

Youth Justice: A Study of Local Authority Practice Across Scotland

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This paper provides an overview of current youth justice practice in 27 of Scotland's 32 local authority areas, focusing on models of service provision, completion and the content of Criminal Justice Social Work Reports, court support and processes in respect of child's plans.

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1. Executive Summary

This paper is the first of two documents drawing on data from a survey of Whole System Approach leads in 27 of Scotland's 32 local authority areas. It aims to explore how youth justice services are being provided across these local authorities and to share practice examples. The key findings of this paper are:

- Less than 30% of the responding local authorities have a dedicated youth justice team that solely delivers youth and criminal justice services to young people aged under 18.
- Criminal Justice Social Work Reports (CJSWRs) were completed in all areas by qualified social workers but the role of criminal justice teams in doing so was more prevalent.
- 96% of respondents utilised offending-specific risk assessment tools to inform the content of all reports to the children's reporter on offence grounds and the court.
- Less than a third of participants stated remittal to the Children's Hearing's System was always commented on in CJSWRs where the young person is under 17 years and 6 months of age.
- Court support was universally reported to be available to young people aged under 18, with the type of support, who provided this, and resources utilised in explaining processes to young people varying.
- 88% of participants specified that all young people referred to a hearing or court had a single plan, with the frequency and type of review of plans differing based on various factors.

The subsequent implications and recommendations for practice are:

- Workforce development must be supported to ensure the youth justice workforce have the necessary skills, knowledge and confidence.
- The involvement of criminal justice social workers in writing CJSWRs for young people should be explored further and staff appropriately supported in this role.
- Risk assessment tools in use must be applicable for young people and staff trained in the use of such tools.
- Remittal to the Children's Hearing System should be commented on in all CJSWRs and this should be monitored locally.
- Further statistics, information on decision-making and sharing practice examples on remittal at a national level would be beneficial.
- Young people's views on court support should continue to be researched, resources to help young people understand court processes shared between local authorities and staff supported to fulfil this role.
- Further research to address the limitations of this research and highlight changes in the practice landscape over time would be welcomed.

2. Acknowledgements

CYCJ is extremely grateful to the participants from the local authorities who took part in this research and colleagues, including Dr Gill Robinson (Professional Advisor, Young People's Strategy Scottish Prison Service), who provided peer review.

3. Introduction

The *Youth Justice in Scotland: Fixed in the past or fit for the future?* (Lightowler, Orr and Vaswani, 2014, p.2) paper defined the youth justice system in Scotland as “the individuals, institutions and services with which young people up to the age of 18 come into contact with as a result of their involvement in offending behaviour”¹. The paper provided an opportunity to take stock of the current state of youth justice in Scotland, detailing the significant developments in youth justice policy and practice post-devolution and the fall in youth offending. Although welcomed, this led the Reintegration and Transitions Champions Group² to question how is youth justice being delivered nationally by local authorities, what is the current picture of service delivery across Scotland, and how can practice examples be shared between local authorities. The following research was developed in response to these questions.

4. Method

In February 2015 the Centre for Youth and Criminal Justice (CYCJ) circulated a questionnaire pertaining to current youth justice practice to Whole System Approach (WSA) leads³ 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.

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 qualtrics⁴, 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 broad youth justice practice. The second paper *Youth Justice: A Study of Local Authority Reintegration and Transitions Practice Across Scotland* will be published in August 2015 and focuses on practice with young people from the point of entering secure care or custody, throughout the period of detention, and post-release planning and supports.

¹ An overview of the roles and responsibilities of key partners in youth justice can be found at CYCJ (2015a)

² 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.

³ WSA brings the Scottish Government’s key policy frameworks into one holistic approach for young people who offend (CYCJ, 2015b). More information is available at the [Scottish Government website](#). Each local authority has an identified WSA lead, although how this person was identified and their position in the authority varies by local area.

⁴ Qualtrics is online survey software through which this research was completed.

5. Findings

5.1 How are youth justice services currently being delivered across Scotland?

Local authorities vary in their delivery of youth justice social work services and since April 2008 there has been no ring-fenced funding for tackling offending by young people (Lightowler, Orr and Vaswani, 2014). Whilst this has enabled local authorities and partners to decide how to most effectively target resources, youth justice practitioners have suggested there have been significant changes in how youth justice services are being delivered and in some areas such changes are continuing (Lightowler, Orr and Vaswani, 2014).

