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The Swansea Bureau: A model of diversion from the Youth Justice System

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Abstract

The Swansea Bureau is an innovative initiative designed to divert young people out of the formal processes of the Youth Justice System. The Swansea Bureau extends beyond simple diversion grounded in minimal or non-intervention and into tackling the underlying causes of youth crime through mechanisms that normalise youth offending and promote prosocial behaviour, children's rights, youth participation and the engagement of both parents/carers and the local community. Inter-agency working is pursued in a political, strategic and operational context of viewing young people as 'children first, offenders second'. This article discusses the development of the Bureau and explores how this child-orientated model is beginning to yield positive results in terms of decreases in first time entrants into the Youth Justice System and reductions in reconviction. The Bureau process has also elicited widespread positive qualitative feedback from key stakeholders regarding its engagement with Welsh national policy, parents/carers and the children's rights agenda.

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1. Diverting young people from the Youth Justice System

Diversion from the Youth Justice System is not a new strategy. Diversion re-emerged in the 1980s (largely in the guise of cautioning) due to the rise to prominence of practitioner-led 'new orthodoxy' thinking grounded in: the efficacy of 'systems management', a view of offending as

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a ‘normal’ part of adolescence (that young people mature out of) and associated concerns that formal contact with the Youth Justice System (YJS) could have stigmatising, labelling harmful and criminogenic effects on young people (see Rutherford, 2002; see also McAra and McVie, 2007; Lemert, 1951). Consequently, a form of diversion came to dominate policy and practice in the 1980s, or at least dominated political and public *perceptions* of policy and practice, that was founded on the normalising and anti-interventionist principles of minimal necessary and non-intervention (see Evans, 2008; see also Haines and Drakeford, 1998 for a detailed account). Whilst epitomised by Northamptonshire’s Juvenile Liaison Bureau (established in 1984, see Davis et al., 1989), cautioning became a widespread practice across the YJS in England and Wales, dominating formal responses to the majority of first time offenders and those young people (small in number) arrested on multiple occasions for minor offences. The extensive use of cautioning throughout the 1980s was accompanied by patterns of annual declines in the use of custody for young people and annual increases in community-based supervision sentences (Allen, 1991). These trends, consolidated by a general decline in the rate of juvenile crime in the late 1980s and early 1990s, evinced further support for diversion from academics, practitioners and government.¹

By the mid-1990s, however, the tide began to turn against diversion from the YJS – at least amongst the major political parties. Critics had begun to equate diversion (often fallaciously) with policy and practice commitments to minimum necessary intervention and radical non-intervention, such that diversionary rhetoric appeared overly-liberal – ‘soft’ on crime and the causes of crime. In stark contrast, youth justice policy became swept up in the political race to be tough on *law and order* and to be seen to *do something* about crime in an overtly interventionist manner (see Goldson and Muncie, 2006; Jamieson, 2006). The Conservative government of the 1990s engaged the Audit Commission in a comprehensive review of youth justice and New Labour, preparing for government in the run-up to the general election of 1997, undertook its own internal review of youth justice policy and practice. With New Labour’s victory in the 1997 election, the stage was set for comprehensive reform of the YJS (see generally, Goldson, 2000: ‘The New Youth Justice’). The *Misspent Youth* report (Audit Commission, 1996) was highly critical of diversion from prosecution and cautioning. *Misspent Youth* characterised cautioning as an ineffective response to youth offending, as letting offenders off and as doing nothing about juvenile crime. The positive impact of cautioning (see, Allen, 1991) and the informal interventions that often accompanied a caution (see, Haines, 1996) were both overlooked by the Audit Commission and the damage was done. *Misspent Youth* effectively paved the way for New Labour, in government, to usher in the *Crime and Disorder Act* (1998), the Youth Justice Board for England and Wales, and a new system of Reprimands, Final Warnings and Referral Orders to replace cautioning and other low-level court disposals such as the conditional discharge (Goldson, 2000; see also Haines and O’Mahony, 2006; Pitts, 2003; Bandalli, 2000). The Labour government were committed to doing something about juvenile crime and to be seen, publicly, to be doing something. The new system of Reprimands, Final Warnings and Referral Orders were to be mechanisms for ‘nipping crime in the bud’, for intervening in the lives of young people charged with criminal offences and for implementing New Labour’s mantra of *intervention, intervention, intervention* (see Haines and Case, 2008; Pitts, 2003; Goldson, 2000).

¹For example, the UK Government’s Department for Health and Social Security introduced an ‘Intermediate Treatment’ initiative that served multiple goals, including diversion and providing alternatives to custody (see Bottoms et al., 1990; Haines and Drakeford, 1998).

Over the next decade, the above reforms, the creation of the youth anti-social behaviour crusade and unhelpful reforms to police performance indicators (Burney, 2009) led to increasing numbers of young people being drawn into the formal YJS (often for relatively trivial forms of behaviour) and to young people being subjected to increasingly interventionist sanctions dominated by offence-focused measures (see Smith, 2008; Goldson and Muncie, 2006). In their turn, these measures and their impacts have drawn increasing criticism. The increased costs (for the police and the YJS more widely), the negative consequences for young people of intrusive punitive interventions and a wider set of concerns about social justice for young people were criticisms of the government's interventionism with increasing validity and bite. In response, the Youth Justice Board (YJB) introduced new performance indicators for Youth Offending Services (formerly Youth Offending Teams) to target a reduction in the number of First Time Entrants (FTEs) into the YJS and piloted, through the Youth Crime Action Plan, new measures to divert young people away from the formal YJS.

1.1. Formal diversionary disposals in the Youth Justice System

Two notable diversionary disposals have been introduced into the YJS in recent years, both of which are focused predominantly at lower-level young offenders and both of which aim to speed up the youth justice process. The *Youth Restorative Disposal* (YRD) was introduced in 2008 as a non-statutory disposal for young people committing a low-level offence and who had not previously received a Reprimand, Final Warning or Youth Conditional Caution. An evaluation of the YRD pilot scheme identified initial support from key stakeholders (police and YOS staff), who viewed the YRD as a more effective use of their time (compared to formal disposals) and as a valuable opportunity for staff to provide early support and intervention for young people at risk of offending in a timely manner (YJB, 2011). Several concerns remain, however, regarding whether YRDs have been fully integrated within broader strategic approaches in local authority areas, rather than employed as standalone, one-off initiatives (YJB, 2011), whether YOS staff have been properly integrated into the YRD process or marginalised (as police only inform YOS staff of the YRD after it has been issued) and whether the speed of the YRD process eschews a considered, evidenced approach guaranteeing young people due process.

