

# Youth Justice: A Study of Local Authority Reintegration and Transitions Practice Across Scotland

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This paper provides an overview of current practice in most of Scotland's local authorities with young people, from the point that they enter secure care or custody by the order of the court, throughout the period of detention and post-release.

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## 1. Executive Summary

This paper is the second of two research papers drawing on data from a survey of Whole System Approach leads in 27 of Scotland's 32 local authority areas. It aims to explore reintegration and transitions practice in these local authorities and to share practice examples. The key findings of this paper are:

- Processes for sharing information with the SPS and secure care providers when a young person enters these establishments are well established.
- Over 80% of respondents treated young people who are given a period of detention in secure care and had not previously been looked after and accommodated as a looked after and accommodated child.
- 65% of participants stated 72 hour reviews were always held for young people aged under 18 entering secure care or custody by order of the court. The impact and purpose of these meetings was recognised but there were varying views about the interpretation of and who should attend, arrange, and chair these meetings, as well as numerous barriers to completing 72 hour reviews.
- 71% of respondents stated the lead professional role was always maintained by the local authority where the child ordinarily resides while they are in secure care or custody. In addition, 70% of participants advised community based social work staff were always involved with the young person during this period, however the type and frequency of involvement varied.
- All respondents advised post-release support was available to young people returning from a period of detention in secure care and custody and 77% reported that all young people have a throughcare or aftercare plan, with the type and frequency of support again varying.
- 75% of respondents stated meet at the gate support was always provided if a young person under the age of 18 was not being met by a friend or family member.
- Third sector agencies worked in over 90% of participants local authority areas, with the mean number of organisations 3.35.
- Respondents were committed to young people remaining in secure accommodation following their 16<sup>th</sup> birthday (up until their 18<sup>th</sup> birthday) to serve the remainder or as much of their sentence rather than transferring to custody.

The subsequent implications and recommendations for practice are:

- Good information sharing between Social Work Services, SPS and secure care providers must continue and this should be monitored to assess quality and consistency.

- All practitioners working with young people involved in offending behaviour should understand, be able to communicate and fulfil the rights and entitlements of looked after children and care leavers under the Children and Young People (Scotland) Act 2014.
- 72 hour reviews should be held for every young person detained in secure care or custody and this should be monitored on a local basis and by the SPS.
- The lead professional role should be maintained and fully fulfilled by the local authority for all young people in secure care and custody.
- Contact by community based social work staff should be maintained.
- Throughcare and aftercare plans should be in place prior to release for all young people, must incorporate the identified elements of effective throughcare, and be monitored locally.
- Meet at the gate support should be provided for all young people leaving secure care or custody following a period of detention.
- Efforts should be made to ensure partnership working is effective and to reduce barriers to this.
- More equitable arrangement should continue to be sought between SPS, the Scottish Government, local authorities and the secure estate to ensure placement decisions for young people aged under 18 are influenced primarily by need and vulnerability rather than cost.
- Training and support should continue to be made available to all practitioners involved in supporting young people in the youth justice system to understand their roles and responsibilities in respect of reintegration and transitions practice.
- Further research to address the limitations of this study would be beneficial.

## 2. Introduction

“Young people need support to transition effectively from the community to secure care<sup>1</sup> or custody and when returning to communities after periods of being accommodated or sentenced” (Scottish Government, 2015, p.16). Practice to provide such support is generally referred to under the umbrella term reintegration and transitions and has been identified by the Scottish Government as a priority under the Whole System Approach (WSA) and Preventing Offending Getting it right for children and young people<sup>2</sup> (Scottish Government, 2011a; 2015). At the time of writing, such prioritisation is supported by a Reintegration and Transitions Champions Group<sup>3</sup>, who requested this research be completed to provide a clear picture of local authority practice in this area and to enable the sharing of practice examples between local authorities and other agencies.

## 3. Method

In February 2015 the Centre for Youth and Criminal Justice (CYCJ) circulated a questionnaire pertaining to current youth justice practice to WSA leads<sup>4</sup> across all 32 local authorities in Scotland. This initial contact was followed up with email and telephone contact to yield a greater response rate. Respondents were asked to draw on any relevant information they may require from colleagues within their local area to enable the questionnaire to be completed as fully as possible. Where participants stated they were uncertain about practice this has been highlighted.

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<sup>1</sup> Secure care in Scotland provides locked facilities for young people who present risks to their own safety and/or others that cannot be managed within the community. Further information on secure care and the youth justice system in Scotland can be found at CYCJ (2015a).

<sup>2</sup> WSA brings the Scottish Government’s key policy frameworks into one holistic approach for young people who offend, with Preventing Offending Getting it right for children and young people the current youth justice strategy (CYCJ, 2015b; Scottish Government, 2015). Further information is available at the [Scottish Government website](#).

