

# WORKING EFFECTIVELY WITH YOUNG OFFENDERS

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## I. INTRODUCTION

Working with young offenders is often motivated by a belief in the possibility for positive change because, as McNeill suggests, adolescence is 'a period of malleability during which there may be the opportunity to enable the development of positive identities before negative messages are internalised' (McNeill 2006, p.133). The impact of effective work with this age group may be much greater than waiting until adult offenders are entrenched in problematic patterns of behaviour.

In yesterday's lecture we looked at decision-making and risk assessment. Since the 'aim of assessment is to guide action' (Reder et al, 1993: 83) today we build on that material by looking at different tasks and the skills required by staff working with young offenders. I am adopting a broad approach in this lecture to cover many different factors, based around this model. A lot of attention and research is often focused on specific programmes for young offenders e.g. cognitive behavioural programmes, but this diagram is helpful in putting those programmes into a wider context. Here we can see that specific programmes are located within the process of case management which encompasses many different aspects of supervising young offenders. This in turn is located within the wider picture of (hopefully) a young person's desistance from crime and their integration within the community. We will look at those two aspects tomorrow, so for today's lecture we will concentrate more on the case management process.

An over-riding theme will be the importance of relationships and engaging with young people. This underpins all the other elements in the diagram, but has sometimes been an under-researched area. We will start with that and then look at the initial stages of case management. In the middle we will look a little more at programmes and then finish by looking at some other aspects of case management, including multi-agency working.

## II. ENGAGING YOUNG PEOPLE

Having an effective programme is of little help if young people don't engage with them, but what is really meant by the term 'engagement'? It is about more than compliance i.e. more than just the young person attending programme sessions or reporting to a supervising officer. If a young person takes part in a programme or activity but is not interested in learning, not motivated to change and not committed to any of the programme goals then the intervention is unlikely to be successful. Promoting engagement is therefore about using professional skills and expertise to spark young people's interest in moving forward in life and helping them reach the point of willing and meaningful participation.

McNeill and Batchelor (2002) argue that the quality of the relationship formed between professional and young person may be the most crucial factor in preventing further offending. This is illustrated in the diagram here where relationships are at the centre of all the other important work that takes place.

*[rapport] creates the favourable conditions necessary for people to be able to discuss and reveal problems or difficulties, successes or failures, and strengths or weaknesses in ways that aid understanding and allow for a realistic plan of action to be created (Trevithick, 2005 p.148).*

One of the core components of positive professional-young person relationships is empathy, which does not mean just sympathising or condoning what a young person has done, but rather about showing a will-

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ingness to understand his/her experiences and feelings. This requires the practitioner ‘to draw out the individual’s story, as it has meaning for him and her, and avoid imposing an adult, impersonal, “professional” interpretation too early in the process’ (Farrow et al, 2007: 59).

Other important components of engaging relationships include: showing warmth and a genuine interest; seeing the young person as individual rather than as part of a group of ‘problematic youth’ and creating an atmosphere of trust (YJB, 2008b). Working towards empowering the young person to make their own life changes (rather than creating dependency) will be important as the relationship develops. Working with strengths in a young person’s life and focusing on positive future goals can also be important and tomorrow’s lecture on desistance will look again at this. Evidence also suggests (YJB, 2008b) that creative or sports based programmes can be effective in helping young people to build relationships with staff, even if on their own they show little impact on recidivism.

It is also important to identify potential barriers to engagement. This could relate, for example, to maturity, literacy skills and lifestyle issues (e.g. drug use) all of which could influence how (and when) interventions are delivered. Some young people are also victims of crime and abuse and this will affect the way they interact with authority and professionals. Other barriers can be practical e.g. lack of transport, caring responsibilities for other siblings, health problems that might affect engagement.

### III. FOUNDATIONS FOR EFFECTIVE PRACTICE

When we think about the diversity of young people in the criminal justice system — differences in age, gender, ethnicity, maturity, life experiences, frequency and severity of offending — it is clear that a range of different approaches and strategies are required. No one programme or activity will suit them all and different methods are therefore needed. However, this does not mean that ‘anything goes’ and that staff should be free to work in whatever way they like.