Another diversionary scheme, the *Triage* system was introduced into youth justice provision in 2009. Triage is a partnership between the police, Youth Offending Service (YOS) and the Crown Prosecution Service, working with young people who have committed low-level offences, with the objective of diverting them away from the formal YJS and into restorative practice and risk-focused intervention. Police and YOS staff work in police custody suites to assess young people's needs immediately upon their entry into the YJS as a means of avoiding criminalisation and processing young people more quickly through the system. Young people are processed by Triage at three levels, depending on their offence seriousness – diversion (low offence seriousness), intervention, fast track into the YJS (most serious). The Triage (process) evaluation (Home Office, 2012) identified significant shortfalls in the quality, consistency and availability of local monitoring data, such that it was not possible to evaluate the disposal's effectiveness.

The tide, it seems, is turning again and diversion from the formal YJS is, once again, back on the policy and practice agenda as an appropriate and effective response to, particularly low level, offending behaviour by young people. However, at present, it appears that the Government's priority for these diversionary schemes is a form of expedited or 'fast track' justice,

rather than a more considered, consultative and evidenced diversionary approach. It also remains unclear as to the precise or desired relationship between police and YOS staff in delivering diversionary programmes, nor is there a clear or significant role for young people or their parents in diversionary processes. Finally, there remain serious weaknesses in the extent and nature of statistical data monitoring and analyses within and between diversionary disposals, hampering comparative analysis of these different approaches.

2. Social policy for children and young people in Wales

Since devolution in 1999, there has been an emergent difference between social policy in Wales (see, Drakeford, 2010), youth justice policy in Wales (see, Haines, 2010) and that promulgated in England – Wales’s ‘clear red water’ (Rhodri Morgan, 2002). Broadly speaking Welsh social policy has espoused five principles which are distinct from those in England and which have been presented as distinctively Welsh:

1. *Good governance* remains the most effective vehicle through which collective solutions can be applied to common problems;
2. Belief in the advantages of *universal services* – rather than narrowly targeted means-tested services;
3. The relationship between the individual and the state is one based primarily on *citizenship* rather than consumption;
4. Belief in *equality of outcome*, not simply equality of opportunity;
5. For young people ... *engagement and participation*...policy compliance with the Convention on the Rights of the Child.

(Drakeford, 2010: 143, *our emphasis*)

These principles are expressed towards young people (including young people embroiled in the YJS) in, *inter alia*, three main ways: firstly, the Welsh Government has formally ratified the [United Nations Convention on the Rights of the Child, 1989 \(UNCRC\)](#) and committed itself to ensuring that Welsh legislation and policy is UNCRC-compliant; second, Wales has produced its own youth strategy, known as *Extending Entitlement*,² which sets out 10 universal entitlements for young people (National Assembly Policy Unit, 2002; see also Case et al., 2005; Haines et al., 2004); and thirdly, the Welsh Government and the YJB have produced a specific youth justice strategy for Wales, known as the *All Wales Youth Offending Strategy* (see WAG and YJB, 2004; see also Haines, 2009), which states that:

“... there is no contradiction between protecting the welfare of young people in trouble and the prevention of offending and re-offending ... young people should be treated as children first and offenders second...” (WAG and YJB, 2004: 3)

Welsh social policy for children promotes a context where adults and service providers (not children) are ‘responsibilised’ (see Muncie, 2004) to work in a multi-agency manner to ensure that all young people have access to their universal entitlements (under *Extending Entitlement*) and to respond to young people as ‘children first, offenders second’ (under the *All Wales Youth Offending Strategy/AWYOS*). It is in this context that the development of the Swansea Bureau is situated and where some key differences with approaches to diversion elsewhere are to be found.

²The English counterpart being *Every Child Matters* (Department for Education, 2004).

Wales's 'clear red water' has yet to be fully realised in practice terms. Evidence suggests there is inconsistent implementation of policy across the country (Rod Morgan 2010) and variance between and within jurisdictions (c.f. Goldson and Hughes, 2010) as practitioners seek to mediate the implementation of national policy into locally-sensitive practice (see Kemshall, 2008; Hughes and Follett, 2006). The distinctiveness of Welsh policy is no guarantee of effective or consistent practice, but it does help to understand how Swansea has begun to animate national policy and to exemplify a distinctive approach to diversion (see Hoffman and MacDonald, 2011).

3. The Swansea Bureau

Emerging policy differences in Wales have created the space and the opportunity for South Wales Police and the Swansea YOS to mediate national policy prescriptions and to develop a local response to the excessive criminalisation of young people – a response that became known as the Swansea Bureau. Additionally, the Bureau is a blend of knowledge from the 1980s diversion experience and wider contemporary knowledge:

“... we pinched pieces from all over the place... we looked at some work which was done in Northamptonshire... We looked at the Scottish reporter system. We looked at some of the processes in Europe which are much more family orientated... we sort of melded all three of those elements to shape it into a system which we think suits the needs of young people in Wales.” (Swansea YOS Manager, 2010)

The key stated aims of the Bureau are:

- To divert young people out of the formal processes of the youth justice system;
- To reduce the number of first time entrants entering the YJS;
- To treat young people as children first, offenders second;
- To provide programmes to tackle the underlying causes of offending behaviour through the promotion of positive and prosocial behaviour. (Swansea YOS, 2010: 2)

The Bureau is intended as a new approach to diversion, utilising inter-agency partnership (in line, in fact, with YJB guidance) between South Wales Police and Swansea Youth Offending Service (YOS), supported by the wider Safer Swansea Partnership.³ It operates within a formal partnership agreement, which specifies the roles of the respective local agencies, sets out agreed referral eligibility criteria and clarifies decision-making responsibilities. The Bureau is designed to deliver genuine diversion from the formal YJS, as young people who are diverted do not attract any formal charge or criminal record, thereby avoiding the negative consequences of a criminal record on future educational or employment opportunities. Crucially, the Bureau is designed to be *children first* through its foci on: (re-) *engaging parents/carers* in the behaviour of their children, giving explicit place to hear the *voices of young people* and decoupling the *needs of the victim* from the responses to the child. Bureau mechanisms seek to slow down the youth justice process (contra Youth Restorative Disposals and Triage which are designed to speed up disposals), whilst simultaneously eschewing offence-focused programmes (contra Youth Restorative Disposals and Triage which are focused on *young people making*

³The Safer Swansea Partnership is the local manifestation of the Community Safety Partnership or, what are known in England as Crime and Disorder Reduction Partnerships.

reparations to the victim for the offence) in favour of interventions which promote young people's access to their entitlements (contra Triage where, in some areas, additional *rehabilitative* measures are available).

