

# Programs to rehabilitate young offenders



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The intent of this dissertation is to explore the current shaping of the youth justice system and also to explore the programs that are in place to help rehabilitate young offenders who have been placed in young offender institutes. This research will discuss and examine the effectiveness of these programs put in place for young people who are in custody to help prevent them from re-offending once they are in the community.

In 2006 the number of prisoners under the age of 21 years in England and Wales stood at 11, 672 and 2, 528 of those were children (juveniles). In the past decade or maybe more the number of children and young people entering the penal custody in England and Wales has increased very significantly. It is believed that at least 85 percent of juvenile prisoners are held in Young Offender Institutions (YOI). Young offender institutes are described as specialist penal facilities which are usually managed by the prison service. These institutions are designed for prisoners aged 15-20 years. In these institutions male juvenile prisoners these are from the ages of (15-17 years) are normally detained separately from young adult offenders those who are 18- 20 years old. There are some exceptions to this rule which can at times be applied to female juvenile prisoners (Goldson and Muncie 2006). In England and Wales there is a total of 17 young offender institutes and 13 of those establishments are for males and the remaining 4 are dedicated for females up to the age of 17 years ([www. yjb. gov. uk](http://www.yjb.gov.uk) ).

There are so many explanations which come in to light when it comes to the rise of crime among young people. The aim of the writer is to explore and evaluate the true prevalence youth re-offending and the issues and risk factors that underpin the rehabilitation of people in custody and how

effective the rehabilitation programs put in place for young people are.

Firstly the literature review will consider relevant viewing the topic of the current model and thinking of the youth justice system. It will also begin by looking at the history of youth imprisonment. Chapter two will explore the programs in place for young people in custody geared towards their rehabilitation. Chapter three will describe and analyse the methodology used in acquiring data. In the fourth chapter the writer will evaluate the rehabilitative programs/the initiatives found in young offenders institutions. The writer will conclude by discussing and summarising the findings and making and future recommendations for future practice.

## **PART TWO: LITERATURE REVIEW**

The main legislation governing the youth justice system is the Crime and Disorder Act 1998, which sets out the system's primary aim which is to prevent offending and re-offending by children and young people. The 1998 Act developed the Youth Justice Board and also the Youth Offending Teams which can be found in every local authority in England and Wales. It is the belief that the main aim of the youth justice system is to prevent offending and re-offending by young people and children (National Audit Office, 2010).

It is said that there are four arguments which are put forward for the use of custodial sentencing for young people these are Rehabilitation, Deterrence, Incapacitation and Retribution. Bateman et al (2005) suggests that the argument for Rehabilitation is that the prison should be able to deal with the underlying problems in a way that offenders who remain in the community can not be dealt with. Deterrence it is claimed has both individual and general forms. It is suggested that the presence and use of custodial

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institutions will prevent young people from committing crimes that might send them to serve custodial sentences. According to the individual form it is expected that custody will discourage those who experience it from committing any more crime so they can avoid further incarceration.

Incapacitation is an argument which proposes that if young people who offend are removed off the streets, then they can not offend and so youth crime will reduce. Retribution is an argument which is sometimes used as a rationale for the use of custody. The person who commits the crime is made to pay for the crime they committed. However it is the belief that there is little effect in punishment unless it changes a person's subsequent behaviour (Bateman et al, 2005).

### **Exploring the legislative history of youth justice and the development of the youth justice practice from 1997 onwards.**

Until 1908 there was no separate court which dealt with young offenders. The children act 1908 was developed and this led to the creation of the juvenile courts, however these courts were presided over by the same magistrates who sat in the adult courts and their formation showed very little understanding of the reasons why children and young people commit crime and also that the needs of children and young people who stand before the courts may be different from those of adults (Dugmore et al, 2006).

