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Youth Offending Teams and Partnerships

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Abstract

This paper is a brief report of research in progress in three Midlands counties. While it is too soon to present definitive findings, the research is raising some interesting questions about the changing nature of inter-agency partnerships in criminal justice and related agencies, as illustrated by the process of establishing 'shadow' Youth Offending Teams, and these are summarised for discussion. Youth Offending Teams in other parts of the country may be able to learn from the findings, and the rapid changes in inter-agency partnerships in youth justice are of much wider interest.

Background

The Community and Criminal Justice Studies Unit, De Montfort University^[1], has recently been involved in a series of small-scale evaluations of the new arrangements for Youth Offending Teams (YOTs) in a number of areas of the English Midlands. One Team was approached with a research proposal. The other Teams commissioned evaluations of the new arrangements. Subsequently, the Youth Justice Board has made development funding available to YOTs, conditional upon external evaluation of the new initiatives, and the Unit has become involved in a number of these small-scale evaluations. Although the research agenda differs to some extent from place to place, there is some basis on which comparisons can be made^[2]. In the longer term, we hope to undertake a systematic piece of comparative work involving these and other Teams. We shall also draw upon the work of our colleagues in Sheffield and Hull, who are evaluating the official pilot YOTs for the national Youth Justice Board^[3].

The policy background to the establishment of Youth Offending Teams lies with New Labour while still in opposition. As part of the much-quoted commitment to be 'tough on crime and tough on the causes of crime', the party committed itself to speedier youth justice, earlier intervention to tackle anti-social behaviour, and harsher punishment for some of the young offenders coming before the courts (Labour Party, 1996; Straw, 1997). The difficulties in the local delivery of youth justice identified by the Audit Commission in its influential report, *Misspent Youth* (1996)^[4], were to be addressed by requiring local authorities to carry out crime audits and to take crime prevention into account in making all their policies, and by replacing social services' youth justice teams with inter-agency Youth Offending Teams. The change in name reflects a shift in ethos, at once towards a more managerialist approach (under the control of Chief Executives rather than Directors of Social Services, and answerable to a new national Youth Justice Board), but also towards greater inter-agency accountability for the management of youth crime. These changes were reflected in the 1998 Crime and Disorder Act, which is coming into force in stages during the period 1998-2000. Every area is required to establish a Youth Offending Team by April 2000, and many local authorities have put 'shadow' arrangements in place in the months since the first parts of the Act became law.

Preparing for Implementation

These 'shadow' YOTs seem to have come as something of a surprise to the policy-makers, who perhaps expected to be able to propagate the lessons of good practice learnt by the small number of pilot Teams in time for full implementation of the legislation in 2000. Instead, the majority of local authorities set up shadow Teams during 1999 with a view to phasing in the new arrangements, which are complex and potentially very costly.

The Crime and Disorder Act created a range of new powers for the Youth Courts and for local authorities, including new custodial sentences, Parenting Orders, child curfews and Reparation Orders. It is likely that some of these new Orders will be popular with the courts (and there is already some anecdotal evidence of this in the pilot areas). One reason for putting Youth Offending Teams in place early in 'shadow' form may therefore be to try and forestall the over-use of these new disposals, some of which will be costly for local agencies which are receiving little additional funding to cover the new arrangements.

The various local agencies also need time to negotiate among themselves (not least about the financing of the YOTs), establish protocols for the exchange of information and other sensitive issues, appoint staff, find suitable premises, and make arrangements to implement and deliver the new court Orders. It is therefore perhaps rather more surprising that a minority of areas have yet^[5] to appoint YOT managers and identify the members of their teams. There is a formidable amount of developmental work involved in establishing such a team, and this is likely to be as much the case in non-pilot areas as in the areas hosting the officially-identified pilot Teams.

One of the novel aspects of the new Teams is that, in the spirit of addressing the underlying causes of youth crime, they are required to include representatives of agencies which have not traditionally seen themselves as involved in youth crime issues - though they may have dealt with large numbers of young offenders in other guises. YOTs are required to include a police officer, a probation officer, a social worker, and representatives of education and health services. Traditionally, only the probation and social services have been involved in post-sentence supervision of young offenders. Potentially, staff from all these agencies, and from voluntary organisations, could be full YOT members. The intention is to:

tackle the issues - from poor parental supervision and domestic violence or abuse to peer group pressure, from truancy and school exclusion to substance misuse or mental health problems - which can place young people at risk of becoming involved in crime (Home Office, 1999).