The Bureau process (see Fig. 1) comprises five distinct stages, described as follows:

3.1. Stage 1: arrest and bail

The Bureau's process begins at the arrest of a young person. When a young person is brought to the custody suite, the Custody Officer (usually a Police Sergeant) determines whether the child meets core criteria, which make them eligible for diversion into the Bureau process:

- a) The young person admits that they have committed the offence;
- b) The offence has an Offence Gravity Score of 1–3⁴;
- c) The young person is a 'First Time Entrant' (FTE) into the YJS or has previously received a pre-court disposal (Police Reprimand or Final Warning) more than two years ago so the order has lapsed and the young person has effectively returned to FTE status.

If the core criteria are met, the Custody Sergeant will explain the Bureau process to the young person and their parents, bailing the young person to participate in a Bureau clinic, which takes place approximately two weeks later.⁵ The Police automatically notify the Bureau Co-ordinator (based at the YOS) of the referral⁶ and this notification triggers a dual assessment process: one with the young person and their family (see Stage 2); and the other with any identified victims (see Stage 3).

3.2. Stage 2: the assessment of young people

A comprehensive assessment process is initiated by the Bureau Co-ordinator, who requests information about the young person from a broad range of agencies, including; the Police, YOS, Social Services, Anti-Social Behaviour Youth Team, Schools and the Local Education Authority. The information is collated and scrutinised by a YOS Pre-Court Team Officer who then arranges to meet with the young person to carry out an assessment. Firstly, the assessment explores the circumstances of the offence. Secondly, it ascertains if there are any underlying problems being experienced by the young person for example, at school, home or in the community. The young person is given an opportunity to participate in the assessment process which may take many forms and include: reflecting on their behaviour, directly offering their views on actions that may be needed to repair any harm caused, and identifying interventions or support services which may contribute to their own, future, prosocial behaviour. Relevant information from a range of agencies and the young person's views are incorporated in a report, completed by the Pre-court Team Officer, which is forwarded to a Bureau Panel (see Stage 4).

⁴Offences by young people aged 10–17 years old are allocated an 'Offence Gravity Score', which ranges from 1 (low gravity) to 4 (high gravity) based on offence seriousness in accordance with ACPO (2009).

⁵This procedure lies outwith the provisions of the Bail Act and required special permission from South Wales Police, who agreed that the two week period was 'pertinent and necessary' (cf. PACE) for the collection of vital information to feed into the Bureau Panel decision at stage 4.

⁶Notification takes place via an 'F11' the standard form for recording arrests, offences and bail decisions on the South Wales Police Force integrated computer/information system. Crucially, Bureau processes are embedded within mainstream Police systems and do not rely on memory or discretion to be actioned.

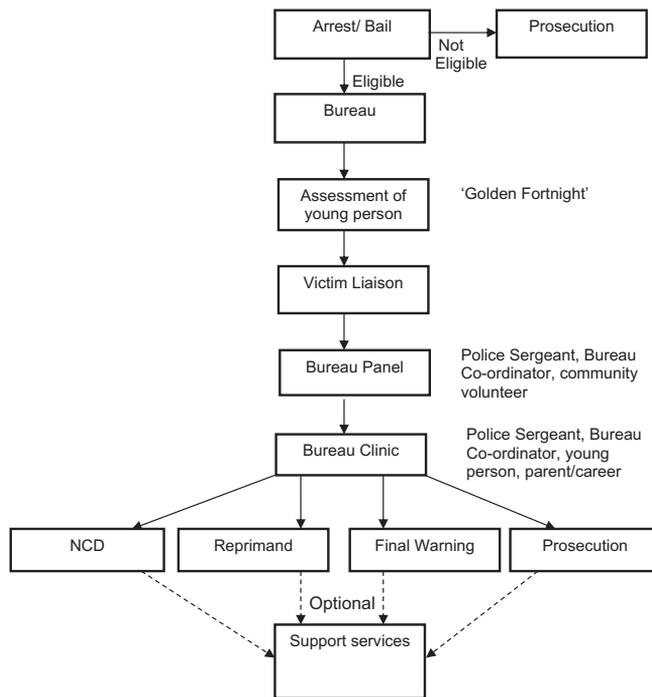


Fig. 1. The Bureau Model.

The report includes a recommendation as to whether formal processing or a Non-Criminal Disposal is appropriate. Should a Non-Criminal Disposal (NCD) be recommended, the Bureau Co-ordinator may also (if appropriate) offer an individually tailored support package to the young person and their family to tackle any underlying problems or issues and to support positive, prosocial behaviour in the future.

3.3. Stage 3: assessing the needs of victims

The views and needs of identified victims form an important part of the Bureau process. A Victim Support Officer from the YOS will contact and if desired by the victim/victims meet with them. The Bureau process enables victims to express their views about any actions that might contribute to repairing the harm caused by the offence and also to talk about how the offence has affected them; these views are incorporated into the Bureau report. Resultant interventions can include reparative elements such as a letter of apology or a Restorative Conference (if agreed to by both victim and young person). Victim's views are shared with the young person, allowing them to consider victim perspectives during their assessment. Significantly, the victim plays no further active role in the Bureau Panel or Clinic (see Stages 4 and 5) and the outcome for the young person, in line with the children first approach, is not contingent upon securing the engagement or agreement of any victim. Victims, however, may be offered further support from the Police, YOS or referral to a specialist agency (e.g. Victim Support).

3.4. Stage 4: panel

The Bureau Panel is a closed meeting, which is not attended by children, parents/carers or victims. The multi-agency Panel, which consists of the Bureau Co-ordinator, a Police Sergeant and a community representative (a lay volunteer who has received specialist Bureau training), discusses the report prepared by the Bureau Co-ordinator and makes a provisional decision concerning appropriate action in respect of each individual young person. Provisional decisions include: Non-Criminal Disposal (NCD), Police Reprimand, Final Warning and Prosecution. In addition, the panel may discuss and develop individualised support packages for young people and/or their parents/carers. Support packages and the services provided via the Swansea Bureau are voluntary and designed to be child-focused (not offence-focused); sensitive to the social circumstances and needs of the child and their parents (e.g. referral to existing youth justice provision, such as anger management, substance use or Youth Inclusion Programmes; or community-based provision, such as the Duke of Edinburgh Award Scheme or social and recreational activities). The voluntary nature of Bureau interventions is intended to enhance young people ownership of the process, which in turn can enhance levels of compliance and engagement/participation (see also Crawford, 2003; Ayres and Braithwaite, 1992). On completion of the Bureau Panel meeting, the Bureau Clinic is convened – usually on the same day.

