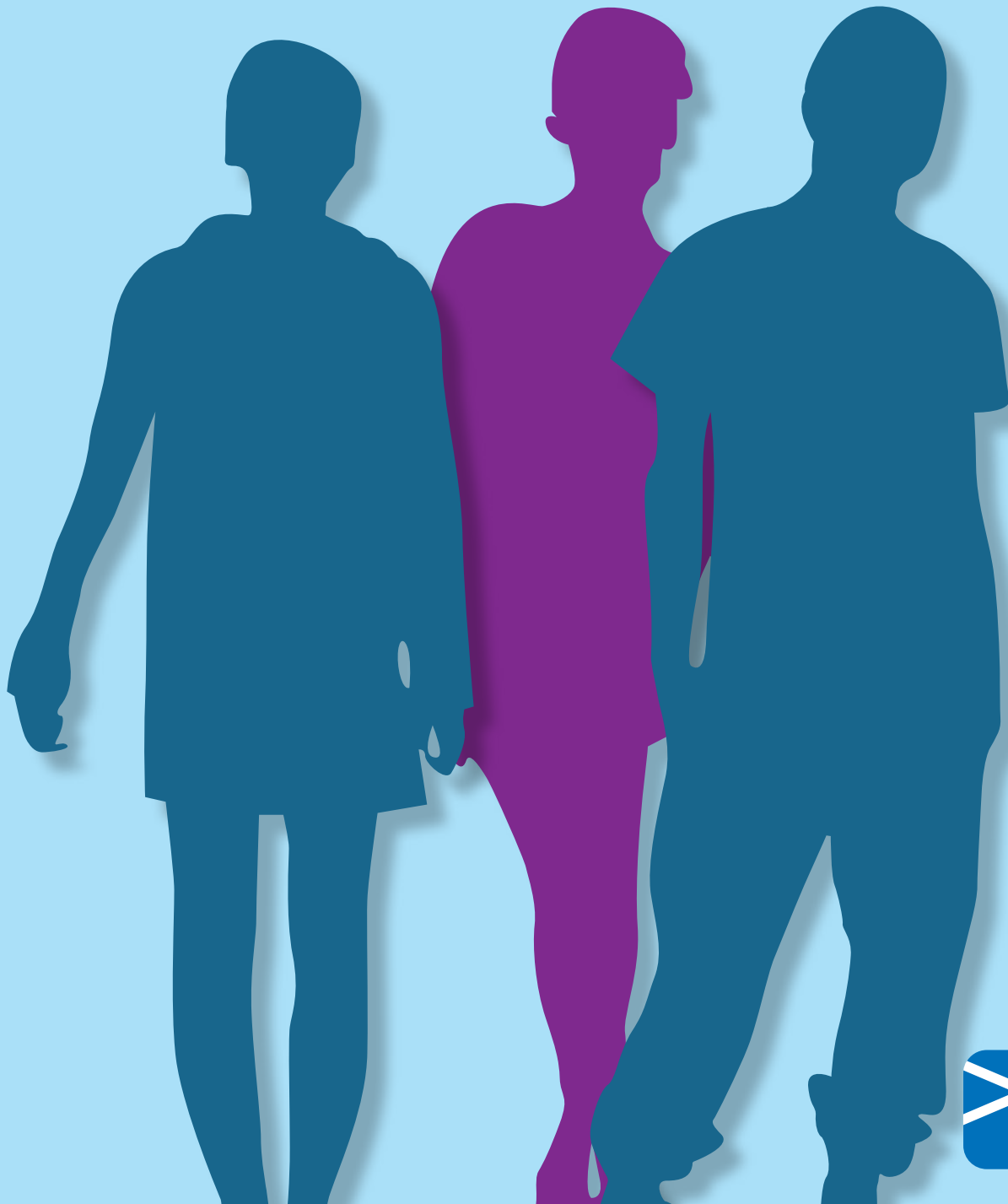




# PREVENTING OFFENDING

Getting it right for children and young people

## Progress Report



**Safer  
Scotland**  
Scottish  
Government

# Progress Report on Implementation of the Youth Justice Strategy

June 2017

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## Introduction

In Scotland we have a proud record of taking a holistic approach to the needs of our children and young people. For those involved in offending we remain committed to tackling the cause and impact of the offending behaviour together with addressing the young person's wider needs. As far as possible children and young people should be kept out of the Criminal Justice System, with proven alternative interventions delivered to address the behaviour and its causes.