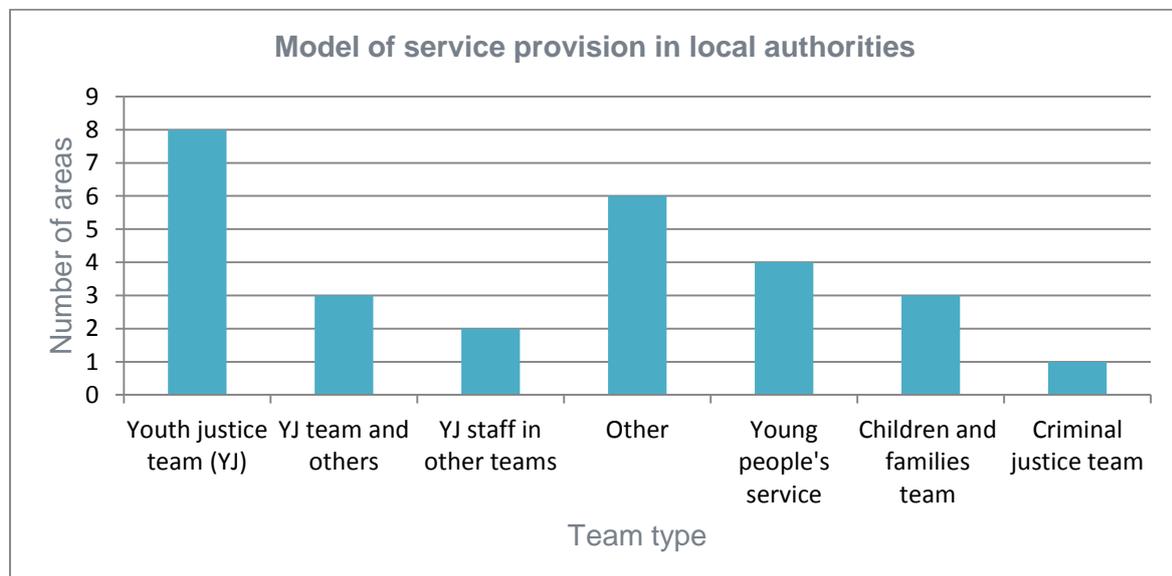


Figure 1: Model of service provision in local authorities

All 27 respondents detailed how youth justice services are currently being delivered in their local authority, with less than 30% of areas continuing to have a dedicated youth justice team that solely delivered youth and criminal justice services to children and young people aged under 18. In three areas social workers with youth justice experience were based in other teams such as children and families or throughcare and aftercare. Nine areas reported a “hybrid” model of service provision whereby services were provided by a combination of teams, three of which included a youth justice team but services were not wholly provided by these teams. In the remaining six areas, teams providing services included children and families, young people’s service, youth services, criminal justice social work, court support, and third sector agencies.

Participants were not specifically asked how the decision on which team supported a young person was made. Five respondents independently commented on this, with three stating that if a young person was subject to a Compulsory Supervision Order (CSO) via the

Children's hearings System⁵ post-16 years of age, children's services would provide youth justice services but if not, this responsibility would be fulfilled by criminal justice services, as illustrated below.

It is active CSO which determines whether young person remains in youth justice or goes to criminal justice services, not offence type, therefore a 16 year old can be managed in adult criminal justice services or children's services youth justice team for same first offence (Respondent).

The type of intervention (eg Early and Effective Intervention (EEI), diversion from prosecution, bail support) could also impact on who provided services. Only one response explicitly stated that this would depend on who was most appropriate to work with that young person based on their needs, age and stage of development, and whether they had previous or ongoing relationships with particular staff members.

One respondent commented on the loss of youth justice teams, stating;

I am concerned by the loss of youth justice teams. This inevitably leads to an ethos shift so for example child protection dominates or the youth focus is lost, children and families staff can have difficulties in understanding the complexities of need and risk management, and this can result in young people being lead into the adult criminal justice system (Respondent).

Another respondent made reference to this in a separate question stating;

It can be difficult for children and families staff to stay up to speed with issues facing young people involved in offending as this is seen as a youth justice activity. It can also be difficult to see the implications of decisions made from a childcare perspective for youth justice eg terminating CSO (Respondent).