3.5. Stage 5: the Bureau Clinic

The Bureau Clinic consists of the members of the Panel plus the young person and their parent/carer and follows a broadly restorative model of operation (see Braithwaite and Mugford, 1994). The Police Sergeant discusses the offence in the context of the information provided in the report and reflects on the consequences of the child's actions for themselves, their family and the victim. The Clinic is designed to be participatory in nature and the young person and their parents are given express opportunity to contribute to the discussion. The aim of the Clinic is to reach a mutually agreed and appropriate outcome/decision for each child. Possible decisions are: to prosecute; administer a Police Reprimand or Final Warning; or to agree to a NCD (accompanied by a support package if required and agreed). A final decision is made at the conclusion of the clinic and effective immediately. Where a NCD is made, the decision is final and no further formal action is taken in respect of the young person.

Young people and their family may be offered support supplementary to the Bureau decision-making process. Not all young people or their parents are deemed or deem themselves in need of further support. Where there is a mutual recognition that support is appropriate, an individualised package is developed. These services may be delivered by the YOS or by a range of community-based organisations such as: schools, youth groups or community projects. Services are typically informal and young people are often integrated into existing community programmes/provision. Support services can vary considerably in respect of their nature and intensity. For example the young person may agree to take part in a long-term peer mentoring programme, or become involved in Community-based recreational activities such as the Duke of Edinburgh or be referred for Fire or Road Traffic Awareness initiatives. The duration of services can range from single one-off meetings to long-term engagement, thus allowing for the personal growth of the young person within a time scale that suits their needs. Providing individualised, flexible, multi-agency service delivery, located within a preventative, prosocial model that avoids blaming/responsibilising young people and their parents is a central objective of the Swansea Bureau process.

4. Methodology: the Bureau in practice: is it making a difference?

An independent process evaluation of the early impact of Swansea Bureau was conducted from 2009 to 2012. Measurement and analysis of two main issues were identified as central to an evaluation of the impact of the Swansea Bureau:

- 1) the *changes in decision-making* for FTEs since the Bureau began;
- 2) the *impact of decision-making on outcomes* for young people in terms of re-offending – as measured by *re-arrest/conviction rates*.

Statistical analysis of the changes in, and impact of, decision-making by local youth justice practitioners regarding local young people was facilitated by a process of *secondary data analysis* of key datasets drawn from ‘Youth Offending Information System’ (YOIS). The evaluators accessed localised Bureau datasets related to those young people each year who constituted FTEs into the YJS (thus making them eligible for Bureau intervention). Analyses focused on the *disposals* (NCD, Reprimand, Final Warning, Prosecution) given to these young people and their *reconviction rates*; further analysed in relation to *Offence Gravity Scores*.

In order to better understand and explain the quantitative, statistical results, thirteen open-ended, *semi-structured interviews* were conducted with a purposive sample of key stakeholders in the Bureau process, which explored the operation and perceived impact of the Bureau⁷:

- **Swansea YOS** – Manager, Senior Court Officer, Victim Support Officer, Education, Training and Employment Officer, Anti-Social Behaviour Officers (2);
- **South Wales Police** – Bureau Co-ordinator, Basic Command Unit Commander, Superintendent, Inspector, Sergeant, Victim Support Officer, Criminal Justice Department Manager.

5. Results: secondary data analysis

5.1. FTEs and decision-making

Following the re-discovery of diversion in policy terms (referred to above), the general trend across England and Wales has been one of reducing numbers of FTEs year-on-year from 2006/07 (109,421 young people) to 2009/10 (48,606 young people), an overall decrease of 56% (Justice Committee, 2011). This widespread trend has been mirrored in Swansea, with the annual (April–March) number of FTEs falling from 371 in 2005/2006 (the first year in which reliable FTE data was collected by Swansea YOS), to 295 in 2008/2009 – a decline of 20% over three years. (Fig. 2).

Following the introduction of the Bureau, the number of FTEs decreased from 289 in 2008/2009, to 159 in 2009/2010⁸ (45% decrease), to 147 in 2010/11 (8% decrease) and to 86 in 2011/12 (41% decrease). In order to more closely-examine the relationship between the introduction and operation of the Swansea Bureau and the decrease in FTEs, it is necessary to compare and

⁷The evaluation has, to date, focused on the systems impact of the introduction of the Bureau and on its impact on reoffending. Ongoing evaluation focuses on the views of young people and parents.

⁸If the YJB’s April–March measurement period is used, Swansea evidenced the highest percentage reduction in FTEs in Wales (YJB, 2010).

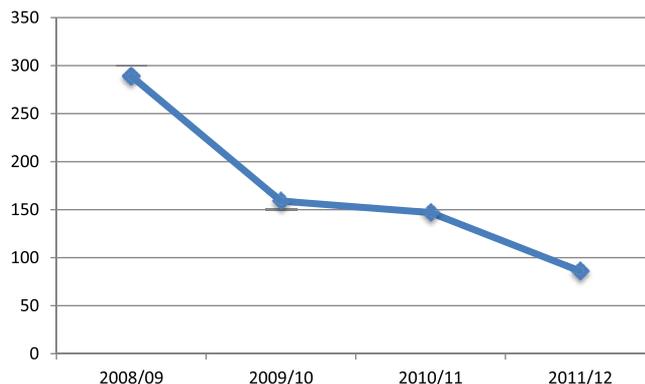


Fig. 2. Annual number of FTEs into the Youth Justice System in Swansea 2008/09–2011/12 (April–March).

contrast decision-making and outcomes for young people before and after the Bureau's inception. In particular, it is useful to examine whether the post-Bureau decrease in FTEs each year has been reflective of a general decrease in youth offending locally or a substantive change in the decisions made regarding young people on the cusp of the YJS (i.e. did offending levels remain stable, but decisions to divert increase?). Additionally, it is important to reflect on whether the Bureau merely delays entry of young people into the YJS or whether it results in a genuine reduction of offending/reoffending.

Data in Table 1 indicate that the number of NCDs given to potential FTEs ('potential' because receiving a NCD keeps the young person out of the formal YJS) increased annually from 110 in 2009/10 (41% of total disposals given to FTEs), to 123 in 2010/11 (46% of disposals) to 152 in 2011/12 (64% of disposals). There has, therefore, been a clear change in local decision-making for FTEs. Whether these statistics are indicative of substantive changes in the extent of youth offending locally is less clear as the total numbers of first-time offenders remained stable from 2009/10 (269) to 2010/11 (270), the year following the Bureau's introduction. However, a notable decrease in first-time offenders in 2011/12 (from 270 to 238 young people) suggests an emerging trend of falling numbers of first-time offenders running concurrently with falls in FTEs and changes in local decision-making. The emerging evidence, therefore, is that the Bureau is operating to reduce the level of offending by young people and not merely a mechanism that delays entry into the YJS.

