# Jersey Revisited: reflections on the influence of a policy review on youth justice in an island microstate

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## Abstract

In 2010 the authors were members of a team which was invited to carry out a review of youth justice policy and practice in the Channel Island of Jersey. This article describes the process of the review, its major recommendations, and what happened as a result. Substantial improvements in Jersey's youth justice system in the three years following the review suggest that it had a positive impact on outcomes, although its impact on legislation was limited. The article discusses some possible reasons for the positive impact, and points to similarities with other small or devolved jurisdictions.

## Key words

Devolution; Jersey; microstates; policy review; youth justice.

## Introduction

In May 2010 the Children's Policy Group (CPG) of the States of Jersey Government commissioned a report on youth justice from a Review Team led by Jersey's Chief Probation Officer. The Team, which included the authors of this article, comprised academics, practitioners and managers from Jersey, Wales and Scotland. The composition of the team thus provided the reciprocal internal challenge of both local knowledge and external scrutiny.

The reasons for commissioning the Report were fourfold. Firstly, it was the intention of the States of Jersey to become party to the United Nations Convention on the Rights of the Child, although little progress had been made. Secondly, the Ministerial Children's Policy Group had recently adopted a statement recognising that the best interests of the child should be the paramount consideration in all policy matters relating to children. Thirdly, a Children and Young People's Plan that incorporated children's offending had been produced. Finally, the courts had expressed concern that they felt powerless in their dealings with some children who appeared before them. What became apparent was that magistrates and Youth Panel members had particular concerns about how best to deal with persistent offenders and those for whom they had welfare concerns. In many cases the persistent offenders and the children with unmet welfare needs were, indeed, the same young people.

The strategy of the Review Team comprised a range of methods: analysis of locally produced statistical data on young people; interviews with key stakeholders (including young people, magistrates, politicians, the police, the youth service, children's services, the probation service, the prison service, non-governmental organisations that worked with young people and providers of education and training); a case file study of eleven young people identified by Magistrates as the most problematic; and visits to courts, the Island's prison at HMP La Moye, and Greenfields Secure children's home. Members of the team also visited Parish Hall Enquiries, a customary procedure unique to Jersey which plays a key role in criminal justice and is described more fully below. In addition a literature review was undertaken covering youth justice policy and practice in a wide range of jurisdictions. The final Report was duly published in December 2010 (Evans *et al*, 2010) and contained a number of specific policy and practice proposals. This article revisits Jersey after a period of just over three years in order to review the extent to which policy has changed in the intervening period, and to evaluate the impact of changes on youth crime, relevant agencies and the lives of young people.

## The Review Team Perspective

Of the ten members of the Review Team, five were based in Jersey, four from Wales and one from Scotland. The Team was assembled by one of the authors because he had experience of conducting extensive research with the Jersey Probation Service (Miles and Raynor, 2004; Miles *et al*, 2009; Miles and Raynor, 2014; Raynor and Miles, 2005; Raynor and Miles, 2007) and also had contact with youth justice experts on the mainland. It should be noted, however, that the 'outsiders' on the Review Team were based in United Kingdom countries in which political power had been devolved from Westminster. This not only meant that these Team members had first-hand knowledge of Welsh and Scottish governments putting critical distance between 'local' practices and the Youth Justice Board orthodoxies of London, but there was also perhaps a heightened collective sensitivity to the dynamics of a British Channel island 'microstate' (Raynor and Miles, 2007) just a few miles off the French coast. (One also had very relevant experience in another island microstate, Malta [Evans *et*

*al*, 2005]). This is not to suggest, of course, that there are not considerable political and cultural differences between Wales, Scotland and Jersey. The centre-left, social democratic political cultures of Wales and Scotland are markedly different from that of Jersey. Nevertheless, these sharp differences were perhaps negotiated for two main reasons. Firstly, there is the question of scale. It is, quite simply, easier and quicker to effect change, innovation and new practices in locations with comparatively small populations. In such places human-scale interaction between the political classes, the research community and practitioners is also much easier (which has considerable advantages, but also some obvious risks of collusion). Another devolved jurisdiction in Northern Ireland has successfully introduced restorative procedures as the first-choice option in youth justice (Jacobson and Gibbs, 2009). Secondly, the English metropolis' gravitational field of influence is much weaker in these so-called 'peripheral' places, which allows freedom for greater local discretion on the ground. Peripheral places may actually be less peripheral than they seem as demands for a more local approach to public services gain ground in England as well as in the devolved jurisdictions.