A number of participants spoke about services having gone through a period of redesign and/or continuing to undergo review and restructuring. For example in one area following the decentralisation of the youth justice team and dispersal of staff into children and families teams, a proposal had been made for youth justice workers to remain in dispersed teams while being centrally managed by the WSA lead. In another area, it was suggested the outcome of review was likely to be the loss of the dedicated youth justice team.

5.1.2 Practice examples

Dumfries and Galloway

Dumfries and Galloway have a multi-disciplinary youth justice service operating across the region with young people under the age of 18. The service has staff from a range of statutory services, including social work, police, education, and health, and third sector organisations. The range of services provided by this team span from prevention to managing high risk and also includes the provision of parenting support programmes, mentoring support, education support, community engagement and victim support.

West Lothian

⁵ For more information on the Children's Hearings System and possible measures see [Scottish Children's Reporter Administration website](#)

Since 2009, West Lothian has extended the implementation of WSA and Getting it Right for Every Child (GIRFEC)⁶ wellbeing indicators for all young people aged under 21 years. A dedicated youth justice team provide holistic services including EEI, diversion from prosecution, report writing, supervision of court orders, bail supervision, transitional support, and voluntary throughcare. The service is based on an understanding of the needs of young people who offend and the need to ensure support is age and stage appropriate, and incorporates a flexible approach. West Lothian Council's Reducing Re-offending strategy has at its core the criminal and youth justice service to ensure a targeted and effective approach to the risk, needs and responsivity of young people who offend.

Stirling/Clackmannanshire

Until 1st April 2015, Clackmannanshire had a dedicated youth justice team whilst in Stirling youth justice services were provided through Barnardo's, with statutory duties undertaken by social workers within children and families or criminal justice teams. Subsequently a pan-Stirling and Clackmannanshire service has been launched within which the youth justice team and Barnardo's service has merged to provide services for all under 18s involved in offending. Barnardo's remains a commissioned service but is an equal partner and holds managerial responsibilities. The aim of this service is to maximise the benefits and minimise the limitations of each service to ensure the provision of holistic, child-centred services.

5.2 Report writing

Respondents were asked to identify who completed reports for the children's reporter in relation to children and young people referred on offence grounds. 69% of participants stated that all such reports were completed by qualified social workers. In the remaining eight responses, two stated this took a "two-tier" approach dependent on the level of offending and type of report requested, with Social Background Reports being completed by social workers and Initial Assessment Reports by support workers/social work assistants. Four other participants cited workers with other relevant qualifications such as community, learning and development and social care completing reports, with two respondents stating these reports would be overseen by a social worker or team manager.

All respondents stated that when Criminal Justice Social Work Reports (CJSWRs) were requested by the court for young people under the age of 18 these were completed by qualified social workers. This aligns with *The Role of the Registered Social Worker in Statutory Interventions: Guidance for Local Authorities* (Scottish Government, 2010, p.4) stating "a registered social worker must retain accountability for: provision of all reports to courts which could have an impact on an individual's liberty".

⁶ For more information on GIRFEC see [Scottish Government website](#).