In June 2015 we published the Youth Justice Strategy '[Preventing Offending: Getting it right for children and young people](#)'. The strategy aims to support the overarching vision of making Scotland the best place to grow up for all of our children and young people.

"Preventing offending is integral to our vision of Scotland as the best place to grow up."

"The Scottish approach to youth justice builds on the hugely influential Kilbrandon Report (1964) by responding to deeds in the context of needs. We see, understand and deal with offending behaviour in an integrated way to help the child, their family and the community to flourish."

Michael Matheson MSP, Cabinet Secretary for Justice (2015)

Our commitment to implementing the strategy was reaffirmed in [A Plan for Scotland: the Government's Programme for Scotland 2016-17](#) which highlighted that:

"Our priorities will be to advance the whole system approach, improving life chances and developing capacity and improvement in the workforce. We will report on progress by June 2017."

## Building on success

Scotland's youth justice strategy is an ambitious programme – directed at building on the success of the Youth Justice framework for action '[Preventing offending by young people](#)', which was published in 2008 and refreshed in 2011. Since 2008 we have moved to a more preventative approach, recognising that a child's early years are their most important and that their environment and wellbeing in this key stage of life can have a significant impact on their future lives and life chances. We also recognise that adolescence is a critical period of opportunity and brain development. The 2015 strategy is founded on a shared vision of what needs to happen through prevention, diversion and managing and supporting children and young people to change their behaviour.

The 2008 Youth Justice framework laid the foundations for a whole system approach (WSA) to offending by young people. 2011 saw the national roll out of this approach, which remains underpinned by Getting it Right for Every Child (GIRFEC).

The WSA involves putting in place streamlined and consistent planning, assessment and decision making processes for young people who offend, getting the right help to them at the right time.

The Whole System Approach comprises:

<b>Early and Effective Intervention (EEI)</b>	Maximising opportunities to <b>divert</b> young people from prosecution	Providing <b>court support</b> to young people
Increasing <b>community alternatives</b> to secure care and custody	Managing <b>high risk</b>	Improving <b>reintegration and transitions</b> back in to the community

The [WSA was independently evaluated](#) in 2014-15. Findings showed that the WSA had been instrumental in improvements to partnership working and shared learning, and in turn improving outcomes for children and young people. It also highlighted areas where we must continue to focus.

“Improvements in partnership working, and in particular information-sharing and shared learning across agencies were reported in all three local authority areas.”

Evaluation of the WSA (2015)

### Scotland’s record on youth justice

Scotland has seen some striking successes in youth justice over the last 10 years:

**78%** reduction in the number of young people prosecuted in Scotland’s courts<sup>1</sup>

**83%** reduction in the number of children referred to the Children’s Reporter on offence grounds<sup>2</sup>

**64%** reduction in the number of 16 and 17 year olds in custody<sup>3</sup>

The [Scottish Crime and Justice Survey 2014-15](#) found that the proportion of crimes thought to have been committed by school age children (under 16) has decreased from 26% (363) in 2008-09 to 15% (100) in 2014-15.

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<sup>1</sup> Criminal Proceedings in Scotland 2015-16

<sup>2</sup> SCRA Statistical Analysis 2015-16

<sup>3</sup> Annual snapshot from 30 June 2006 to 30 June 2016 – Justice Analytical Services, Scottish Government and Scottish Prison Service

## Progress report

This report sets out the progress made in the two years since June 2015 and outlines some key next steps.

