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Who Cares? **Scotland**
**'NOTHING HAS
CONVINCED ME
TO STOP'**

**YOUNG PEOPLE'S PERCEPTIONS AND
EXPERIENCES OF PERSISTENT OFFENDING**



of speaking out for young people in care

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Nothing has convinced me to stop

By Cheryl-Ann Cruickshank and
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With Elizabeth Morrison.

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NOTHING HAS CONVINCED ME TO STOP

YOUNG PEOPLE'S PERCEPTIONS AND EXPERIENCES OF PERSISTENT OFFENDING

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EXECUTIVE SUMMARY



INTRODUCTION

The former **Scottish Executive** published a **'10-Point Action Plan for Tackling Youth Crime and Disorder'** in 2002. **Three of the ten points were aimed specifically at tackling 'persistent' youth offending – defined as someone aged between eight and 16 years referred to the children's reporter on offence grounds on five or more occasions within the previous six months. The Scottish Executive set a target to reduce youth crime by 10% by March 2006 from the 2003/04 baseline and by a further 10% by 2008 (SCRA, 2006a).**

However, in July 2007, the Scottish Executive announced these targets had been reviewed and re-offending rates should not be the primary measure of government or agencies' performance. The target to 31 March 2006 was not met nationally. The number of persistent young offenders increased by 16% between 2003/04 and 2005/06 from 1,201 to 1,388 (SCRA 2006b). This figure increased by a further 3% from 1,388 to 1,429 in 2006/07 (SCRA, 2007).

Nevertheless, there were concerns that 21% of persistent offenders were in residential care and that research on fast track children's hearings and data about persistent offenders collected by the Scottish Children's Reporter Administration highlighted concerns regarding the level of offence-related referrals for children and young people in residential care (Scottish Executive, 2005). In 2006, Who Cares? Scotland's Secure Project was commissioned by the Scottish Executive to consult young people living in residential care about persistent offending in order to add to overall understanding of this issue.

AIMS AND OBJECTIVES OF THE RESEARCH

The overall aim of the consultation was to explore the views and experiences of young people living in residential care about how and why they became persistent offenders, including what caused their offending behaviour to escalate and what helped them to reduce or indeed to stop offending. The residential settings where young people were consulted included secure units, residential units, residential schools and young offender institutions, in target local authorities with a high proportion of persistent offenders, namely, East Ayrshire, Midlothian and West Lothian.

The methods used for this research were one-to-one interviews with 18 young people (11 male and seven female), and five focus group discussions with 25 young people (14 male and 11 female) from residential units, residential schools, secure care and young offender institutions. All respondents were in the age range 13-21. These methods were seen as optimal in eliciting the views and experiences of a potentially vulnerable group of young people (those in institutional care) about a potentially sensitive topic (offending behaviour).

STARTING OFFENDING

The main reasons for, and influences on, starting offending for these young people were peer pressure, being under the influence of alcohol or drugs, for enjoyment/something to do, and in retaliation (following provocation, in their view, either by the police or another person). The majority of respondents could readily recall their first offence and these early incidents tended to be assault, vandalism or theft. There were no significant gender differences in either reasons for starting offending or type of first offence, other than that the young men were more influenced by peers and excitement than the young women. The majority of young people were both caught and charged as a result.

Being held in police custody on an 'unruly certificate' as a result of these early offences seemed to be a source of concern to young people, not least when their status as being 'looked after' may have contributed not only to the police being called in for, often, anti-social rather than offending behaviour reasons, but also to young people being charged by the police and referred on to the Reporter.

PERSISTENT OFFENDING

The Scottish Government's definition of persistent offending was criticised by the majority of young people for being too loose; respondents considered it very easy for young people looked after and accommodated in particular to accrue five 'official' episodes of offending in a six month period. As noted in other research, there is a tendency for care staff to bring troublesome behaviour by young people in the care system to the attention of the police, rather than to deal with it 'in house', and this increases the likelihood that such young people will accrue charges.

Escalation of offending was usually seen as resulting from peer pressure and the consumption of alcohol or drugs, although a smaller number cited boredom as a reason for persistent offending or their perception that they could 'get away with' offending under the age of 16.

THE INFLUENCE OF CARE ON OFFENDING

Whilst being in care was sometimes cited as an influencing factor in starting offending, the majority of respondents suggested that being in care was more of an influencing factor in continuing to offend. It was influenced by peer pressure associated with group living with other vulnerable young people, the attitudes and practices of care staff, the limitations of the care environment and the seeming lack of support for young people in care to reduce their offending. Often the care environment was argued to exacerbate rather than alleviate offending behaviour, not least because of methods of restraint and a feeling of having nothing to lose by offending.

Whilst several young people felt that care staff were supportive and that programme and other work on offending was helpful in encouraging desistance, many young people also felt that care staff needed better training for work with vulnerable or volatile young people and that care practices (such as restraint and the delivery of programme work) could be improved upon.

REDUCING OFFENDING

It seemed that reduced offending, where it happened at all, was generally because of reasons unrelated to the care provided in residential establishments. Reasons given for reducing offending behaviour related more to young people growing up, fearing imprisonment, finding law-abiding partners or having other

opportunities in life to occupy and motivate them. The majority of young people felt that desistance was more likely to occur if young people had ‘something better to do’, at least in terms of accessible recreational activities in their communities, or employment opportunities in mainstream society.

CONCLUSIONS

Young people in care were generally not convinced by the effectiveness of the care system in reducing persistent offending, and many felt that, as it currently stands, the care system exacerbated rather than alleviated offending behaviour. Young people in this research felt that the definition of persistence was too loose to accommodate the often premature reaction to youthful offending by care staff (and their use of restraint and the police), the media and the police (and their use of ‘unruly certificates’, for example), and that such reactions often prompted a self-fulfilling prophecy associated with the label ‘offender’ creating the expected reaction, namely, persistent offending.

Young people found staff supportive but sometimes unskilled in their handling of often volatile and vulnerable young people. Such attitudes and reactions only served to exacerbate young people’s volatility and vulnerability. Restraint practices were a case in point.



In attempting to understand and resolve the question of persistent offending within the care system, young people in this research suggested changes that are summed up in the following recommendations, also expanded on in Chapter 7 of this report. Young people generally wanted a more constructive, proactive and holistic approach taken to their needs as well as deeds and, as the title of this report suggests, they desperately needed something from somewhere to convince them to stop offending.

RECOMMENDATIONS

Recommendation 1: To review the current definition of persistent offending to take account of the seriousness of the offences committed and the context i.e. the circumstances of the young person, rather than focussing solely on the frequency of offending in isolation from other relevant factors.

Recommendation 2: There should be a focussed national public campaign, led by Scottish Government in partnership with key partner agencies, which challenges the perceptions of young people and their stigmatisation, in particular young people looked after and accommodated, by promoting positive images of this group of young people in both national and local media outlets.

Recommendation 3: Consideration should be given by residential care providers, and by registration and inspection bodies, to staff's understanding, teamworking and consistency of approach in relation to care and control interventions, with due attention to de-escalation techniques.

Recommendation 4: Restraint practices should be reviewed to ensure that methods used do not cause pain but, where injuries are sustained, there should be greater external scrutiny of such practices. There should be close scrutiny of physical intervention and restraint at the local level, building on physical intervention monitoring groups already in place in some establishments, to analyse the nature and frequency of physical intervention and restraint, and ensure consistency of methods and their use.

Recommendation 5: The case for additional national guidance to aid consistency in relation to the use of physical intervention and restraint should be considered by service providers, ADSW, the Scottish Government and the Care Commission, with young people being informed at the start of their residential placement of the circumstances when it will be used.

Recommendation 6: There should be one nationally accredited system of training, including regular refresher programmes, and independent monitoring, endorsed by the Scottish Government, for all residential staff (care and education) in the use of restraint, building on the guidance contained in ‘Holding Safely’ (Scottish Executive, 2005), to ensure one method is used consistently across residential care settings.

Recommendation 7: The term ‘unruly certificate’ should no longer be used and instead replaced with a Child Retention Certificate (CRC) or a Child Detention Certificate (CDC), in line with the Inspectorate’s recommendation and, where young people are detained or held in police custody, this should be recorded consistently with that stipulated in the Criminal Proceedings (Scotland) Act 1995.

Recommendation 8: Where it is necessary to hold a young person at a police station, this should be for a minimum amount of time, and clear protocols should be developed and adhered to. The duties and responsibilities of both police and social work in relation to children and young people being detained in police custody should be clearly defined and ensure young people’s rights are not infringed.

Recommendation 9: Drawing on the findings of the National Residential Child Care Initiative (NRCCI) and the report, ‘Home Truths: Residential Child Care in Scotland – A Context Paper’ (Elsley, 2008), Scottish Government and its partners should introduce an action plan designed to further raise standards in residential child care including measures to strengthen individualised commissioning; to ensure the right mix of skills and competences on the part of the workforce to provide the best possible quality of care for young people; and to introduce the systematic involvement of young people in the recruitment of residential staff. It should also set a timescale for the necessary registration of all staff working in the residential child care sector as a key driver to ensuring a skilled and qualified workforce.

Recommendation 10: Monitoring and inspection agencies should consider the introduction of a framework which ensures the routine participation of young people with experience of residential care in the monitoring and inspection of residential establishments, including their involvement as lay assessors.

Recommendation 11: The Scottish Government should constructively involve young offenders in the development of its forthcoming Youth Framework, to aid its effectiveness and ensure it meets the needs of the young people it is designed to assist.

Recommendation 12: The Scottish Government and local authorities should take action to improve throughcare and aftercare provision for young people with care experience who become involved in the youth and criminal justice systems, to provide opportunities for further education and employment, with an emphasis on early planning and implementation in recognition of their vulnerability and reduced support networks; and to implement the recommendations from research such as ‘Sweet 16’, the recent report by Scotland’s Children and Young People’s Commissioner (SCCYP, 2008).

Recommendation 13: Drawing on the insights of young people in ‘This Isn’t The Road I Want to Go Down - Young People’s Perceptions and Experiences of Secure Care’ (Barry and Moodie, 2008), and as a means of reducing offending behaviour amongst young people in residential care, the Scottish Government and its partners should consider how best to actively promote a culture in residential care which emphasises an optimum balance of care and control, promotes pro-social modelling by staff, and gives due attention to young people’s needs for a sense of self and belonging, and the development of their potential.

Recommendation 14: Evidence-based approaches to what works from young people’s perspectives to reduce offending and encourage desistance by young people should be explored, followed by investment in services designed to address the causes as well as the manifestations of offending.

1. INTRODUCTION

Who Cares? Scotland is the leading provider of independent advocacy support for children and young people who are, or have been, looked after and accommodated in public care up to the age of 25. Established 30 years ago, the organisation currently works with 30 of Scotland's 32 local authorities and provides:

- individual advocacy support to children and young people
- children and young people with information about their rights
- opportunities for children and young people to come together to discuss issues of importance to them and directly inform Who Cares? Scotland's work
- routes for the views and experiences of children and young people about matters affecting their lives in the care system to inform policy, practice and training
- opportunities for children and young people to participate in campaigning for changes identified by them to enhance the rights and experiences of all those accommodated in public care.

In all its work, Who Cares? Scotland seeks to apply its core values as follows. 'We:

- listen to, respect children and young people's views, and be confident in children and young people's abilities
- are trustworthy, honest and reliable
- take a caring, supportive approach
- are serious about helping children and young people to speak out
- respect human rights and promote positive attitudes, views and behaviours towards children and young people in care'.

Following the conclusion of its dedicated secure care project in March 2008, which led on the consultations forming the basis of this report, Who Cares? Scotland is pleased to present the findings from its consultations with young people living in different residential care settings about their views and experiences of persistent offending.

The project produced a second final report: for the Scottish Government about young people's secure care journey': 'This Isn't the Road I Want to Go Down' - Young People's Perceptions and Experiences of Secure Care', which is available separately.

21% OF PERSISTENT OFFENDERS WERE IN RESIDENTIAL CARE.