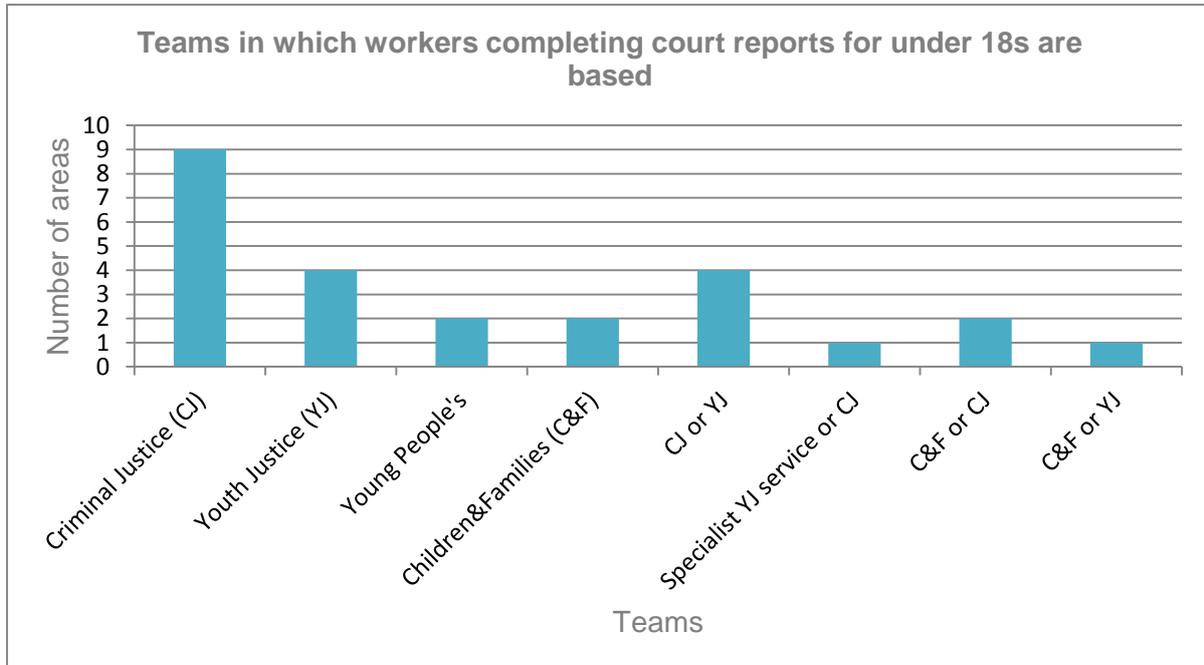


Figure 2: Teams in which workers completing court reports for under 18s are based

The above findings on which local authority social work teams these workers are based are akin with those detailed in the model of service provision but the role of criminal justice teams in completing court reports is much more prevalent. Three respondents stated criminal justice social workers would liaise with workers in other teams if the young person was or had been known to services. Again similar to the findings under section 3, three participants stated that who completed reports would depend on whether the young person was subject to a CSO, was open to services or had been in the previous 6 months, and a further respondent indicated that this would be decided on a case-by-case basis to determine the most appropriate service. Four respondents stated they were currently looking to change service provision, with three stating they would like to move to the young person's social worker completing these reports and one that this would be moving to solely being completed by workers in the youth justice team.

5.3 Risk assessment tools⁷

Of the 25 respondents 24 stated the content of all reports to the children's reporter and court in relation to children and young people referred on offence grounds was informed by a risk assessment tool. This is reflective of the *National Standards for Youth Justice Provision in Scotland* (Appendix 1 to *Youth Justice in Scotland: a guide to policy, practice and legislation*, CYCJ, 2012, p.3) which states "Every young person referred to a children's hearing or court on offence grounds should have a comprehensive assessment....Every comprehensive

⁷ Further information on risk assessment tools, applicability of instruments and empirical evidence is available from the [Risk Management Authority](#).

assessment should be completed using ASSET/YLS-CMI assessment”. *The National Outcomes and Standards for Social Work Services in the Criminal Justice System* (Scottish Government, 2010a, p.30) also states as a principle for best practice “all assessments should be informed by the use of an agreed risk assessment tool”. The remaining respondent stated reports were informed by the Integrated Assessment Framework and National Risk Framework which are more welfare-based assessment frameworks under GIRFEC, with ASSET training having been offered to this local authority by the CYCJ. Most respondents utilised a range of risk assessment tools, as detailed below.