The report has been produced by the Scottish Government, with the support of members of the Youth Justice Improvement Board (YJIB). The YJIB comprises national partner representatives, all committed to supporting young people and to reducing the impact of offending on victims and communities.

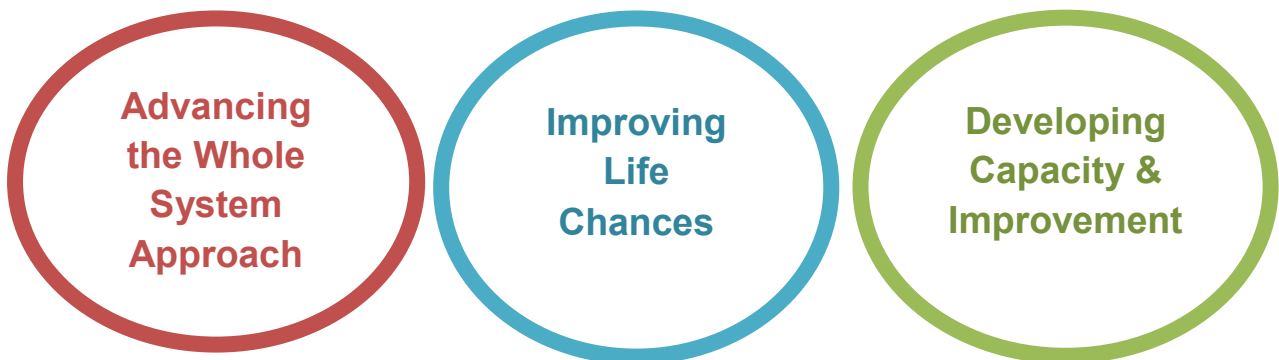
Information on Board membership and its Implementation Groups can be found on the [Centre for Youth and Criminal Justice website](#).

The current strategy is broad in scope but at its heart is a child-centred, preventative approach which:

- Helps communities to feel safe from crime and disorder
- Improves life chances for children and young people involved in or at risk of offending
- Enables all children and young people to be confident individuals, effective contributors, successful learners and responsible citizens.

Scotland's strategy re-emphasises the centrality of multi-agency partnership working. There is a shared responsibility for all those working with young people to ensure that they can realise their full potential.

The strategy's priorities cohere around 3 key themes:



## Implementation: a collaborative approach

As part of the development of the youth justice strategy, arrangements to support youth justice at a national level were reviewed. Collaboration and partnership working has been a crucial element of success in preventing offending, in particular through the WSA, and remains integral to strategy implementation.

The YJIB was established in 2015 to drive a culture of improvement in youth justice and make a sustained impact on priority areas.

Under the YJIB there are three implementation groups, meeting quarterly in advance of each Board session. Each group's focus is based on a priority theme in the strategy.

### Implementation groups

**Advancing the Whole System Approach** - priorities include:

- ensuring that youth justice is integrated into **children service's planning** and wider **community planning**
- **improving practice** aligned with the implementation of the Children and Young People (Scotland) Act 2014
- timely and effective interventions to **minimise the number of children in the Criminal Justice System**
- **assessing and managing risk and complexity** for those young people posing the greatest risk