While the potential for constructive, innovative, multi-agency work may be great, the early signs were unpromising. The agencies were largely expected to re-direct existing resources to implement the Act, and at first little guidance was given on what was expected of them. Indeed, the guidance manual which was issued after the Act received the Royal Assent stressed the need for local decision-making in the light of local conditions. There was little clarity, in particular, about the appropriate role of the traditionally uninvolved agencies from the health and educational sectors. There was also ambiguity about the extent to which agencies new to supervising young offenders in the community would be legally able to hold Supervision Orders, prepare Pre-Sentence Reports or, indeed, engage with young offenders in community settings. There was a sense of compulsion in the new partnership arrangements, and a feeling that shot-gun weddings do not always augur well for future relationships. Nevertheless, the agencies have, in practice, accepted the requirement to work together and they have pragmatically gone about finding ways of doing so.

The Politics of 'Partnership'

A good deal has been written about inter-agency partnership in criminal justice (see for example Crawford, 1997; 1998; Kosh & Williams, 1995; Nellis, 1995; Smith et al, 1993), and I do not intend to attempt to summarise that literature again here. Most of the previous research centres on crime prevention partnerships, and refers largely to adult offenders (Broad, 1996; Gilling, 1994; Smith et al, 1993). It has, however, proved helpful in understanding some of the inter-agency dynamics encountered during the formation of shadow YOTs around the Midland region. Crawford (1997, p. 166) has written about: the 'double-speak' of criminal justice rhetoric [in which] the notion of 'community responsibility' frequently translates into 'the community must mobilise its own resources'.

It has been striking, in observing the formation of Youth Offending Teams, that statutory and voluntary agencies which have had little previous contact have suddenly been thrown together to prepare bids for external funding - and have concluded that they should have been talking to each other about youth crime prevention for years! Indeed, we observed one inter-agency discussion about a funding bid which ended with an agreement to meet again whether or not the bid was successful, on the grounds that at least part of the project under discussion must go forward regardless of the outcome. Crawford's observation remains true, however: there is some national funding available for pilot projects, but each Youth Offending Team has to fund its own development work and its own recurrent expenditure on staff, premises and so on. National government has reorganised and restructured youth justice largely without funding the new arrangements, and budgets have had to be agreed at local level, necessitating reappraisal of individual agencies' spending priorities^[6], particularly in the case of the Social and Probation Services^[7].

These difficulties make the decision to put local authority Chief Executives in overall charge of YOTs and crime prevention policies (as recommended by the Morgan Report - Morgan, 1991) easier to understand. While Chief Executives' departments have had no previous responsibility for youth justice, in the metropolitan areas they had a co-ordinating role in respect of crime prevention (albeit a role whose appropriateness was challenged by successive Conservative governments between 1979 and 1997). Indeed, local government campaigned for greater involvement in this area of work, and the Labour Party manifesto promised to implement the Morgan Report (Crawford, 1998). Perhaps not surprisingly, Chief Executives appear to have picked up their new responsibilities with some enthusiasm. As one of them put it:

I think that the current government, unlike its predecessors, actually has some belief in the potential of local government to fulfil an over-arching co-ordinating role in an even-handed way. Central governments, quite rightly in my view, are sceptical of the universal capacity of local government to act in that way. Even-handedness is a technical condition because it is about partnership and about respecting different cultures and traditions and powers and making them work. An increasing amount of my work is taken up in exactly that sort of endeavour: so I believe that that's why we've got it.