<sup>3</sup> The Youth Justice Champions Groups are multi-agency groups focusing on identifying and promoting effective youth justice practice within the key priorities set out by the Youth Justice Strategic Group (CYCJ, 2015a). There are currently four Champions Groups: Early and Effective Intervention, Managing High Risk, Reintegration and Transitions, and Vulnerable Girls and Young Women.

<sup>4</sup> Each local authority has an identified WSA lead, although how this person was identified and their position in the authority varies by local area.

Out of a possible total of 31 responses (Stirling and Clackmannanshire co-provide youth justice services), 28 were received (although two areas provided more than one response so these have been combined to improve accuracy). The actual response rate was therefore over 83%, with 26 respondents providing information in relation to 27 of Scotland's 32 local authority areas. Not all respondents answered each question and this is reflected in presenting the findings. The survey was largely completed online by WSA leads via qualtrics<sup>5</sup>, with one completed via face-to-face interview and five completed by phone. In presenting the data, comparison will be drawn between what current practice guidance states and our findings, as well as identifying particular examples of practice.

The reporting of findings has been divided into two briefing papers, with this paper focusing on responses related to reintegration and transitions practice with young people from the point of entering secure care or custody, throughout the period of detention, and post-release planning and supports. The first paper *Youth Justice: A Study of Local Authority Practice Across Scotland* (CYCJ, 2015c) focused on models of youth justice service provision across local authorities, completion and the content of Criminal Justice Social Work Reports, court support and processes in respect of child's plans.

## 4. Findings

### 4.1. Information sharing

The necessity for timely information sharing between local authorities and the Scottish Prison Service (SPS) and secure care providers when a young person enters such an establishment is highlighted in the *Reintegration and Transitions Guidance* (Scottish Government, 2011a). It is the responsibility of the Scottish Court Service (SCS) to forward reports which have been made available to the court to the receiving secure care or SPS establishment and the above guidance highlights the additional responsibilities of the local authority where the young person normally resides (Scottish Government, 2011a; 2011b). 24 respondents provided information about the current process for sharing Criminal Justice Social Work Reports (CJSWRs) with the SPS when a young person was remanded or sentenced to custody.

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<sup>5</sup> Qualtrics is online survey software through which this research was completed.

Figure 4.1.1 Processes for sharing CJSWRs with the SPS

Process	Number of mentions
Report writer sends this information	15
Scottish Court Service sends this information	6
Combination of the above	7
WSA lead sends this information	2

In addition, two respondents noted follow up telephone calls would be made, in one instance to highlight particular areas of concern and in the other to check if information had been received. A further response highlighted the use of “read receipts” on emails so that any concerns that information had not been received could be followed up with the prison-based social work team. One participant stated information shared would also include any recent Social Background Reports and concerns identified in any bail supervision assessment. The following information was received on how such information sharing was recorded.

Figure 4.1.2 Recording of the sharing CJSWRs with the SPS

Where this information is recorded	Number of mentions
Young person’s file/social work database	15
72 hour review meeting minute	3
Unsure	4
Not recorded	1

For young people receiving a period of detention, part or all of which was to be served in a secure care establishment, nine respondents cited that information, such as child’s plans, current and previous risk/need assessments, chronologies, CJSWRs, Social Background Reports, and secure care documentation would be shared either in advance of the placement commencing or at the earliest possible opportunity. The following information was provided in respect of these processes.

Figure 4.1.3 Processes for sharing information with secure care providers

Process	Number of mentions
Allocated social worker shares information	7
Information shared at 72 hour review meetings	7
Information shared via secure email	2
Information shared by allocated social worker, social work manager, head of social work and head of secure establishment	1



Information shared and reviewed at weekly secure care screening meetings	1
SCS shares this information	1
Advice would be sought from Scottish Government colleagues	1

Over 80% of respondents noted that if a young person who is given a period of detention enters secure care and has not previously been looked after and accommodated, they would now be treated as a looked after and accommodated child (LAAC)<sup>6</sup>. Given a young person entering secure care is likely to be subject to a Compulsory Supervision Order (CSO) via the Children’s Hearings System<sup>7</sup>, this should be the case. Almost 10% of respondents stated the young person would be supported and reviewed as a LAAC but legally would not have this status, which would impact on throughcare and aftercare entitlements<sup>8</sup>. A comparable figure stated they were unsure, with one respondent stating they were confident this would be the case and another that due to Scottish Government leading and chairing reviews in such cases, they did not think the young person would enter LAAC processes.

#### 4.1.1. Practice example

Orkney identified issues with CJSWRs being timeously copied to go with the young person to their receiving establishment and with reports following young people. To help address this, an additional copy of CJSWRs was provided to the SCS to assist the sheriff clerk in sending appropriate paperwork with the young person to custody. More recently, reports have been provided to the SCS via secure email in addition to hard copy. Reports are also sent via secure e-mail to SPS establishments on request.