What, then, were the particular perspectives brought by the 'outsiders' to the island? The Scottish member of the Team, Professor Bill Whyte of Edinburgh University, brought insights based on the implementation of the welfare principles of the Kilbrandon Report (Home Office, 1964) and the operation of the Scottish Hearings system (Whyte, 2000). The perspective of the team-members based in Wales was influenced deeply by the Welsh variant of the 'Children First, Offender Second' philosophy, an approach which has developed with close reference to the framework of international conventions which pertain to youth justice (United Nations General Assembly, 1985, 1989, 1990a and 1990b, and Council of Europe, 2009 and 2010) as well as the distinctive policy-making principles of successive Welsh governments (Welsh Assembly Government, 2002; Haines *et al*, 2004; Davies and Williams, 2009; Haines, 2010; Williams, 2011). Drakeford (2010) outlines five principles that are claimed to underpin social policy in Wales since the establishment of devolution. First, in sharp contrast to the neo-liberal aversion to 'big government', is the simple belief that '...good government remains the most effective vehicle through which collective solutions can be applied to common problems' (Drakeford, 2010: 142). Second is a commitment to universalism in public service delivery in preference to targeted provision. Third, the relationship between the individual and the state should be based on citizenship rather than consumerism: the citizen is a member of a community, not just an individual bent on optimising self-interest. Fourth, equality of outcome - rather than simply equality of opportunity - should be a central aim of public policy. Finally, in a country that has a history of one-party dominance since universal suffrage (first the Liberals and latterly the Labour Party), there is a commitment to pluralism in policy-making. This requires engagement not only with minority political parties, but also with those citizens most likely to be marginalised (which, of course, includes young people).

As has already been suggested, the centres of political gravity in the Celtic countries of the UK and the British Channel Island of Jersey are quite different. Nevertheless, the policy transfer between Wales and Jersey travelled rather better than might have been anticipated. Perhaps the appeal to 'community values', which is implicit in the narrative of so much Welsh government policy, resonated with key stakeholders in Jersey. Both the rainfall and the politics of Wales and Jersey may be very different, but small places tend to make strong and often justifiable claims about community solidarity and collective support for the most vulnerable. Islands in particular often have strongly interdependent communities and a

preference for local solutions based on local knowledge (Miles and Raynor, 2014). In Jersey both geography and history tend to reinforce this.

## The Microstate of Jersey

Jersey is the largest of the Channel Islands, 85 miles from Britain but only 14 from France. With a population of nearly 98,000, its traditional industries of agriculture and fishing are still practised, but have been overtaken in importance by the modern industries of tourism and, particularly, financial services, which have brought a new prosperity to the Island. It is not part of the United Kingdom but is a Crown Dependency, a remnant of the ancient Duchy of Normandy which in 1204 decided to remain attached to the Crown of England when Normandy became part of France. Since then it has been largely self-governing, never part of or colonised by the United Kingdom. Until 1957 the official language was French and much of the population spoke a Jersey version of Norman French. The Jerriais language is still known on the Island but the majority language is now English, with Portuguese and Polish as second and third most common languages. The Island is governed by the States of Jersey, in which the elected and voting members are eight Senators, 29 Deputies and 12 Connétables of the Parishes. In addition a number of office-holders are members of the States, such as the Bailiff and the Lieutenant-Governor. Without going into the full and fascinating detail of Jersey's system of government, this sketchy account should suffice to illustrate how Jersey's institutions are quite different from those of the United Kingdom, which is only responsible for Jersey's international relations and defence. Another unusual feature of Jersey's history is that from 1940 to 1945 the Channel Islands were the only part of the British Isles to be occupied by the German armed forces.