#### A. Using Appropriate Evidence Where Available

In the UK, the concept of effective practice in youth justice context has been defined as ‘those programmes, processes or ways of working which have the highest level of validation from research and evaluation’ (Youth Justice Board, 2003). Discussions of effectiveness or effective practice often tend to focus on the first of the three points in the list — programmes. However, we should also note the other two — processes and ways of working — which cover many other aspects of working with young people. In some areas (such as engagement discussed above) there will be less research evidence available and this might mean needing to look to related fields of practice for guidance. It is also important to look for different types of evidence, not just random control trial studies of specific programmes but also qualitative evidence from case studies for example.

#### B. Core Knowledge

Practitioners need to know why they are doing what they are doing. “*Knowing*, that is, the theory, research and experiential base of work in youth justice, needs to underpin the *doing*, that is, the interventions, methods and skills employed” (Baker et al 2011: 45).

This will include, firstly, a knowledge of the wider context of child and adolescent development, for example, the formation of self-identity, the growth of cognitive skills, processes of maturing and learning to make moral choices. Secondly, it will include knowledge of patterns of offending behaviour by young people. This may sound like an obvious point but the key point is that, when dealing with an individual young person, it is helpful to see how his/her behaviour compares to that of others — is it typical or untypical for young people of that age for example? This needs to be based on some understanding of both large scale longitudinal studies and other research e.g. about specific types of offending. Thirdly, it is important to have an understanding of some of the key theoretical explanations for offending. ‘The capacity to elucidate theories — frameworks of understanding, ways of making meaning — is what essentially separates the report of a person having some expertise, whose opinion should be taken seriously, from the lay person in the street’ (Swain, 2005, p 46). Fourthly, knowledge of legislation and policy is required. This may again seem like a rather mundane point but it is one that can easily be overlooked. (Baker et al, 2011).

### **C. Core Practice Model**

This diagram provides a simple, yet helpful way of summarising an effective approach which can apply to any young person, irrespective of the frequency or seriousness of their offending. We looked at the first stage of assessment yesterday and this should then lead directly into intervention planning. Then we have the 'action' stage, which refers to whatever interventions and programmes are used during the sentence, followed by review. This should lead to changes in plans and actions if different work is needed to achieve the desired goals of rehabilitation and desistance from crime.

This might sound just like common sense, but research shows that these processes are often not joined-up. For example, a survey by Flores et al (2003) of the use of the Youth Level of Service/Case Management Inventory (YLS/CMI) in three American juvenile justice correctional agencies found that it was primarily used as an initial indicator of risk levels but was not being used to inform intervention planning or wider service delivery decisions. In the UK, research on Asset has also shown that the link between assessments and plans is weak, suggesting that YOTs are not necessarily using their resources to target the areas of young people's lives where most input is required (Baker et al, 2005).

### **D. Balancing Accountability and Professional Discretion**

In yesterday's lecture we noted that professional discretion will usually be needed when making complex judgements and decisions about young people. At the same time, it is necessary to have some managerial oversight of what staff are doing to help ensure fairness and consistency. It can seem as if these two factors are pulling in opposite directions. In trying to resolve this tension, the following model can be helpful (Eadie and Canton, 2002). It shows different combinations of accountability and discretion with the aim being for practice to be in quadrant A (top right hand side). Here 'best practice' occurs when there is high discretion and high accountability. Examples of how to achieve this could be through dip-sampling where a manager may look at a random selection of work to check quality; through having a culture where there is openness about the decisions that have been made and the reasons behind them; or through practitioners recording reasons for any significant departures from agreed policy or guidelines.

## **IV. PLANNING FOR EFFECTIVE INTERVENTIONS**

The Risk Need and Responsivity model (Andrews et al, 1990) is a well-known approach for planning interventions based on a risk assessment. It has been subject to various criticisms (e.g. Ward and Maruna, 2007) but I think it still provides a helpful framework.