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<sup>6</sup> The responsibilities of local authorities and corporate parents to looked after children and care leavers are specified in the Children (Scotland) Act 1995; Looked After Children (Scotland) Regulations 2009; Children’s Hearings (Scotland) Act 2011; Children and Young People (Scotland) Act 2014.

<sup>7</sup> For more information on the Children’s Hearings System and possible measures see [Scottish Children’s Reporter Administration website](#).

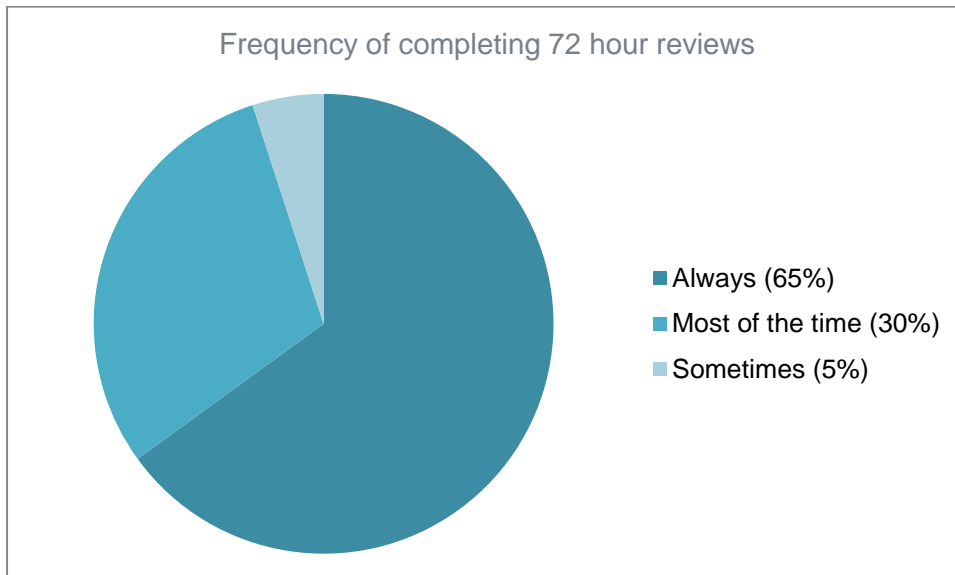
<sup>8</sup> As specified under parts 9, 10 and 11 Children and Young People (Scotland) Act 2014.

## 4.2. 72 hour reviews

As noted in the Scottish Government (2011a) guidance, reviews should be held for all young people aged under 18 entering secure care or custody by order of the court, regardless of their legal status and whether they have been sentenced or are on remand, within 72 hours of their detention<sup>9</sup>. For young people subject to a CSO, this will be a looked after review as per the Looked After Children (Scotland) Regulations 2009.

23 respondents provided the following information on how frequently this requirement was being fulfilled for young people in custody and secure care by order of the court in their area.

Figure 4.2.1 Frequency of completing 72 hour reviews



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<sup>9</sup> Further information on 72 hour reviews is contained within the CYCJ (2015d) information sheet.

22 respondents provided further information on these meetings, detailed below:

Figure 4.2.2 Attendees at 72 hour reviews

Attendees	Number of mentions
Social work staff	
Social workers/allocated workers	15
Senior Social Worker/Team Leader	6
Children and families staff	4
Criminal justice social workers	4
Worker from specific social work projects	3
SPS/Secure care staff	
Staff from receiving establishment	8
Personal officer	2
Prison-based social workers	1
Family members	9
Other professionals (eg health and education professionals, psychologists, substance misuse workers, and women's support worker)	8
Young people	3

The process for 72 hour reviews was stated by almost 15% of respondents to be similar to procedures for looked after and accommodated reviews. Chairing responsibilities were mentioned by 18% of respondents as being either looked after children coordinator/reviewing officer, WSA lead, Scottish Government reviewing officer, or team managers, with one respondent stating this would usually be both childcare and criminal justice managers. Almost 15% of respondents made reference to using video conferencing to facilitate such meetings. One respondent that this meeting could be completed by phone but only where there were limited concerns.

The most commonly cited method of recording reviews was via formal note or minute (8 mentions), followed by recording on child's plan or case note (5 mentions each). Findings on the purpose of reviews are detailed below;

Figure 4.2.3 Purpose of 72 hour reviews

Purpose of review	Number of mentions
Planning for immediate, short and longer term and reintegration	8
Assessment of needs	6
Sharing information	5
Risk identification, assessment and management	4
Supporting the young person and their understanding of process	3
Create, develop or review the child's plan	3
Coordination and partnership working	2
Explore why the young person is in this situation	1

The comprehensive nature of the purpose of reviews was summed up by respondent stating;

*The purpose is to ensure that SPS has all necessary info to care for yp (young person), check the yp's welfare, level of family support and how this could be facilitated, talk about access to supports/education/employment when in custody, discuss outstanding matters and timescales, how often they will be visited by workers, and begin discussions re post release accommodation etc.*

Over a third of respondents commented on the impact and benefits of the reviews. These related to;

- Young people: Reassuring that support will be available, knowing who will provide this, maintaining contact with community workers and services, developing a fuller understanding of the young person, and beginning thinking about the future
- Families: Providing support to families and reducing their anxieties
- Partnership working: Building links with professionals in custody
- Consistency of planning, recording and accountability.