Table 1

Decision-making and outcomes for FTEs in Swansea from 2008/09 to 2011/12 (April–March).

Disposal	2008/09		2009/10		2010/11		2011/12	
	N	%	N	%	N	%	N	%
NCD	N/A	N/A	110	41	123	46	152	64
Police Reprimand	117	56	93	35	98	36	61	26
Final Warning	45	22	32	12	22	8	12	9
Prosecution	47	22	34	13	27	10	13	5
Total	209	—	269	—	270	—	238	—

All percentages are rounded to the nearest whole number.

The predominance of NCDs has had a knock-on effect in reducing the numbers and proportion of pre-court and court measures. A total of 24 fewer Police Reprimands were given to FTEs in 2009/10, decreasing the percentage of Reprimands as a proportion of all disposals given to FTEs by 21% (from 56% to 35%). In 2010/11, Reprimands increased in number by 5 (a 1% increase as a proportion of all disposals), but decreased by 37 in 2011/12 (a 10% decrease as a proportion of all disposals). There has been a concurrent reduction in the use of Final Warnings, which fell in 2009/10 by 13 in number (a 10% decrease as a proportion of all decisions – from 22% to 12%) decreased by 4 in 2010/11 (a 4% decrease as a proportion of all disposals), and decreased in 2011/12 by 10 (although this constituted a 1% proportional increase in disposals). The impact of the Bureau on Prosecution⁹ was similarly reductive, with annual decreases in 2009/10 of 13 (9% decrease as a proportion of all disposals), of 7 in 2010/11 (3% proportional decrease) and of 14 in 2011/12 (5% proportional decrease).

The analysis of decision-making for FTEs in relation to their Offence Gravity Score (OGS) enables a more sensitive and detailed assessment of the potential diversionary impact of Swansea Bureau. Examining decisions in relation to offence seriousness/gravity indicates, for example, the distribution of post-Bureau diversionary decisions (NCDs) across offence levels and enables an examination of the extent to which the distribution of other decisions (pre-court and prosecution) has been affected by the introduction of the Bureau. Table 2 illustrates the numbers of FTEs eligible for the Bureau (OGS 1–3) who received different disposals/decisions in the annual periods pre- and post-Bureau and the overall percentage of decisions each year made up by each type of disposal.

Changes in the distribution of pre-court decisions and prosecutions can be discerned in the years following the Bureau's introduction when OGS is closely examined. Taking FTEs with an OGS of 1 as the starting point, the proportion of total disposals constituted by NCDs increased from 50% in 2009/10–58% in 2010/11–68% in 2011/12. The proportion of disposals accounted for by Reprimands decreased between by 38% in 2009/10 (from 75% to 37%), increased by 6% in 2010/11 (from 37% to 43%) and decreased again in 2011/12 by 26% (from 43% to 17%). Similarly, the proportion of disposals made up by Final Warnings has decreased annually in 2009/10 (4% decrease) and 2010/11 (2% decrease), although the proportion increased in 2011/12 (5% increase, accounted for by 3 young people). Prosecution numbers for OGS 1 remained very low and decreasing slightly in 2009/10 (4 young people, 4% of overall disposals), 2010/11 (3 young people, 3% of overall disposals) and 2011/12 (2 young people, 2% of overall disposals).

Analyses of OGS 2 disposals reflects an equivalent pattern of annual increase in the use of NCDs as a proportion of all disposals, in 2009/10 (37% increase), in 2010/11 (10% increase – from 37% to 47%) and in 2011/12 (18% increase – from 47% to 65%). The proportion of Reprimands given to FTEs with an OGS of 2 decreased annually from in 2009/10 (37% decrease), in 2010/11 (2% decrease) and in 2011/12 (11% decrease), whilst Final Warnings also fell in 2009/10 (by 4%) and in 2010/11 (by 6%) but remained stable as a proportion of all disposals in 2011/12. The use of Prosecution fluctuated annually as a proportion of all disposals for OGS 2, increasing by 2% in 2009/10, but decreasing by 1% in 2010/11 and decreasing by a further 7% in 2011/12.

The analysis of disposals for FTEs presenting with an OGS of 3 is less reliable due to the relatively small numbers in each cell. These low numbers reflect the developmental stage of the

⁹No custodial sentences were given to FTEs in 2008/09, 2009/10 or 2011/12; 3 were given in 2010/11, but for offences with gravity scores that rendered them ineligible for Bureau intervention.

Table 2

Decision-making by Offence Gravity Score (1–3) for FTEs in Swansea between 2008/09 and 2011/12 (April–March).

Year	OGS	2008/09		2009/10		2010/11		2011/12	
		N	%	N	%	N	%	N	%
Annual number of FTEs into the Youth Justice	1	N/A	N/A	51	50	45	46	55	68
Annual number of FTEs into the Youth Justice	1	75	75	37	37	42	43	14	17
Annual number of FTEs into the Youth Justice	1	13	13	9	9	7	7	10	12
Annual number of FTEs into the Youth Justice	1	12	12	4	4	3	3	2	2
Annual number of FTEs into the Youth Justice	1	100	–	101	–	97	–	81	–
NCD	2	N/A	N/A	55	37	76	47	93	65
Reprimand	2	121	72	52	35	53	33	32	22
Final Warning	2	28	17	20	13	12	7	10	7
Prosecution	2	20	12	22	14	22	13	8	6
All	2	169	–	149	–	163	–	143	–
NCD	3	N/A	N/A	4	21	2	18	4	29
Reprimand	3	1	5	4	21	3	27	3	21
Final Warning	3	4	20	3	16	3	27	4	29
Prosecution	3	15	75	8	42	3	27	3	21
All	3	20	–	19	–	11	–	14	–

All percentages are rounded to the nearest whole number.

implementation of the Bureau and the timing of the evaluation, although they do show some gains for NCDs over other disposals¹⁰.

Whilst it is informative to analyse *between-group* changes in decision-making for FTEs, the FTE measure alone cannot provide a complete picture of the impact of the Bureau because it excludes measurement of *within-group* changes in terms of re-arrest/conviction. It is to this measure that we turn in the next section.

5.2. FTEs and re-arrest/conviction

To provide a comparison of the rates of re-arrest/conviction (as indicative of re-offending) between the distribution of disposals pre- and post-Bureau, each young person in Swansea arrested, convicted, sentenced or given a NCD was followed-up for equal periods of 12 months pre- and post-Bureau introduction (see Table 3).