### **A. Intensity and Frequency of Interventions**

More intensive interventions are best reserved for cases assessed as at higher risk of recidivism given that evidence indicates that '[p]rogram service delivery to the offenders who are higher risk produces larger decreases in recidivism than it does for offenders who are lower risk' (Andrews et al, 2006: 18). It is important to also note the other side of this i.e. that young people assessed as lower likelihood of reoffending should receive less intensive interventions. There is also evidence from the USA to indicate that programmes which reduce recidivism in high risk offenders may actually increase recidivism in those who are low risk (Lowenkamp and Latessa, 2004).

As an example, the AssetPlus assessment used in England and Wales leads to an indicative intervention level, based on the assessed likelihood of re-offending and risk of harm to others. This table shows the three levels of intervention — standard, enhanced, intensive — and the YJB suggested minimum number of contacts per month. This approach was criticised by a number of UK academics who argued that it was too rigid (Sutherland, 2009), but there was some flexibility built into the system. The numbers relate to minimum contacts so a YOT could decide to provide extra contact time if they wanted to. Also, there was a 'professional override' option through which a practitioner could change the level, in discussion with a manager. It wasn't a perfect system, but it is an example of trying to provide some structure and consistency whilst also allowing for staff to use professional discretion in individual cases.

### **B. Focus of Interventions**

The second principle of RNR is that interventions should be focused on needs or problems most closely associated with offending behaviour. This sounds straightforward but often doesn't happen in practice. A number of studies in the UK have shown that the contents of intervention plans often have weak links

with risk assessments (YJB, 2008a). For example, in the Juvenile Cohort Study it was found that practitioners tended to target plans towards factors such as cognitive thinking, attitudes and motivation. They were much less likely to set up targets relating to issues such as family relationships, housing/accommodation, or the young person's neighbourhood and community interactions, even where this had been identified during the assessment as being strongly linked to the young person's offending behaviour (Wilson, 2013)

There are many reasons why this happens, for example, practitioners may fall into the trap of 'tunnel vision ... when professionals get into the habit of treating all cases with a fixed pattern of response' (Munro, 2008, p 103). Limited resources, and the difficulty of influencing some of the circumstances of young people's lives e.g. family influences or the characteristics of the young person's neighbourhood, can be a problem. Plans made in custody may focus too much on what is available within the prison rather than on planning for a young person's return to the community. All of these factors can contribute to a situation where interventions are selected to suit the worker or organisation rather than being targeted to match a young person's needs.

### **C. Taking Account of Young People's Individuality**

The term 'responsivity' refers to characteristics of both offenders and interventions which can affect the impact of supervision. This can include factors such as an offender's strengths, personality, emotional needs and level of motivation. Other important factors such as gender and cultural background will affect the way a young person responds to a programme and interventions may need to be adjusted or delivered in different ways to reflect this.

An understanding of factors such as welfare needs, historic experiences, a young person's level of maturity should also inform the way in which interventions are planned and delivered in order to ensure that plans are individualised to reflect individual circumstances. For example, Lowenkamp et al (2001: 548) state that: 'It is quite possible that a history of abuse may have implications for the style and mode of the delivery of correctional treatment...Put plainly, offenders with a history of sexual or physical abuse still need to have their criminal thinking and attitudes addressed, but they may need the treatment that accomplishes this to be provided in a different form or setting than offenders who have no prior history of abuse.'

### **D. Combining Constructive and Restrictive Interventions**

There can also be a balance between those interventions which are primarily aimed at changing behaviour and attitudes (such as an anger management programme) and those which are about limiting the opportunity for offending (e.g. curfews). There is different terminology for these in the UK, either internal and external controls (YJB 2005a) or constructive and restrictive interventions (HMIP 2008). An example of this can be seen in the Youth Rehabilitation Order which is the main community sentence used in the UK. As shown in this, it contains a menu of different interventions and courts can select different combinations for different young people (nobody would ever receive all of them!). Some young people will only need 1 or 2 measures, others will need more. Using the 'menu' approach in this way it is possible to combine and balance a range of constructive and (if necessary) restrictive measures.