However less than 10% of respondents questioned the impact of such reviews as follows;

*The impact would be dependent on young person's motivation to change and their relationship with relevant worker (Respondent)*

*A number of these yp (young people) will have significant previous involvement and the meeting is more of a formality (Respondent)*

Of the 20 responses specifically in respect of barriers to these meetings taking place or being more effective, 15% stated there were none and 5% that previous issues had been addressed.

Figure 4.2.3 Barriers to completing 72 hour reviews

Barriers to completing 72 hour reviews	Number of mentions
Logistical difficulties	
Distance	7
Timescales	2
Getting all relevant parties to attend within timescales	8
Timescales if a young person enters at a weekend	2
Timescales if the young person is not known	2
Timescales to get a meeting organised	2
Financial issues	2
Competing demands	2
Technical difficulties (using video link)	1
Institutional difficulties	
Accessing a suitable room	3
Contacting personal officers	3
Inconsistent SPS practice	1

It is the responsibility of the local authority where the child ordinarily resides to organise and chair 72 hour reviews, although secure care and SPS establishments are proactive in highlighting the need for such a review (CYCJ, 2015d). Two respondents gave different views on who arranged these meetings, with one stating the lead professional would do so and the other the SPS.

15% of respondents cited issues with clarity and interpretation of reviews, an issue which is significant given the important purpose of such reviews as detailed above. In terms of addressing these issues, two respondents stated further discussion on whether this timescale is appropriate or whether this could be extended for example to “within 5 days” would be beneficial. A further respondent suggested updating national guidance and clarity on what reviews are trying to achieve and who should attend<sup>10</sup>.

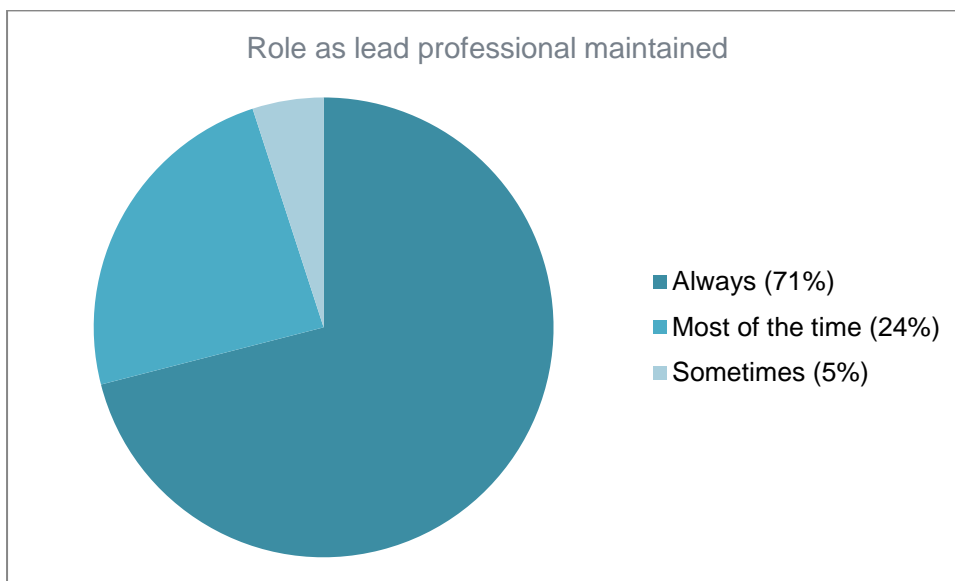
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<sup>10</sup> Efforts have been made to provide additional guidance via the CYCJ (2015d) 72 hour reviews for young people in custody or secure care information sheet

### 4.3. Contact of community based social workers

Scottish Government Guidance (2011a, p.16) specifies that when a young person is in custody or secure care the local authority where the child normally resides is responsible for “...maintaining the role as lead professional<sup>11</sup> to ensure effective transitions for these young people”. 22 respondents detailed how frequently this was reflected in their area.