In the two years for which reconviction data is available, post-Bureau, reconviction rates for young people receiving a NCD have risen from 9% in 2009/10–11% in 2010/11, although these statistics actually reflect an increase of only 3 young people. Reconviction rates for FTEs receiving a Reprimand have fluctuated, decreasing by 13% in 2009/10 (from 24% to 11%, $n = 18$), then increasing to 21% in 2010/11. Final Warnings reconviction rates have increased annually in 2009/10 (from 13% to 19%) and in 2010/11 (from 19% to 27%, $n = 6$), whilst reconviction for FTEs receiving Prosecution rose by 15% in 2009/10 (from 23% to 38%), but decreased by 23% in 2010/11 (from 38% to 15%, $n = 9$). Despite the relatively low reconviction numbers and with due consideration of their potentially skewing effects on statistical interpretations when converted to percentages, a general trend can be tentatively discerned that reconviction rates for NCDs are lower than those for all other disposals in both years.

¹⁰Since this evaluation was completed a decision has been made locally that all young people arrested will be processed through the Bureau.

Table 3

Number of FTEs reconvicted in Swansea 2008/09–2010/11 (April–March) as a percentage^a of each disposal.

Disposal	2008/09			2009/10			2010/11		
	N	Reconvicted		N	Reconvicted		N	Reconvicted	
		N	%		N	%		N	%
NCD	N/A	N/A	N/A	110	10	9	123	13	11
Police reprimand	117	28	24	93	10	11	98	21	21
Final warning	45	6	13	32	6	19	22	6	27
Prosecution ^b	47	11	23	34	13	38	27	4	15

^a All percentages are rounded to the nearest whole number. Reconviction data for 2011/12 was unavailable at the time of writing.

^b Most young people prosecuted received a Referral Order in 2008/09 (25/27 young people; 93%) and 2009/10 (22/24 young people; 92%). The remainder received a community sentence; none received custody.

To probe deeper into the relative effectiveness of different disposals it is necessary to analyse re-arrest/conviction in relation to OGS and disposal type, as this enables an assessment of whether Bureau re-arrest/conviction rates can be explained by the targeting of lower OGSs (see Table 4).

Table 4 presents the number and percentage of young people reconvicted each year who had received a specific disposal for a specific OGS. For example, in 2008/09, 75 FTEs received a Reprimand and 15/75 had been reconvicted one year later (20%). Caution is advised in interpreting the above findings as the numbers of young people reconvicted across all disposals are too low for drawing definitive conclusions (particularly for comparisons in respect of OGS 3). The numbers of young people in each cell are low (less than 10 in all but three cases) such that conversion to percentage form potentially over-represents and skews the strength of any imputed relationship. For example, 33% of FTEs who were prosecuted for an OGS of 1 or Reprimand for an OGS of 3 in 2010/11 were reconvicted,

Table 4

Number of FTEs reconvicted in Swansea 2008/09–2010/11 (April–March) by OGS.^a

Year	OGS	2008/09			2009/10			2010/11		
		N	Reconvicted		N	Reconvicted		N	Reconvicted	
			N	%		N	%		N	%
NCD	1	N/A	N/A	N/A	51	6	12	45	7	16
Reprimand	1	75	15	20	37	5	14	42	13	31
Final Warning	1	13	2	15	9	0	0	7	1	14
Prosecution	1	12	3	25	4	1	25	3	1	33
NCD	2	N/A	N/A	N/A	55	3	5	76	6	8
Reprimand	2	121	13	11	52	5	10	53	7	9
Final Warning	2	28	3	11	20	5	25	12	5	42
Prosecution	2	20	4	20	22	7	32	22	3	14
NCD	3	N/A	N/A	N/A	4	1	25	2	0	0
Reprimand	3	1	0	0	4	0	0	3	1	33
Final Warning	3	4	1	25	3	0	0	3	0	0
Prosecution	3	15	4	27	8	5	63	3	0	0

^a All percentages are rounded to the nearest whole number. Reconviction data for 2011/12 was unavailable at the time of writing.

but this actually represents only 1 young person in each case. Whilst the data broken down by OGS indicates that very few FTEs in Swansea are being reconvicted each year (see also Table 3) there is no evidence to suggest that the results achieved following the Bureau process are the product of selection bias.

Although the results reported above cannot be considered definitive in documenting the impact of the Bureau on reconviction when OGS is considered, they are, on the basis of the available data, indicative of a potentially positive relationship and set of outcomes. Overall, the analysis presented above suggests that the first three years of the Swansea Bureau has evidenced promising outcomes. The introduction of the Bureau appears to have precipitated a growing local culture of diversion of young people from the YJS and a resultant fall in the numbers of FTEs. These decreases in FTEs have largely been achieved in respect of lower-end OGS (1 and 2) and as an alternative to other pre-court disposals. Whilst reconviction rate data is less conclusive due to relatively small cell numbers, the indications are that those young people processed through the Bureau are less likely to be reconvicted than those who formally enter the YJS.

5.3. *Semi-structured interviews with key stakeholders: qualitative analysis of Bureau impact*

Following thematic analysis of the interview data, three issues emerged as most significant to key stakeholders in explaining the impact of the Swansea Bureau at a political, strategic and practice level:

- Animating the Welsh policy context;
- Pursuing a ‘children first, offenders second’ approach to young people who offend;
- Parental responsibility and engagement.

5.3.1. *Animating the Welsh policy context*

One of the distinctive features of the development and implementation of the Swansea Bureau has been its clear location within a children’s-rights agenda that seeks to emphasise the centrality of youth participation and engagement in line with *Extending Entitlement* (National Assembly Policy Unit, 2002) and the *All Wales Youth Offending Strategy* (WAG and YJB, 2004). At the highest level, this approach seeks to give expression to Article 12 of the United Nations Convention on the Rights of the Child:

“...For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child...” (Article 12 (2), UNCRC, 1989)

This commitment has been evidenced strategically (e.g. South Wales Police/Swansea YOS, 2009) and operationally (e.g. Swansea YOS, 2010). For example, the Swansea Children and Young People’s Strategy 2011–14 states that:

‘We will develop Swansea as a child and young person friendly place. To enable this to happen we will base our actions around the United Nations Convention on the Rights of the Child (UNCRC) so that we ensure that the rights of children and young people are upheld’ (Swansea Children and Young People’s Partnership 2011: 4)

Similarly, the ‘Safer Swansea’ Crime and Disorder Reduction Strategy for 2011–14 states that:

‘Safer Swansea proposes work with children and young people that is based on engagement, learning, participation and empowerment’ (Safer Swansea Partnership, 2011: 21)