Youth Justice in Jersey also has some unique features. The age of criminal responsibility is (still) ten, and young offenders under 18 fall under the jurisdiction of the Youth Court; exceptionally serious cases can go to the higher Royal Court. However, the pre-court system and the process of decision-making about prosecution are peculiar to Jersey and depend on the ancient institutions of the honorary Parish Officers and the Parish Hall Enquiry (PHE: for a detailed account of these see Miles and Raynor, 2014). Briefly, each parish elects a small honorary police force, of which the senior members are known as Centeniers, a title possibly dating back to the time of Charlemagne. There is also a paid, professional police force for the whole Island, the States Police, but only the Centenier has the power to charge an alleged offender, and in many cases, particularly those involving young offenders, a decision whether or not to charge will be taken after a process known as the Parish Hall Enquiry. In this process, believed to be unique to Jersey, Centeniers meet with the alleged offender, and often other members of the family, to review the reported facts and to decide whether the case should go forward for prosecution in Court. The Centenier is empowered to enquire into the circumstances surrounding any offence committed within the boundaries of the parish, make decisions based on the facts presented, and propose an appropriate penalty. Usually no lawyers are involved, which allows offenders to communicate directly with the Centenier and to speak for themselves. The offender then decides whether to accept the penalty or to contest the case in Court. Frequently offences are resolved informally at this stage, diverting offenders from prosecution in Court and avoiding a criminal record. Possible outcomes include warnings, apologies, restorative justice procedures, restitution, and voluntary work for the community or a small financial penalty.

## 2010: the Review Team's analysis and recommendations

At the outset it needs to be stated that, in comparison with mainland UK, Jersey is a relatively safe place to live with violent crime being rare and the general volume of crime very low (Children's Policy Group, 2013). It will be appreciated, therefore, that even quite slight fluctuations involving small numbers can give rise to ostensibly significant trends when expressed in percentage terms.

In 2009, 664 offences committed by children were detected which resulted in 344 cases being brought before the Youth Court. Twenty young people were admitted to the island's Young Offender Institution (HMP La Moye) and 26 were remanded to a remand centre and Secure Unit (Greenfields). It is worth noting that a number of concerns had been expressed by local members of the Review Team as well as local practitioners: some of the offences detected would, in other jurisdictions, ordinarily be dealt with informally (e.g., playing football on a beach and not stopping when required led to an offence of 'refusing to obey'); custodial sentences were not being used as a measure of last resort, and remands to custody were sometimes being used for essentially welfare reasons. These concerns were subsequently validated by the Review Team. This article does not outline all of the Report's findings and recommendations because the detail is specific to the local context (see Evans *et al*, 2010 for further information). However, summarised below are those policy and practice issues which the authors believe may be of interest to a wider audience. The discussion that follows is structured around three themes: prevention, early intervention and diversion; courts, sentencing and statutory supervision; and use of custody.

### *Prevention, early intervention and diversion*

It is important to acknowledge that at the time when the Review was established Jersey already had in place well-established early intervention strategies in respect of crime, community safety and substance misuse. There was also in development a Children and Young People's Plan, a policy document that the Review Team set out to influence in 2010 by locating it within the framework of wider European youth policy. It was argued that an integrated child and family/youth policy should be developed in order to ensure that all young people – irrespective of social background, personal circumstances or behaviour – have unconditional access to services that will enable them to realise their potential and thus achieve a successful transition to independent adult status. Youth policy in Wales, for example, is configured in terms of a set of entitlements that young people hold as citizens (Welsh Assembly Government, 2002); this is in marked contrast to the philosophy underpinning English youth policy during the Blair years when young people were recast as consumers who could only access services on condition of good behaviour (Department for Education and Skills, 2005). The Council of Europe recommends that youth policies should be opportunity-focused rather than problem-oriented. Services and packages of opportunity should thus include coverage of such domains as education, health, social protection, careers advice, accommodation and leisure (Williamson, 2002 and 2006). Critically, support and guidance for parents and carers is also envisaged as a legitimate concern of youth policy. Practitioners and policy analysts, meanwhile, should identify potential points of risk where young people may become detached from meaningful provision. This can occur within systems (e.g. the transition from junior to secondary school) or between systems (e.g. the relationship between public care and criminal justice systems). Jersey's Children and Young Persons Plan thus represented an opportunity to construct a policy that provided wraparound services and opportunities for all young people on the island.

