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GLASGOW YOUTH COURT

Full report

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INTRODUCTION AND BACKGROUND

The Glasgow Youth Court is a judicially-led initiative which has been supported by Glasgow City Health and Social Care Partnership (GCHSCP) and which has been operational since June 2021. Functioning within the Glasgow Sheriff Court, it operates on a problem-solving basis, covering those aged between 16 and 24-years-old.

Where the presiding Sheriff is satisfied, the Glasgow Youth Court caters for the use of Structured Deferred Sentencing (SDS), which combines multi-disciplinary intervention and support in the community, with regular court reviews to monitor and encourage young people's progress.

The Children and Young People's Centre for Justice (CYCJ) was commissioned by GCHSCP in late 2021 to undertake research into the Glasgow Youth Court, with the purpose of:

- Documenting the implementation, design and operation of the Youth Court;
- Evaluating data relating to Youth Court outcomes;
- Evidencing how the Youth Court is experienced by a range of key stakeholders.

This report, through examination of the above themes, provides insight into how the Youth Court has been operationalised, how it has been experienced, and its key outcomes.

LITERATURE REVIEW

Through a review of the existing literature, this chapter positions the operation of the Glasgow Youth Court within its wider theoretical, policy and practice context.

SCOTLAND'S CURRENT APPROACH TO YOUNG PEOPLE IN CONFLICT WITH THE LAW

Young people in conflict with the law are increasingly being recognised as a distinct cohort, requiring a tailored justice approach within Scotland. A number of problem-solving court pilots aimed at young people have been operationalised and evaluated in different parts of the country, with varying levels of success (see McIvor et al., 2006; Eunson, Murray, Graham, Malloch, & McIvor, 2018; Miller, Abercrombie, & McLellan, 2019). Adaptation to the judicial landscape has also taken place via the introduction of new young person sentencing guidelines, which acknowledge that:

“...the exercise of sentencing a young person is different from that of sentencing an older person, in particular because a young person will generally have a lower level of maturity, and a greater capacity for change and rehabilitation, than an older person.”

(Scottish Sentencing Council, 2022, p.3)

In this way, the new guidelines view a young person as less culpable than an older person committing the same offence (although they also caution against simply viewing biological age as a solid indicator of maturity). The new sentencing guidelines constitute one of the first times that young adulthood has been given specific status across Scotland.

A bespoke approach to young people in conflict with the law through courts (see for example, McIvor et al., 2006) has also been important in helping to mitigate a discrepancy that exists for certain 16- and 17-year-olds [1] (see Lightowler, 2020; Independent Care Review, 2020; UNCRC 1989, Art. 1), whereby they can currently be excluded from the Children’s Hearings System (CHS):

“...a child turning 16 who is not already subject to a compulsory supervision order (CSO) or an open referral to the Reporter cannot be referred to the children’s hearings system, unless by the court following guilt being accepted or established.”

(Scottish Government, 2020, p.5)

Consultations (see Scottish Government, 2020; Scottish Government, 2021) and a recently introduced Bill (Scottish Government, 2022) are presently exploring means by which all under 18s can be encompassed within the CHS, which would help to address this inconsistency and further ensure that Scotland’s justice approach is age appropriate.

KEY EVIDENCE UNDERPINNING YOUNG PERSON PROBLEM-SOLVING COURTS

The rationale for viewing young people (including 16–17-year-olds within a Scottish context) as a distinct cohort, requiring a specialised justice approach, has pivoted upon a series of evidential arguments, including:

Maturation and Neuroscientific Evidence

Explicit attention has been given to maturation and neurological developments in respect of young people, and how these subsequently affect behaviour – particularly offending behaviour (Ward & Spence, 2022). Evidence gained from neuroscience (O’Rourke et al. 2020; p.1) suggests that the brain continues to develop until age 25 or beyond, with those regions of the brain engaged in executive functions the last to mature. When combined with an enhanced impetus to attain rewards associated with puberty, this can lead to “poor problem solving, poor information processing, poor decision-making and risk-taking behaviours.” Additionally, research (Williams et al., 2010; Lansdell, Eriksson & Saunders, 2022) has also emphasised the presence of Traumatic Brain Injury (TBI) or Acquired Brain Injury (ABI) within custody populations – notably, amongst younger age cohorts involved in the justice system. Here, the presence of TBI or ABI, particularly as relates to memory and communication functions, can complicate individuals’ ability to effectively engage with established justice processes (Kent & Williams, 2021).