The new role for Chief Executives is part of a wider trend, sometimes described as 'joined-up government'. This concept was a recurrent theme in the interviews with senior managers of agencies contributing staff to Youth Offending Teams, and the phrase was generally used approvingly. The senior managers of statutory local government agencies welcome the new approach, as do other senior managers involved in YOT steering groups. One court clerk said:

Pleasingly, none of the agencies are hiding behind their own boundaries, they're coming out in favour of the YOT - it's not a police activity, or a social services or probation activity, it's YOT. In co-operation terms it's one of the best things I've seen in operation over many years. In that area, senior managers representing five other agencies referred, explicitly or indirectly, to 'joined-up' thinking or working (thankfully, not all of them actually used the phrase), and in all cases they did so approvingly. The academic literature has taken a critical view of local neo-corporatist approaches^[8]: see for example Crawford's description (1997, 260) of the technocratic and managerialist image of crime control which extols the disciplines of financial accounting and 'corporative expertise'.

This is in marked contrast to the position of these senior managers. Although their support for such an approach may come as no surprise, it is nevertheless significant, and merits further scrutiny^[9]. The next stage of the research looks at the views of practitioners in the teams, and it will be interesting to compare their perceptions with those of the agency managers.

Some local authority departments have found the involvement of the Chief Executive in what was traditionally their sole area of responsibility irksome: one YOT manager, for example, told us that the Chief Executive had "hi-jacked" the steering committee of senior managers which made decisions about the Youth Offending Team in the area, strongly suggesting that this intervention was regarded as unwelcome and inappropriate (at least initially)^[10]. Developments there had previously been led by the agencies which had traditionally provided youth justice services, and the relatively sudden change in leadership had been difficult for them to accommodate.

The senior agency staff, on the other hand, welcomed the co-ordinating role of Chief Executives, particularly where the Chief Executive chaired both the YOT steering group and the body co-ordinating community safety strategy generally. One senior police officer said:

The White Paper on youth justice envisaged a chief officers' group chaired by the Chief Executive, and I think that that ensures that things will happen and that the YOTs can work successfully.

The head of another agency in the same area agreed:

The chief officers' steering group, chaired by the Chief Executive, has demonstrated commitment from the very top of the organisation: you couldn't get a more overt statement of the importance placed on the project by the county council.

Practice has varied considerably from area to area. The interim report of the Sheffield and Hull research team (Hine et al, 1999, 8) points out that development work in many places has been begun by senior Social Services Department managers, but goes on to:

suggest that the chief executive of a local authority will generally make the most suitable chair of a steering group. The chief executive's work is precisely about strategic planning and management and is not influenced by specific budgetary interests.

It may be that Chief Executives will seize the initiative between now and April 2000 in those areas where other agencies have so far led the development of Youth Offending Teams. It seems likely that Chief Executives may be called upon to resolve disagreements about issues of the relative financial contributions of different agencies to YOTs in some places where they have not hitherto been involved in the negotiations on this issue.

Where local statutory agencies work together, there are usually power inequalities between them. The bland term 'partnership' may conceal conflicts arising from these inequalities. Previous research has pointed to the dominance of the police in many inter-agency partnerships (see for example Blagg et al, 1988; Sampson et al, 1988; Kosh and Williams, 1995) but the situation with regard to Youth Offending Teams seems to be somewhat more complex than this.

While the police had considerable experience of pre-trial work with young offenders, it was the probation officers and social workers who had the monopoly of expertise in post-sentence supervision of young offenders and in the preparation of court reports. Social Services Departments also had the lion's share of the staffing resources required by Youth Offending Teams, although the police remain the largest of the partner organisations. While the police have sophisticated information systems, youth justice teams' client records are more up-to-date and accurate in some areas (and indeed, the police consult them rather than their own system when they need accurate information about young offenders' previous convictions in some parts of the country). Health professionals brought strong concerns about client confidentiality to the new Teams, reopening debates between the police and the other agencies about the appropriateness and legality of sharing confidential data^[11].

There were also new dimensions to inter-agency controversy: particular agencies were perceived as 'the experts' in certain areas by staff in other agencies, which created new pressures. For example, probation officers were thought to be particularly cognisant with research on effective practice with offenders, but health professionals had their own expertise and culture of research-based practice, and few probation staff had recent experience of working with young people. Some areas of expertise are contested by a number of different agencies: group work with young offenders and their families on issues such as parenting and anger management might be claimed as the particular remit of health, probation or social services - and we have seen some signs of 'turf wars' over the appropriateness of the different agencies developing these areas of work. These dynamics will be explored further as the research goes on.