**Improving Life Chances** - priorities include:

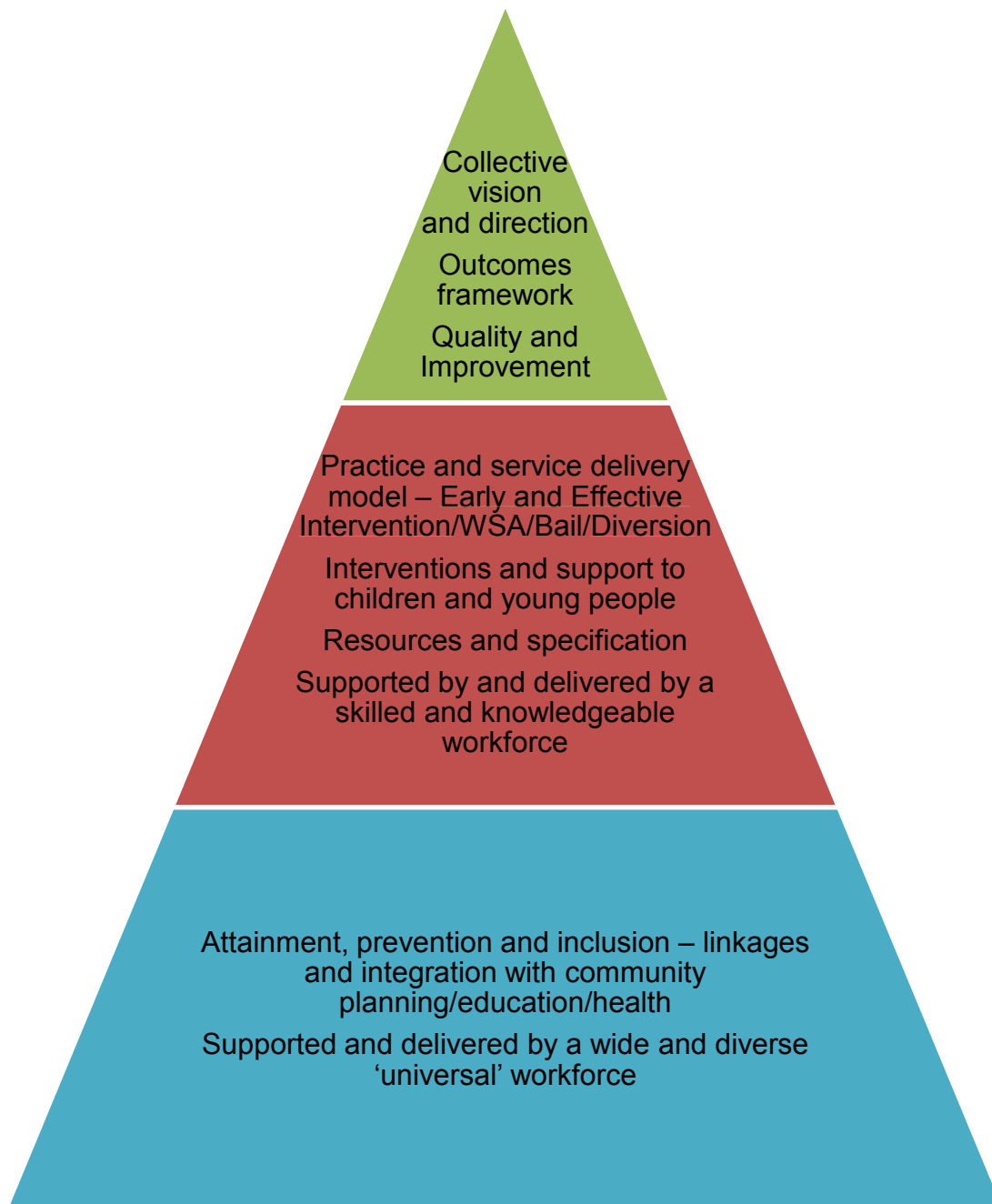
- supporting work on **school inclusion**
- strengthening **positive relationships**
- promoting **victims and community confidence**
- improving **health and wellbeing**
- promoting **opportunities for all**
- **transitions**, including supporting young people from custody and secure

**Developing Capacity and Improvement** - priorities include:

- supporting **workforce development**
- development of a **youth justice framework** and outcome measurement tools
- **improving systems**

The priorities align with work being taken forward by the Children's Hearings Improvement Partnership (CHIP). Areas of cross over and synergy are being developed jointly in order to ensure connectivity across the responsibilities of the two groups.