WHO CARES? SCOTLAND'S SECURE PROJECT

In March 2003 Who Cares? Scotland received funding from the then Scottish Executive's Intensive Support Fund for a three year project, which aimed to contribute towards better outcomes for young people in secure accommodation. At the outset, the main aim of the project was to engage and build relationships with young people in secure care, raising young people's self esteem through participation. The project sought to empower young people to speak out by carrying out consultations, documenting young people's views and providing feedback to policy-makers and service providers.

The project received a further two year's funding from April 2006. It continued to consult young people in secure care on a range of issues and to deliver a dedicated advocacy service. The latter strand of activity became increasingly significant in response to young people's requests for independent advocacy support.

THE CONTEXT OF THE CONSULTATION

The former Scottish Executive published a '10-Point Action Plan for Tackling Youth Crime and Disorder' in 2002. Three of the ten points were aimed specifically at tackling persistent youth offending. The most recent definition of a persistent young offender is someone aged between eight and 16 years who was referred to the children's reporter on offence grounds on five or more occasions within the previous six months, where an offending episode was equal to referral to the children's reporter under the Children (Scotland) Act 1995, section 52(2)(i). This was the definition used by the "Improving the Effectiveness of the Youth Justice System Working Group" convened by the Scottish Executive and stated in its 2002 document "National Standards for Scotland's Youth Justice Services" (PA Consulting Group, 2004). A referral to the children's reporter could include more than one alleged offence.

WE EXPLORED HOW AND WHY THEY BECAME PERSISTENT OFFENDERS.

The Scottish Executive set a target to reduce youth crime by 10% by March 2006 from the 2003/04 baseline. In June 2006 Cathy Jamieson, Justice Minister, announced at the annual Youth Justice Conference that the target for 2008 would stand at a further 10% reduction, amounting to a total reduction of 20% by 2008 (SCRA, 2006). In July 2007 the Scottish Executive announced that the national target, to reduce the numbers of persistent young offenders by 10%, had been reviewed and it should not be the primary measure of government or agencies' performance. Instead a new set of measures was to be developed (Scottish Executive, 2007).

Research on fast track children's hearings and data collected by the Scottish Children's Reporter Administration (SCRA) about persistent offenders highlighted the level of offence-related referrals for children and young people in residential care (Scottish Executive, 2005).

In December 2005 it was noted that 21% of persistent offenders were in residential care, equating to 227 young people (PA Consulting Group, 2006). Local authority areas with a high number or proportion of persistent offenders included West Lothian, Midlothian and East Ayrshire. However there was acknowledgement that persistent offending was evidenced in most areas across Scotland.

In 2006, Who Cares? Scotland's Secure Project was commissioned by the Scottish Executive through the Intensive Support Fund to consult young people living in residential care about persistent offending in order to add to overall understanding of this issue.

AIMS AND OBJECTIVES

The overall aim of the consultation was to explore the views and experiences of young people living in residential care about how and why they became persistent offenders, including what contributed to their offending behaviour escalating and what helped them to reduce it or indeed to stop offending. The residential settings where young people were consulted included secure units, residential units, residential schools and young offender institutions.

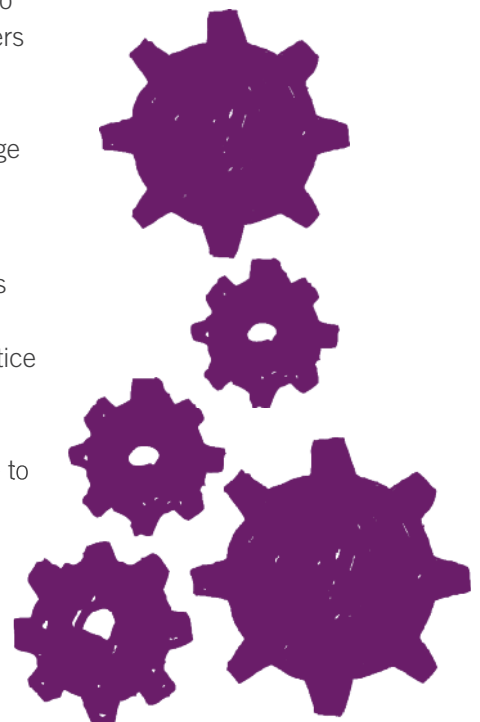
LAYOUT OF THE REPORT

This chapter has described the context of this research and the role of Who Cares? Scotland in undertaking the consultation exercise. Chapter 2 gives an overview of the methods and a breakdown of the main characteristics of the sample of young people.

Chapters 3 and 4 explore young people's perceptions and experiences of early and persistent offending respectively. Chapter 3 describes those early offences and the influencing factors, as well as the action taken by those in authority to deal with such behaviour. Chapter 4 explores young people's perceptions of what constitutes 'persistent' offending behaviour and what influences young people in continuing to offend.

Chapter 5 focuses down on the possible associations between offending and being looked after and accommodated. It outlines young people's views on how the care setting can support them in stopping offending. Chapter 6 continues the theme of stopping offending by looking in more depth at young people's experiences of, and aspirations for, reducing or stopping offending. It also describes their advice to policy-makers and practitioners, both in the care system and more widely in youth policy arenas, about how to encourage reduced offending amongst young people.

In conclusion, Chapter 7 summarises the main themes emerging from the research and makes policy and practice recommendations on possible ways forward which will give young people both an opportunity and an incentive to stop offending.



2. METHODS

WE SELECTED LOCAL AUTHORITIES WITH HIGH CONCENTRATIONS OF PERSISTENT OFFENDERS IN RESIDENTIAL CARE.

INTRODUCTION

This report aims to highlight the views and experiences by young people in care about their and other young people’s offending behaviour. Not only are young people looked after and accommodated a vulnerable group in terms of being disempowered and marginalised from many mainstream opportunities, the topic of offending is also a sensitive one. There is also a need to safeguard the confidentiality and anonymity of young people participating in the consultation, whilst ensuring that they are not harmed by the process of the research. With these caveats in mind, the following section describes the rationale for the methods adopted in this study.

SAMPLE SELECTION

Persistent young offenders who were, or had been, looked after and accommodated in a residential environment, and within the age range 12 to 21, were identified with the help of local authority staff, Who Cares? Scotland Young Persons’ Workers (local authority-based) and its Secure Project Young Persons’ Development Workers, secure unit staff and young offender institution (YOI) staff.

Criteria for selection of the sample included young people being from local authorities identified as having high concentrations of persistent offenders within residential care as outlined at the National Project Scoping Meeting by PA Consulting Group in January 2006. These local authorities included West Lothian, Midlothian and East Ayrshire. However, to maximise participation of young people, this was extended to include Glasgow due to the high number of young people in residential care there, and Borders and North Ayrshire due to these local authorities’ involvement in the fast track children’s hearings pilots.

Young people were given a letter in advance explaining the purpose and focus of the consultation and were asked to sign a consent form. Informed consent was obtained from each young person who participated in the research. It was explained to young people at the outset that participation was voluntary, they did not have to answer any questions they were uncomfortable with or share information they did not wish to, and they could withdraw from the interview at any time.

METHODS

Given the potential sensitivity of the subject matter and issues of confidentiality, it was decided to use one-to-one, in-depth interviews to record young people's personal experiences and perceptions around the subject of offending. This method gave young people time and space to explore their experiences. Interviews were undertaken by Who Cares? Scotland's Secure Project Young Persons' Development Workers or its local authority-based Young Persons' Workers. In conjunction with one-to-one interviews, focus groups also enabled a wider discussion of general issues for young people currently or previously residing in residential settings about starting and stopping offending.

One-to-one interviews

Nineteen young people originally agreed to participate in the individual interviews. One young person subsequently withdrew following a misunderstanding with YOI staff over the reason for and timing of the interview. The total number of interviews conducted was therefore 18.

The majority of respondents answered all questions although, on a few occasions, young people chose not to answer and this was respected, resulting in some minor gaps in information. Where this has occurred, it is highlighted in the report.

Of the 18 young people who participated, 11 were male and seven were female, in the age range 13-21 years. Two were from outwith the targeted local authority areas. All but one of the young people met the criteria of 'persistent offender' ie having five or more episodes of offending within a six month period.

Focus groups

Focus groups were used to explore more generally young people's understanding of what leads young people to offend, allowing young people the opportunity to comment, in their view, on what works in reducing offending and to suggest ways of helping young people to stop offending. Participants were reassured that they did not need to share individual experiences unless they wished to do so.



Young people for both the all-male and all-female groups were identified with the help of YOI staff who advised that, to ensure a minimum group size, young people should be selected from a wider geographical area than that specified in the consultation outline. Consequently, seven young people participated from local authorities outwith the target areas.

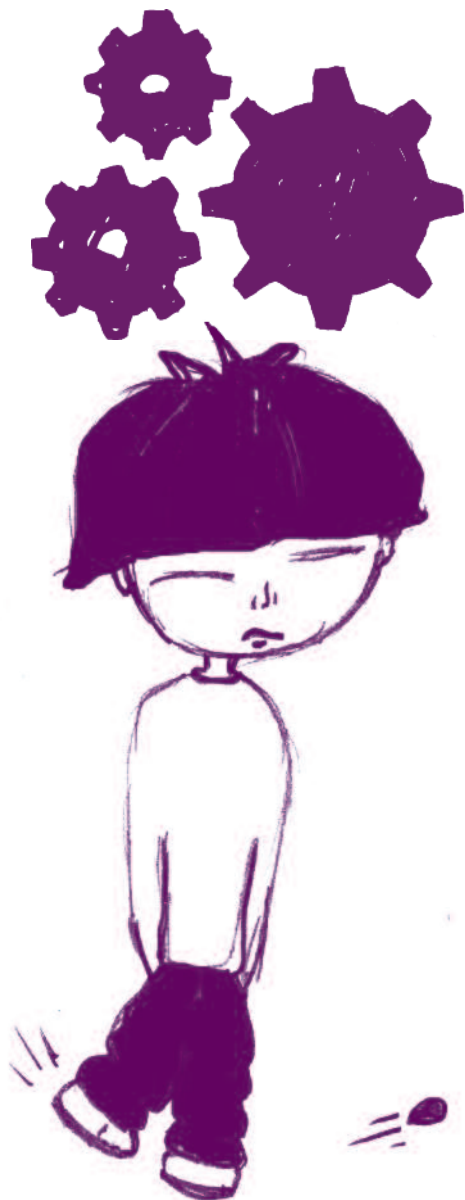
A total of five groups were held - one male (six participants), one female (five participants) and three mixed (six, five and three participants respectively), with a combined total of 25 young people taking part. Fourteen participants were male and 11 were female in the same age range as the one-to-one interviews, namely 13-21 years. Eight young people participated in both a focus group and an individual interview. Ten young people participated in interviews only and 17 participated in focus groups only. A total of 35 young people therefore participated in the research overall.

Three of the focus groups were held in a secure unit (five participants), a male young offender institution (six participants) and a female young offender institution (five participants). The remaining two focus groups were held in the community and comprised participants from residential schools (three participants) and residential units (six participants). The all male focus group, being the first to be held, served as a pilot for those that followed.

The same tools and methods were used for the focus groups conducted in the residential unit, residential school and secure unit but were adapted to suit the YOI settings and the older age of participants in these institutions. Questions remained the same for all focus groups.

Three young people did not officially fit the 'persistent offender' category having a record of only three or four episodes of offending in a six month period. Two of these young people participated in the secure unit focus group and one participated in the male YOI focus group.

Focus groups were all facilitated solely by Who Cares? Scotland staff. With the exception of the group held in the secure unit (where up to three members of secure unit staff were present for some of the discussion), no staff from residential units or institutions were present during the focus groups. This may have had implications for the findings, in that the young people from the secure unit may have felt inhibited by the presence of staff in giving open, honest accounts of their experiences of offending whilst in care.



**WE CONSULTED
YOUNG
PEOPLE IN
RESIDENTIAL
UNITS,
SCHOOLS,
SECURE CARE
AND YOUNG
OFFENDER
INSTITUTIONS.**

CHARACTERISTICS OF THE SAMPLE

The following considerations were made in selecting the sample. The ratio of male to female within the residential care sample group should reflect the national ratio (approximately two thirds male and one third female). The majority of young people interviewed individually should meet the ‘persistent offender’ criteria. For the focus groups, residential settings should include residential schools, residential units and secure units. Young offender institutions focus groups should include both male and female participants who previously had been in residential care and who met the ‘persistent offender’ criteria whilst in residential care. Overall, the target sample was six young people from each residential setting aged 12-18 years, and six young people, aged 16-21 years, from one male and one female young offender institution respectively.