According to Dugmore et al (2006) it was stated that it could be argued that there was some confusion which arose at the inception stage between the different approaches which needed to be used when dealing with those children and young people who had committed offences and also those who

where just in need of care. The 1908 Children's Act gave the court authority over both care and criminal issues. Due to the judicial body having control over both the "depraved" (criminals) and the "deprived" (children in care) this Act gave birth to the system paying more attention to the process of distinguishing between the different types of young people who came before the juvenile justice system and by difference we mean those young people who deserved to be punished and those young people in need of help and care.

The next momentous piece of legislation is the Children and Young Persons Act 1933. Goldson (2008) stated that: "This Act aimed to strengthen certain enactments relating to young persons under the age 18 years in particular and The Children and young persons Act 1933 acted and revised measures relating to the protection of and employment of children generally and to criminal proceedings in particular".

According to Dugmore (2006), the Act was passed as a result of the Maloney committee (Home office, 1927) which contained a blend of positivist and classicist explanations in children and young people. In this report, it was stated that law breaking was seen as a deliberate act of defiance, which had to be dealt with in the formality of the court and its Sanctions. However, it is recognised that delinquent behaviour may be caused by environmental and psychological factors that were beyond the young person's control.

The 1933 Act played an important role in establishing what became known by many professionals such as social workers and others as the "Welfare principle", however, Goldson (2008) suggests that much of this large and

important legislation has since been transformed or discontinued. Even though this seems to be the case some of the sections of this 1933 legislation is still valuable and better still a majority it was very much still in use until recently.

Section 44 of the Act is still regarded as very important for children and young people in court proceedings this is because it states in this section that the court “ shall have regard to the welfare of the child or young person who stands before it” this principle also applies to the crown prosecution service and it is considered to be a weak principle compared to the “ paramouncy principle” which is in 1989 Children Act. It was sated in this Act that the child’s welfare must be the factor which determines the court’s decision when it comes to the upbringing of a child (Goldson, 2008).

Goldson (2008) stated that it was suggested that the duty to “ have regard” means that consideration is provided with regards to the interests of the child or young person, the crown and youth magistrate’s courts can legally give precedence to other interests such as the need to prevent re-offending and to protect the public. However, this legislation stressed the need for the Juvenile courts to deal with children separately and whilst treating them differently.

The Ingle by Report (1960) which is known as the report of the Home Office Departmental Committee on Children and Young persons was responded to by the Government through the introduction of a new piece of legislation which is the Children and Young persons Act 1963 and this legislation is mainly applicable to England and Wales. There are two provisions of this act

and number one is concerned with the age of criminal responsibility meaning the minimum age of which a child may be charged with a criminal offence. In this report, it was recommended that age for criminal responsibility in both England and Wales should be raised from “ 8 to 12” years with the responsibility of a further rise to “ 13 to 14” at some time in the future. However the then Conservative government refused and by way of compromise increased the age of responsibility to 10.

The Children and Young Persons Act 1969 according to Pickford (2006) is considered to be the most welfare orientated established with regards to the treatment of juvenile offenders. This Act was introduced by the Labour government which was in power at that time. It is stated that some of the more welfare orientated provisions of the Act such as the proposal to allow local authorities to deal with juvenile delinquents by using methods such as supervision, arranging care and raising the age of criminal responsibility to 14. These proposals never came into force due to the incoming Conservative government which refused to implement these ideas, however during that same period in Scotland there was little opposition to the “ Welfare Model” of youth justice as proposed by the Kilbrandon in Scotland (Home office, 1964) as cited in (Pickford, 2006).

The 1969 Act granted the criminal court the power to pass a criminal sanction on a young person that in effect amounted to a welfare provision the criminal care order which was abolished in 1989. In this sentence both the “ deprive” and the “ depraved” became one and the welfare measure became a criminal sanction (Muncie, 2004). It is stated by Pickford et al

(2006) that this legislation created greater powers of discretion for social work but did nothing to stem a rising flow of custodial disposals.