Figure 4.3.1 Role as lead professional maintained



The above guidance further states (Scottish Government, 2011a, p.23) “local authorities need to take ownership of these young people by being involved in their transition to custody and to support their reintegration to the community upon their release”, as well as remaining involved while the young person is in secure care or custody. 70% of 23 respondents stated community based social work staff were always involved with a young person during this period, with the remaining 30% stating this happened most of the time. The reported types and frequency of this involvement is as detailed below;

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<sup>11</sup> Further information on the role and responsibilities of the lead professional is available in the Scottish Government (2011a) Guidance

Figure 4.3.2 Type of involvement of community based social workers

Type of involvement	Number of mentions
Contact with:	
Young person (visits/phonecalls)	18
Family members	11
Other professionals (including establishment staff)	6
Transition planning/attending Throughcare meetings	11
Attendance at reviews	5
Ongoing work with the young person	4
Encourage engagement with services	2
Coordinating supports	1
Maintenance of child's plan	1
Attending court appearances	1

Two local authorities have specific projects that work within HMYOI Polmont to support young people during their time in custody and upon release (detailed below), with another drawing on additional support from their intensive support service and a third sector organisation. Almost 40% of respondents commented on frequency of contact. This ranged from numerous times per week to at least every three months. Two respondents specifically stated this would be based on individual need, with one further respondent, who spoke about the importance of and accredited to relationships, stating;

*The level of contact may be even higher than that which is absolutely necessary.*

Less than a fifth of respondents differentiated between arrangements when young people were in custody and secure care. One respondent stated the process for visits and reviews in secure care was clearer, with two further respondents stating they had more experience of young people being in secure care than custody, but all three advised a comparable level of contact would aim to be maintained. One respondent stated young people in custody would be seen less frequently than those in secure care.

#### 4.3.1. Practice examples

##### East Ayrshire

In East Ayrshire, if a young person enters secure care or custody, the lead professional visits fortnightly. Other involved workers such as intensive support or Action for Children visit alternate weeks, which ensures a supportive adult visits once per week. In addition, the lead professional maintains regular telephone contact with the establishment, supports family visits, attends court appearances and participates in exit planning.

### Glasgow City Council Supporting Transitions and Reintegration Service (STARS)

STARS supports young people in their transition from custody to the community by helping them to engage with services that can meet their needs in the long term. The service is primarily for young men under 18 on remand or serving short-term sentences. Support is predominantly provided in the community through an individualised support package based on multi-agency assessment for three months post-release, although this support often commences in HMYOI Polmont to encourage engagement with programmes, relationship building and planning for release. The Young Women's Centre provides similar services to young women in custody.

### North Lanarkshire Council Youth Bridges

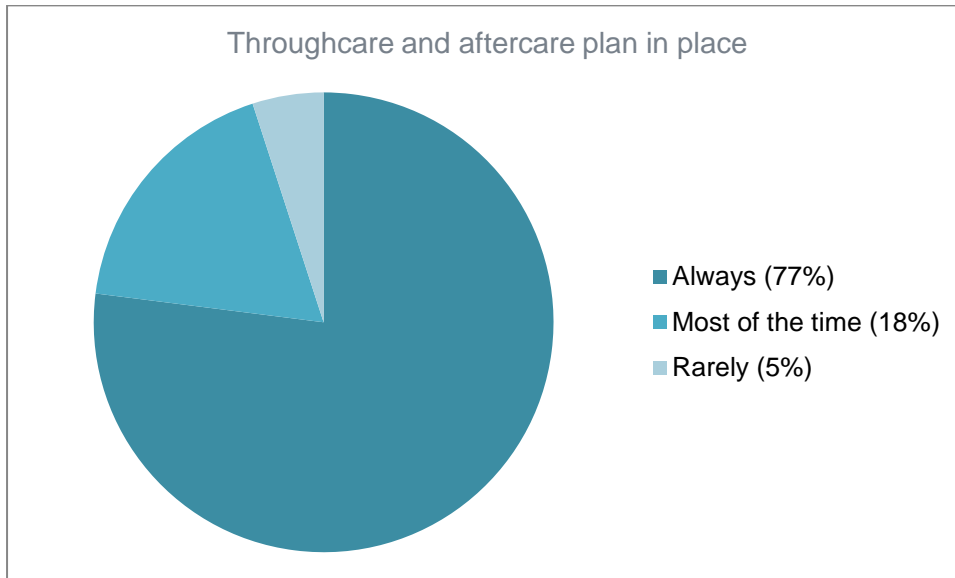
North Lanarkshire Council Youth Bridges is funded by Lanarkshire Alcohol and Drug Partnership to work with young people (under 21 years) subject to short-term custodial sentences during their period in custody in HMYOI Polmont and Cornton Vale and on release. This service supports positive information sharing and joint working between the local authority, Youth Bridges staff and the SPS, as well as continuity of relationships and supports. In this survey, a further respondent from another local authority stated they recognised reintegration was an area they needed to do more on and were currently looking to North Lanarkshire's project with a view to implementation.