Tables 1 and 2 below give a breakdown of the one-to-one interview participants by local authority, care setting, age and gender.

Table 2.1: Breakdown by Local Authority – Interviews

Local Authority	Number of Young People
Borders	1
East Ayrshire	3
Fife	1
Glasgow	4
Midlothian	2
North Ayrshire	3
South Ayrshire	1
West Lothian	3
TOTAL	18

Table 2.2: Breakdown by Care Setting, Age & Gender – Interviews

Setting	Male	Female	Age
Residential Schools		1	14
	3		15
Residential Units		1	13
	1		14
	1	2	15
Secure Units	1	1	14
	1		15
	2		16
YOIs	1	1	17
	1	1	21
TOTAL	11	7	

Whilst the one-to-one interview sample predominantly fitted the criteria for selection, the focus group sample proved more problematic. Because of the sometimes chaotic lifestyles of many of these young people, it was often not possible for all the young people identified to attend focus group sessions as arranged.

As mentioned above, to ensure a larger number of participants, young people selected for the male and female YOI focus groups came from other local authority areas as well as those stated above. The additional local authority areas included Fife, Angus, Dundee and Edinburgh. YOI participants were selected by YOI staff. To aid staff in the selection of participants, the two YOIs were provided with the sample criteria and an outline of the consultation.

Tables 3 and 4 below give a breakdown of the focus groups by local authority, care setting, age and gender.

Table 2.3: Breakdown by Local Authority - Focus Groups

Local Authority	Number of Young People
Angus	1
Dundee	1
East Ayrshire	4
Edinburgh	1
Fife	2
Glasgow	8
North Ayrshire	5
Perth	1
South Ayrshire	1
West Lothian	1
TOTAL	25

Table 2.4: Breakdown by Care Setting, Age & Gender – Focus Groups

Setting	Male	Female	Age Range
Residential Schools	1	2	14-16
Residential Units	4	2	13-17
Secure Units	3	2	14-16
Female YOI		5	16-21
Male YOI	6		17-21
TOTAL	14	11	

SUMMARY

The methods used for this research – one-to-one interviews and focus group discussions – were seen as optimal in eliciting the views and experiences of a potentially vulnerable group of young people (those in institutional care) about a potentially sensitive topic (offending behaviour).

Accessing such a sample often is not easy and therefore the limitations of these methods should be viewed in that context. The numbers of respondents were relatively small, and the research team was dependent on the goodwill and cooperation of ‘gatekeepers’ in accessing a selection of young people who fitted the research criteria (in terms of age, home local authority and previous offending history).

The views and experiences of the young people contained in this report, whether or not curtailed by their circumstances at the time of interview, are nevertheless theirs and theirs alone. They also reflect closely the views of other young people in care whose views have been elicited in a myriad of previous studies relating to their care and control (Paterson et al, 2003; Barry and Moodie, 2008).



3. 'I THOUGHT IT WOULD BE A LAUGH: YOUNG PEOPLE'S EARLY EXPERIENCES OF OFFENDING

INTRODUCTION

The vast majority of young people 'offend', to a greater or lesser extent. It is part of growing up – experimentation, rebellion, questioning authority, seeking excitement and negotiating both a social and a self identity. Yet 97 per cent of crimes go undetected (Davies, 2003). Likewise the majority of young people stop offending, not least when they have legitimate opportunities within mainstream society. Yet young people are increasingly being criminalised and scapegoated by a society arguably more preoccupied with youth crime (which is falling) than structural inequalities (which are rising).

These wider societal attitudes seem particularly apparent in respect of young people who are looked after and accommodated. The fast track children's hearings pilot research interim report revealed that 28% of persistent young offenders were from a care background (Scottish Executive, 2003a). Statistics collected in England and Wales showed that children in care were around three times more likely to be cautioned or convicted for an offence than other children (DfES, 2007). A study in Northern Ireland found that children in care were 15 times more likely than other children to be convicted or cautioned (Social Services Analysis Branch, 2004). Closer to home, young people's precipitous journey towards the criminal justice system all too often starts and/or escalates in residential care. "Compared with the population as a whole, prisoners are fourteen times more likely to have been taken into care as a child" (Scottish Executive, 2003b: 15).

This chapter explores young people's views about starting offending and their early experiences of involvement with youth justice agencies.

JOURNEY TOWARDS THE CRIMINAL JUSTICE SYSTEM ALL TOO OFTEN STARTS OR ESCALATES IN RESIDENTIAL CARE.

GENERAL FACTORS INFLUENCING STARTING OFFENDING

In order to gain a sense of the issues facing young people generally, focus group participants were asked what they thought caused young people to start offending. There were common themes reported across all groups, which included peer pressure, being under the influence of alcohol or drugs and issues relating to the police (being provoked, targeted or harassed by police officers). Other issues cited included the ‘buzz’ or ‘adrenaline rush’ experienced when offending, ‘boredom’ and ‘being in a gang’. In the female YOI focus group, respondents mentioned hanging around with older people and having easy access to drink and drugs as leading to offending when they were younger. Just over a quarter of focus group respondents felt that, if young people perceived there were no adverse consequences resulting from being charged with offending (they did not appear to perceive being charged as a consequence in its own right), then they were more likely to risk getting into trouble. At individual interview, one respondent commented:

“When I was younger, I was 12 and I was with folk at 14, 17 and that, and they were off stealing motors and I was going in them and a couple of years later I started stealing them. I was always the youngest. I was always the one who put their hands up to it and other ones were getting the jail, while I was getting a slap on the wrist at a panel” (Male, 21).

Territorial issues were highlighted by the secure unit and residential unit focus groups. Participants felt that the ‘scheme’ [neighbourhood, usually council estate] where they lived was often a contributory factor to offending. One young person suggested that offending was normal in such an environment: ‘everyone does it’. This supports other research where examples of turning points for young people who offended included moving away from their neighbourhood (Department of Health, 2003).

MOST EQUATED 'OFFENDING' WITH THE LEGAL REPERCUSSIONS OF 'BEING CAUGHT'.

Table 3.1: First Offences by Age & Gender

Offence	Age at Time of Offence								Total**							
	8		9		10		11		12		13		14		NK*	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Assault							2	1			2			1	4	2
Vandalism				1		2					1	1			4	1
Theft			1	1									1		2	1
Breach of the peace									1	1	1				1	2
Joyriding					1			1							1	1
Arson						1									1	
Not stated	1															1

* Not known

** Some were charged with more than one offence.

PERSONAL EXPERIENCES OF STARTING OFFENDING

In the one-to-one interviews participants were asked about their earliest experiences of offending and what led them to commit their first offence. Most young people had a good recollection of what their first offence was and what age they were at the time, not least perhaps because all but one young person stated that they had been caught for their first offence. Whether this was a case of 'selective memory' of significant moments (like being picked up or charged by the police) compared with which previous 'offending' paled into insignificance, or whether they genuinely had not offended prior to this occasion of being caught, cannot be ascertained from the interviews. The fact that the majority equated 'offending' with the legal repercussions of 'being caught' (see Chapter 4), suggests the former.

This section will outline feedback from individual interviews about the nature of these young people's earliest offending and reasons they gave for such offending. The above table gives an overview of the types of first offence by gender.



Table 3.2: Reasons Young People Gave for Early Offending

Reason	Age at Time of Offence and Gender								Total**							
	8		9		10		11		12		13		14		NK*	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Peer Pressure/Gangs			1	2	2		1		1						5	2
Alcohol/Drugs				1			1	1	1	1	1				3	3
Enjoyment/Something To Do			1	1	2				1		1				4	2
Revenge or Reaction							1	2		2		1		3	3	

* Not known

** Some gave more than one reason for early offending.

The most notable difference was that six of the seven female respondents reported one single offence, whereas three of the male respondents reported two or three offences committed at the same time. One young person stated he had not been caught for his first offence (shoplifting).

The types of offences reported were similar for both male and female respondents with the exception of arson, which was reported by one male respondent from the secure unit sample. Three of the five young people interviewed from residential units (two male and one female) reported assault as their earliest offence, and two of the YOI respondents reported joyriding as their earliest offence, one male and one female. Both of latter reported they went on to become regularly involved in vehicle theft and joyriding.

The most common reasons reported by young people for committing these early offences were peer pressure and gang cultures. Drugs and alcohol, seeking revenge or reacting to a volatile situation, and seeking enjoyment were also commonly cited reasons for starting. Table 3.2 above lists the reasons given for early offending by age and gender.

PEER PRESSURE AND GANG CULTURES WERE THE MOST COMMON REASONS FOR COMMITTING EARLY OFFENCES.

“...I HUNG ABOUT WITH ALL THE BIGGER ONES, TELLING ME TO DO THINGS”

When asked the reason for early offending eight respondents gave two reasons, nine respondents gave one reason and one respondent chose not to answer. There was no obvious link between different offences and reasons given for committing them, although all but one of the six young people whose early offending involved assault cited revenge and reaction. The majority of these respondents stated that the assault was committed in self defence or in the defence of a close friend or family member. The most popular reason given for early offending, however, was peer pressure (seven), which for some respondents included being in a gang. Other reasons given included alcohol & drugs (six), enjoyment/something to do (six), and revenge or reaction (six). There were no significant gender differences in the reasons given, other than in relation to peer pressure and gangs (two of the seven females compared to five of the 11 males) and offending for enjoyment or to relieve boredom (two females compared with four males).

Revenge and drinking were the most common reasons given by young people whose first offence was assault or breach of the peace, as exemplified by the following quotations:

“He had hit my brother, he punched my wee brother and battered him” (Male, 15).

“I was quite steaming and didn’t know what I was doing. My brain just lost control” (Male, 16).

Alcohol and peer pressure were the reasons given by young people whose first offence was vandalism, with the exception of one young person who reported the reason to be boredom. Fun, ‘adrenaline rush’ and peer pressure were cited as reasons by young people whose first offence was joyriding and theft:

“I was drinking and I thought it would be a laugh but it wasn’t” (Male, 15).

“Well, I was drunk and I thought I would just cause a riot in a children’s unit and thought I would get away with it and whatever, I didn’t” (Female, 15).

“I was just being a wee fud, I thought I was a gangster, and it was because I hung about with all the bigger ones, telling me to do things” (Male, 16).

...‘LENIENCY’ IN EFFECT GAVE HER CARTE BLANCHE TO COMMIT FURTHER OFFENCES, SINCE SHE FELT SHE HAS NOTHING TO LOSE.

ACTION TAKEN FOLLOWING FIRST OFFENCE

As mentioned earlier, all but one young person were caught for committing their first offence (or chose to describe their first offence as the one they were caught for), and most young people were charged by the police as a result. Of the young people in the YOI sample only one was charged for the first offence and those charges were later dropped. Without exception, all of the young people in the secure unit sample were charged, with one young person being remanded due to the seriousness of the offence though, subsequent to being remanded, the young person’s case was referred to a children’s hearing for disposal.

The young people charged with breach of the peace as their first offence included two females, aged 13 and 14 respectively, and one male, aged 14. The young man and the 13 year old young woman reported having being detained in custody in a police station overnight on what is ‘commonly but erroneously’ referred to as an ‘unruly certificate’¹ (Her Majesty’s Inspectorate of Constabulary for Scotland, 2008). The other female suggested she had committed an offence of vandalism but was charged with breach of the peace.

Another young person who reported being 12 at the time of her first offence of assault and living at home with her father stated she spent the night in custody at a police station on an ‘unruly certificate’ but was not charged:

“I spent the night in cells for being unruly. My social worker and my dad and my family decided it would be better if I went into foster care. Give my dad a break” (Female, 15).