Implementation Difficulties

As with any major new initiative, there have been 'teething troubles' in the establishment of Youth Offending Teams. Some of these are an inevitable consequence of implementing a complex new set of structures, while others may be symptomatic of more profound problems and differences of view. There are cultural differences between agencies, some of which are unlikely to be eroded by membership of the Youth Offending Team. To give a trivial example, police officers tend to arrive on time for meetings, and to get irritated when social workers drift in late. More seriously, the police have a tradition of rapid reaction, an action orientation, which can cause friction with other agencies represented in YOTs which prefer their staff to consult and reflect before making major decisions.

A police representative put this well, saying:

I think the police have got certain strengths: there's a problem, let's solve it... The police are kind of quick fix, put together, let's get on to the next thing, so there is going to be... a bit of a culture change, it's not going to be a quick fix...

Where such differences are understood and reflected upon, they can be constructively managed. But there are times when they nevertheless cause conflict. In more than one area, for example, it has been apparent that the police are particularly adept at media relations, and that they have antagonised colleagues in other agencies by seeming to want to take credit for the achievements of inter-agency groups, apparently failing to mention the other agencies' contributions in press releases. In another agency in a different area, a senior manager from a Social Services Department referred to the same issue:

it happens every couple of weeks, you know. The police have got themselves into the 'X Evening Y' because they're very good at getting positive press coverage, and it's excellent - and the county council could do a lot better - but it does get in the way a bit sometimes. There is this huge resentment that we're doing things more slowly, more clumsily, and you know, more ponderously and not quite with the pzazz that the police would want to do it. If only they could get it back for themselves.

There is a well-established culture within Social Services Departments' youth justice services, based upon policies and practices developed over a lengthy period of time. The Home Secretary and senior Youth Justice Board staff have tended to dismiss the value of much of this experience in their public statements. In a recent speech, for example, the Home Secretary said:

The Government's youth justice reform programme draws a line under the past. The reforms overturn the assumption that nothing can be done about youth crime and that young offenders will grow out of offending if left to themselves (Straw, 1999).

This was repeated in a number of conference presentations by Lord Warner, the Chair of the Youth Justice Board, who added that 'people working in youth justice have to abandon those mind sets' (Warner, 1999), and in at least one speech the Board's Chief Executive went further, saying that "Doing nothing is not an option"^[12]. It may be that the research evidence which informed the development of diversion and non-intervention policies remains valid (see for example Audit Commission, 1996; Graham and Bowling, 1995; Newburn, 1997; Smith, 1995), but the political climate has changed to such an extent that this possibility is not seriously discussed. The possibility that in certain cases, doing nothing might be the best course of action, seems to be overlooked by some senior figures. The interim report of the Sheffield and Hull research team reinforces the message that non-intervention is undesirable. In its discussion of staff training, for example, the report argues that such training should aim: to provide a setting of work that moves away from the culture of minimum intervention, reminiscent of juvenile justice teams, to early intervention based on best practice. Cultural change is difficult and needs sustained action through management, training and other interventions (Hine et al, 1999).

It may be that former youth justice workers need to be persuaded that there is valid evidence for earlier intervention in young people's lives, and that the validity of the research upon which their previous practice was based should also be discussed and challenged. It is at least possible, however, that the distinction between a 'culture of minimum intervention' and a new

culture of 'early intervention based on best practice' is a false one: the two may not be mutually exclusive.

The government's desire for rapid change has been reflected in the work of the Youth Justice Board, which has been very energetic in taking and funding new initiatives. The speed with which bids have had to be prepared for development funding seems to have created or aggravated conflicts between agencies at times. For example, the Youth Offending Team in one city with a unitary authority made a bid which committed its County Council to additional expenditure^[13], and there was a feeling that more consultation should have taken place. For practitioners on the ground, the pace of change is a real issue: it is very difficult to keep up with what is happening at national and local level, with policies developing rapidly and new initiatives being taken frequently. For many staff, it is "all happening too fast"^[14], and there is a linked feeling that senior managers are failing to consult practitioners or to keep them sufficiently well informed of developments. Communication strategies are clearly vital in this respect, and senior managers in the research sites have obviously given this issue considerable thought. Discussions with practitioners suggest that there is more work to be done, however.