Trauma and Adverse Experiences

Young people who come into conflict with the law are more likely to have faced trauma or adversity in childhood, such as abuse, neglect, loss and bereavement or out-of-home care (see Liddle et al., 2016, Baglivio et al., 2014; Vaswani, 2014; Wigzell & Stanley, 2015), whilst they themselves may also have been the victims of criminal behaviour (Centre for Justice Innovation & Transition to Adulthood, 2018). In their wide-ranging literature review concerning trauma and justice-involved young people, Liddle et al. state that: “traumatic experience does affect brain systems that play a key role in regulating emotion, and that trauma can alter brain systems in such a way that there is an increased likelihood of aggression, anxiety, and suicide and self-destructive behaviour” (Liddle et al. 2016, p.48).

Structural and Socio-Economic Factors

Social and economic changes, such as the cost of living and housing crisis, mean that the social and economic markers of adulthood are becoming increasingly delayed. For instance, it is the case that younger people can be unevenly impacted financially when compared with other age groups; the Universal Credit Standard Allowance for under 25-year-olds is a smaller amount than that received by those over 25, whilst the Living Wage (a higher amount than the National Minimum Wage) currently does not extend to persons under 23 years old. Accordingly, traditional milestones of home ownership, marriage and parenthood may no longer be as attainable for young people (see Office for National Statistics, 2019), despite the fact that these roles and activities have previously been linked to social control, social capital and desistance from crime (Sampson & Laub, 1995; Savolainen, 2009).

KEY CONSIDERATIONS ASSOCIATED WITH YOUTH COURTS

The literature recognises a number of factors or dynamics that affect young people’s experiences when being at court, including:

Preparation for Court

The extent to which young people are adequately prepared and informed as to what to expect prior to attending court can considerably affect their level of understanding, and

their ability to effectively participate in proceedings (see Flin, Stevenson & Davies, 1989; Plotnikoff & Woolfson, 2002; Cleghorn, Kinsella & McNaughton Nicholls, 2010; Rap, 2016). Plotnikoff and Woolfson (2002) in their ‘scoping study’ found evidence that the system insufficiently prepares young people prior to their court appearance, whilst Flin et al. (1989) emphasised the anxiety and stress involved in attending court; emotions that can potentially be exacerbated when there is limited or no understanding of what will take place on the day. Cleghorn et al. (2010) similarly found that justice-experienced young people expressed concerns “about the process, and would like clear information about it when they attend court” (Cleghorn et al., 2010, p.3), whilst Rap (2016, p.103) has pinpointed a need for “additional explanations and clarifications” to enhance young people’s understanding of the court process.

Moreover, research in England and Wales, which explored with young adults and professionals what a ‘procedurally fair’ court for 18–24-year-olds should look like, identified a clear “lack of awareness from young adults about what to expect at court in advance...” (Centre for Justice Innovation & Transition to Adulthood, 2018, p.12). The research revealed agreement as to the need for supplementary information to be shared with young adults preceding their appearance at court, in order to increase their level of understanding of the process. There was also agreement that the information shared should incorporate themes such as waiting times, what attire to wear to court, how to communicate, what the courtroom will look like, along with details around what powers magistrates possess.

Court Layout and Design

The layout and design of a courtroom can profoundly affect the experiences of young people (see Kilkelly, 2008; Crofts, Amarasekara, Briffa, Makari & Remedios, 2008; Rap, 2016; Centre for Justice Innovation & Transition to Adulthood, 2018, Bateman, 2021). The size of the courtroom, the ability to hear proceedings adequately, and the positioning of the different professionals and members of the public in relation to the young person, all have specific impacts for understanding, engagement, and participation.

Research exploring young people’s perceptions of traditional youth court layouts (Centre for Justice Innovation & Institute for Crime and Justice Policy Research, 2020; p.16) found that they described “a sense of detachment from proceedings”, which was exacerbated depending on where they were sitting in the courtroom in relation to the magistrate or their lawyer. Kilkelly (2008) in her examination of Irish children’s courts found that in Dublin the use of a specifically adapted courtroom, small in size and on a single level, where dialogue between all participants could be adequately heard, aided children’s engagement in the overall court process. Conversely, in Cork, Limerick and Waterford, where more traditional

courtroom formats operated (i.e. a raised bench and no dedicated place for the child to sit), the layout was observed to exacerbate the isolation of the child. An examination of juvenile defendants in the youth court by Rap (2016, p.102; see also Daly & Rap, 2018) has echoed this finding, whilst research undertaken by Crofts et al. (2008, p.231) into children's courts operating in New South Wales, recommended that: "Parties need to be close enough to facilitate communication during proceedings."