Unruly certificates have often been identified as an area of potential discrimination and concern for looked after and accommodated young people, gained anecdotally from Who Cares? Scotland’s experience in providing our independent advocacy service. A recent inspection by Her Majesty’s Inspectorate of Constabulary for Scotland (2008) reiterated such concerns when it suggested a ‘mixed picture’. Some police forces appeared unclear about the legislation and guidelines in respect of whether a child should or could be retained in police custody, not least when such detentions resulted from:

“...relatively minor offences that did not fall within the guidance. These cases were not extraordinary and did not involve circumstances which would have required to be reported to the procurator fiscal, nor did they merit the child being held in a place of safety before his/her appearance before a sheriff” (ibid, para. 27).

¹ An ‘unruly certificate’ is a formal recording of a child being held in police custody because of alleged offending behaviour which warrants referral to the procurator fiscal, as per the Criminal Proceedings (Scotland) Act 1995, Section 43.

It has not been possible in this research to ascertain what the outcomes were in the case of those incidents where police were called or young people were charged. However, according to self-reported first offence incidents, a small number of young people were either not charged or had the charges dropped. One young person reported going to a children's hearing and, as a direct result, the charges were dropped. Another young person reported receiving a caution and a third young person reported that her social worker got the charges dropped but that this 'leniency' in effect gave her carte blanche to commit further offences, since she felt she had nothing to lose. However, this viewpoint changed significantly after she was placed in secure care:

"I don't want to offend and I don't want to get back in here [secure unit] with no freedom again, I've got a lot to lose"
(Female, 14).

The young person who reported not being caught for his first offence of shoplifting did suggest that he got caught subsequently and was charged, after some 12-18 months of committing offences of theft without being detected. Being charged did not deter him from continuing to get involved in vehicle theft and joyriding, although being admitted to residential care did reduce his offending of vehicle theft but increased his likelihood of picking up assault charges (when resisting being restrained).

A small number of young people also reported action being taken which was outwith the youth or criminal justice system, such as being excluded from school, being grounded and being reprimanded by parents:

"They charged me with assault and I got suspended from school"
(Male, 15).

"They [police] took me home to my mum and I got battered...I stole two tatties"
(Female, 21).

For a small number of young people (four), their early experience of offending resulted in a move either to another residential unit, residential school or secure unit. Three respondents also reported they had never offended before coming into residential care. For one young person, her first offence resulted in her going into foster care, to give her father a break from being her sole carer.

SUMMARY

The main reasons for, and influences on, starting offending for these young people were peer pressure, being under the influence of alcohol or drugs, for enjoyment/something to do and in retaliation (following provocation, in their view, by either the police or another person). The majority of respondents could readily recall their first offence and these early incidents tended to be assault, vandalism or theft. There were no significant gender differences in either reasons for starting offending or type of first offence, other than that the young men were more influenced by peers and excitement than the young women. The majority of young people were both caught and charged as a result.

Both policy-makers and practitioners have recently argued that being held in police custody on an ‘unruly certificate’ is a matter of concern, not least when young people’s status as ‘looked after and accommodated’ may have in itself contributed not only to police being called in for more anti-social than offending behaviour, but also to young people being charged more readily by the police and referred to the reporter (see Chapter 5).



4. 'NOTHING TO LOSE' YOUNG PEOPLE'S VIEWS OF PERSISTENT OFFENDING

THE ESCALATING OF YOUNG PEOPLE LOOKED AFTER AWAY FROM HOME INTO THE YOUTH JUSTICE SYSTEM IS A CONCERN.

INTRODUCTION

There are numerous reasons for and ways of measuring persistent offending based on seriousness, frequency, prevalence and legal definition. The Home Office, for example, defines persistent young offenders as those who have been dealt with by the court on three or more occasions and who commit another offence within three years of last appearing before a court (Graham, 1998).

The Scottish Children's Reporters Administration collects statistics based on the definition outlined in Chapter 1 of five 'episodes' of offending within a six month period, where an offending episode is equal to a referral to the children's reporter under the Children (Scotland) Act 1995, Section 52(2)(i).

Concerns were raised in this research regarding the use of the Scottish Executive definition of persistent offenders in a report produced by City of Edinburgh Council in 2007.

The report recommended the Scottish Executive re-examine the current definition because of concerns that:

"An individual who commits three or four serious episodes over a period of a year falls outwith the definition, but someone who commits five or more minor episodes will be included despite the fact that they may be considered to be at a much lower risk of future offending... The definition is more likely to include children in local authority care, as minor offences are more likely to involve the police rather than being dealt with by families in the home" (ibid, 2007).

This latter issue of escalating looked after and accommodated young people into the youth justice system is not only of concern to young people but also to policy makers, practitioners and academics in the youth justice field, and is discussed further in Chapter 5.

This chapter will explore young people's perceptions of persistence, their propensity to continue offending into their late teens and early 20s and the factors that influence them to persist in offending.



“...ANYTHING YOU WANT TO DO BUT PEOPLE DON'T WANT YOU TO DO”

WHAT CONSTITUTES PERSISTENT OFFENDING

Most of the young people who participated in the consultation in both the one-to-one interviews and the focus groups demonstrated a good understanding of the term ‘offending’ and what constitutes persistent offending. The majority of the young people in the interviews (15) used a legal frame of reference and were very familiar with terms used in legal settings to describe offending, including ‘breaking the law’, ‘picking up charges’, ‘getting charged’, ‘committing crime’ and ‘committing a criminal offence’. A small number of young people also made a direct reference to the police:

“Smashing things and then you get into trouble with the coppers, eh, just bouncing about the streets getting mad with it and doing daft things and picking up charges and going to panel” (Male, 16).

A smaller number (three) referred to offending as a behavioural or moralistic issue ie ‘being bad’. Interestingly, these young people were all girls. Of the three, two interviewed in a young offenders institution saw offending as not complying with social norms:

“Trouble and doing drugs, eh, loads of different stuff. Getting into trouble for things you’re not meant to do and anything you want to do but people don’t want you to do” (Female, 21).

At the beginning of each focus group, young people’s understanding and perceptions of persistent offending were explored. Most had some knowledge of the Scottish Executive definition of five or more episodes of offending in a six month period and some were able to link this definition to the fast track children’s hearings pilot. ‘Graffiti wall’ methodology was used with each focus group, with the exception of the all male YOI group, with which a group discussion was facilitated. Participants were given a blank canvas to describe the word ‘offending’. Participants were encouraged to use any form of expression eg words, phrases or pictures. No words were forbidden and the exercise was not time restricted.

The consensus in each focus group was that five episodes of offending in a six month period were fairly easy to accrue within the residential care setting, and young people suggested the definition of persistent offender used by government resulted in many young people in care being labelled persistent offenders. They argued strongly that the criteria be raised. In one YOI focus group, a young person made an insightful observation, stating:

“Five occasions of offending isn’t that bad. It’s not enough. It just depends, the people that make these definitions up are people that don’t get into trouble” (Male, 17).



THERE WERE SIMILARITIES BETWEEN REASONS FOR STARTING TO OFFEND AND CONTINUING, THOUGH NOT CARING WHAT HAPPENED TO THEM WAS AN ADDITIONAL REASON.

The last quotation may indicate a desensitisation to picking up charges or, as some young people suggested, the definition of ‘persistent offending’ may require to be redefined.

FACTORS INFLUENCING PERSISTENT OFFENDING

Young people were asked what influenced them to continue to offend, thereby being at risk of attracting the label of ‘persistent offender’. Two could think of nothing that influenced them to continue offending, but equally, as one young person commented: ‘nothing has convinced me to stop’ (Male, 15).

The majority of respondents, however, stated that either their peers influenced them to continue to offend, or the consumption of alcohol and drugs and boredom. Young people also cited ‘being in care’ as an influencing factor in their continuing to offend (see Chapter 5) and enjoyment ie the ‘adrenaline rush’ or ‘buzz’. Other reasons given which were each mentioned once were feelings of ‘anger’, ‘where I live’, ‘money for nice clothes’ and ‘family expectations’.

Table 4.1: Reasons Young People Gave for Continuing to Offend

Reasons Given	Age at Time of Interview						Gender	
	13	14	15	16	17	21	M	F
Peer Pressure/Gangs		3	2	1	2		5	3
Alcohol/Drugs		1	4	2		1	4	4
Enjoyment	1		3		1	1	4	2
Boredom		1	2	1	1		2	3
Not Caring		1	1				1	1
Revenge or Reaction		1	1				2	

*Young people gave multiple answers, six young people gave one reason, eight young people gave two reasons and three young people gave three reasons.

A LACK OF THINGS TO DO WAS OFTEN CITED AS A REASON FOR BECOMING INVOLVED IN DRUGS, ALCOHOL AND OFFENDING.

There were some similarities between the reasons given for early offending and the reasons given for persisting in offending. Peer pressure or being in a gang increased slightly (eight compared with seven when starting offending), along with alcohol and drugs (eight compared with six). Enjoyment stayed the same with six respondents giving this as a reason for both early offending and continuing. Additionally, five respondents cited boredom as a reason for continuing to offend. On the other hand, revenge and reaction was cited by six people as a reason for starting but only two respondents cited this as a reason for continuing. Two young people introduced an additional category of ‘not caring’, stating the reason they continued to offend was that they did not care what happened to them. These differences may be partly explained by the fact that young people tended to give more reasons for persisting than they gave for early offending.

In relation to boredom, young people often commented on a lack of things to do in the community as a reason for becoming involved in drugs, alcohol and offending, as exemplified by the following quotations:

*“There’s nothing else better to do in the scheme. No youth club, no f*ck-all. My wee maw [said] ‘you better stop it, you’ll be down that copper station’ and I was like that ‘aye right’. I used to stop it for a while but got back on the booze, and go and booze again, and cause havoc wanting to fight with the coppers, man” (Male, 16).*

“There was nothing to do in the community and like, when you’re with a group of pals and they’re doing something, you don’t want to feel left out” (Female, 15).

There were some similarities among young people from the secure setting. In particular, all of the young people in the secure unit sample (five) highlighted alcohol and drugs as a reason for persisting in offending, the same group of young people gave alcohol & drugs (three), peer pressure and gangs (one), and revenge (one) as reasons for early offending. For all five young people in this group, alcohol and drugs were cited as a significant factor in relation to persistent offending. Young people also linked being in a gang with increased probability of consuming alcohol and drugs and committing crime:

“THERE’S NOT REALLY ANY POINT BEING IN A YOUNG TEAM IF YOU’RE NOT GOING TO GO OUT AND FIGHT...”

“Being in a gang, because if you’re in a gang and you’re just fighting constantly, breach of the peace, drinking, taking drugs and that. That kind of pushes you to that side. There’s not really any point being in a young team if you’re not going to go out and fight or do anything” (Male, 15).

Another young person commented:

“14, 15, 16 is the territorial stuff like folk in the other scheme’s wanting to fight” (Male, 21).

Three of the five young people from the residential unit setting had given revenge or reaction as a reason for early offending and two of these young people also gave this as a reason for persisting in offending. This was the only group to mention revenge as a reason for persisting in offending. However, one young person from each of the other three settings cited revenge or reaction as a reason for early offending.

One young person indicated that his offending was a self-fulfilling prophecy, indicating that, because of his family background, it was expected of him to offend:

“I’ve got a big family and they’ve all been in and out of prisons all their lives. So even if I wanted to change, I’d still be tarred” (Male, 17).

Two young people made specific reference to where they lived as also being an influential factor:

“Where I live, you have to do things like that sometimes to get on, do you know what I mean?” (Female, 14).

“At that time in my life it was normal to offend, that was the way it was done, everybody was doing it” (Male, 17).

A further factor highlighted by one young person was the impact of a perceived poor placement match:

*“Social workers, they’re not giving a f*ck about us, they give a f*ck about pay checks... So much for ‘I need somewhere to put you’, the first place that becomes available, they’ll put you there if it’s suitable for you or no. They’ll find out about three months later that it’s the wrong choice, but they’ll still put you back once you’ve been in the secure unit, it’s sh*te” (Female, 21).*

A small number of young people also made reference to lack of consequences or ‘getting away with it’ as an influencing factor on their continuing to offend.

“I didn’t get enough punishment” (Male, 15).