Stakeholder interviews also provided evidence that the commitment to youth participation and engagement extended to a distinctive way of thinking about young people generally and the normality of offending in young people’s lives. Eschewing approaches which viewed the young person as an offender or as a problem (or potential problem) to manage, thinking locally coalesced around a more positive response to youth justice intervention, one in which the young person is seen as:

“... part of the solution, not a part of the problem... It’s time that people realised that young people can be constructive.” (Swansea YOS Officer, 2010)

The broad children’s rights perspective and the specific participation and engagement of the young person is viewed by local stakeholders to be at the centre of the Bureau process in a meaningful manner. Stakeholders perceived that young people have significant input into Bureau decisions and outcomes, rather than serving as the passive recipients of adult-centric, punitive responses:

“Our Bureau gives kids the chance to get their view across... kids have a second chance to voice their opinions at the Bureau Clinic. If they think we haven’t taken account of something they can tell us. They can also say if they think we are wrong. I think sometimes they are shocked that we listen to them. But, their views are so important. After all, the Bureau is about them and their lives.” (Swansea Bureau Co-ordinator, 2010)

Thus, the Bureau evinces a commitment to hearing the voices of local young people and listening and responding to their views (in accordance with the UNCRC) within subsequent interventions.

5.3.2. Pursuing a ‘children first, offenders second’ approach to intervention with young people who offend

Two concurrent aims of the Swansea Bureau are to divert young people away from the formal YJS and to prevent re-offending via a child-appropriate, children first (offence/offender second) approach to youth justice intervention. A key message from the interviews is that intervention is a central plank of a principled, practical and effective response to offending behaviour. Crucially, the informal and diversionary measure (i.e. NCD) promulgated by the Bureau animates with the AWYOS commitment to responding to ‘children first and offenders second’ (WAG and YJB, 2004: 4) through non-criminogenic, UNCRC-compliant, pro-social intervention. There is a strong local belief that this is an effective method for reducing re-offending. The provision of support services to young people and their parents (only where deemed necessary by all parties) and fostering engagement with these services is considered to be more important and effective than a ‘pure’ (non-interventionist) diversionary approach:

“...[the Bureau] is about getting the youngster the right interventions at the right time. This is not just looking at the symptom of the offence but the underlying causes” (Senior South Wales Police Officer, 2010)

The qualitative interview data implicates the Bureau's commitment to diversion and crime prevention through the use of informal, child-appropriate, 'children first' disposals:

"Our primary role is to prevent offending... But we can't do that alone, nor can we achieve that by criminalising children... I strongly believe that it is only by adopting a child-rights approach, one where we treat children as children first and serve them by meeting their needs and very often supporting their families: only then will we make progress." (Swansea YOS Manager, 2010)

In contrast to the more prescriptive, punitive and responsabilising (offence/offender-focused) approach of some existing national measures (Haines and O'Mahony, 2006), stakeholders reported that the Bureau provided a bespoke (children first) entitlements-based and needs-led youth justice process:

"let's be quite honest, any young person can commit offences from any background, they all make mistakes, but some may need more assistance... Basically, you have got to bespoke it [support] to that person's needs..." (Chief Superintendent, South Wales Police, 2010)

In particular, it was felt that the child-appropriate, children first ethos of Bureau practice was critical in enabling young people (and their families) to participate in the YJS in a positive and non-stigmatising manner and to engage in prosocial behaviour:

"If we believe in children, we shouldn't criminalise them. Instead, we should try to support them, invest in them, and see them as our future. The Bureau gives us a chance to do that." (Senior Officer, South Wales Police 2010)

Clearly recognising that the YJS deals with children and acting on this recognition in a meaningful manner has been a central animating feature of the Swansea Bureau.

5.3.3. Parental responsibility and engagement

The YJS in England and Wales has been of particular interest to other European jurisdictions because of its longstanding policy emphasis on parental responsibility (e.g. *Youth Crime Action Plan 2008*; *Every Child Matters, 2004*; *Crime and Disorder Act 1998*). Whilst arguably positively motivated, the policy manifestations and practical implementation of parental engagement has been somewhat negative. Parents have been viewed as, variously, feckless, deficient and disinterested, and the remedies have focused not on engaging or supporting parents but on enforcing responsibility (what Garland (1996) has dubbed 'responsibilisation'; see also Muncie 2004), on compulsory re-education and punishment for non-compliance (Goldson and Jamieson, 2002). In contrast, the Swansea Bureau has sought to embody a different approach to the role of parents.¹¹ In line with the children first philosophy, parents are seen as the natural carers of young people and the family as the first point of reference for childrearing. In practical terms the Swansea Bureau seeks to promote this approach in two key ways: by not usurping parental authority and by engaging parents in decision-making.¹² The commitment of the Bureau stakeholders to providing appropriate responses to the young person and their

¹¹Or carers.

¹²It is also possible for Bureau outcomes to involve ongoing support for parents (of an emotional or practical nature). Such support is not compulsory nor are sanctions attached. Further research into this aspect of the Bureau is ongoing.

family is illustrated by the tailoring of support packages, for which there is no compulsion for young people or their family to agree to, or participate in:

“... by thorough assessment, we have put together packages for that young person... that can range from doing nothing with them because they don’t need it, to identifying a wealth of issues and getting other people involved...” (Swansea Bureau Co-ordinator, 2010)

Interview data indicates a strong local belief amongst key stakeholders that the formal YJS tends to respond to young people in a manner that effectively usurps parents of their responsibility. It is quite possible that the first time a parent is informed about the (alleged) offending behaviour of their child, they are also to be told that the YJS is now in process and will deal with the young person (and possibly the parent too!). Once the official processing of a young person has begun, it cannot be stopped and parents have very little say in this process. In Swansea, however, Bureau processes deliberately stall formal youth justice processes (e.g. Bureau stages 1 and 2) to prevent usurping parents of their responsibility and authority, and to allow for their engagement in subsequent decision-making. Following arrest, the formal youth justice process stops and the young person is bailed, usually in the presence of their parents, to a Bureau Clinic two weeks hence. Thus, the first time a parent hears about their child’s behaviour they are also informed that: 1) no further formal decisions about what is to be done are taken at the time of arrest, 2) that a South Wales Police Officer or Swansea YOS Officer will be visiting the home within the next few days to discuss their child’s behaviour and what is to be done – both with the young person and with them, and 3) they are invited to a meeting (the Bureau Clinic) in approximately two weeks time, where they will be given the opportunity to discuss and agree with a Police Officer and YOS Officer what is to be done in respect of their child’s behaviour.

In this respect the Bureau’s procedures are very specific and have been designed to avoid the YJS’s tendency to usurp parental roles and to provide meaningful opportunity for further parental involvement in decision-making concerning their own children.¹³ Parental participation is, however, voluntary – although, perhaps significantly, to date, no parents have refused to engage in a Bureau Clinic.