Opportunity Costs

Whenever legislation requires the development of new services, the question of whether additional resources will be provided inevitably arises. In the case of the Crime and Disorder Act, it is clear that little additional funding is to be available, at least at the outset. In the areas which have decided to establish 'shadow' YOTs, this was done in the knowledge that some development funding might be available, but this was very unlikely to meet the whole cost of the new Teams. Decisions therefore had to be made about how to fund the new arrangements, and where savings might be made in order to do so.

This issue of 'opportunity costs' arose in several of the interviews with senior managers. One of them said, rather optimistically:

I don't know what's going to have to be let go of in order to achieve the outcomes [required by the government]; it may well be that we're just... much better organised and much clearer about what we're trying to do.

Returning to the question of YOT development being managed by the Chief Executive, the same senior manager was asked whether this might cushion individual departments from the consequences of making decisions about priorities between competing client groups, and said:

Well, it does in a way, but it also means that we could well be asset-stripped for youth offending without having any choice in the matter... particularly as we are having to pick up the tab for all these Youth Offending Board bids, and once, you know, once you've got something going, it's very difficult to pull the plug on it - and there is a limit to how much alternative funding you can tap into.

This extract encapsulates some of the difficulties and dilemmas created by the Crime and Disorder Act for local agency managers. Another dimension is added by a senior Social Services manager in another area:

The other risk is the loss of control over process issues. For example, you can have a local authority, which can be a district council, taking out an application for anti-social behaviour [orders] without reference to us, and if that Order is breached, one of the options for the court is Care proceedings.

The legislation has been framed in such a way that forecasting levels of work for Youth Offending Teams will be very difficult. District councils can call upon the resources of the Team, even though they do not contribute to its funding. Voluntary agencies are being asked to assist with the resourcing of development work, and statutory agencies have to underwrite bids for development funding both by contributing during the period of grant and by guaranteeing the future viability of projects after the funding expires. The overall result is that the largest contributing agency, the Social Services Department, faces the possibility of having to commit increasing resources to youth crime at the expense of other services. At present, this is politically justifiable because of the salience of the youth crime issue: it is, as one of the Chief Executives put it:

the number one doorstep issue in terms of constituency issues. Crime in the community is what, in their circles, people want to talk to [Councillors] about. It is a very big issue, so it has not been difficult to capture their imagination so that we can make it work.

Conclusions

The decision to invite independent researchers into the 'shadow' YOT environment was a brave one, and the policy of requiring independent evaluations to be undertaken in all the areas provided with Youth Justice Board development funding is to be welcomed. The experience of being invited to join bids as an external evaluator at a few days' notice reinforces the impression that things may be moving somewhat too quickly for effective, well managed change to be the outcome. The interviews with senior managers show, however, that change is generally seen to be overdue. Chief Executives have brought a fresh eye to the youth justice scene, and their involvement is already proving to be the catalyst of considerable change. As one local authority Chief Executive said:

I went to look at the Youth Court and I was horrified... I couldn't tell what was going on, it was so technical and clipped and rapid-fire. So the system at that level is... I should think... alienating to the young people. I think that all of us involved in this work want to make it more humane, a more responsive, direct sort of experience - hence our interest in restorative justice.

The political strategy underlying the Crime and Disorder Act appears to have been to create a situation in which local authorities were obliged to give a higher priority to youth crime and misbehaviour. The Youth Justice Board has aggressively insisted that the principal purpose of the youth justice system is, as the Act (s. 37 (1)) defines it, 'to prevent offending by children and young persons'.

The issue is high on the local political agenda, and constantly being raised with Councillors 'on the doorstep'. If the Government's approach is the correct one, youth crime and disorder will slip down the political agenda as the work of Youth Offending Teams begins to take effect. If they fail to make a significant impact on levels of recorded youth offending and levels of concern about misbehaviour by young people (which, despite the assumptions underlying the Act, are in practice two very different issues^[13]), it may become difficult to justify cutting other services to finance YOTs and the associated structures and facilities created under the Act. It may be that local authorities are being set up to take the blame for any such failure.