The fact that youth justice was already intended to be an integral part of this Plan was indicative of a common agenda. Ideally, the very process of developing such a Plan or policy should involve the negotiation and co-authorship of shared practice principles that transcend the organisational boundaries of social services, education, the police, the probation service, the youth service and the courts. Wenger's (1988) concept of 'communities of practice' involves developing a common outlook, role clarification and an agreed way of doing things that can eventually take precedence over the respective institutional reflexes of individual agencies. The Jersey Children and Young People's Plan is not cited as a policy document produced in Utopia, but the iterative process of developing a 'living' plan that puts children first is in itself an important and ongoing exercise in which key stakeholders – including children and young people - continue to be involved. Such policies or plans should serve three purposes: firstly, to provide a clear map of the universal and targeted services available to young people; secondly, to identify those points in the interlocking agency systems where young people are at greatest risk of becoming detached from services such as education and health; and thirdly, to ensure that the needs of children and families are assessed on a regular basis. Thus, if a substance misuse problem develops or parents are suddenly struggling to cope, they are signposted to appropriate services. It is worth noting that an important principle to which the Review Team subscribed was that, as far as is practicable, welfare needs should be met by appropriate welfare agencies rather than leaving the criminal justice system to 'fill the gap'. This is not to suggest that the welfare principle should be eviscerated from the criminal justice system; rather, it is upholding the principle that health and social services are most appropriately delivered by non-stigmatising mainstream providers. A young person with mental health or substance misuse problems is thus generally better served by an agency that treats him or her as a patient.

The Case File Review of the most troublesome young people appearing before the courts (as identified by magistrates) underlined the importance of a Children and Young People's Plan/Policy that covers all of the key policy domains that affect young people. Of the eleven young people aged 13-17 years nominated, six were male and five female. Several common characteristics emerged from the file study: early experience of disrupted attachment to a significant parental figure; maltreatment (abuse and/or neglect); disengagement from school; misuse of alcohol from an early age; exposure to violence, in particular domestic violence; and experience of the 'looked after' system. In respect of experience of public care, it is worth mentioning that some of the young people's convictions were the result of relatively minor misdemeanours in residential children's homes where staff contacted the police rather than dealing with them informally within the unit. The criminalisation of challenging behaviour by children in residential settings is a phenomenon that has been discussed elsewhere and in relation to the principle of 'domain integrity management' (Evans, 2010). This principle refers to the presumption that most challenging conduct should be dealt with in the setting within which it occurs, be that a children's home or school, rather than being migrated to the criminal justice system. Re-labelling 'challenging conduct' as 'offending behaviour' is not, of course, simply a case of switching from one diagnostic language to another, significant as this may be in terms of how the young person is reconstructed in the eye of the practitioner. Being twin-tracked through parallel systems can place young people in double jeopardy. Moreover, the outcomes of the definitional contest between the identities of 'child in need' and 'young offender' have important consequences for young people's trajectories in both welfare and youth justice systems. Maruna (2001 and 2008) has also highlighted how the ascription of an 'offender' master identity impacts on individuals' self-image and on the narratives they construct around biography, identity and expectation.

For example, the Review Team received evidence from young people and practitioners that the Jersey States Police exhibited a negative attitude towards young people. This attitude was reportedly manifested in a rather confrontational 'move on' strategy in respect of young people congregating in public spaces. This was possibly partly due to an over-reliance on Operational Response Units. As a result, the style of policing tended to be reactive rather than problem-solving. The Review was advised that there were already plans to move towards a more patch-based system of policing, a move supported by the Team. It was also recommended that the high-functioning youth service should play a part in training police in its engagement with young people. Given the high level of trust that clearly existed between the island's young people and the youth service, the Team believed street-based detached and outreach workers could be used as a resource for dealing with potentially challenging public order incidents. Whilst being mindful of the boundaries that quite appropriately exist between the two agencies, the possibility of the police working in closer partnership in this area was a recommendation considered worthy of consideration. Moreover, given some of the concerns expressed about public order incidents on the island, it was recommended that young people should be consulted closely about issues of community safety, the use of public space and other crime prevention issues (including access to leisure, recreation and other facilities).