## A thematic approach to implementation





## Progress, Impact and Influence since 2015

This is a complex area. Making sustained positive changes needs to involve a wide range of partners and contributors. Influencing local and national partners about the importance of a sustained, preventative approach based on the principles of the WSA as part of a GIRFEC practice model cannot be a one off activity. Consistent engagement in a variety of ways, backed by leadership and support, helps to sustain and embed a whole system, preventative approach to dealing with offending involving children and young people.

While there has been a substantial fall in offending and real success in keeping children and young people out of the justice system through prevention and diversionary work, the level of complexity, need and adverse childhood experiences associated with the much smaller number children and young people, still involved in the justice system, is greater. This impacts on the skills and knowledge needed amongst a diverse youth justice workforce.

On 5 May 2017, the YJIB met with the Justice Board to consider lessons from the WSA and key issues around children and young people in, and on the edges of, the justice system. There was a real energy and commitment to building on the connections between youth justice and the new Vision for Justice. The new Community Justice landscape puts a strong focus on person-centred approaches to preventing further offending which draws considerably on experience from children and young people.

The new Vision and Priorities for Justice in Scotland is to be published in July 2017. This will be evidence led and will reinforce that young people should be kept out of the criminal justice system as far as possible. The clear recognition of the importance of preventative work with children and young people is largely down to momentum fostered by the youth justice strategy and the YJIB partners. Community Justice will play a pivotal role when considering any expansion of the WSA and preventative approaches to older age groups.

Police Scotland have also prioritised a preventative approach focussing on keeping children and young people safe. Last autumn, Police Scotland launched [Children and Young People: Our Approach](#) which supports their 10 year strategy for Policing in Scotland.

The implementation of the Criminal Justice (Scotland) Act 2016 will enhance protections for child and vulnerable adult suspects. Safeguarding and promoting the wellbeing of a child suspect will be a primary consideration for Police Scotland.

## **Key areas progressed under the Strategy through the Implementation Groups**

### **Advancing Whole System Approach**

#### **Supporting Integration**

Engagement has taken place with community based planning partners across Scotland to highlight the value of sustained commitment to a preventative approach to offending by young people.

#### **Interventions to reduce the number of young people in formal systems**

Information has been gathered around the use of EEI and diversion across the country - this information will be used to support good practice.

#### **Refreshed WSA Guidance**

WSA guidance was initially published in 2011. The guidance is currently being reviewed to reflect recent developments in practice and legislation.

#### **Bail and remand**

International literature and the Scottish context regarding current bail and remand practice has been researched. A paper reflecting the findings is being developed.

#### **Promoting development of policy and practice**

[Research papers](#) have been produced on key issues around the WSA, including: Young People in Court, Movement Restriction Conditions and Extending the WSA to 21.

#### **Using data to drive improvement**

Quarterly data reports are now provided by the Scottish Children's Reporter Administration (SCRA) and Crown Office and Procurator Fiscal Service (COPFS). They highlight trends in decision making including jointly reported cases, numbers of advice hearings and remittals to the Children's Hearings System. SCRA published research in June 2017 on remittals to children's hearings for advice and/or disposal.

#### **Termination of Compulsory Supervision Orders (CSOs)**

Research by the Centre for Youth and Criminal Justice (CYCJ), exploring young people's views, and experiences of the youth and criminal justice system has informed a renewed focus on addressing early termination of CSOs. SCRA are carrying out research in to home based CSOs and will report in 2018.

#### **Independent review of secure care**

Scottish Government funded a secure care national adviser role based at CYCJ. [Secure Care in Scotland: Looking Ahead](#) was published in November 2016 following extensive sector engagement including with young people. A Secure Care Strategic Board is being established later in 2017 which will complement the work of the Care Review being led by Fiona Duncan.