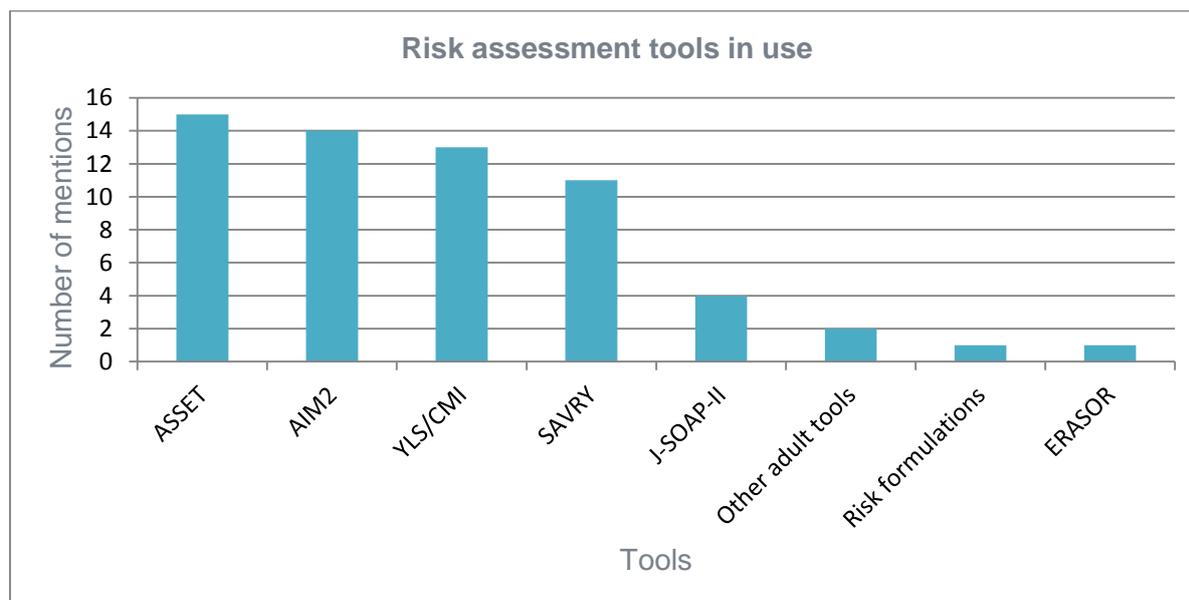


Figure 3: Risk assessment tools in use

5.4 Remittal⁸

The *National Outcomes and Standards for Social Work Services in the Criminal Justice System Criminal Justice Social Work Reports and Court-Based Services Practice Guidance* (Scottish Government, 2010b, p.52) specify when the court requests a CJSWR for a young person up to the age of 17 years and 6 months, the report writer “must always comment on the option of remittal back to the children’s hearing”. Respondents were asked how regularly this requirement was followed in their local authority, with the responses as follows.

⁸ Remittal to the Children’s Hearings System can be for advice and/or disposal of a case as detailed under section 49(3) Criminal Procedure (Scotland) Act 1995.

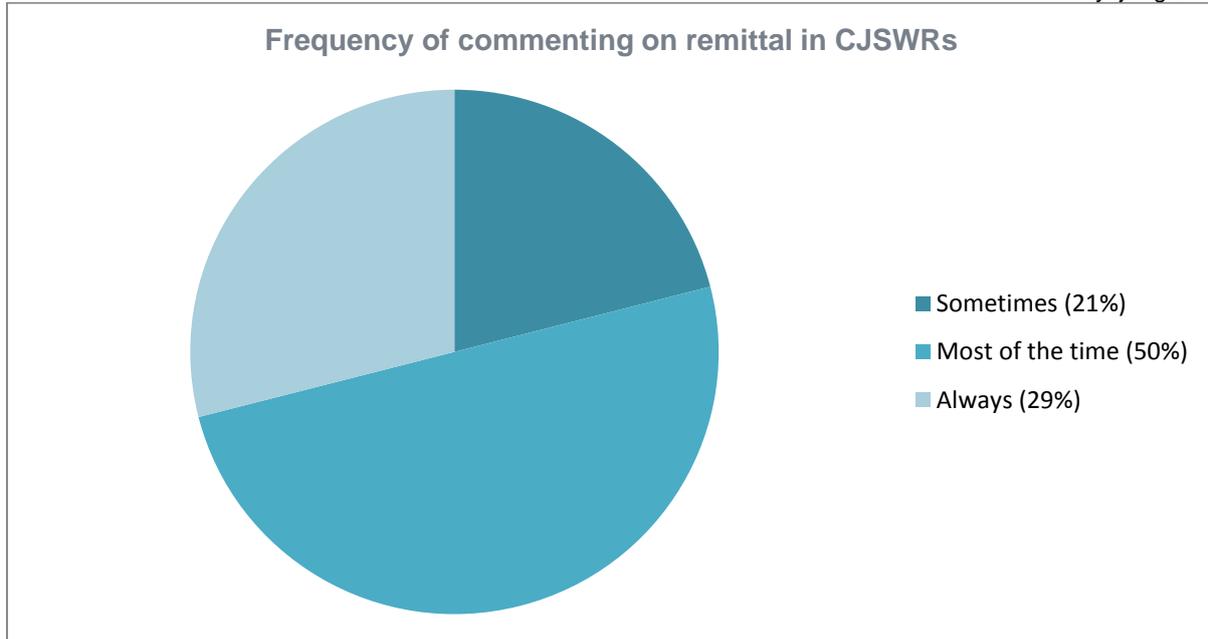


Figure 4: Frequency of commenting on remittal in CJSWRs

Less than a third of respondents stated this requirement was always followed. No further information on why this may be the case can be provided.