## 4.4. Post-release support

The *National Standards for Youth Justice Provision in Scotland* (CYCJ, 2013, p.6) state "All young people should have a throughcare and aftercare plan covering a period of at least 3 months following the day of departure from secure care/YOI, to support them in the community as "children in need" under Children (Scotland) Act 1995". This plan should detail the supports that will be available to the young person to support them during this transition and to address areas of need and risk, with it fundamental such support is coordinated (Scottish Government, 2011a; Bateman, Hazel and Wright, 2013). Respondents were asked about the frequency this was reflected in practice in their area, with the breakdown of the 22 responses as detailed below.



Figure 4.4.1 Throughcare and aftercare plan in place



24 respondents provided information on post-release arrangements to support young people returning from a period of detention, including those not subject to statutory throughcare<sup>12</sup>. All stated some form of support was provided, with the importance of this evidenced in the following responses;

*Throughcare support is really important particularly for young people (Respondent)*

*We want to ensure all young people gained such support as a matter of course and treat this as a statutory entitlement (Respondent).*

One respondent highlighted that support may not be offered if the local authority was not aware of their sentence or the young person chose to disengage from this support. Over half of respondents referred to post-release supports as being a continuation of supports provided during a young person's time in secure care or custody, with a third of respondents

<sup>12</sup> In Scotland, local authorities have a statutory responsibility to provide throughcare services

to individuals sentenced to periods of detention of over 4 years or those released with certain conditions and

to offer voluntary aftercare to others in the first 12 months post-release (Scottish Government, 2011a).

stating efforts would be made to have supports/services in place pre-release and three mentioning holding pre-release reviews. A third of respondents specifically referred to continuity of workers pre- and post-release, with the multi-agency nature of service provision, including from third sector agencies, evident throughout responses. The theme of support being tailored to individual need was prevalent in the majority of responses, and although not specifically asked, the following support needs were cited;

Figure 4.4.2 Support needs

Support need	Number of mentions
Housing	7
Education/training/employment	4
Family support	3
Finances/benefits	2
Health and emotional support	2

Only one respondent specifically stated a post-release multi-agency meeting would be held within 7 days of a young person leaving custody, although practice may be more widespread. Five respondents made reference to timescales for support;

Figure 4.4.3 Duration of post-release support

Duration	Number of mentions
Minimum of 3 months	3
Minimum of 12 months	1
As long as support is required	1

Few responses specifically differentiated between support provided to young people when leaving secure care and custody, although this did not appear to be markedly different in terms of level/type of support. Likewise support did not markedly differ dependent on whether the young person had been looked after or not and whether throughcare support was on a statutory or voluntary basis. Three respondents stated throughcare was an area they were currently seeking to develop and improve.

#### 4.4.1. Practice examples

##### Renfrewshire

For young people leaving custody, a post-release multi-agency meeting is held within 7 days. The intensive support service will remain involved for at least 3 months to support with

reintegration and ensuring other agencies provide services and support that young person may require.

#### Aberdeenshire

Social work services in Aberdeenshire are currently working with HMP & YOI Grampian to develop a system whereby a Multi-Disciplinary Case Management Board meeting will be held for all young people 6 weeks prior to release. Community based social work will be invited to attend this meeting and the individuals' personal officer will be there to represent them. The purpose of this meeting will be to share information on the young person's prison pathways and ensure community supports are in place. Following the meeting, HMP & YOI Grampian will arrange a meeting with the young person, their personal officer, their SPS throughcare officer and their community support worker to ensure the plans are all on track for their release. Where appropriate the young person will be referred to any pre-release courses which may be required (this can cover areas such as life skills, benefit applications, and developing an activity agreement to support the young person's preparation for release to the community) and the plans for their day of release and the subsequent few weeks in the community will be explored.

#### East Ayrshire Reintegration and Transitions Working Group

East Ayrshire Council have established a multi-agency reintegration and transitions short-life working group. This group aims to ensure all supports are in place for each young person returning to the community to holistically meet that young person's needs. This will include: accommodation; financial support; employment; education; training; emotional support; and family work on an individual and groupwork basis. The group have established a Practice Protocol and Guidelines detailing the responsibilities of each agency, which when fulfilled will ensure a robust reintegration and transitions process.

### 4.5. Meet at the gate support

Immediacy of contact post-release, including meet at the gate support when leaving an establishment of detention, is important in supporting reintegration and recognised as good practice (CYCJ, 2013; Malloch, 2013; Malloch et al., 2013). 20 respondents provided comment on whether they ensured young people under the age of 18 who were not being met at the gate following release from a period of detention in custody or secure care by a friend or family member were always met by a social worker and/or other professional, detailed below;

Figure 4.5.1 Provision of meet at the gate support

Provision of meet at the gate support	Number of respondents
Always provided	15
Would be offered but uptake would depend on the young person	3
Normal practice but does not always happen	1
Affected by location and staffing levels	1

The perceived importance of this support is illustrated by one respondent in stating this support;

*...is crucial in reducing the risk of offending in those 48 hours.*

#### 4.5.1. Practice example

Orkney have few young people entering custody or secure care and due to distance offering “meet at the gate” support can be problematic. To alleviate this issue, ad hoc arrangements are in place with New Routes (Public Social Partnership (PSP), led by the Wise Group). This has enabled young people to be met at the gate and supported to access transport to take them home.