It is too early to reach any firm conclusions, but it is clear that a wind of change is blowing through the corridors of youth justice, and that it offers fascinating opportunities for short-term evaluative and longer-term critical, comparative research. The interim findings reported here suggest that the rapid changes occurring in inter-agency youth justice work may have much wider implications for future partnership working.

Notes

1 I am extremely grateful to my colleagues, Drs Roy Bailey and Bob Broad, for all their help with this project and for helping me to develop the ideas in this paper.

2 We have undertaken semi-structured interviews with the directors of the statutory agencies involved and/or their nominees in two YOT areas, and we are about to embark upon focus group discussions with practitioners in the Teams, which will be followed up with individual semi-structured interviews. We are also carrying out evaluations of the bail support arrangements in a number of other YOTs. As well as these formal research methods, we have employed the technique sometimes known as 'hanging about' in order to gain experience of YOT staff's working environment and attitudes, and we have attended a variety of inter-agency meetings, as well as receiving committee papers etc.

3 I should also like to acknowledge the generous assistance of Professors Pete Marsh and Paul Wiles, who have discussed their methodology, interim findings and impressions with me.

4 Among others, the difficulties identified by the report included the small proportion of their

time spent by youth justice workers in direct supervision of (or contact with) young offenders; the length of time taken between arrest and sentence; and the disproportionately high spending on processing the prosecution of young offenders as opposed to preventing youth crime.

5 At the time of writing (July 1999)

6 See the section on 'opportunity costs' below.

7 Social Services tends to be the largest contributing agency, and to some extent these Departments have been able to transfer existing staff and other resources into Youth Offending Teams. In some areas, the extra demands of providing resources for YOTs seem to have meant reconsidering the budgets of other parts of the service. The Probation Service in some parts of the country is facing expenditure cuts which make it difficult for it to forecast what contribution it will be able to make to YOTs beyond the current financial year.

8 Hine et al (1999) note in their interim report that "The experience of YOT managers in the pilot areas who have responded to the range of requests for 'joined up government' at the local level has highlighted an apparent lack of co-ordination at national government level."

9 In another area, where we have not yet completed the analysis of the interview transcripts, a similar pattern is emerging. One informant uses the word 'corporate' several times, and several others employ the phrase 'joined-up', again approvingly.

10 Section 39 (1) of the Crime and Disorder Act provides that "it shall be the duty of each local authority, acting in co-operation with the persons and bodies mentioned in subsection (3) below, to establish for their area one or more youth offending teams." The other bodies mentioned are the police, probation and health services. A Circular on the Act (Home Office, 1998) makes it clear (in para. 12) that "The Government is looking to local authority chief executives to take a lead in ensuring that their authority responds to the task of establishing youth offending teams *corporately* with the police, probation service and health authorities" (emphasis in the original). Note the emphasis upon the corporate nature of the responsibility, and the absence of any mention of social services departments. It is thus clear that Chief Executives have a legal duty to take the lead in this area.

11 Although section 115 of the Crime and Disorder Act creates a wide new power "to disclose information... in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act", health professionals have ethical issues about sharing confidential client data, and the police have also resisted opening up their information systems to other Team members. In some YOTs, a major part of the role of the police officer in the Team has been liaison with police colleagues and accessing computerised records. Reaching agreement on protocols concerning information sharing has been a major task in many YOTs.

12 From my notes of a meeting held in Leicester, 22 June 1999.

13 Development funding has been provided, conditional upon the existence of an 'exit strategy' for funding projects after the end of the funding period. In many cases, contributions to the new developments are required from the applicants. Where unitary authorities fall within the boundaries of larger, County areas, the financial arrangements can become extremely complex.

14 Hine et al (1999) surveyed staff in pilot YOTs and found that 59% of those in the pilot Teams felt that it was "all happening too fast", and 41% said that "Team members [were] not informed and consulted".

15 The Act's criminalisation of need and minor disorderly behaviour raises major concerns, and may prove to be the Achilles Heel of the Government's strategy: see Muncie, 1999.

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