As has already been mentioned, the Parish Hall Enquiry (PHE) System provides a distinctive and effective first tier of intervention. It is well placed to identify when a young person is disengaged from family and school or is in need of being referred to other services. It is also a process that can facilitate victim-offender mediation or restorative justice when appropriate. The Team found that there was a demonstrably good relationship between the Centeniers and the probation service, but there was need to increase the level of support to the PHEs if they were to fulfil the enhanced role envisaged by the Review. Improving multi-agency information sharing would enhance the process significantly (e.g. information from the Education Department). An enhanced process was envisaged in terms of initial information-gathering being led by the probation service and duly shared with the PHE. Child and parental involvement – and victims if they wished – would continue to be managed by the Centenier at the PHE. The PHE could then (a) use one of its customary alternatives to prosecution, as already happened, or (b) defer a decision to allow a proposed Child Assessment and Support Team (or its equivalent) to develop a plan, mobilise the necessary resources and – if appropriate – set up a conference to involve parents and initiate restorative justice. The plan would then be presented and endorsed at a second PHE in order to authorise the proposal. Prosecution should ensue only if a satisfactory alternative could not be devised. These proposals represented a hybrid of existing local practice and the Bureau model developed at Swansea Youth Offending Service (Haines and Charles, 2010; Evans *et al*, 2010: 48-70). It was further suggested that the Attorney General's Guidelines to Centeniers could be revisited in order to spread greater consistency of practice and encourage the use of diversion from Court where informal measures were likely to be successful. This was to be supported by making appropriate training available to Centeniers in respect of effective practice with children and the refinement of age-appropriate restorative justice processes.

It was noted that a number of young people entered the court system as a result of driving offences. Given that the Constable of the Parish issues driving licences, in appropriate cases there seemed to be an opportunity for Centeniers to be authorised to ask young people to consider surrendering their licence for a period. If agreed by the family this could be

recognised as a *de facto* endorsement or disqualification, and allow Centeniers to deal with some motoring matters which otherwise routinely went to the Youth Court.

Another area in which greater discretion could be given to Centeniers was in cases where young people were already subject to court orders. It was suggested that discussions take place with the Attorney General about varying the guidelines which govern Centeniers' discretion around the charging of such children on relatively minor matters and thus end the practice of automatically prosecuting in Court any alleged offence, however resolvable, by any child already subject to a court order.

***Courts, Sentencing and Statutory Supervision***

Members of the Review Team were deeply impressed by Magistrates' commitment to the welfare of the young people before the youth court. It should be mentioned that this judgement was based not only on meetings with sentencers, but also privileged access to the deliberations of magistrates (the Youth Panel) in the retiring room. However, what became apparent was that magistrates were confronted by two main challenges. Firstly, how best to deal with persistent offenders. Secondly, whether to remand or sentence to custody when – in the absence of a viable alternative – they feared that young people were likely to place themselves at risk of harm.

In respect of the first issue, the Review Team encouraged magistrates to adopt the idea of a horizontal rather than vertical tariff. This would help the Youth Court to adopt a problem-solving approach to young people's offending. The tendency to overload probation orders with numerous additional requirements was also eschewed in favour of granting the court and the probation service more discretion. On the second issue, remands to custody on essentially welfare grounds were adjudged, in line with international conventions and good practice, to be inappropriate. Nevertheless, the dilemma confronting magistrates concerned some young people placing themselves at risk of harm. It was therefore recommended that pressure to remand in custody could be reduced by measures designed to ensure young people could be bailed to suitable accommodation or to specialist foster placements where an element of supervision was available. The relevant agencies – particularly Children's Services – were exhorted to develop a viable bail strategy for young people at risk of harm. The aim would be to achieve early referral of cases by the police so that a supported bail plan could be presented to the court at the time when remand arrangements were being considered. In the light of the recommended changes in court practice, it was thought helpful to enhance child-friendly 'court-craft' through training for magistrates. Given that there was evidence that young people were not well always well-served by their legal representatives, it was also considered appropriate to recommend extending specialist training for lawyers.