### **E. Helping Young People Understand Interventions**

A young person is more likely to comply with a programme of work/supervision if they understand what is expected of them. However, in a study of 150 completed intervention plans drawn from two YOTs, Baker et al (2005) found that the language used in plans was often unclear and confusing. Evidence shows that many young offenders in the UK have low levels of literacy (Brooks and Tarling, 2012) and therefore may not be able to understand what is written in their plan. Figures range from 52%-83% having literacy below that of Level 1 — this is regarded as the level required for 'functional literacy', that is the ability to cope with common tasks such as filling in forms or reading a newspaper. If they do not fully understand what is required of them, they are less likely to comply and may end up being in breach of their court order. Good practice guidance (Morris and Mason 1999) for improving the readability of plans includes: keep words and sentences as short as possible; avoid jargon and use words common in daily life; simplify concepts as much as possible; exclude unnecessary information; use diagrams or other visual images.

## V. DELIVERING PROGRAMMES AND INTERVENTIONS

### A. Clarifying Roles and Expectations

Correctional staff working with young offenders have two conflicting roles i.e. they have a legal enforcement role, ensuring that the client fulfils the requirements of any court order, and on the other hand they have 'a helping, therapeutic or problem-solving role' (Trotter 2006: 3). This can lead to different kinds of problems, either a young person who resents the authority figure so much that they are unable to see the help that is available or conversely a young person who only sees the helping role and expects their worker to be able to fix every problem. Dealing with this dilemma requires the practitioner to be clear about what their authority entails and setting realistic expectations about what help can or can't be provided.

### B. Features of Programmes and Interventions

There is an extensive literature on the effectiveness of different programmes and a common theme is that those which focus on developing cognitive skills seem to demonstrate a greater impact on recidivism. Another recurring theme is that programmes need to be delivered as designed i.e. based on programmes that have demonstrated they are effective and are delivered in the same way, so that they have programme integrity (YJB, 2008c).

However, I am not going to focus on these areas or look in detail today at studies on the effectiveness of particular projects. As with the RATED website that we looked at yesterday, there are good online resources available for this kind of information. Key examples include the Campbell Collaboration which provides systematic reviews of social policy interventions, including those for 'crime and justice'. Other useful resources include the Blueprints site on interventions for young people and the UK Youth Justice Resource Hub (some of which will be UK specific but some will have wider relevance). I want to take a different approach and consider some 'themes' that recur across different types of programmes and can help us to think beyond some of the more familiar material on programme design. These are not in any particular order of priority and this is not in any sense a comprehensive coverage of the topics or a full evaluation. Instead, my aim is to put forward some ideas to prompt further discussion and questions.

#### 1. Working with Families

Many studies show the significance of families, sometimes as contributing to a young person's offending behaviour and sometimes as a positive resource for helping to stop offending. Yet many programmes and interventions focus exclusively on the young person and do not involve the families. Realistically, there will often not be resources available to work with families in every case, but it can be important particularly for young people with complex needs and/or serious offending. One example from the UK is that of Intensive Fostering which is based on the Multi-Dimensional Treatment Foster Care (MTFC) model developed in the USA. This can be used with young people who might alternatively be facing a custodial sentence. It is a community-based intervention in which a multi-disciplinary team works intensively a young person and their family during a placement with specially trained foster carers. An initial evaluation of the study, however, found that intervention with the birth parents was the least successful part of the programme, either because of parents' reluctance to engage with a therapist or because those who did engage were not satisfied with the provision (YJB, 2010). This is an area where we need to think creatively about ways to make families more involved.

#### 2. Positive Use of Restrictive Measures

The question of whether to use restrictive measures — such as tags or curfews — can be controversial. However, there are studies which suggest it can have a positive effect in some cases. For example, the Intensive Supervision and Surveillance Programme was introduced in the UK for young offenders who were otherwise likely to go into custody. It combined an intense period of community supervision — 25 hours per week for the first three months of the programme — with some kind of surveillance (Moore, 2005). This could be electronic tagging, voice verification (where a young person's voice print could be checked over the phone to confirm they were where they were supposed to be) or tracking. This involved staff accompanying young people to appointments with other agencies (e.g. employment), following up non-attendance, and generally being involved in their everyday lives.