## **Exploring the Current model of the youth justice policy and philosophy**

Many academics such as Fionda (2005) and stated that one case in 1993 known as the James Bulger case who was killed by two 10-year-old boys changed the opinion of the public and the direction of the youth justice policy in relation to young offenders. The belief is that the shock of the public which was largely fuelled by the media following the case led to a “moral panic” about how children and young people were breaking the law Cohen (1973). Some academics for example Jenks (1996) argued that the Bulger case led to the “death” of childhood innocence and the subsequent demonisation of youth.

It is suggested that due to this realisation, children were no longer considered too pure and innocent they were now considered capable of the worst kind of evil ever imagined. The idea that children were born innocent and so need to be protected from a society that is corrupt was abandoned and society adopted the notion that children are born capable of evil and need to be controlled (Hendricks, 2002).

Academics such as Brown (2005) have agreed that the media’s portrayal of young offenders allegedly being treated softly by the juvenile justice system swung the political and public’s opinion towards a period of getting tough on youth criminality. Public statistics suggest that the number of young offenders aged 10 to 17 found guilty or cautioned of an indictable offence fell



by 30 percent between 1987 and 1997. According to Nacro (1999) since 1987, the number of male juvenile offenders has fallen by 33% and female young offenders by 17%. Pickford (2006) highlighted that the frenzy about the problem of youth crime appears to make little sense when the statistical data for that period analysed. The number of young people receiving custodial sentences during that period rose, whilst the number of young offenders detained under sentence fell by approximately 50 per cent between 1980 and 1993. Statistics show that these figures then rose up by at least 56 per cent in the four years leading up to 1997. Together with the hysteria caused by the media the rise in the figures worked well with the development of a definition called “ persistent offender” over this era and also the “ getting tough” policies which related to the individuals put in this category.

In the run up to the 1997 election a political debate surrounding the general election promised a “ law and order” agenda from all major parties. Labour’s promise was to get tough on crime as well as the causes of crime and this included youth crime. In this period the government in power (Labour Party) established a youth crime task force and the momentum for reform of the criminal justice continued. As a result of this reform seven consultation papers were released and five of those papers related directly to youth justice. These five consultation papers relating to youth justice were published by New Labour after its election to government in 1997 setting out its proposals for reform (Pickford, 2006).

The 1998 Act was passed as a result of those seven papers. The Act was passed by the New Labour government to provide a ‘ root’ and ‘ branch’

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overhaul of the youth justice system, which was to be implemented over a number of years following the establishment of and feedback from pilot schemes and pathway sites, which tested the ground of the new reforms (Goldson, 2008).

Bateman et al (2005) stated that according to the then Home Secretary Jack Straw the Crime and Disorder Act 1998 represented one of the most radical shake up of youth justice in 30 years. The Criminal Justice provisions promised victims of crime a voice in the outcome of criminal cases, while the new civil measures offered to 'empower' middle England by handing it the legal and administrative means to re-establish order and civility in its communities. The entire system was to be vigorously managed at a local level to ensure that it all 'joined up' and offered 'best value' to the public.

Section 37 of the 1998 Act emphasized the primary aim of prevention and it states that:

“ It shall be the principal aim of the youth justice system to prevent offending by children and young people” (Goldson, 2008).

Under this section a duty is placed on all personnel working within the youth justice area to have regard to this very important aim while carrying out their duties. The Home Office Juvenile Offenders Unit in order to deliver this principal aim set out a number of key objectives are:

Encouragement of reparation.

Reinforcement of parental responsibilities.

Intervention into ‘ risk factors’ including family, social, personal and health factors.

Tackling delays- halving how long it takes for young offenders to be passed from arrest to sentence from an average of 142 days in 1996 to a target of 71 days.

Confronting the young offenders with the consequences of their offending and encouraging responsibility for actions.

Introduction of a new range of penalties in order to enable those who enforce punishments to punish in proportion to the seriousness and persistence of offending.