A number of practice recommendations were made in relation to the management and supervision of young people in the community. Firstly, no child should be labelled as a Priority Persistent Offender without consultation with the probation service and Children's Services. This would have the advantage, for example, of guarding against labelling a child who failed to settle initially at a residential unit and committed a spate of minor offences within this setting. The use of professional discretion rather than simply counting offences within given time-periods was to be preferred. Those children causing most concern to agencies because of their offending behaviour should be managed according to a multi-agency model akin to that of a Child Protection Case Conference model where the focus would be the child's best interests. Children who found themselves repeatedly in the justice

system, particularly those who were persistent offenders or sentenced to custody, should be considered 'children in need' and be afforded the same level of service as those who are 'looked after'.

Notwithstanding the high standards of work being undertaken with adults, there was recognition within the probation service that supervision of young people should be more age-appropriate. Thus, for example, practice with those below the age of 15 years needed to involve more work with the family and the other social systems inhabited by the young people. There was also recognition that more proactive strategies should be implemented in order to help young people comply with the reporting requirements of their orders. For example, those children following an Alternative Curriculum are routinely collected from their homes in order to maximise their chances of completing their educational programmes. A similar strategy could be used to support compliance with court orders in cases where young people had complex needs and were from backgrounds where parental and family support was weak.

An area in which there was scope for further development was the increased use of indirect reparation and compensation in Probation Orders. It was recommended that the expertise of the Community Service Scheme could be used to assist with this development, but it was recognised that Community Service Orders are not always an effective way of responding to offending by many young people. It was therefore envisaged that agreements by young people to undertake indirect restitution should generally take place within the statutory framework of a probation order.

***The use of custody***

In accordance with the international framework of children's rights the Review recommended that custodial sentences should be used as a measure of last resort. Moreover, there being a presumption that bail be granted in most cases, every effort should be made to put in place a strategy that delivered alternatives to custodial remand in which the courts could have complete confidence.

All of the familiar arguments against the use of custody were well understood on the Island: the attenuation of family and community ties; the deleterious impact on mental health; the risk of exposure to peer abuse; and, despite the best efforts of staff in secure institutions, a hidden curriculum that was likely to entrench patterns of offending behaviour. Given that Jersey is a small island with a small juvenile population, there were additional concerns about managing the inevitably low numbers of young people in custody at any given time. There is a major challenge and inherent risk in working with small numbers of young people in custodial settings. On the one hand there are concerns about the social isolation and boredom some young people may experience while they are detained. At La Moye, for example, the Review Team met one young male who had served part of his time in almost complete isolation. He had high praise for the staff at the YOI, but said it was difficult being the only young person in the facility during this period. The young people we met also complained about long periods when there was very little to do, and about long periods of being 'banged up'. It was claimed that there was limited educational provision and no access to work. The problems of scale inevitably make it difficult to deliver a full programme of educational and recreational activities, but time weighs heavily for a young person deprived of liberty. This seems to be true at both La Moye YOI and Greenfields. On the other hand, the young

females at La Moye mix with older women (in breach of international conventions and guidelines).

The Review Team did not have the opportunity of meeting these girls, but there are obvious concerns here about the potential for 'criminal contamination' through association with older and more sophisticated female offenders. There are no easy answers to the dilemma of isolation on the one hand or association with adults on the other, but it is important to highlight the particularities of the Jersey context. The staff at both Greenfields and La Moye were undoubtedly committed to the welfare of young people, but delivering appropriate services in this context remains a major challenge. Given the very particular challenges of working in a custodial setting on a small island, the need to identify viable alternatives to the deprivation of liberty is a very pressing concern.

## 2014: revisiting the review. What changed?

Many of the recommendations contained in the review team's report have been, or are being implemented. In this section we discuss the process of implementation and, most important, the consequences for young people in Jersey. We can distinguish at this stage between three possible outcomes of our recommendations: some were implemented as recommended, others were partly implemented (often by finding a different administrative or procedural route designed to achieve the same result) and others still await implementation (which in a few cases might not happen). The report warned against piecemeal implementation of proposals which were designed to fit together; inevitably there has been some selectivity, but the main core of proposed practice changes seems to have survived fairly intact.