## 4.6. Third Sector/Public Social Partnerships involvement

Respondents were asked which agencies worked in their local area, with a map of service provision having previously been developed and deemed helpful by the Reintegration and Transitions Champions Group. Of the 22 respondents, two stated no such organisations did so and a further two that this was limited due to a wide range of “in-house” services being provided by the local authority. The number of organisations providing services ranged from one to eight organisations, with the mean 3.35 organisations. One participant stated that if a service was not currently available but was needed this would be sought from third sector organisations.

## 4.7. Movement from secure care

Respondents were asked if a young person under the age of 16 receives a long-term custodial sentence and is initially held in secure accommodation, what the practice is when that young person reaches the age of 16. A number of respondents provided answers with respect to the lead professional role and these have been omitted as they are detailed elsewhere. 14 responses were therefore received, with two respondents specifically stating that this would be a decision of the Scottish Government. Twelve respondents stated they

would advocate for the young person remaining in secure care, with half stating this would be until the young person was 18, and that this had been their experience. Over 40% of respondents made reference to this decision being made on a case-by-case basis, with considerations including whether the young person was subject to a CSO and their behaviour, needs, and best interests.

For young people who have been sentenced to a period of detention in secure care, the Scottish Government is responsible for managing the sentence and meeting costs associated with this (CYCJ, forthcoming). For those young people detained in secure care on remand<sup>13</sup>, the costs are the responsibility of the local authority where the young person's ordinarily resides or that is the relevant authority if that young person is subject to a CSO (as per Justice circular JD 01/2005) (CYCJ, forthcoming). Two respondents in this research made reference to cost implications, stating

*We have never had issues with yp (young people) being prematurely transferred although I know funding could make this an issue (Respondent)*

*At present in [area] it is not standard practice for all children under 18 to serve all/part of their sentence in secure. The cost implications of the local authority having to fund placements in secure is a significant issue (Respondent).*

## 5. Discussion

This research has provided an overview of current youth justice practice in respect of reintegration and transitions across most of Scotland's 32 local authorities in response to specific questions posed. The findings would suggest information sharing mechanisms with SPS and secure estate are well developed, either via the SCS or direct contact by social work services. It would be beneficial to continue to gather information from secure care providers and the SPS on whether this is their experience and the quality of this information, given the vital importance of such information. A wider range of documents being shared with secure care providers than SPS were detailed by respondents in this research but this may be due to specifically asking about sharing CJSWRs with SPS.

A number of respondents identified some uncertainty about the status of young people entering secure care who had not previously been looked after and accommodated. For the

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<sup>13</sup> Further information on the remand of young people is available in section 51 Criminal Procedure Scotland Act 1995.

duration which that young person is subject to a CSO, the young person is a LAAC and must be supported and reviewed as such by the local authority. Moreover, it is fundamental that these young people and those who meet the legal definition of being a “care leaver” are aware of their rights and entitlements from corporate parents and to aftercare<sup>14</sup> and have these entitlements fulfilled.

The finding that only 65% of respondents stated 72 hour reviews were always being completed for young people under the age of 18 detained in secure accommodation or custody by order of the court is concerning. It is unclear whether respondents meant such meetings were not always being completed or were not always being completed within 72 hours, nor whether this varied dependent on whether the young person was detained in secure care or custody, and it would have been useful if this had been clarified in this research. It is positive that respondents were able to identify the purpose and impact of such reviews, which are an integral part of effective throughcare (Scottish Government, 2011a). However, the findings in respect of who should attend, arrange and chair reviews, interpretation of what reviews are, and barriers to completing such meetings are problematic and it is essential such issues and variations are addressed. In addition, it would be useful to gain the views of young people and staff from the SPS and secure care establishments in respect of the questions posed and to compare these with the findings from local authorities on 72 hour reviews.

Over 70% of respondents stated the local authority where the child resided always maintained the role of lead professional when a young person was in secure care or custody and a comparable figure that community based social work staff remained involved during this period which although positive and consistent with the responsibilities detailed in Scottish Government guidance (2011a), should be higher. The range of forms this involvement took and frequency is positive, as is in particular the citation of maintenance of contact with the young person and their family, involvement in transition planning, and partnership working, which reflects the recommendations of research by Smith, Dyer and Connelly (2014) and principles of good practice outlined in the Scottish Government (2011a) guidance. Given that the development and maintenance of the child’s plan is the responsibility of the lead professional, greater mention of this would have been expected from respondents.