In the focus groups young people were asked what caused young people to ‘persist’ in offending and to identify internal/external factors which might cause young people to persist in offending. All the focus groups mentioned ‘liking’ offending, the ‘buzz’ of doing it and the ‘adrenaline’ as internal factors contributing to continued offending.

“...SO MUCH FOR ‘I NEED SOMEWHERE TO PUT YOU’, THE FIRST PLACE THAT BECOMES AVAILABLE...IF IT’S SUITABLE FOR YOU OR NO...”

Young people in both the secure unit and female young offender focus groups felt that the external factors of not being punished and ‘getting away with it’ were influencing factors in continuing to offend, and often exacerbating such behaviour. Young people in the male YOI focus group reported the use of drugs and alcohol as possible causal factors in young people persisting in offending.

SUMMARY

The Scottish Government’s definition of persistent offending was criticised by the majority of young people for being too loose. In other words it was very easy for young people, notably young people looked after and accommodated, to accrue five ‘official’ episodes of offending in a six month period. As suggested earlier in this report, there appears to be a tendency for staff in residential care settings to bring troublesome behaviour by young people in the care system to the attention of the police, rather than seek to deal with it ‘in house’, and this increases the likelihood that young people in their care will accrue charges.

Whilst being in care was sometimes cited as an influencing factor in starting offending, the majority of focus group participants suggested that being in care was more of an influencing factor in continuing to offend. This issue will be explored in greater depth in the following chapter.

Escalation of offending was usually seen as resulting from peer pressure and the consumption of alcohol or drugs, although a smaller number cited boredom as a reason for persistent offending or their perception that they could ‘get away with’ offending under the age of 16.



5. 'I WENT OFF THE RAILS'

YOUNG PEOPLE'S OFFENDING IN CARE

YOUNG PEOPLE SPOKE OFTEN HEATEDLY AND AT LENGTH ABOUT THE LINKS BETWEEN CARE, OFFENDING AND THE CRIMINAL JUSTICE SYSTEM.

INTRODUCTION

Young people in care are disproportionately involved in the youth and criminal justice systems and research has also suggested that the care and justice systems themselves often exacerbate rather than alleviate young people's offending behaviour (McAra and McVie, 2005; Scottish Executive, 2005).

The fast track children's hearings pilot research interim report revealed that 28% of persistent offenders were from a care background (Scottish Executive, 2003). This was highlighted in media coverage of the pilots as follows:

"Nearly a third of persistent young offenders targeted under the Scottish Executive's fast-track children's hearing pilots are in local authority residential care. Many did not have a record of offending before they came into care and seem to be finding themselves in trouble with the authorities for relatively minor offences which take place in residential homes and not in the community" (The Sunday Herald, 2004).

The young people in this research spoke often heatedly and at length about the links between being in care, being involved in offending and becoming embroiled in the youth and criminal justice systems. This chapter focuses on their perceptions and experiences of care and how these impact on, or influence, offending behaviour.

THE INFLUENCE OF CARE ON OFFENDING

Several studies have suggested that children and young people looked after and accommodated are more likely to come to the attention of the police as a result of 'incidents' occurring within the care environment. The Home Office (2004) highlighted some of the difficulties associated with the care environment as illustrated by the following quote:

"The extent to which offending patterns are established prior to entering residential care, or are formed as a result of it, was a topic of considerable debate. Where incidents of offending and anti-social behaviour began on admission, these were sometimes seen as symptoms of the home environment – reflecting residents' needs to test boundaries, establish a reputation with the other residents, react against their situation, or even their desire to have barriers imposed upon them" (Home Office, 2004: 4).



MOST HIGHLIGHTED A RANGE OF FACTORS RELATED TO BEING IN CARE WHICH INFLUENCE YOUNG PEOPLE'S PROPENSITY TO PERSIST IN OFFENDING.

Moreover, the Home Office study (ibid) also highlighted the issue of residential care staff over-reporting young people who were disruptive to the police and therefore potentially escalating their movement through the youth and criminal justice systems. Hill et al (2005: 21) suggest that there is a greater escalation of offending incidents for young people in residential care which are 'very specific to their living situation... compounded [by] cramped conditions in establishments or staff difficulties in managing young people with a variety of different needs'. These authors also strongly argued for better training of staff to overcome such difficulties. Equally, Nacro (2005) has suggested that looked after young people's contact with the police is above average compared with young people generally, and that they are more likely to be reported, warned and prosecuted for relatively minor offences committed within residential care establishments.

The vast majority of focus group respondents highlighted a range of factors related to being in care which influence young people's propensity to persist in offending, including peer pressure (resulting from group living), the care environment, and a lack of support, and these are discussed in more detail below. It was not possible to ascertain the age at which the young people in the focus groups had entered care, or if their offending started before or after entering care. However, of the one-to-one interview respondents, three stated that they had never offended before entering residential care.

Peer Pressure

The all male YOI focus group had much to say regarding the care system and indicated that this was a major factor in offending, as illustrated by the following quotations:

"Once you are in the residential school, you are with people ten [times] worse than you were with before"
(Male, focus group participant).

"As soon as you get put into care, it's surviving. I got put in a residential home for being outwith parental control, see, cause I was drinking and that. I had never stolen anything in my life, never even been charged. They said my dad never had a good enough grip on me cause he was always working six days a week. So I was out galavanting, doing all sorts at 12 year old and ended up being put in care. Within six months, I was out stealing motors and breaking into houses, doing stupid things like running away all the time and smoking hash. I'd never even liked smoking hash before then"
(Male, focus group participant).

"In a scheme you have a few people you know that will get the jail. In [residential school], everybody there gets the jail"
(Male, focus group participant).

**“AS SOON
AS YOU GET
PUT INTO
CARE, IT’S
SURVIVING...”**

Likewise for young people in the female YOI focus group, the main issues included being ‘surrounded by the same sort of people’ ie other young people with behavioural difficulties who are offending and ‘easier access to drink and drugs because of the people you stay with’.

The Care Environment

Participants in the residential school focus group felt ‘staff embarrassing you’ and the stigma of being ‘looked after’ were prominent factors which led to offending. These participants referred to ‘staff doing your nut in [annoying you]’, which often made them retaliate.

They also highlighted ‘bullying in the units’, ‘staff winding you up’ and ‘the staff swearing and assaulting you’ as common reasons for offending. Young people in the residential school focus group stated:

***“Staff aren’t aware enough of bullying issues, they do nothing about it”
(Female, focus group participant).***

Young people also expressed their frustration at not being respected by staff, being bullied by other residents, having their privacy invaded and not getting out as planned due to the behaviour of other young people. This made them angry and/or upset, which often led to them ending up in trouble with the police, as a result of ‘kicking off’ and/or ‘running away’.

In the secure unit focus group young people highlighted ‘stupid rules’, ‘not getting on with staff’ and ‘staff attitudes’ as issues which influenced young people to offend.

Young people in the female YOI focus group also discussed anger and resentment around being taken from their family and not being allowed family contact, suggesting this had caused them to become aggressive: ‘having no family contact makes you aggressive’. One young women in the residential school focus group also mentioned ‘being moved away from your family’ as an influencing factor in increased offending.

A Lack of Support

A less common response by young people interviewed individually was that there were no supports put in place to alleviate offending behaviour in care. When asked what supports had been put in place, one young person suggested it was more a punitive than a supportive environment if they caused trouble:

“You get your leave taken off you if you pick up charges. You get the next weekend’s leave off you” (Male, 15).

MOST REPORTED AN INCREASE IN THEIR OFFENDING BEHAVIOUR AFTER BEING RECEIVED INTO CARE.

This same young person said he was brought to a fast track children’s hearings panel but did not consider this supportive. Similarly, a female respondent did not perceive any of the interventions she received as supportive. She had talked earlier in the interview of being moved about as a result of her offending and having privileges withdrawn if she ran away. When asked if this had any effect, the young person responded:

***“It made me do it even worse”
(Female, 14).***

One young person whose first offence was committed at the age of 12, following admittance to residential care, commented:

“I don’t really like staff talking to me and they always try and talk to me. It builds up the anger and that, when you don’t want them to talk to you. It leads to you doing something stupid that you end up regretting later on” (Male, 15).

ESCALATING OFFENDING IN CARE

The majority of young people who participated in the one-to-one interviews (12 of 18) reported an increase in their offending behaviour after being received into care; indeed all those interviewed in the residential unit setting reported an increase in offending. One young person reported a sharp increase initially, followed by a decrease:

“Well I’ve been in care for about ten months and I would say, the first six months, I went off the rails and I was getting charged probably every second day... Now I take a step back, just got sick of spending all my time in a police station... I think it’s just got to do with growing up” (Male, 14).

There were some similarities in the responses by young people in the different settings in relation to what they thought caused their offending to increase. These included meeting new people who were offending, boredom and a sense of hopelessness, as illustrated by the following quotations:

“Once you are in care, you don’t really care and you think ‘well, I’m already here, nothing else can happen now’. I just kept on doing it, robbing places and all that” (Male, 15).

“I didn’t think my dad cared about me, he put me in care so I didn’t see the point, what’s the point in behaving anyway if I’m in care?” (Female, 15).



“ONCE YOU ARE IN CARE, YOU DON’T REALLY CARE... NOTHING ELSE CAN HAPPEN NOW...”

“You end up in care, getting taken away. I was a wee bit scared, aye, but after that it was just the same old rigmarole, end up getting warning after warning after warning so it was just another thing after a while” (Male, 21).

One young person attributed his increase in offending directly to being restrained in care:

“When I was out in the streets I didn’t have people trying to hold me. It leads [you] to assault them, if they’re trying to hold me then they’re pushing buttons, I don’t like it, I don’t like getting held, so obviously I assault them” (Male, 14).

Another young person expressed concerns about the way young people are hurt in the process of being restrained:

“Me and other young people get hurt in restraints all the time. People who are claustrophobic getting into a safe hold would make them worse and they could end up taking a fit or something” (Male, 15).

One young person attributed her increase in offending to a perceived lack of consequences: although she was being repeatedly charged, she felt she was ‘getting away with it’ because she was dealt with in the children’s hearings system rather than the criminal justice system:

“I knew I would get away with it because I was in a children’s unit, they would take me to a panel and wouldn’t have to go up in front of a judge or anything” (Female, 15).

SUPPORTING DESISTANCE IN CARE

The term ‘desistance’ is used increasingly in criminological circles to describe the process or outcome of stopping offending. It need not mean a complete cessation of offending over a prolonged period, but can also apply to reduced offending in the short-term. Desistance can be assessed – although not necessarily ‘measured’ as such – by looking at both outcome (reconviction data) and process (notably individual offenders’ perceptions of reducing or stopping offending). Whilst Farrington (1997) suggests that you can never determine ‘true’ desistance in an offender until that person dies, actual and planned self-reported desistance narratives such as those contained in this report often provide as accurate a picture of an individual’s intentions as do reconviction data.

Despite the often negative association made between being in care and offending behaviour, several young people suggested that being in care and having staff around them was a source of support for them, although it depended to a certain extent on the young person’s attitude to care and on the staff’s attitude to young people, as the following quotations demonstrate:

“The regime, the routine, structure, no drugs, no temptations... Talking to your key team, turn to god if you want” (Male, 17).

SEVERAL SUGGESTED BEING IN CARE AND HAVING STAFF AROUND THEM WAS A SOURCE OF SUPPORT.

“I know the script, man, I don’t push the boundaries on anything, I think it’s because I know you can’t push the boundaries, be nice to the staff and the staff be nice to you, that’s you sorted” (Male, 16).

“You had your keyworker who did everything for you. You had staff who would do things for you. You had staff who would do other things for you, but the other ones wouldn’t do anything you wanted them to do” (Male, 15).

A number of young people (six) referred to recreational activities as supportive and helpful in reducing offending, as it kept them occupied, kept them out of trouble and reduced feelings of boredom:

“When I’m in here [residential school], I’ll usually be out in an activity and keeping occupied” (Male, 15).

This was a somewhat surprising reaction given that only a small number of young people highlighted boredom as a reason young people started offending. However, other research has also suggested that the problems associated with starting offending are not always resolved by, or equate with the reasons given for stopping offending (see, for example, Barry, 2006).