“You find even the ones, the parents who have been through the mill themselves, the last thing they want is for their kids to go through the same... [they] don’t want their kids going down that line... they do try.” (South Wales Police Sergeant, 2010)

There has been, additionally, one unanticipated outcome of the Bureau processes – in many cases parents have pre-emptively re-asserted their role and authority vis-a-vis their children. Bureau processes have been designed to be ‘children first’ – locating responses to challenging youthful behaviour in the family – giving parents a voice in decisions about their children and avoiding usurping parental responsibility and authority. It was thought, in the design of Bureau processes, that the exercise of parental responsibility and authority would find its keenest expression in the Bureau Clinic meetings. In practice this has only partly been true. Throughout the interviews with key stakeholders one theme recurred, namely that parents were taking the

¹³This, for example, is one critical difference between the Swansea Bureau and other contemporary diversion mechanisms, including the Youth Restorative Disposal, where the pilot identified that parents/carers seldom participated in the disposal (YJB, 2011). It is not possible to provide any detailed comparison between the Bureau and Triage, as the Triage evaluation was unpublished at the time of writing.

opportunity of the two-week interval between arrest and Clinic meetings to (re-)assert their parental role, for example:

“... the majority of parents who come to the Bureau will say, ‘I am glad we have had this two week period. He has been grounded, sanctions have been put in place: his laptop has been taken off him, no pocket money’ ... so, I think they do take on that role.” (Swansea Bureau Co-ordinator, 2010)

Parents appear to have been responding to the behaviour of their children without external provocation, in the knowledge that no formal decisions had yet been taken about any future actions or because parents have been engaged and consulted about how their child should be dealt with. Key stakeholders reported that in many cases the extent of the parental response was sufficient that the outcome of the Bureau Clinic was a NCD with no further action/intervention required. The frequency with which this positive parental response has been manifest has led the two-week period between arrest and Clinic being dubbed the ‘golden fortnight’ by stakeholders locally.

The suggestion is that by encouraging parents to take a central position in responding to the behaviour of their children and responsibility for future actions and behaviour, the role of the parent has become a key element in the reduction of re-arrest/conviction. Key stakeholders felt that the Bureau promoted parental engagement, believing that parents are best placed to support, encourage and guide their children. Much of this behaviour has occurred ‘quite naturally’ (Swansea Bureau Co-ordinator 2010) during the ‘golden fortnight’, without official prompting, without formal requirements and/or without the threat of sanctions. Parents, it seems, like young people, have taken the opportunities given to them to become part of the solution, rather than being seen as part of the problem.

6. Conclusion: children first, prosocial diversion?

The Swansea Bureau’s deployment of informal and diversionary actions as a response to first-time, low-level youth offending differs markedly from historical (minimal and non-) intervention models and other recent diversionary developments, such as the pre-court and prosecution-based options favoured in current central government policy coming from Westminster. Rather than concentrating on normalising offending by avoiding proactive intervention or stigmatising offending through measures portrayed as potentially-punitive, criminalising and risk-focused by critical academics, policy makers, practitioners and children’s rights advocates (see Bateman, 2011; Drakeford, 2010; Goldson and Muncie, 2006; Pitts, 2003), the Bureau aims to utilise a child-focused and prosocial approach that is committed to diversion (see Hoffman and MacDonald, 2011) through two mechanisms:

1. Delivering ‘real’ diversion from the formal YJS;
2. Offering supportive intervention to young people and parents, which is focused on engagement and promoting opportunity and positive behaviour through inter-agency working and through recipients taking ownership of support processes.¹⁴

¹⁴Additionally and importantly, as we outlined above, the Bureau also provides an opportunity to respond directly to the needs of victims – although it does this separately from the processes designed to respond to children.

The quantitative data for FTEs suggests that the Swansea Bureau has accelerated the rate at which young people are being diverted from the formal YJS and that reconviction rates for young people receiving NCDs are lower than those for all other disposals. The Swansea Bureau is, therefore, making a direct contribution to meeting key objectives to reduce FTEs and to reduce re-offending locally (c.f. YJB, 2010). The expressed commitment of both South Wales Police and Swansea YOS to diversionary principles and practices has resulted in the Bureau meeting its main aim of diverting young people out of the YJS. Through the use of bespoke services and tailored interventions promoting participation/engagement (including by parents) and positive behaviour by the young person, the Bureau has been better able to circumvent the negative unintended consequences of the formal YJS (see, McAra and McVie, 2007), whilst reducing reconviction. The focus of these support packages has not been retributive or authoritarian in nature (c.f. Hughes and Follett, 2006) – rather they have been intended as supportive pro-social mechanisms to meet the needs of local young people and to achieve positive outcomes for young people. The Bureau, therefore, is demonstrative of the degree to which the Welsh national policy context for children has provided policy makers and practitioners in Swansea with the space for ‘reworking, reinterpretation and avoidance of national and international directives and/or particular socio-political pressures’ (Muncie, 2011: 252).

In the current economic climate, it is possible that the Bureau programme could be viewed externally as staff intensive and expensive to operate. However, the programme actually requires no additional staff as it has been operationalized through more intelligent deployment and realignment of existing resources (e.g. consolidating the Swansea YOS Pre-Court Team). Furthermore, the concise, effective interventions have been found to save processing and court costs, along with the human costs associated with prolonged engagement with the YJS and reoffending. According to the minutes of the *City and County of Swansea Cabinet* (2013: 110), the introduction of robust pre-court disposals through the Bureau has led to ‘an annual saving to the public purse of over £2.8m in Swansea alone’.

Early indications are that the Swansea Bureau has been able to employ proactive, yet informal, non-criminalising and prosocial measures, to divert young people from the formal YJS and to reduce levels of re-conviction. In this way, practitioners have begun to address some of the negative unintended consequences of contact with the YJS through sensitive and principled intervention, rather than a non-intervention ethos. Further research and evaluation (ongoing at the time of writing) will deepen assessment of decision-making processes within the Bureau (particularly related to OGSs) and explore the extent to which medium and longer-term objectives to promote positive outcomes for children are being achieved. However, based on a preliminary assessment of the first three years of the operation of the Swansea Bureau, the combination of engagement, participation, informal action, appropriate intervention and the adoption of a pro-social approach appear to be critical ingredients in the ability of the Bureau to reduce FTEs and reconviction, providing promising indications that the renewed emphasis on diversion is merited. Consequently, there are salient lessons to be learnt from the Bureau process that could inform policy and practice development in the UK and internationally.

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