Exploration of what a 'procedurally fair' young adult court should look like (Centre for Justice Innovation and Transition to Adulthood, 2018) acknowledged the constraints associated with older court buildings. However, it concluded that attempts should be made to ensure unobstructed lines of sight and reduced distance and elevation disparities between the young person and the bench. It was also suggested that, unless absolutely essential, young adults should not be situated within the dock. Rossner (2016) exploring the placement of accused at trial - within an Australian context - has underlined that the dock: can reduce visibility of the accused; may potentially serve to weaken the presumption of innocence; and may not embody dignified treatment.

Language and Understanding

Being able to sufficiently comprehend the dialogue taking place within a courtroom can profoundly affect young people's levels of engagement and participation (see Weijiers, 2004; Borowski & Sheehan, 2013; Saunders, Lansdell & Frederick, 2020, Fernandez-Molina, Bermejo & Baz, 2021).

Research has identified that "young people can often be confused by the technical language" (Centre for Justice Innovation & Transition to Adulthood, 2018, p.14; see also Piacentini & Walters, 2006), resulting in feelings of 'confusion' and subsequently their 'exclusion' from the overall process. Kilkelly (2008) observed legal jargon and explanations being regularly employed in court, with many young people seen to be struggling to respond effectively to questions directed towards them. Likewise, within an Australian context, Borowski and Sheehan (2013) found that magistrates believed that young people and their families often did not fully comprehend the Court's workings and rulings, and the ramifications of those rulings. Magistrates acknowledged their own role in needing to ensure young people's understanding, but also highlighted the importance of lawyers assisting in this objective. Weijiers (2004, p.26) therefore holds 'explanation' to be "the most basic dimension of the pedagogical task of the Youth Court" (see also Daly & Rap, 2018). Where specialist or technical phrases are considered necessary, she maintains that comprehension should always be checked, and language reformulated, where needed, by appropriate professionals in attendance.

Participation and Engagement

Research undertaken by the Centre for Justice Innovation & Transition to Adulthood (2018) identified greater direct engagement with young people by professionals, as being the most significant change that could be made to courtroom practice. Here, young adults involved in the study stated that existing practice in this area:

“...contributes to their feeling that they are not respected [...] misses the opportunity to help the young person develop aspirations rather than be defined by their past behaviour [...] gives weight to the view that the court is not looking to establish the facts but confirm what they already believe [...] stops young people feeling they are being accurately represented.”

(Centre for Justice Innovation & Transition to Adulthood, 2018, p.16)

Many of these points highlighted by the young adults relate to the notion of ‘procedural justice’ (Tyler, 2003). Procedural Justice is characterised by voice, neutrality, respect and trust (Tyler, 2007). Yet young adults have often described a justice system that is inaccessible, where they: have little communication or control over their defence; are unprepared for the realities of court; feel excluded by legal terminology and processes; and have little chance to tell their story. Building on this evidence, Rap (2016) has emphasised – using the example of the youth court – that, in order to create courtroom conditions conducive to participation, five requirements ought to be embraced:

“1) creating a less formal setting in the courtroom; 2) using certain conversational techniques that are geared towards adolescents; 3) giving the juvenile defendant the opportunity to give his own views on the case; 4) showing genuine interest in the story of the young person; and 5) involving the parents of the young person in the proceedings.”

(Rap, 2016, p.102)

When such requirements are coupled with additional factors, such as improving acoustics within courtrooms, opportunities for genuine participation can arguably be further enhanced. Although often overlooked, the relationship between acoustics and participation is significant. Following their study into courts in New South Wales, Crofts et al. recommended that: “Courts should be designed to reduce the noise and distractions that may reduce a young person’s capacity to concentrate and thus participate.” (Crofts et al, 2008, p.231)

Support at Court

Research undertaken by the Centre for Justice Innovation & Transition to Adulthood (2018; see also: Deuchar & Sapouna, 2016) has highlighted the significance of support being available for young people when appearing at court. Both professionals and young adults participating in the research proposed ‘wider independent support’ being made available via an appropriate professional, ideally from a third sector organisation (this would not involve legal instruction). The purpose of the independent support professional being to:

“Assist the young adult to understand what would happen in the court room [..] Provide reassurance and emotional support where family support is unavailable [...] Accompany the young person into court to help them feel relaxed [...] Signpost the young adult to advice and support for issues that may be contributing to their offending such as housing, debt or substance use.”