#### **Chief Social Work Officers (CSWO) and Secure Care**

[Research](#) was published in May 2017 into CSWO perceptions, including experiences and role, and use of secure care and alternative services.

## Improving Life Chances

### **School Inclusion**

A [paper](#) drawing on the voice and experiences of young people was published in December 2016. The paper represents valuable support for practitioners working with young people who may be at risk of exclusion.

### **Strengthening relationships and engagement**

A paper on the importance of relationships in improving Opportunities for All is being developed for publication in 2017.

### **Vulnerable girls and young women**

Building on the successful Improving Practice for Girls training programme, a Scottish Qualifications Authority accredited training course is being developed for completion in September 2017.

### **Victims of youth crime**

A scoping study into the provisions for young victims of youth crime was completed in May 2017, ancillary to the ongoing Bill work to increase the age of criminal responsibility.

### **Health and wellbeing**

Information has been collated from young people involved in support services on what their health and wellbeing concerns and priorities are and the barriers to leading a healthy lifestyle. This information will inform those working with young people around support to address health and wellbeing needs.

### **Mental Health**

Specific focus and recognition on the needs of young people and importance of additional support has been given to young people in the new [Mental Health strategy](#).

### **Interventions for Vulnerable Youth (IVY)**

Funded by the Scottish Government, a specialist psychological and social work service has been set up to support children who pose a significant risk of harm to others. The [IVY project](#) helps improve understanding and management of the risks posed, as well as undertaking assessments and offering interventions.

### **Opportunities for All**

The profile of young people who have offended has been raised with policy contacts and employers. Practical barriers to progressing to a positive destination have been highlighted by partners. An information sheet on universal credits has been produced for those working with young people on release from custody.

### **Disclosure**

Links have been made to the Protection of Vulnerable Groups (PVG) review and the alliance group which will focus on providing information, support and guidance for young people, employers, practitioners and the wider public on young people with convictions accessing training and employment. Improvements are being

considered through the MACR Bill Programme Board, and will include discussions on the future disclosure of offending involving all under 18s.

### **Youth and Criminal Justice in Scotland: the young person's journey**

The [young person's journey resource](#) for practitioners has been updated and a resource for young person is currently being co-produced with young people.

### **Children and young people in Custody**

A data paper and accompanying narrative on what we know about young people in custody has been developed. This paper, once published, will provoke further discussions in to what can be done to support young people to remain out of the criminal justice system.

### **Criminalisation of looked after young people**

Research was published in 2016 on responses to offending in residential care. A collaborative next steps project through CYCJ is exploring and supporting implementation of the findings of [Between a Rock and a Hard Place](#).

## **Developing Capacity and Improvement**

### **Workforce 2016**

A study has been carried out in to workforce needs. Information gathered has raised the need for further training. This will inform the design of a collaborative workforce development model founded on common core skills.

### **Workforce development**

A scoping study on the landscape of formal training provision across agencies was carried out in 2016. This highlighted gaps in training on up to date knowledge and skills in relation to youth justice. This led to engagement with the Children's Hearing System and Police Scotland around training packages.

### **Training and knowledge exchange**

Training roadshow events have been delivered together with disseminating knowledge and best practice through e-bulletins, information sheets, research briefings and reports. The Scottish Government and CYCJ delivered 6 roadshow events to support the implementation of the strategy in early 2016.

### **Practitioner and policy maker forums**

A Risk Formulation Forum and an Early and Effective Intervention Forum for practitioners to share knowledge and good practice have been created.