The Crime and Disorder Act 1998 set out six key themes which would assist with achieving the objectives set out above. Section 41 of the act related to the national framework and it set up a framework for the national Youth Justice Board’s operation this was aim at encouraging and monitoring nationwide consistency in the implementation of the system of youth justice whilst ensuring goods standards for good practice and good delivery of the service. Section 73 established a new detention and training order which was implemented in April 2000. This order is claimed to be a constructive and flexible custodial sentence with a clear focus on preventing re-offending behaviour. The order can be used by both youth and crown courts in respect of all young offenders under the age of 18years who have been found guilty of an offence that if committed by an adult would be an imprisonable offence. The sentence is split into two half is spent in detention and the other half under supervision in the community (Dugmore, 2006).

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Section 8 of the act created a parenting order made applicable to the parents of those convicted offenders under the Criminal Justice Act 1991. The new order combines requirements of parents to fit in with their individual situation. However the order may place specific responsibilities on a parent such as ensuring their child attends school everyday. Section 6 and 7 encourages the development of local partnerships to provide a method for identifying Crime and Disorder problems within a local framework in a particular area. Section 67 brought in the reparation order which was designed to help young people who offend to face up to the consequences of their offending behaviour. Section 69, 11, 14 and 65 all of these orders are to do with tackling offending behaviour and providing early intervention for young people (Dugmore, 2006).

The Youth Justice Criminal Evidence Act 1999 which was amended by the Powers of The criminal Courts Act 2000 helped achieve the proposals of reform which were outlined in the 1997 White Paper No more excuses (Home Office, 1997d). It is said by Crawford et al (2003) that the act created what is known as a referral order which was compulsory and meant for young people convicted for the first time. With this referral order, a young person is referred to a youth offender panel (YOP) which consists of members of the local community and it is put together by youth offendings teams. This order can be served for periods of between 3 months to a year. Under this order, a contract is drawn up with the young offender and their parents specifying the details of the order. The contracts are made specifically to suit the needs of the young person involved. The referral order is also designed to address the young person's offending behaviour in order to help prevent them from

re-offending. The order must include preparation and can at time involve community work, contact with the victim, mediation and participation in education programmes or individual activities. The belief is that once the order is completed, the young person's offence has been spent for the purpose of the Rehabilitation of Offenders Act 1974.

### **Other significant legislative changes**

Fionda (2005) suggests that following the 1998 and 1999 Acts there has been no statute specifically addressing youth justice practice that has been passed, meaning that many of the reforms are still being considered to be fairly “ new” by experienced youth justice practitioners. However there have been other statutes which have been passed which cover criminal justice and these have had impact on youth disorder and criminal justice procedures.

### **Youth imprisonment within its current model and philosophy**

The writer Jewkes (2010) suggested that in contemporary Britain there has been an emergence of the adultified child and this is due to the high rate teenage pregnancies, children winning the right to divorce their parents, children being tried in adult courts and many more. It is argued that in England and Wales children are criminalized at a much earlier age and also they are more inclined to lock children up, compared to other countries such as Belgium, Austria, France and many others. It is claimed that in England and Wales twice as many children are put into custody (Goldson, 2003).

According to Jewkes (2010) one could claim that since the teenage rebellions of the 1980s and 1960s, the age at which young people may be designated folk devils has decreased. However since the beginning of 1990s there have been regular reports about the pre-teenage children committing very serious offences such as burglary, rape and many others (Jewkes, 2010).

The age of criminal responsibility in England and Wales is 10 years which means anyone aged 10 and above can be held criminally responsible for their actions. Between 2000- 2010 provisional data showed that young people have committed 201, 800 offences even though they make up only 11 percent of the population which is above the age of criminal responsibility. It is estimated that offending by all young people cost the economy 8.5 – 11 billion pounds in 2009 alone. The crimes most committed by young offenders and which they are commonly convicted of are theft and violence. However even though these young people haven't been offending for a long time compared to adult offenders it has been noted that at least a third of those young offenders been previously been convicted, warned or reprimanded in relation to an offence (National Audit Office, 2010).