Interestingly, the tracking role began to develop into more of a mentoring role. One manager



commented that tracking had made a positive impact because it became a 'youth work role which is not just about tracking but putting them into positive leisure activities as well...and I think it's also been positive for parents' (Moore, 2005: 26). The possible benefits of combining electronic and human surveillance may be worth considering further.

### 3. Rewards

This can be another controversial area — should young offenders be given rewards for completing a programme? The argument in favour is that it encourages participation and means a young person is more likely to benefit if they complete a programme successfully. The counter-argument is that it is inappropriate to give rewards to young people for something they should be doing anyway (i.e. attending supervision) and that rewarding those who have offended is unfair on young people who have not committed crimes.

One example from the UK is a programme called TextNow which is designed to improve literacy amongst 10-18 year olds. It involves a 20-minute reading session with a trained volunteer each weekday for 10 weeks. Young people are given a small financial reward for attending sessions and completing the work. A study of 246 young offenders (Brooks and Tarling, 2012), found statistically significant improvements in standardized scores and reading ages. Positive changes were also seen in young people's responses to questions such as whether they enjoyed reading and how frequently they read. There are limitations of the study (e.g. lack of a control group) and any positive effects will be due to a number of factors (e.g. staff enthusiasm) but it does at least suggest that in some cases rewards may be beneficial in encouraging participation in appropriate programmes.

### 4. Reparation

Delivering 'full' or 'direct' restorative justice may not be feasible or appropriate for some young offenders but building in an element of reparation to other interventions is supported by evidence (Crawford and Newburn, 2003). To take one example from the UK, a number of youth offending teams run projects in which young offenders are taught how to repair damaged bikes. These are then given free of charge to victims of crime who have had their own bikes stolen. There are many other examples of reparation projects, but this one is interesting because there is a direct link to helping specific victims (rather than a project with a more general benefit such as clearing litter).

All of these are just single examples and obviously there are other perspectives to take into account. They are used here to provide food for thought and perhaps to prompt some discussion during the question time.

## **C. Compliance and Enforcement**

Despite best efforts, sometime young people do not engage with or even comply with the basic requirements of a programme or sentence and some kind of enforcement action e.g. being resentenced, may be necessary. This is one example of where the core skill of 'using authority effectively' mentioned earlier would apply. Enforcement is necessary to maintain confidence in the youth justice system, but may conflict with the aim of ensuring maximum programme completion. Very strict enforcement may result in fewer young people successfully completing programmes and this may have a negative impact on recidivism in the longer term. Hedderman and Hough (2004) identify a range of options to help manage this process. These include:

- i. a graduated response to non-compliance e.g. an initial warning first, followed by final warnings or a return to court
- ii. focus on rewarding compliance as well as punishing non-compliance
- iii. ensure that the ways to achieve positive rewards are clearly stated, understood by offenders, managed fairly and with consistency between all staff.

In the UK, when a young offender misses an appointment with the Youth Offending Team their supervisor decides whether the absence is acceptable (e.g. due to illness) or unacceptable (e.g. they couldn't be bothered). If the latter, a written warning will be given and if the problematic behaviour continues the

young person can be returned to court.

Practitioners have some discretion in these decisions but there is also managerial oversight, e.g., if they decide not to issue a warning they need to record the reason for this. This would be an example of the discretion-accountability balance that we considered earlier.

## VI. EVALUATING PROGRESS

This is another one of those seemingly obvious tasks that is often ignored or overlooked in real life practice, perhaps because it can be a surprisingly difficult and challenging process. In the UK, National Standards for Youth Justice Services require that both community and custody cases are regularly reviewed. The frequency of review depends on the complexity of the case with some being reviewed more often than others. Past studies (Baker et al 2005) have shown that sometimes this degenerated into just a bureaucratic process with practitioners copying assessments and simply changing the date rather than carrying out a proper review. The new AssetPlus system is intended to reduce these problems by enabling practitioners to just update sections where there has been a change, rather than having to complete the whole assessment again.

A review should look at both positive progress and negative changes in behaviour. Small steps should be acknowledged e.g. if a young person has slowed down their rate of offending, this can be an interim stage of progress on the way to more significant behavioural changes. It should lead to an updated plan and changes of intervention.