5.4.2 Practice example

In Orkney, a checklist of quality assurance points, including remittal to a Children’s Hearing where the subject meets the above criteria, is completed by another worker prior to CJSWRs being sent to court to ensure remittal is always commented on where appropriate.

5.5 Attending court

Under the Scottish Government’s (2011) toolkit *Assisting Young People aged 16 and 17 in Court* the importance of ensuring young people understand the court process is stressed and it is recommended that support, guidance and assistance is made available to young people going through this process. This was echoed in research by Smith, Dyer and Connelly (2014) which highlighted the need to ensure young people receive clear information about court processes prior to attending court and are supported to understand sentencing and the reasons for this. In this research, all 24 respondents stated support was available to young people under 18 who appeared in court and who provided this support is detailed below.

Table 1: Team/agency who provided court support

Team/agency who provided court support	Number of mentions
Lead professional/worker known to the young person, some of whom were based in youth justice teams or linked projects	14
Criminal justice court support/court social work team	11
Dedicated court support for under 18s	4
Third sector	3

In terms of the support provided, four respondents made specific reference to ensuring young people who were appearing from custody were seen and supported. Further types of support cited included: contact in advance of and between court appearances; providing advice on court processes; attending court with young people; preparation of bail reports, supervision assessments and/or alternative to remand plans; producing court notes; screening for and signposting to other services; contacting relevant professionals; and practical support such as phoning family or addressing urgent issues. However, one respondent stated such support was not always available due to covering a rural area, another that this may be due to youth justice services not consistently being informed of a young person's court appearance, and a further respondent suggested that numbers were too low to justify a dedicated court social work service for young people.

Table 2: Resources used to explain to young people the criminal justice and court process, sentencing options, and consequences of non-compliance

Resource	Number of mentions
Support and explanations from lead professional/social worker	10
Verbal explanations	9
Poster/leaflets/letters	9
Support from court staff	4

Four respondents had no formal resources, although three stated alternative support would be provided, and two reported that resources were generic criminal justice services materials rather than being tailored to young people. One respondent stated that they signpost young people to online resources, however two respondents drew attention to literacy issues for young people.

5.5.3 Practice example

Glasgow have a dedicated court support service solely for under 18s to support young people to understand and engage with the court process and to provide them with information and advice. Screening (for example for mental health needs) and signposting work takes place alongside direct support. Court support staff will advocate on the young person's behalf and liaise between the youth justice, criminal justice and the court social work teams. Sustainable funding for this service is currently being sought.

5.5.4 Practice suggestion

One respondent suggested that a mobile phone "app" could be developed on attending court, given the frequency with which young people use this medium of communication. The app could be advertised at appropriate venues, such as court, youth centres, and websites such as CYCJ and Who Cares? Scotland.

5.6 Child's plans

The *National Standards for Youth Justice Provision in Scotland* (CYCJ, 2012, p.3) clearly state "every young person referred to a hearing or court should have a single plan". This is also highlighted in the *Reintegration and Transitions Guidance* (Scottish Government, 2011a, p.16) in stating "no child should be without a plan". 23 respondents (88%) stated this was reflected in their area, with three participants stating this was not. No further information on why respondents answered in this manner can be provided.

All respondents reported that processes were in place for reviewing a child's plan. The frequency and type of review was dependent on various factors including the young person's legal status, level of risk and frequency of offending. Two participants stated young people involved in offending would not be handled differently to those not involved in offending, with the exception of Care and Risk Management meetings and more active police and children's reporter involvement. The frequency of reviews could be anywhere between weekly to at most 6 monthly, with a number of respondents making reference to statutory timescales varying dependent on the young person's legal status. A myriad of different types of reviews were cited, as detailed below.