It is claimed by the National Audit Office (2010) that they has been a 14 percent reduction in the number of young people held in custody over a duration of five years. Although at times in some cases the use custody is deemed necessary, it is the belief that custody is of limited effectiveness in reducing re-offending behaviour and is considered to be the most expensive sentencing option. It is said that Youth Justice Board is meeting its objective to reduce custody numbers partly through the use of other means which encourage caseworkers to recommend community sentences.

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## **CHAPTER TWO: METHODOLOGY**

In order to gain further knowledge regarding youth offending rehabilitation and imprisonment of young people, the secondary data utilised for this work includes, reports, internet sources, papers, journal articles, textbooks and reports published by the Home Office, Nacro. There are a vast number of ways that data can be obtained. As suggested by Clifford and Gough (1990) when considering the data collection, method selected is compatible and appropriate to both the aims and the theoretical framework being used by the study.

### **METHODS FOR DATA COLLECTION**

There are two major approaches to gather information these are secondary data and primary data. This study will use secondary data because it is readily available and it takes less time than using primary data. Primary research is very time consuming in terms of establishing samples, arranging and completing interviews, and the collecting and processing data. It is stated by Bryman (2008) that secondary data is the most common research method used by social science researchers today. According to Bryman (2008, p296) secondary data involves the processing of data that has already been collected by other parties or researchers. With this method of research, researchers will consult previous studies and findings such as books, reports, appropriate internet sources such as Youth Justice Board, Nacro, Her Majesty's Inspectorate of Prisons, journals and many more.

Academic books, journal articles and reports used throughout this dissertation, provided an excellent method of gathering secondary data from well established and respected authors for example Professor John Muncie, <https://assignbuster.com/programs-to-rehabilitate-young-offenders/>

Tim Bateman and Professor Pitts. Literature suggests that most secondary data uses qualitative methods, so the research method used would be mainly qualitative. However, qualitative methods aim to study people in their natural social settings and to collect naturally occurring data. Qualitative describes in words rather than numbers. This is opposed to quantitative data which is the manipulation of numerical data through statistical procedures for the purpose of describing phenomena or assessing the magnitude and reliability of relationships among them (Bryman, 2008).

Quantitative allows us to see when, where and which social conditions are most likely to create the situations in which young offenders find themselves which in turn encourage them to offend. Qualitative methods on the other hand, can help us develop an understanding of the complexities of young people's behaviour attitudes and in the context of their experiences whilst in custody in preparation for when they are released back into the community. Qualitative method is for this current study because quantitative research is more concerned with collecting and analysis of data that focus on numbers and frequencies rather than on experience or meaning.

In contrast to the research topic, qualitative method helps to develop an understanding of young people's attitudes, experiences and feelings. As noted there are many reasons why young people re-offend and why custody is used as method of rehabilitation. Understanding these reasons will be a key target for researchers if we are to understand issues around custody, rehabilitation programmes and re-offending of young people in the future.



## **ETHICAL ISSUES**

Ethical issues had to be taken into account, even though the writer did not use primary research in the study. There is a procedure which requires all participants of the research to give informed consent before conducting any research. Participants must be fully made aware of the nature and procedures of the research. The information given during interviews must remain confidential and not presented to those not directly involved in the study. The British Sociology of Criminology's guidelines on ethics for researchers have been consulted and no ethical issues were noted in relation to the nature of this secondary research project.

## **CHAPTER THREE: OFFENDING BEHAVIOUR PROGRAMMES**

The main task for youth justice managers and practitioners is to make certain the selection of offender oriented programmes which have been proven to be mainly effective or at least show that in the future they can achieve the main goal. Bloom (2006) formulated some questions which are central to the assessment of what works he states

“ What social programs, policies and interventions work? For whom do they work, and under what conditions? And why do they work- or fall short?”

(Bloom, 2006).

### **What are the offending behaviour programmes?**

One could claim that that there are two fundamental ways in which to change a young person's behaviour by changing either or both the environment in which he or she hangs or lives in and also by changing the

actual individual. It has been highlighted that the most important cause of criminality amongst young people who offend is their individual characteristics whilst for others it is their environment be it the community, home life and much more (Wikstrom et al, 2008).