Recommendations implemented as proposed include the following: In June 2014 the Government of the United Kingdom extended its ratification of the UN Convention on the Rights of the Child to include Jersey. Training on children's legislation and appropriate practice is now provided for advocates in the Youth Court, with two duty advocates now always available. The recommendation that Youth Court practice should reflect a problem-solving approach, with less escalation up the sentencing tariff and fewer specific requirements in community orders, has been largely adopted, with fewer children in custody (see table 1 below) and fewer procedural adjournments. The recommendation that children believed to be involved in offending should normally be called to a Parish Hall Enquiry rather than charged at Police Headquarters, and that a two-week period prior to the hearing should be available for JPACS to work with the family and prepare a report for the Enquiry, has been accepted and implemented. No children are now designated as Prolific Priority Offenders (PPOs) by the Police without consultation with JPACS and the Social Services Department, and their management no longer resembles that of adult PPOs. The small number of children who cause most concern through their offending are now managed through a multi-agency assessment and support process (described in the Report as a Children's Assessment and Support Team, but implemented in practice by modifying existing interagency practices rather than creating a new team). The problem of police being called to children's homes to deal with minor disciplinary incidents has been addressed through training for residential staff, including restorative justice training, and under new arrangements agreed by Police and Social Services children who leave a residential home without permission are now normally returned by a parent or key worker rather than reported to the Police as a missing person.

Similarly, and in line with specific proposals in the Report, probation supervision of children has changed to include more family work and help in complying with reporting requirements. Written practice standards have been amended and are monitored. Fewer Community Service Orders are now made in respect of children under 17, and JPACS is responsible for all court-based work and support for Parish Hall Enquiries. Relevant services have accepted the principle outlined in the report that children in repeated contact with the criminal justice system should be treated as 'children in need' and should have access to a similar level of service to that available for children 'looked after' by Social Services.

Other recommendations have been partially implemented, or have been possible to address by different routes. For example, the recommendation that Youth Court panel members and Magistrates should receive training similar to that provided for Children's Panel members in Scotland and Guernsey has not been implemented, but the Court has continued to become more problem-solving in its approach; in addition, changes in layout mean that parents now sit with their children and the Magistrates are more able to speak directly with children rather than through an advocate. Proposed changes in guidelines to give Parish Hall Enquiries more discretion in dealing with children themselves instead of sending them to Court have not been produced, but the changes in practice seem to have occurred without new guidelines. Restorative justice training has increased, but the proposed Restorative Justice Strategy for the Island has not yet been developed. Similarly there have been improvements in joint working between the Police and the Youth Service, but the proposed training of police officers by youth workers on how to interact with children has not happened. The recommendation that resources be transferred from the Social Services Department's Youth Action Team to JPACS to facilitate bail support and alternatives to custodial remand was not accepted by Social Services, although there has been an agreement to facilitate access to Social Services accommodation when there is a risk of custodial remand, and there are now fewer of these in any case. The Youth Action Team no longer exists and JPACS has been confirmed as the lead agency in Youth Justice.

Recommendations which have not been implemented are mainly those which would require new legislation or changes in statutory powers. The age of criminal responsibility has not changed; the Centeniers (honorary police) in the Parish Hall Enquiries have not been empowered to suspend driving licences; greater use of compensation orders to victims has not been achieved, though work on this is still ongoing; and a few children still appear in the Royal Court (the higher court) instead of in the Youth Court, though again work is still proceeding on increasing the range of cases which can be dealt with in the Youth Court, and the number of cases involving children which reach the higher court is now very small. (The Royal Court is believed to be non-compliant with the UNCRC because on the rare occasions when it deals with children it remains a public court, although the names are not published.) Proposed legal obstacles to custodial remand of young people have not been created, but such remands have become very rare (down from 20 in 2010 to six in 2013 [Home Affairs Department 2014]). Overall, if the only purpose of the review had been to produce changes in the law, it could not be judged to be a success; however, if judged against its aims to improve practice with children and young people and to improve criminal justice system outcomes for them, a much more favourable conclusion can be reached. Table 1 summarises key youth justice indicators from Jersey, comparing the year of the review with the position three years later. It is clear that there have been substantial reductions in offending and, proportionately, larger reductions in court processing and custodial sentencing.

**Table 1 Changes in key youth justice indicators in Jersey**

| | 2010 | 2013 |
|---|---|---|
| Cases in the Youth Court: | 253 | 62 |
| Young offenders sentenced to custody: | 20 | 4 |
| Detected offences by young people: | 522 | 238 |

(Note: data on the Youth Court and offences are from Home Affairs Department (2014); data on sentencing are from Jersey Probation and After-Care Service records.)

