developing an understanding of how his/her behaviour affects others. All the participants, including the victims and magistrates, felt that the FGC process enabled the young person and his or her family to take responsibility for the offending behaviour. This is an important aspect for testing restorative principles. In fact this research found that the FGC process was an excellent medium in which the principles of the Restorative Justice Consortium could be met, despite the often conflicting aims of the justice system and the new public managerialist agenda.

The re-conviction data for this Project have been comparable with those of other national and international FGC Projects (Jackson, 2001; Morris and Maxwell, 1993 and 1999) and indeed with those found in other restorative schemes (Sherman, Strang and Wood, 2000; Hoyle et al, 2002). However, it should be acknowledged that it is difficult to compare one initiative with another particularly if they are taking place within a disparate justice system, the cases included represent dissimilar or an increase in severity of the offences committed and the positioning of the Project within the justice system is different.

The County of Hampshire has remained committed to providing Family Group Conferencing in a variety of settings including child welfare, domestic violence and education. The Hampton Trust continues to provide a youth justice FGC intervention, which is purchased as required by the referring organisation. Since the completion of the second phase of the project the Hampton Trust has decided, based on the evidence.
provided from the wider research (see McKenzie, 2002), that it would offer FGCs in and around the justice system, with a view to:

Providing group support facilitation with an offender between 10 and 17 years of age, or a young person at risk of or who has been excluded from school, the young person’s family and the other organisations involved, helping to ensure a co-ordinated and participative response is delivered (Hampton Trust, 2005: 19).

It is clear that the Hampton Trust, as well as pioneering the introduction of YJFGCs in the UK, also sets a good example in its continuing commitment to FGCs and can adapt their format of delivery depending upon the political climate.

The development of the youth justice system is on-going and the use of RJ to manage and deal with youth offending should be considered as a progressive move towards reintegration and acceptance of young people, whilst offering community justice. However, while the media are portraying that young people are evil and continues to vilify them and the government response is to act in a manner that reinforces such assumptions, such as the anti-social behaviour order, then there is the likelihood that young people will be ostracised further.

Although the Youth Justice Family Group Conference Project research was completed in 2002 this research provides a unique insight into the use of FGCs within the English and Welsh youth justice system, something that had not previously been conducted and which has not yet been replicated since that time. The research provides an understanding of the difficulties that can arise when introducing an initiative, such as this, simultaneously with a large piece of legislation, such as the Crime and Disorder Act 1998 and highlights the effects that this has on conference participants and professionals alike (see McKenzie, 2002). As such it can and should be considered a useful and informative contribution to our understanding of community restorative justice.

It is important to remember that when discussing youth crime and the youth justice system, either as academics or as policy setters, we are discussing the future lives of our society. It is easy to become blasé about such issues and make suggestions that are beneficial to statistics and devoid of any emotion. However, in the words of one 14-year old boy, what is required is for us to be:

Caring people. People who . . . realize that a lot of kids get mixed up in things without realizing it and get into a lot of trouble. They need to see what I am inside . . . to see kids for what they are and not just what they’ve done (Quoted in Goldson, 1995: 15).

End Notes
1 The Hampton Trust works in partnership with statutory and voluntary organisations. Its aim is to develop and manage innovative projects focused on reducing crime and its impact by working with offenders, victims and the wider community.

References


RESTORATIVE JUSTICE IN SCOTLAND: AN OVERVIEW

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Abstract
This article outlines the current provision of restorative justice processes in Scotland. There is policy for restorative processes in the youth justice system, and services are provided throughout Scotland. There is a high-level commitment by the Scottish Executive to restorative justice processes in the adult criminal justice system; however provision of these services is limited to the diversion from prosecution stage in 5 of the 32 Local Authority areas, and the pre-sentencing and post-sentencing stages on an ad hoc basis. The amount of people who have engaged with restorative justice processes at the diversion stage, and come to a satisfactory resolution, suggests that this is a viable option for dealing with minor crime. Although small scale, the use of these processes at the pre-sentencing and post-sentencing stages demonstrates their feasibility and shows that there are benefits for those involved. We conclude that restorative justice processes address a need on behalf of people harmed and people responsible for harm and they make an important contribution to justice. We suggest that making restorative processes available at the various stages of the criminal justice system is a feasible way in which the Scottish Executive could meet its high-level commitment to restorative justice.

Introduction
International research has illustrated some of the benefits of restorative justice processes as additions and / or alternatives to adversarial court and criminal justice systems. Scottish Executive policy supports the use of such processes, and they are well established in the youth system, however there is currently only limited provision of services for adults responsible for committing crimes or people directly affected by adult crime in Scotland. This article attempts to outline the provision of such services and the associated benefits.

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