It is positive that 77% of respondents stated young people always have a throughcare and aftercare plan on release from secure care or custody, although again this could be higher,

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<sup>14</sup> As enshrined in the Children and Young People (Scotland) Act 2014.

and that all participants advised some form of post-release support would be available. The components of such support cited by respondents such as continuity of services and workers and support that is provided being holistic, planned, timely and on an ongoing, multi-agency basis reflect good practice as outlined in research on effective throughcare (Malloch, 2013; Malloch et al., 2013; Bateman, Hazel and Wright, 2013) and in the Scottish Government (2011a) guidance. The availability of meet at the gate support was positively reported in this research, which is important given the merit accredited to this in effective throughcare in research by Malloch (2013), Malloch et al. (2013), and Bateman, Hazel and Wright (2013). The development of the throughcare support officer role in the SPS should further ensure young people are supported during this transition process and on return to the community (SPS, 2013). Although outwith the scope of this study, further research on the involvement of community-based social staff, quality of throughcare and aftercare plans and young people's experience of post-release support would be beneficial. This is particularly relevant given that the findings of research by Smith, Dyer and Connelly (2014), although subject to some constraints, was less clear on whether social work contact was continuing and throughcare provisions were in place.

Over 90% of respondents advised third sector agencies provided supports to young people involved in offending and in the majority of responses it was evident a range of services are available to meet the needs of these young people. This is fundamental given the complexity and range of needs young people involved in offending behaviour will often have and difficulty of any one agency fully meeting these needs (Bateman, Hazel and Wright, 2013). Malloch (2013) has drawn attention to the role of the third sector in effective throughcare and the barriers to effective partnership working. Again due to the limits of this research it is impossible to comment on young people's experiences of supports from third sector agencies or agencies experiences of working with local authorities but further research on this could be beneficial.

Findings on the movement from secure care in this research were positive and mirror the commitment of the Scottish Government to ensure that children remain in secure care following their 16th birthday (up until their 18th birthday) to serve the remainder of their sentence rather than being transferred to the SPS estate where possible (CYCJ, forthcoming). The reference to costs implications by 2 participants echoes that highlighted by Lightowler, Orr and Vaswani (2014) which identified costs as a barrier to the increased use of age-appropriate facilities for young people deprived of their liberty. Lightowler et al. (2014) warned unless a more equitable arrangement could be found between SPS, the Scottish Government, local authorities and the secure estate this was unlikely to change.



## 6. Implications and recommendations for practice

Based on the above findings and discussions, this research has a number of implications and highlights a number of recommendations for reintegration and transitions practice, as follows:

- Good information sharing between Social Work Services, SPS and secure care providers must continue and this should be monitored to assess the quality of information being shared and ensure this is consistent in practice. The CYCJ (2015d) information sheet has been developed in conjunction with the SPS to clarify the expectations of local authorities when a young person enters custody and any further amendments to this for secure care are currently being considered.
- All practitioners working with young people involved in offending behaviour should understand the rights and entitlements of looked after children and care leavers under the Children and Young People (Scotland) Act 2014, be able to communicate these to the young people they are working with, and understand and meet their professional roles and responsibilities in fulfilling these.
- 72 hour reviews should be held for every young person detained in secure care or custody and the barriers to these meetings taken place cited in this research should be addressed. Methods to ensure meetings are taking place and monitor this should be developed on a local basis. The above detailed information sheet specifically focuses on the expectations of local authorities in respect of 72 hour reviews and the impact on practice will be monitored by the SPS.
- The lead professional role should be maintained by the young person's local authority for all young people in secure care and custody. It is crucial the full range of responsibilities of this role are fulfilled, including the maintenance of the child's plan, and contact by community based social work staff is maintained. It is important local mechanisms are in place to ensure these requirements are being fulfilled.
- Throughcare and aftercare plans should be in place prior to release for all young people leaving secure care or custody and should incorporate the elements of effective throughcare as detailed by participants in this and wider research. Again local mechanisms should be in place to ensure these requirements are being fulfilled.
- Meet at the gate support should be provided for all young people leaving secure care or custody following a period of detention.



- Efforts should be made to ensure partnership working is effective and to reduce barriers to this.
- More equitable arrangement should continue to be sought between SPS, the Scottish Government, local authorities and the secure estate to ensure placement decisions for young people aged under 18 are influenced primarily by need and vulnerability rather than cost, as also recommended by Lightowler et al. (2014).
- All practitioners involved in supporting young people in the youth justice system should understand their roles and responsibilities in respect of reintegration and transitions practice. Support and training should continue to be made available to enable this, from a range of agencies including the CYCJ.
- Further research to address the limitations of this study as detailed above would be beneficial.

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