It is worth making the point that demographic changes cannot account for the reduction in youth crime. According to the 2011 census, there were 10,797 10-19 year olds compared with 9,669 in 2001 (Children's Policy Group, 2013: 3). This is not to suggest, of course, that the decline in youth offending and reduction in entrants to the youth justice system can be attributed solely to the Review Team's recommendations being largely implemented. Other explanations are also considered by the Children's Policy Group: the impact of the community safety and substance misuse strategies; rising standards of probation practice, informed by sound research evidence; increased participation by young people in shaping the services they receive; bad weather (an explanation that puzzles Welsh-based researchers); and changing patterns of behaviour amongst the young, including the widespread use of social media (Children's Policy Group, 2013; Home Affairs Department, 2014). The point is also made that many other jurisdictions are experiencing significant reductions in youth offending, giving rise to such global explanations as the reduction of atmospheric lead following the introduction of lead-free petrol (Nevin, 2007). In reality, there is no one explanation for the decline in youth crime on the island of Jersey. However, the changes in crime and its processing are clearly consistent with the analysis and recommendations of the Review Team's report.

## Conclusion

Many of the recommendations in the Team's Report could be represented as the rediscovery of the systems management philosophy developed in England and Wales during the 1980s (Haines and Drakeford, 1998). Reminiscent of that period in English and Welsh juvenile justice history, contemporary managers and practitioners have played a key role in the renaissance of systems management in Jersey. In dialogue with the research community, they have developed a shared understanding of the systemic processes at work and are in the

process of establishing a 'community of practice' between all of the relevant professionals and stakeholders: probation officers, children's services social workers, police officers, magistrates and others. The point should also be underlined that young people's outcomes and trajectories can be changed dramatically by simple adjustments to practice or re-writing guidance. Such changes, moreover, do not require new legislation.

There is, though, an important difference between the practice of the 1980s and what appears to be now taking place in Jersey. One of the criticisms made of 1980s practice was that many young people with acute welfare needs were diverted successfully from the criminal justice system, but were effectively abandoned by practitioners to work out their problems for themselves (Raynor 1993). As Drakeford and Williamson (1998) have commented, 'benign neglect' by professionals can be experienced by many young people as 'malign indifference'. In Jersey there is recognition that many persistent young offenders have welfare needs that should be met. By emulating the European youth policy at its aspirational best, the Children and Young People's Plan – like Wales' *Extending Entitlement* agenda – seeks to reconnect children to both mainstream and targeted specialist services. It is not suggested here that either Jersey or Wales has plugged every gap in provision and consulted every young person on how best to deliver services, but the direction of travel is – at the very least – promising.

It is also interesting to reflect on the policy review process itself, and whether there are more broadly applicable conclusions to be drawn about *how* this kind of process has its impacts. We think that although Jersey has many unique characteristics it also has much in common with some other devolved jurisdictions, and these similarities may increase as more services and powers are devolved. Our experience suggests that attempts to change practice are more likely to succeed if the following conditions, or most of them, exist:

(a) Most of the key agencies involved share an uneasiness or dissatisfaction about the status quo. They do not have to agree, initially, on the way forward, but simply that doing nothing is not an option.

(b) The change agents are perceived as knowledgeable and *also* as having some legitimacy in local systems. Our team combined external and Island-based expertise, and this proved extremely helpful; other reforms suggested by visiting experts without local connection have been less successful in the past.

(c) There is a high level of contact and discussion with key local actors, and particularly with practitioners and their managers. A seminar discussing the review and its recommendations with all interested agencies was a particularly successful part of the process. As pointed out above, in a small jurisdiction the key actors are also likely to be in regular discussion with each other. This helped to disseminate and test ideas rapidly, which in turn helped to embed changes in practice.

(d) The key service delivery agencies have enough flexibility and discretion to innovate without waiting for legislation to catch up. Although the recommendations about legislation were seen as important to ensure that changes became permanent, most of them have been delayed or may never happen, but this has not prevented desirable practice changes and good outcomes. Our experience was similar to that of youth justice systems on the mainland during the 1980s: practitioners are the main drivers of change in youth justice systems and their outcomes.

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