## **COGNITIVE BEHAVIOURAL THERAPY (CBT)**

The idea of CBT is that if you can change the way a person be it male or female perceives and thinks about the social settings they come across and their actions, you can change that person's behaviour. This prevention model suggests that cognition is significant for behaviour and short-term interventions can change young people's cognition in a way that significantly impacts their offending (Wikstrom et al, 2007).

CBT is a fairly new intervention type which has began from advances in the understanding of the role of internal cognition in the expression of external behaviours. In the past three decades according to Leschied (2002) cognitive science and neuropsychology have advanced rapidly bringing a new awareness of how the ways in which persons feel and think influences how they react to the settings in which they take part. This progression is claimed to have revolutionised thinking in the field of criminology. The study of the causes of crime has extended to the causal chain from internal to environmental influences through attention and perception. It is suggested that successfully influencing elements in behaviour and crime causation can have significant and a long-term impact on how individuals choose to act (Wikstrom, 2006).

CBT is built around the idea that cognition affects behaviour which also includes offending behaviour. It is believed that individuals have the capacity to monitor and adapt their ways of thinking, which can change how they react to those settings. Hollin (1990) extended this theory by suggesting that offenders may think and feel differently than non-offenders and that this difference in cognition may be the causal link to their offending behaviour. However there are many different types of cognitive behavioural interventions which aim to correct distorted, deficient and dysfunctional cognition which may reinforce offending behaviour by teaching new cognitive skills such as self awareness, moral reasoning, interpersonal perception and many more which increase awareness of the link between thought processes and maladaptive behaviours, and support an individual's ability to actively change those processes in a more positive way (Wilson et al, 2005).

Coyle (2005) stated that cognitive behavioural interventions can affect different areas of cognition and behaviour example which may be target are for example decision making, emotional characteristics of behaviour. Areas which are commonly addressed by CBT are victim impact, anger management, moral reasoning social skills training cognitive restructuring, relapse prevention and much more.

### **Cognitive behavioural therapy (CBT) within Young Offender Institutions (YOI).**

Wilson et al (2005) states that within Young offender institutions CBT's are usually delivered in groups of 8 to 12 offenders. One of the most commonly use interventions applied in YOI are Moral Reconciliation Therapy (MRT), which

is a moral reasoning intervention, which targets moral developments and is delivered in groups of between 10 and 15 participants, Reasoning and Rehabilitation (R&R), a cognitive skills training intervention, which is delivered in groups of six to eight participants. There are also other therapies which according to Kurtz (2002) are deemed to be popular and effective these therapies include Aggression Replacement Training (ART), which include anger management, moral reasoning elements and other cognitive skills training interventions, which target awareness of thinking patterns, the perceived legitimacy of offending behaviour and problem solving skills to encourage consideration of alternatives.

## **MULTI-SYSTEMIC THERAPY (MST)**

MST focuses on the need for changes in an offender's immediate social environments such as their family. School and peer environments, the aim is to help reduce or prevent their problematic behaviour and offending. It is the belief that offenders do not act in a social vacuum and their criminality is an outcome of their interaction with the social environment. It is claimed for example that it may be easier to change an offender's moral values and habits that support law breaking by also changing those aspects of the individual's environment that may influence or support such values (Wikstrom and Treiber, 2008).

The writer Borduin et al (2003) said that MST was developed specifically to treat youths with serious offending and behaviour problems. MST is aimed youths aged between 10-17 years. It is individualised intervention programme which is intensive and targets the social systems in which a young person who offends operates. MST views offending behaviour as a

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consequence of the link between individuals and the external systems in which they partake in socially. The primary goal for MST is to promote multi-faceted change in individual, school, neighbourhood and familial variables which influence offending

There are two theoretical explanations of which MST draws up, the first is Bronfenbrenner's human ecology theory which suggests that there is a link b