However, some young people were less impressed by the support offered in care, both in terms of reducing offending and in terms of staff relationships:

“Staff being difficult with you when you return from absconding, not supporting you, just questioning you” (residential unit focus group participant).

“Anger management, counselling, therapy and weekly meetings with somebody I can’t remember...they just looked at you as their work, there was a paycheque at the end of it. They weren’t listening to what you were saying... In therapy, that psychotherapist asks you questions and doesn’t give you any advice back. It’s a waste of an hour” (Male, 14).

Nevertheless, this young person was keen to point out that his keyworker and co-worker were much more helpful than some other staff, not least because he felt they could empathise with his situation:

“They know what you’re on about, they grew up in similar areas so, and they give you advice that helps” (Male, 14).

“...I KNOW RIGHT FROM WRONG, I DON'T NEED TRAINING TO TELL ME...YOU KNOW YOURSELF THAT YOU WILL END UP IN THE JAIL, BUT YOU DO IT ANYWAY”

A small number of young people (five) highlighted programme work in secure care or YOIs as a support. However levels of helpfulness of such programmes varied considerably (see also Barry and Moodie, 2008):

“Well, the staff there talk to you and tell you ‘look there’s no point in doing this, you’ll end up back in here’. Staff’ll tell you ‘there’s no point in picking up charges’, that’s what they say obviously if you don’t like the place, and obviously no everybody likes it” (Male, 14).

One young person spoke very enthusiastically about the support from teachers and programme staff he received in his secure unit:

“The school, going to school, the teachers are egging you right on, man, to get back into your work to keep you away from bother so you get an education once you’re out, man, so [they] can’t say you never tried in this joint. And I want to do well for myself, you know what I mean. You’ve got programmes as well like RNR [Reasoning and Rehabilitation] that helps you with skill thinking and automatic thinking You’ve got your keyworker egging you on, battering right in and saying ‘don’t be a fud’ ” (Male, 16).

Another young person commented:

“There’s a programme unit and that, that you can go up to, just to do programmes for the rest of the day or you can just speak to staff or get team meetings or staff/young person’s meetings, that’s where you can bring up your stuff and whatever” (Male, 14).

In contrast, one young man was less positive about programme work:

“[Referring to Programmes] I don’t think there’s any benefit to them, the cog [cognitive] skills thing, I’m not stupid, I know right from wrong, I don’t need training to tell me to prove it...it’s about thinking about things before you do it and everybody thinks about it and it’s pure stupid, of course, you’re going to be thinking about something before you do it. You know yourself that you will end up in the jail, but you do it anyway” (Male, 21).

...THE IMPORTANCE OF HAVING THE RIGHT STAFF WORKING WITH YOUNG PEOPLE.

This rational approach to offending, and to cognitive behavioural approaches, was mirrored in the recent study of young people’s views of secure care (Barry and Moodie, 2008), where young people were cynical of the value of programmes designed to reduce offending, not least when such programmes were delivered in a residential ‘vacuum’ divorced from the reality of their communities. The above quotation also exemplifies the need to identify each young person’s learning style and the barriers to engagement in programme work in order for such interventions to be effective (Kemshall, 2007). Finally, one young person reflecting back on the time she was offending, stated that she has been unwilling to accept support from anyone:

“I thought I knew best for me, which I didn’t. I know that now, but at the time I thought I did” (Female, 21).

YOUNG PEOPLE’S ADVICE RE REDUCING OFFENDING IN RESIDENTIAL CARE

Focus group participants were asked what might help young people to reduce or stop offending. In the residential schools focus group, one young person stressed the importance of having the right staff working with young people and the group as a whole shared this sentiment:

*“We should get to interview the staff, we should get to assess them and we give the staff feedback. We get to choose who works with us... We should test the staff, we give them situations where we are going to kick off and threaten to pure kick the f*ck out of them or kick the pure f*ck out of another young person. It’s just to see how they react, what they do” (Female, focus group participant)*

Likewise, the male YOI focus group also felt it was important to have the right staff working with young people and shared the general perception there should be better screening of staff at the training/appointment stage:

“They should screen the staff a bit more before they let them work in a residential unit. Definitely; there’s heavy duty bully boys coming in and working there. The female staff were more kind hearted, maybe cared a bit more. The guys were just doing it for a job, for petrol money and to put food on the table for their weans [children]. They come in and try and bully you about” (Male, focus group participant).



GET AN ACCURATE PICTURE OF WHAT RESIDENTIAL SCHOOLS ARE REALLY LIKE...MORE SHOULD BE DONE TO LEARN FROM YOUNG PEOPLE THEMSELVES.

Young people in the residential schools focus group also commented that the general public, visitors to the school and policy-makers might not get an accurate picture of what residential schools are really like for young people and felt that more should be done to elicit and learn from the views and experiences of young people themselves who are looked after and accommodated.

Several young people suggested that care staff need to adopt safer restraint methods which might lessen the likelihood of escalating violence amongst young people in care:

“In a restraint they put you on your back. It’s not like a safe hold; it’s more like a danger hold. If we were in charge of schools we would want an end to restraints on young people” (Male, focus group participant).

A couple of the young people in the male YOI focus group also felt that education should be improved, with smaller class sizes and better teachers. One young person felt that having the same teacher for multiple subjects and the teacher also being a member of care staff was unhelpful, suggesting that the quality of his education was impaired as a result.

“Smaller groups, better education and better teachers; My RMPS [Religious, Moral and Philosophical Studies] teacher was my modern studies teacher, as well as my Italian teacher. He was also a unit staff, what’s all that about?” (Male, focus group participant).

SUMMARY

Being in care was often equated, in the eyes of these young people, with being involved in offending. This resulted from peer pressure associated with group living with other vulnerable young people, the attitudes and practices of care staff, the limitations of the care environment and the seeming lack of support for young people in care to reduce their offending. Often the care environment was argued to exacerbate rather than alleviate offending behaviour, not least because of methods of restraint and a feeling of having nothing to lose by offending.

However, several young people felt that care staff were supportive and that care staff were supportive and that programme and other work on offending was also helpful in encouraging desistance. Nevertheless, young people felt that care staff needed better training for work with vulnerable and often volatile young people and that care practices (such as restraint and the delivery of programme work) could be improved upon.

6. 'SOMETHING BETTER TO DO': YOUNG PEOPLE'S VIEWS ON DESISTANCE

RECENT STUDIES SUGGEST...REDUCED OFFENDING COMES FROM TURNING POINTS.

INTRODUCTION

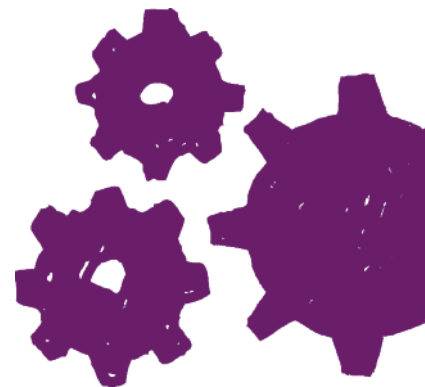
Whilst earlier desistance literature suggests that young people merely 'grow up' or that there is a natural cessation of offending behaviour in the mid- to late-twenties (Rutherford, 1986; Blumstein & Cohen, 1987), more recent studies of desistance suggest reduced offending comes from turning points, such as employment or marriage (Sampson & Laub, 1993); revised personal values about offending and conformity (Farrall & Bowling, 1999; Leibrich, 1993); or taking on caring roles and responsibilities (Barry, 2006; Maruna, 2001).

Much desistance research, however, suggests a common thread – notably, that social integration is an important influencing factor in reducing offending by young people, and arguably such integration comes with the status, responsibilities and rights associated with adulthood. The respondents in this study are, by definition, somewhat restricted in the transition to adulthood and wider social integration by their status as looked after and accommodated young people. Their aspirations towards reducing or stopping offending are therefore all the more courageous, given the confining and often stigmatising features of institutional living to which they are confined.

PERSONAL EXPERIENCES OF REDUCED OFFENDING

Only seven of the 18 respondents in the one-to-one interviews (two females and five males) reported a decrease in offending since being admitted to care (although one reported that the decrease followed a sharp increase). Three of them were interviewed within the secure unit setting.

Half of the participants in the one-to-one interviews taking place in the YOI setting reported a decrease in offending (one male, one female), albeit since leaving care, but they also suggested the offences they had committed since leaving care were more serious than when they were when in care. All those in the male YOI focus group (six) reported they were serving between four and nine years and were classed as long term prisoners. They also recalled being in several residential units, residential schools and secure units prior to being in a YOI, and five of them were placed in residential care in their pre-teens.



“...OBVIOUSLY THEY ARE DOING THEIR TRAINING BUT THEY’RE NO FULLY KNOWING HOW TO DEAL WITH BOYS...I WAS PICKING UP ALL SORTS OF CHARGES, WHEREAS I’VE COME HERE AND I’VE NO PICKED UP ANY...”

Of the young people that reported a decrease in their offending over time, reasons given for this included growing up and having other things to occupy them. The young people interviewed in the secure unit setting in particular cited fear of losing their freedom or fear of going to ‘jail’ as reasons for their reduced offending, as well as having things to do – see below. Three of the five young people in the secure unit setting referred to reduced offending whilst in secure care, although more because of a fear of the alternatives rather than any positive input within the care setting. One reflected that he did not wish to be moved to a YOI, which he thought might happen if he did not behave in the secure unit:

“The place has made me change because you wouldn’t want to be punted to [YOI] because this place [secure unit] is much better. [YOI is a] proper jail” (Male, 15).

Another young woman suggested the reason her offending had reduced was because she wanted to get out of secure care and not return:

“I don’t want to offend and I don’t want to get back in here with no freedom again, I’ve got a lot to lose” (Female, 14).

The young people within the secure setting also commented on the availability of leisure activities, along with school and programmes, as a means of relieving boredom and keeping them occupied, indicating that this helped them to reduce their offending or at least served as a distraction whilst within secure care. One young person commented that he had not offended whilst in secure care because he was away from his friends, had no access to alcohol and had things to do with his time and energy:

“You’ve got things to do in here, stuff to keep you occupied. Do the gym and that, I’m right into fitness just now, I’m going to go to the army once I’m out. I hope that’s going to stop me offending” (Male, 16).

However, it must be noted that the decrease reported by three of the young people interviewed in the secure setting reflected the time spent in secure care, without mobility, and therefore the young people had not yet had the opportunity to put into practice changes in their behaviour in the community. One young person who reported an increase in his offending whilst in residential care, was keen to point out he had not offended since being in a secure unit:

“Since my placement in [secure unit] I’ve no offended, that’s been nearly four month I’ve been in. So I’ve no offended since then” (Male, 14).

“I THINK THESE PLACES GIVE YOU TIME TO REFLECT...WHEN YOU HAVE A CLEAR HEAD...”

This young person reflected back on his previous secure placement in which his rate of offending had increased, but he put this down to the way he had been dealt with by inexperienced staff: accruing charges as a result of lashing out whilst being restrained, sometimes three or four times a day:

“In my last placement [another secure unit] that’s all trainee staff and they don’t know how to deal with boys as the more experienced staff in here. Obviously they’ve got to learn about how to deal with boys and ways to go. Obviously they are doing their training but they’re not fully knowing how to deal with boys, I’m always getting held on the carpet every day. I was picking up all sorts of charges whereas I’ve come into here and I’ve not picked up any charges” (Male, 14).

This supports the arguments made by young people in the previous chapter, namely, that staff attitudes and skilled interventions can have a significant impact on a young person’s propensity or otherwise to offend.

One young person from the YOI setting also attributed being away from friends, drugs and alcohol as reasons for his reduced offending:

“I think these places [secure units & YOIs] give you time to reflect on your behaviour when you’re sober, straight and have a clear head. You think that’s not the way things are done and you never go anywhere in life if you act like that and I realise that now” (Male, 17).

One young man in a residential school placement had a very clear idea of what he thought would help him stop offending:

“Something better to do... Get me a motorbike and let me take it out fly about in a big field every day.” “That would stop me offending altogether, I’ve got something better to do than steal.” (Male 15).