### **Youth Justice outcomes framework**

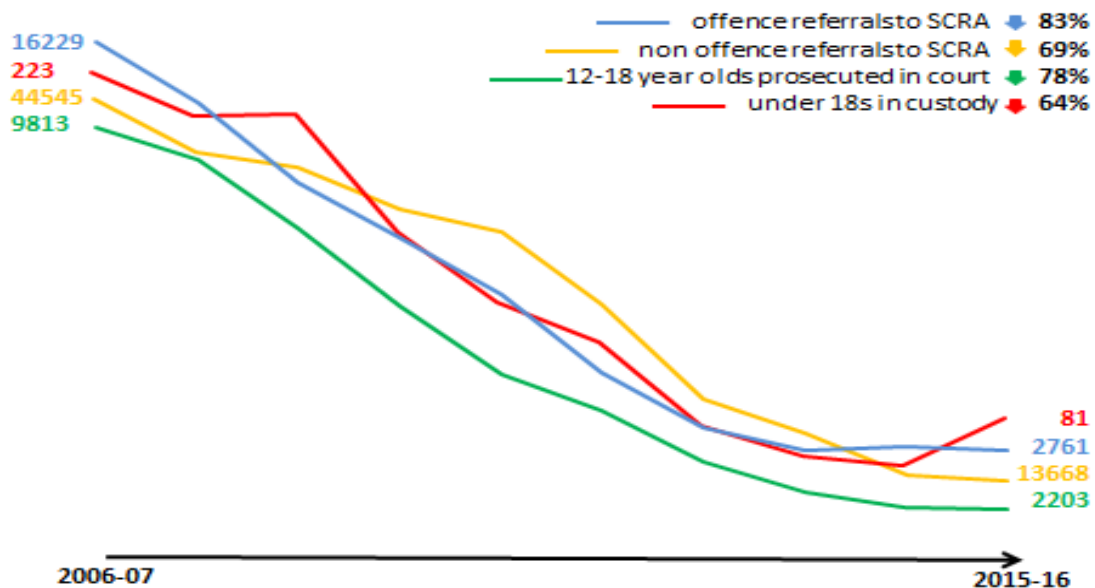
A framework for improving outcomes in youth justice is being developed to assist the youth justice workforce to contribute to the achievement of person-centred outcomes.

### **Data capture**

A report was produced in 2017 highlighting the existing data that is captured across partners and some of the issues with this. A shared data set to identify patterns of criminogenic and non-criminogenic needs is also being developed.

## What the evidence tells us

Overall progress has been sustained over the last two years. On 31 May 2017 there were 46 under 18 year olds in custody, which reflects a return to smaller numbers, after increases in 2014-15 and 2015-16 as illustrated below. We are monitoring these figures closely and looking to reduce this number further where children can be better supported and the risks they pose managed in the community or in secure care, where appropriate.



[Criminal Proceedings Statistics](#) show that in 2015-16 there were 20 under 16 year olds prosecuted in Scottish courts. The number of young people (12-17) prosecuted in Scotland's courts was 2203 in 2015-16 (a fall of 78% from 9813 in 2006-07) which shows that a significant number of 16 and 17 year olds are still prosecuted in court. The number of young people under 18 convicted of handling an offensive weapon has also fallen by 81% from 489 in 2006/07 to 92 in 2015/16.

Evidence from practice and research demonstrate the need to improve understanding of the impact of trauma and better support effective, and earlier, interventions by practitioners.

“How many more people do I have to see die? I’m only 19 and that’s five people died already and I keep thinking to myself ‘are the rest of them gonna die?’ And then I’ll grow up alone”  
 Voice of young person in Polmont, CYCJ Research 2014

Most young people who experience difficulties such as physical, sexual and emotional harm and abuse, neglect, loss and bereavement or witnessing violence, do not go on to offend. However, children who offend are nearly always children who have experienced such hurt and harm, often described as adverse childhood experiences (ACEs). In addition young people who are involved in offending are often victims of harm themselves. This cycle needs to be broken.

Research carried out by [CYCJ in Polmont Youth Offenders Institute](#) highlighted that over three quarters of the young men spoken to had experienced traumatic bereavements (murder, suicide) and two thirds had suffered from substantial bereavements (four or more).

A later study of 130 vulnerable and potentially 'high-risk' young people referred to the IVY service found, on average, children had experienced more than four adverse childhood experiences at the time of their referral, including parental separation, witnessing domestic violence, abuse, neglect and bereavement.