Table 2: Types of reviews

Review type	Number of mentions
Looked After Child reviews	13
Multiagency meeting or team around the child reviews	6
Community Payback Order reviews	6
Reviews through supervision with or by team leader	5
Reviews as part of ongoing work	4
Children's Hearings	3
Court/criminal justice reviews	2
Compulsory Supervision Order reviews	2
Voluntary review processes	2
Reintegration and transitions reviews (72 hours and during sentence)	2
Vulnerable Young People procedures	2
GIRFEC reviews	2
WSA reviews	2
Child Protection meetings	1
Pathway planning meetings	1
High risk reviews	1
Intensive Support and Monitoring reviews	1
Sexually harmful behaviour review meetings	1

6. Discussion

This research has provided an overview of current youth justice practice across most of Scotland's 32 local authorities in response to specific questions posed. Less than 30% of the 27 areas that responded continue to have a dedicated youth justice team that solely delivers youth and criminal justice services to children and young people under 18. In terms of who completed CJSWRs, criminal justice teams were significantly overrepresented in comparison to the findings on who provided youth justice services. Only limited information regarding why this might be the case can be provided by this study. It is acknowledged that 4 respondents were looking to move to CJSWRs being completed by services for under 18s. It can be regarded as positive that 24 of 25 respondents were using offending-specific risk assessment tools to inform the content of all reports to the Children's Hearings System on offence grounds and court and that a wide range of tools were being utilised. It is however important that all tools being used are applicable to young people.

The findings of this research in respect of remittal are concerning, and may offer some explanation as to why remittal rates for 16 and 17 year olds nationally are low. In spite of clear Scottish Government (2010b) guidance, less than a third of respondents stated remittal

would always be commented on in CJSWRs. Remittal is an important method of maximising the potential of the Children's Hearings System and continuing to manage assessed risks and needs in a child-friendly and age appropriate forum, where appropriate, with it important this potential is maximised (CYCJ, 2015c).

All respondents stating court support was available to young people aged under 18 is a positive finding, as is the range of supports reported to be provided. It is outwith the scope of this study to comment on how young people perceived and experienced this support, although this could provide valuable information. Given the frequency with which explanations from the lead professional/social worker and verbal explanations were identified as resources used to explain the court processes and sentencing options, it is important all staff who may fulfil this role have a good understanding of these processes and are able to communicate the complexities of these systems in an accessible way to ensure our young people are receiving clear and accurate information (Smith, Dyer and Connelly, 2014).

12% of respondents stated not all young people referred to court or the Children's Hearings System had a child's plan. The introduction of the Children and Young People (Scotland) Act 2014⁹ should clarify the circumstances in which such plans are required and the factors to consider and content when preparing such plans.

7. Implications and recommendations for practice

This research did not seek to examine the effectiveness of different models of service provision across local authorities on outcomes for young people, nor enable discussion with young people or other agencies on how they experienced service provision or for more in-depth discussions with WSA leads, which could be incorporated into future research. However based on the above findings and discussions, this research has a number of implications and highlights a number of recommendations for practice, as follows:

- Workforce development and the building, sharing and retention of the skills, abilities, knowledge and confidence of the youth justice workforce must be supported, given the majority of staff providing youth justice services will not be based in dedicated youth justice teams.
- Further consideration should be given to exploring why criminal justice social workers are more involved in writing CJSWRs for young people and ensuring staff based within these teams are adequately supported to understand the needs of young people involved in offending behaviour and are confident in working with young people.
- It must be ensured that risk assessment tools in use are applicable for young people and that local authorities and/or other agencies continue to make available training in appropriate risk assessment tools to the range of staff involved in the completion of these reports.
- The option of remittal to the Children's Hearing System should be commented on in every CJSWR where the young person is under the age of 17 years and 6 months. Methods to ensure this and explore how frequently this is being completed should be developed on a local basis.

⁹ Key provisions under the Children and Young People (Scotland) Act 2014 include legislatively defining wellbeing, establishing a single planning process to support children who require this, and ensuring children from birth to 18 years old have access to a Named Person.

- Statistics on the number of cases remitted to the Children's Hearings System for advice and/or disposal, reasons for decision-making, and sharing of practice examples would be beneficial and warrants further consideration at a national level.
- Young people's views on court support should continue to be researched, efforts made to enable local authorities to share resources that can help young people understand this often confusing process, and all practitioners working in youth justice must be supported to understand and explain the court processes to young people. The current development of the interactive, on-line resource *Youth and Criminal Justice in Scotland: The young person's journey*¹⁰ should support this.
- Repeating similar research to highlight changes to how the practice landscape evolves over time would be beneficial, as would research to address the limitations of this research as detailed above.

¹⁰ This resource will be launched in January 2016 and aims to break down the different stages of the youth and criminal justice process for under 18s in Scotland.

8. References

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