Another young person was hopeful that going to college would be a turning point for him, suggesting perhaps that having something to occupy his time and being productive would prevent him from getting into trouble again in the future. Another young woman stated that, now she was almost 16 and going home to live with her mother full time, she would not continue to offend as she had a lot to lose, and she did not want to put her mother through what she had put residential unit staff through:

“I wouldn’t want my mum going through all the stuff the staff went through with me. That’s their job but my mum’s job is not even to look after me any more. I’m an adult now” (Female, 15).

“...ANY OF THE COMMUNITY CENTRES YOU GO IN AND THEY CHUCK YOU BACK OUT BECAUSE YOU’RE A YOUNG ONE...”

YOUNG PEOPLE’S SUGGESTIONS FOR ENCOURAGING DESISTANCE

Young people were asked at interview and in the focus groups about how they would reduce or stop offending amongst young people generally. The majority of respondents felt that more activities in the community and better community resources would help young people not to offend. One young woman suggested there was a dearth of leisure facilities for young people generally:

“Even when you don’t offend there’s nothing in the community, there’s no community centres, in any of the community centres you go in and they chuck you back out because you’re a young one. You can only hang about the streets in groups of five and even in groups of five you get lifted. It’s stupid... If there were more things in the community for us to do, if they built like a community centre...if there was fighting classes like kick boxing or something, then we could do it to each other, rather than go out and batter random people but there’s no, there’s nothing for us to do” (Female, 15).

Young people also highlighted the need for free activities since the cost of leisure and other activities for children and young people was often prohibitive for families on low incomes:

“Your ma or da don’t always have the money to take you swimming every day, or take you swings every day so there should be more community centres open for young boys in [local authority] or wherever just to get them off the streets... Plenty of community centres, plenty of free stuff you could do” (Male, 14).

Two male respondents in the YOI setting reflected on their past and what may have helped them to stop offending:

“A lot more to do, a lot of activities in the community, a job maybe. That would take your mind off these sort of things. There was one park that kept getting burnt down. I never played on a swing or nothing when I was young. Never had that experience, except when you’re going to Blairdrummond Safari Park and Strathi Park which cost my mum and dad a lot of money” (Male, 17).

Respondents also highlighted the need to improve the employment prospects of young people, particularly those who have been involved in offending to offer them a constructive alternative, for example ‘a decent job with good money’ as one young person described it.

One young person, in comparing the facilities in his secure unit with those in his community, noted the disparity between the two, highlighting the need for better facilities in communities to give young people an alternative to hanging about streets:

“...THERE WAS ONE PARK THAT KEPT GETTING BURNT DOWN. I NEVER PLAYED ON A SWING OR NOTHING WHEN I WAS YOUNG”



“Well, there’s plenty of stuff to do in here [secure unit], football, the gym and swimming. When we were outside there was nothing to do but hang about street corners... If you put in more football parks and youth clubs in your areas, that would help you sort out offending. That’s what I would do a couple of days a week, sit in there and play pool instead of going out fighting” (Male, 15).

Whilst it is laudable that secure units can have good leisure facilities for young people, it would arguably be more cost-effective to have such facilities in young people’s own communities, thus reducing the likelihood of their being admitted to care through offending fuelled by boredom.

One young person highlighted the impact of drugs and alcohol, and suggested a reduction in such substance misuse would help young people to stop offending:

“Probably coming off the drink and drugs and that.....Speak to people, no be aggressive and violent to them” (Male, 16).

Equally, one young person from the secure unit focus group suggested that the police should be more proactive in reducing the sale of alcohol for young people:

“I think the police should crack down on people who go into the off licence to buy buckfast for young people, or else the off licences should i.d. more people” (Male, focus group participant).

The residential units focus group highlighted the need for more activities and facilities. Young people also highlighted being ‘respected’, having ‘more decent police’, ‘more offending behaviour programmes’, ‘better unit staff’, and ‘staff having more faith in young people’ as factors which would help young people to stop offending.

Similarly the secure unit focus group identified the need for more activities, in particular, free recreational activities for young people. Participants also highlighted the need for a ‘good’ social worker, smaller classes at school, more opportunities for young people to go to college, and more projects and organisations that work with young people and, generally, to ‘give young people a chance’. They also stressed the importance of moving away from a negative peer group, not least gangs. One young person from the secure unit focus group expressed concern about the level and seriousness of gang fighting:

“Gang fighting, the police need to crack down on the gang fighting man, too many [people] are getting killed, definitely” (Male, focus group participant).

...THE NEED FOR A SOCIAL WORKER WHO...COULD BUILD UP A GOOD AND STABLE RELATIONSHIP WITH THEM 'INSTEAD OF KNOWING THEM FOR FIVE MINUTES'.

Similar themes also emerged in both of the YOI focus groups. The female YOI focus group highlighted the need for more outdoor activities, youth groups and sports centres to occupy young people. This group also suggested more jobs for young people, such as Saturday jobs. Young women in this group also felt the need for a social worker who knew them and could build up a good and stable relationship with them - 'instead of knowing them for five minutes', as one young person described it. Some young people in the female YOI focus group also expressed frustration at the number of changes of social workers they had which they found unhelpful. They also suggested that having a worker who had had similar experiences of drugs in the past but had overcome them would be helpful; the feeling was that they would have a better understanding of what it is really like for young people with drug problems.

The young people in both YOI groups also discussed throughcare and aftercare, and the need to improve this for young people to give them a better start in life, rather than for it to seem tokenistic or short-lived:

“Social work just drop you when you are 16. You go to your last panel and you are told that's it, all your orders are off, we are finished with you, bye” (Female, focus group participant).

They suggested that they would stand a better chance of succeeding in stopping offending if there were more things set up for when they were released from the YOI.

SUMMARY

It seems that reduced offending, where it happened at all, was because of reasons other than the care provided in residential establishments. In other words, reasons given related more to young people growing up, fearing imprisonment or having other opportunities in life to occupy and motivate them. The young women in the female YOI focus group, bearing in mind they were older than most other respondents, talked of having a partner who did not offend as a factor in aiding desistance. The majority of young people felt that desistance was more likely for young people generally if they had 'something better to do', at least in terms of recreational activities in their communities, if not employment opportunities in mainstream society. Regrettably for this sample, however, desistance was not a concept with which they were personally familiar whilst in care.

7. CONCLUSIONS AND RECOMMENDATIONS



INTRODUCTION

Who Cares? Scotland sincerely recognises the complexity of the task and related challenges experienced by residential care establishments. At the same time, we have our own mandate promoting the rights of young people looked after and accommodated - to protection from harm, to the provision of services and resources to promote their development, and to participation in actions and decisions which affect them in their lives.

Who Cares? Scotland is committed to the premise that young people's views must be listened to, taken seriously and factored into decision-making by policy-makers, service providers, scrutiny bodies and others whose remit touches those who are looked after and accommodated. To Who Cares? Scotland, there is no doubting the value of working in partnership with other key stakeholders and the importance of each one's complementary roles and expertise as all of us strive to work in the best interests of young people.

Who Cares? Scotland hopes that the following conclusions and recommendations are considered in the above context, and that the findings from this research exercise are seen to add to understanding about offending by young people living in residential care and potential strategies for positively tackling the issues.

The Scottish Government's commitment to supporting the development and dissemination of evidence-based interventions to tackle youth crime is welcomed. Nevertheless, the fact that a young person in care, when talking about their offending behaviour, can say 'nothing has convinced me to stop' is a strong indictment of a system which seeks to focus on needs not deeds, and on the best interests of the young person. In recent years, there has been an increasing preoccupation with youth crime, its escalation and persistence. Yet, according to the personal accounts of young people in this report, statutory interventions aimed at promoting desistance amongst young people, in the main, have failed to counter the root causes of, or reduce, youth offending.

This concluding chapter attempts to draw together those personal accounts, look at how 'problems' are 'labelled' (in terms of definitions of persistence and care/control practices), and explore what, in these young people's eyes, might more effectively reduce offending (in terms of support in care, leisure opportunities and aftercare provision). Recommendations are given in the text where appropriate.

THE LEVEL OF SUPERVISION AND SCRUTINY OF YOUNG PEOPLE IN RESIDENTIAL CARE CAN LEAD TO INCREASED REPORTING OF OFFENDING BEHAVIOUR.

LABELLING THE PROBLEM AND LABELLING YOUNG PEOPLE

The Definition of Persistent Offending

Cavadina et al (2000) suggested that the labelling effect caused by young people being described as criminals could become a self-fulfilling prophecy and unintentionally serve to exacerbate rather than alleviate that behaviour. The current definition drawn up by the Scottish Executive in 2002 of five ‘episodes’ of offending within a six month period could potentially result in a young person being labelled a persistent offender when, elsewhere, they arguably would be considered as a developing adolescent, albeit challenging authority and engaging in anti-social behaviour.

Indeed, Smith (2006: 15) suggested that “improving the wider context in which young people grow up is more likely to improve the chances that they will ‘mature out’ of crime”. The definition has attracted significant criticism by both young people and professionals in the field. The Deputy Convener of the Association of Directors of Social Work’s Children and Families Standing Committee commented in a Scottish Government news release:

“The impact of the persistent young offender target has been that it lumps together young people who have committed very minor offences with those who have carried out serious offences. This has resulted in a disproportionate use of resources. In addition, there is evidence to show that if you intervene too heavily and too early in response to lower levels of offending, it can lead to increased offending in the long-run” (Scottish Government, July 2007).

Young people in the care system are at increased risk of being labelled ‘offenders’. The level of supervision and scrutiny of young people in residential care can lead to increased reporting of offending behaviour, and it is acknowledged that young people in residential care are more likely to be charged for minor offences occurring within the residential establishment than if they were in a nuclear family environment. This focus on young people looked after and accommodated as potential offenders adds to their criminalisation and increased stigmatisation. Young people expressed concern that it was relatively easy to accrue five ‘episodes’ of offending within a period of six months whilst living in residential care, and that a high proportion of young people in residential care would meet this criteria fairly easily. They thus questioned the reasoning underpinning this definition, with one young person suggesting that the policy makers who created the definition were naïve about the issue of youth offending, having perhaps not been in trouble themselves when younger.

YOUNG PEOPLE OFTEN FELT SCAPEGOATED FOR INCIDENTS OF OFFENDING WITHIN LOCAL COMMUNITIES.

The labelling of young people in care appears from the evidence here to be more a response by residential care staff and/or police to the initial behaviour as opposed to the behaviour itself, causing situations to escalate to a stage where young people, as one respondent put it: ‘end up doing something they later regret’.

Who Cares? Scotland welcomes the Scottish Government’s commitment to bring in a new system to give a ‘much more rounded picture’ as announced by the Minister for Community Safety in a Scottish Government news release (July 2007).

Recommendation 1: To review the current definition of persistent offending to take account of the seriousness of the offences committed and the context ie the circumstances of the young person, rather than focussing solely on the frequency of offending in isolation from other relevant factors.

The Stigma of Care

Coupled with the labelling effect highlighted above, another clear theme emerging from the research is the broader stigmatisation of young people looked after and accommodated and the further negative attention that results from being classed as a persistent young offender. Young people in residential care expressed concern that they often felt scapegoated for incidents of offending within local communities and that, all too often, young people in residential care were singled out when crimes were committed in their local neighbourhoods.

It can be argued that the media’s increasing criticism of young people generally, not least following the murder of James Bulger in 1993 (Franklin, 2002), has stimulated the general public’s fear of crime by young people. Who Cares? Scotland therefore welcomes the Scottish Government’s commitment to challenging and changing, at both a national and local level, the media’s perceptions of young people and offending through the Government’s Youth Framework (Scottish Government, 2008).



...MAY BE AT RISK OF ACCRUING MORE OFFENDING 'INCIDENTS' THAN IF THEY WERE LIVING IN A FAMILY HOME ENVIRONMENT.

Recommendation 2: There should be a focussed national public campaign, led by Scottish Government in partnership with key partner agencies, which challenges the perceptions of young people and their stigmatisation, in particular young people looked after and accommodated, by promoting positive images of this group of young people in both national and local media outlets.