The vast majority of young people had experienced parental separation (81%) and witnessed domestic violence (61%). Other common experiences were emotional neglect (50%); living with a family member affected by mental illness (42%) and physical neglect (41%). More than one-third had been physically abused (37%) and one-in-five (19%) had been sexually abused.

Similarly a recent study by the [Scottish Children's Reporter Administration](#) found that, of a sample of 100 8-11 year old referred to the reporter in 2012-13, 39% had disabilities and physical and/or mental health problems and 25% had been victims of physical and/or sexual abuse, most of which carried out by family members or associates of the family.

1 out of 3 young prisoners have been in care at some point in their life.

SPS Prison Survey of Young People in Custody (2015)

This distressing and compelling evidence can increasingly inform work with children and young people before they come into contact with the youth justice system and in turn contribute to better outcomes for them.

In particular, it informed the Scottish Government's decision to legislate to raise the age of criminal responsibility from 8 to 12 with appropriate safeguards for exceptional cases. The statement of the Minister for Childcare and Early Years, Mark McDonald MSP, to the Scottish Parliament on 1 December 2016 announcing plans to bring forward legislation, was a key milestone in making this change a reality. The Advisory Group on the Age of Criminal Responsibility and the young people who participated fully in consultation and engagement around proposals deserve particular thanks and recognition for the contribution they made.

The recently published mental health strategy includes actions specifically related to young people who are involved in offending, those on the edge of secure care and those young people who are at risk of harm to themselves or others.

## **Next Steps**

We remain committed to delivering the priorities within the strategy and to supporting the vision that Scotland is the best place to grow up for all children and young people and ensuring that they have the best possible start in life.

The governance and strategic arrangements currently in place continue to be the most appropriate to enable partners to support and drive implementation in the context of the wider landscape.

The next phase will continue to involve communication and engagement but this will extend into delivery, implementation and testing what is achieved in the community.

### **Specific areas for priority**

Over the next two years we will continue to deliver the priorities within the strategy through partnership working. We will continue to reflect and adapt to ensure implementation is focused on the right areas. We will:

#### **Adapt and review priorities**

The remit of the YJIB and the three implementation groups will be regularly reviewed with actions updated as necessary. A clear programme of delivery for the next phase of actions will be developed to ensure that there is successful delivery of priorities. The priorities being delivered will also match the wider needs of children and young people and practitioners. This will take in to consideration the priorities as recommended and highlighted in the [CYCJ Stakeholder Consultation Delphi](#) study.

#### **Reflect on evidence and data**

It is essential that we continue to learn from what evidence and data tells us and develop a strong evidence base from which to inform and deliver changes which are positive for all children and young people. Within this we will seek evidence of the impact of the strategy on practice and on outcomes for young people.

#### **Engage with community, partners and young people**

Wider discussion around the priorities will be encouraged through the sharing of action plans with practitioners and partners out with the YJIB.

In order to give children and young people the best start we need to ensure that they are able to participate and feel empowered. We will ensure that we support the development of this by listening to the views of young people.

Much of the work around youth justice links to other areas of work and wider priorities such as secure care, the root and branch care review, mental health, child poverty, victims and work being taken forward through Police Scotland and Community Justice. In order to progress we will continue to make the necessary links between the agendas and strategies, and help support a cohesive approach which focuses on areas of greatest impact.

Local Community Justice Outcome Improvement Plans play a key role in ensuring that young people receive the right help at the right time, in particular aiding those young people returning from custody back to the community to achieve positive destinations with support through housing, education and addiction services.

Strong local partnerships are key to delivering on the ground services for vulnerable young people and support for local partnerships will continue. Partnership working is crucial to the delivery and success of achieving the vision. Ensuring commitment and buy in from all partners will remain integral to the process over the next two years and beyond.





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