One of the most difficult professional tasks is to balance taking action with the need to remain open to new information and to change the planned actions if necessary.

'The social worker does not just face altering his or her belief about one item of information but has to consider changing the *whole picture* of the case. All the known evidence then needs to be reappraised and found a place in the new emerging picture. The human tendency to avoid critical reappraisals of their beliefs may in part be due to reluctance to undertake such a *challenging and arduous intellectual task*.' (Munro 1996: 800, emphasis added)

It is also difficult if an organisation has a classification system for putting young people into risk categories as this can make it difficult to see that risks and needs may change very quickly (McGhee and Waterhouse, 2007) if, for example, a young person joins a gang or becomes radicalised online. Risks and needs may also decrease if a young person enters a more stable phase of life. A balance is therefore required: some kind of classification of young offenders is necessary to enable busy teams to cope with high caseloads but systems need to be flexible enough to respond to changes in a young person's life.

## VII. MULTI-AGENCY WORKING

For young people with complex needs and/or more serious offending it is particularly important to work with a range of organisations and colleagues from different professional backgrounds. This could be a community based social worker liaising with prison staff, or a probation officer liaising with a health service regarding an offender's mental health care.

### A. Sharing Data

The ability to share data between different agencies will depend on legislation in any given context. In the UK, The Data Protection Act 1998, the Human Rights Act 1998 and Article 8 of the European Convention of Human Rights set out the principles for data sharing between public. Good practice principles stress the importance of seeking the consent of the person about whom you wish to communicate, but in the UK information sharing without the subject's consent is lawful and sometimes necessary, if the purpose is the prevention of crime. Guidance for practitioners helps to address the balance between protecting an individual's rights to privacy and the need to share information to prevent crime or protect vulnerable people, including young offenders themselves (YJB, 2005b). Where information is disclosed, this should be proportionate and relevant, for example, it may be appropriate to only share certain information about a young person, not the whole case file.

## B. Clarity of Communication

In the UK, reviews into serious incidents (e.g. where offenders committed serious offences whilst under statutory supervision) have highlighted problems in communication between agencies. As examples, terms such as 'risk' and 'harm' are often interpreted differently. The word 'risk' can be used in various ways — is it risk of any offence or risk of the young person causing significant harm through violent or sexual offending? Is it risk to other people or risk to the young person? Similarly, with the word 'harm' — how bad does the impact of an event have to be before it counts as 'harm'? Those from a social care background might interpret the phrase 'risk of harm' to mean a danger *to a young person*, whereas those from a criminal justice perspective might assume it means danger of the young person causing harm *to others* through offending. To avoid these problems, it is important to communicate both facts *and* meaning, making sure that key concepts are commonly understood.

## VIII. CONCLUSION

This diagram from the USA National Institute of Corrections provides a useful way to think about implementing effective practice. It suggests that reducing recidivism can be achieved in the intersection of these three areas: organisational development, evidence based principles, and collaboration. We have looked at some examples of two of these today and will look at the area of collaboration more in tomorrow's lecture.

The area of organisational development is important because individual practitioners cannot work effectively on their own. Managers need to ensure that there are appropriate resources and procedures in place to support staff in the challenging tasks of assessment, engaging young people, delivering interventions and encouraging compliance. This is a large topic that could fill up another lecture but as we don't have time for that, the key point for today is that monitoring and evaluation are crucial for working out where improvements are needed. This will require being willing to consider where mistakes have been made and to compare outcomes for different groups of young people (Baker et al, 2011).

There is always a danger, however, that monitoring comes to be seen as a bureaucratic burden and practitioners feel it is being used to criticise them. One approach that helps to get around some of these problems is Appreciative Inquiry (AI) (Cooperrider et al, 2008). A distinctive feature of AI is that all the questions asked under these headings should be positive. For example: What works well? Which approaches help young people engage more actively with supervision? How have interventions improved since this time last year? This approach can help to make staff feel more included in the process of practice improvement.

To conclude, if we return to this diagram from yesterday we have now considered the first two stages. Tomorrow we will move on to look at achieving the goal of promoting desistance and social reintegration.

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