Restraint in Care

Some young people expressed concern about what was often described as a heavy-handed approach to reducing or managing challenging behaviour by young people in care. This issue has been highlighted in other Who Cares? Scotland reports (see, for example, Barry and Moodie, 2008; Paterson et al, 2003).

In sharing their personal stories, young people expressed frustration at how residential staff at times exerted their authority over young people through the use of restraint, causing injuries not only to young people, but also to staff as a result of young people's retaliation for being physically restrained or hurt. The findings from this research project amongst others suggest that restraint can exacerbate offending behaviour and also prompt previously law-abiding young people to start offending. Other care and control practices, such as prematurely referring difficult behaviour onto the police (see below), can also result in young people moving more rapidly through the children's hearings system.

Recommendation 3: Consideration should be given by residential care providers, and by registration and inspection bodies, to staff's understanding, teamworking and consistency of approach in relation to care and control interventions, with due attention to de-escalation techniques.

Recommendation 4: Restraint practices should be reviewed to ensure that methods used do not cause pain, but where injuries are sustained, there should be greater external scrutiny of such practices. There should be close scrutiny of physical intervention and restraint at the local level, building on physical intervention monitoring groups already in place in some establishments, to analyse the nature and frequency of physical intervention and restraint, and ensure consistency of methods and their use.

Recommendation 5: The case for additional national guidance to aid consistency in relation to the use of physical intervention and restraint should be considered by service providers, ADSW, the Scottish Government and the Care Commission, with young people being informed at the start of their residential placement of the circumstances when it will be used.

Recommendation 6: There should be one nationally accredited system of training, including regular refresher programmes, and independent monitoring, endorsed by the Scottish Government, for all residential staff (care and education) in the use of restraint, building on the guidance contained in ‘Holding Safely’ (Scottish Executive, 2005), to ensure one method is used consistently across residential care settings.

‘Unruly Certificates’

The findings from this study reinforce Who Cares? Scotland’s anecdotal evidence accrued in the course of providing independent advocacy support to young people in care. Three of the 18 young people interviewed in this study reported being subject to ‘unruly certificates’ by the police and held in a police station for periods ranging from several hours to overnight. Such police practice, as suggested in Chapter 3, together with that of residential care staff calling the police when there is a disturbance, may result in some looked after and accommodated young people being disproportionately referred to the children’s hearings and criminal justice systems. In turn, because they may be at risk of accruing more offending ‘incidents’ than if they were living in a family home environment, young people in statutory care may arguably be more readily defined as ‘persistent’ offenders and treated accordingly.

Who Cares? Scotland welcomes not only the Scottish Government’s recent announcement to abolish unruly certificates which result in young people under the age of 18 being held in custody in Young Offenders Institutions or prison due to being deemed ‘unruly’ or ‘depraved’, but also the recommendation of Her Majesty’s Inspectorate of Constabulary Scotland (2008) that the term ‘unruly certificate’ should no longer be used by police, and be replaced with a more suitable alternative to ensure that a child is not detained ‘simply because of their unruly behaviour’ (ibid:11).

Recommendation 7: The term ‘unruly certificate’ should no longer be used and instead replaced with a Child Retention Certificate (CRC) or a Child Detention Certificate (CDC), in line with the Inspectorate’s recommendation and, where young people are detained or held in police custody, this should be recorded consistently with that stipulated in the Criminal Proceedings (Scotland) Act 1995.

Recommendation 8: Where it is necessary to hold a young person at a police station, this should be for a minimum amount of time, and clear protocols should be developed and adhered to. The duties and responsibilities of both police and social work in relation to children and young people being detained in police custody should be clearly defined and ensure young people’s rights are not infringed.

YOUNG PEOPLE OFTEN REFERRED TO THE NEED TO HAVE STAFF WITH APPROPRIATE SKILLS AND ATTITUDES.

REDUCING OFFENDING

Support in Care

Young people in residential care often talk highly of the supportive staff and environment in which they are living. Nevertheless, by the same token, many young people equally talk of the lack of support available to them and the sometimes unhelpful attitudes of residential care staff. Young people often referred in this research exercise to the need to have staff with appropriate skills and attitudes. Indeed, some young people argued strongly for the need to have better screening of staff, for young people to be involved in recruitment and selection of staff and for closer scrutiny by external agencies of staff practices. The National Residential Child Care Initiative (NRCCI), recently commissioned by Scottish Government and led by the Scottish Institute for Residential Child Care, is a welcome step towards ensuring that future residential care services meet the needs of the children and young people they are designed to serve.

Recommendation 9: Drawing on the findings of the National Residential Child Care Initiative (NRCCI) and the report, 'Home Truths: Residential Child Care in Scotland – A Context Paper' (Elsley, 2008), Scottish Government and its partners should introduce an action plan designed to further raise standards in residential child care including measures to strengthen individualised commissioning; to ensure the right mix of skills and competences on the part of the workforce to provide the best possible quality of care for young people; and to introduce the systematic involvement of young people in the recruitment of residential staff. It should also set a timescale for the necessary registration of all staff working in the residential child care sector as a key driver to ensuring a skilled and qualified workforce.

Recommendation 10: Monitoring and inspection agencies should consider the introduction of a framework which ensures the routine participation of young people with experience of residential care in the monitoring and inspection of residential establishments, including their involvement as lay assessors.

YOUNG PEOPLE ARGUED FOR FREE ACTIVITIES, NOT LEAST IN AREAS OF DEPRIVATION WHERE OFFENDING WAS MORE PREVALENT.

Leisure Facilities and Activities

Another strong theme coming from this research is the need to create more opportunities for young people to engage in recreational activities in their own communities to keep them occupied and to relieve feelings of boredom. In particular, young people argued for free activities, not least in areas of deprivation where offending was more prevalent (Smith, 2006). The Scottish Government has stated that ensuring young people have access to positive opportunities is a priority and has also acknowledged that such opportunities are key to preventing offending and other negative outcomes. The Scottish Government's Cashback for Communities and Inspiring Scotland initiatives (Scottish Government, 2008) are a positive contribution to the development of appropriate and accessible leisure facilities for young people in Scotland.

Recommendation 11: The Scottish Government should constructively involve young offenders in the development of its forthcoming Youth Framework, to aid its effectiveness and ensure that it meets the needs of the young people it is to designed to assist.

Throughcare and Aftercare Services

A key theme emerging from the narratives of young people previously looked after and accommodated who were interviewed within YOI institutions related to how the throughcare and aftercare system had failed them in the past. For the majority, they reported that the support they received was minimal, verging on non-existent. Many also highlighted the need to have more robust throughcare plans (including employment opportunities) not only for when young people leave care, but also if and when they escalate into the adult criminal justice system.

Employment, educational and training opportunities are a crucial source of self identify and social identity for all young people, including those from disadvantaged backgrounds, and such opportunities are often seen by young offenders as offering them a catalyst for change and the chance to lead law-abiding lives. The Government's commitment to improving learning, skills and employment provision for young people who are in or leaving the criminal justice system through Skills for Scotland (Scottish Government, 2008) is thus welcomed, as is its commitment to strengthening young people's transitions to adulthood. However, arguably such education and employment provision should be planned if not implemented, at an earlier stage in the transition period, notably for those due to leave residential care, including secure units.

MANY REPORTED THEY HAD NOTHING TO LOSE, NOT LEAST AFTER BEING TAKEN INTO CARE.

Recommendation 12: The Scottish Government and local authorities should take action to improve throughcare and aftercare provision for young people with care experience who become involved in the youth and criminal justice systems, to provide opportunities for further education and employment, with an emphasis on early planning and implementation in recognition of their vulnerability and reduced support networks; and to implement the recommendations from research such as ‘Sweet 16’, the recent report by Scotland’s Children and Young People’s Commissioner (SCCYP, 2008).

CONVINCING YOUNG PEOPLE TO STOP OFFENDING

As the title of this report exemplifies, many participants in this research exercise could think of nothing that had convinced them to stop offending. Some young people reported they had ‘nothing to lose’, not least after being taken into care, which many viewed as reaching ‘rock bottom’. This perception of having nothing to lose, coupled with what can only be described as a sense of hopelessness about their current predicament and future prospects, was reinforced in the accounts young people gave of their offending behaviour in care. It was suggested by young people that the interventions they had experienced in residential care focused on the offending behaviour itself rather than on the underlying causes of such behaviour. As a result, they experienced staff appearing to focus mainly on punitive approaches such as withdrawal

of privileges, restraint and police involvement. This, in turn, appeared to leave young people feeling they were not cared for or that they had nothing to lose by persisting in that behaviour. It suggested that sanctions and punitive methods were instrumental in young people’s persistence in offending as opposed to encouraging their desistance from offending.

Recommendation 13: Drawing on the insights of young people in ‘This Isn’t The Road I Want to Go Down - Young People’s Perceptions and Experiences of Secure Care’ (Barry and Moodie, 2008), and as a means of reducing offending behaviour amongst young people in residential care, the Scottish Government and its partners should consider how best to actively promote a culture in residential care which emphasises an optimum balance of care and control, promotes pro-social modelling by staff, and gives due attention to young people’s needs for a sense of self and belonging, and the development of their potential.

Recommendation 14: Evidence-based approaches to what works from young people’s perspectives to reduce offending and encourage desistance by young people should be explored, followed by investment in services designed to address the causes as well as the manifestations of offending.

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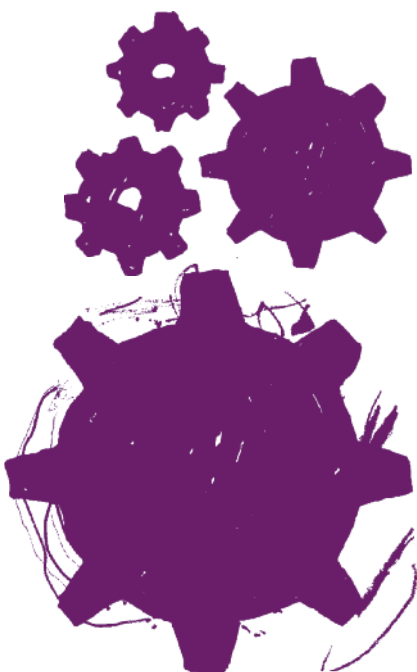
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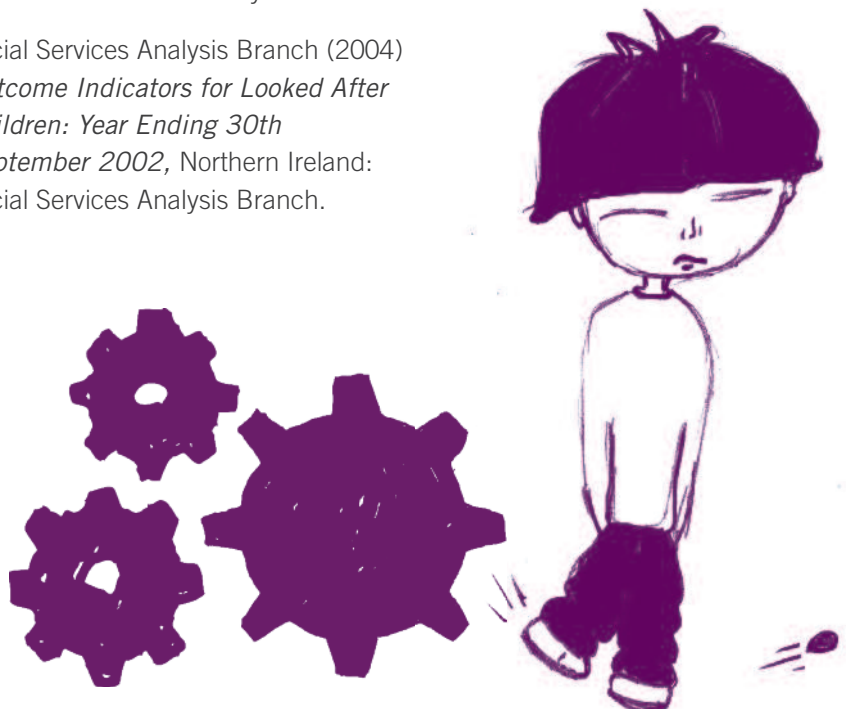
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