(Centre for Justice Innovation & Transition to Adulthood, 2018, p.18-19)

INTERNATIONAL CHILDREN’S RIGHTS STANDARDS

For children aged under 18 years old, international children’s rights standards provide an important point of reference for how their rights should be upheld when appearing in court settings. With regard to children’s understanding, the ‘United Nations Standard Minimum Rules for the Administration of Juvenile Justice’ (also known as ‘The Beijing Rules’) make clear that:

“...proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely.”

(United Nations, 1985, Part 3, paras. 14.1-14.2)

Similarly, General Comment No.24 (2019) reiterates the importance of ensuring children’s understanding of judicial processes, as well as the implementation of child-friendly courtroom adaptations:

“...Proceedings should be conducted in an atmosphere of understanding to allow children to fully participate. Developments in child-friendly justice provide an impetus towards child-friendly language at all stages, child-friendly layouts of interviewing spaces and courts, support by appropriate adults, removal of intimidating legal attire and adaptation of proceedings, including accommodation for children with disabilities.”

(UN Committee on the Rights of Child, 2019, para.46)

The ability for children to not simply understand, but also effectively participate in processes that interact with them (such as appearing in a judicial context) is also one of the ‘general principles’ contained within the UNCRC 1989, Article. 12 (see also; Council of Europe, 2010, para. 44).

METHODOLOGY

A mixed-methods (qualitative and quantitative) design was engaged in the research, in order to: document the current operation of the Glasgow Youth Court; collect key insights from individuals engaged with its workings; and identify any statistical trends or patterns relating to outcomes.

RESEARCH PHASES

The research encompassed the following four phases:

Phase 1: Describe

The first phase of the research sought to ‘describe’ the implementation, shape, and atmosphere of the Youth Court - including aims, structure, processes, operational context, and throughput.

Phase 2: Document

In this phase of the research, a range of different sources and methods for data collection were used to document the ‘outcomes’ that have occurred, and the experiences of those involved with the Youth Court.

Phase 3: Evaluate

This phase of the research adopted a collaborative approach to assessing the evidence and outcomes gathered from Phase 2, to identify ‘how’ and ‘why’ the outcomes have occurred, as well as key learning for the future. It involved early data integration and analysis that was shared with an Evidence Summit (see below).

Phase 4: Disseminate

The results from the data gathering and the Evidence Summit are presented within this final funder’s report. An accessible report has also been prepared, and is available at: <https://www.cycj.org.uk/resource/glasgow-youth-court-young-persons-report/>

ETHICAL APPROVAL

The research was granted ethical approval by the University of Strathclyde's Ethics Committee and was also approved through Glasgow City Health and Social Care Partnership's external research ethics application procedure. Prior to approaching any Sheriffs to take part in the research, approval was received from the Lord President and the research facilitated by the office of the Sheriff Principal of Glasgow and Strathkelvin.

SAMPLING

Table 1 describes the participants engaged in the research. Professional participants were recruited based upon their expertise and knowledge in relation to the workings of the Youth Court. Young people were made aware of the research via a flyer; subsequently where a young person consented to taking part, interviews were carried out at social work offices, following on from their appointments.

Table 1: Participant Sample

Groups	Number	Method
Senior GCHSCP Managers	2	Interview
Area Team Social Workers	3	Interview
Youth Court Team Leaders and Social Workers	6	Interview
Young People	14	Interview
Sheriffs	5	Interview
Defence Agents	1	Interview
Intervention Providers	3	Interview
Young Person Case File Reviews	8	Case File Review
Youth Court Observations	47	Observation

EVIDENCE SUMMIT

An outcomes panel event took place on 10th November 2022. The purpose of the event was to allow early data integration and analysis to be shared with a panel of key stakeholders who could offer perspectives and ‘expert’ opinion on the data gathered, and help researchers and others assess the contribution of the pilot towards the outcomes observed.

ANALYSIS

Semi-structured interviews were either video-recorded using Microsoft Teams or Zoom, or alternatively, audio-recorded using a Dictaphone. Additionally, where requested by participants, detailed handwritten notes were taken by the researchers, which were later digitised. Transcripts from video and audio files, along with digitised notes, were later downloaded by the researchers. Using NVivo software, a series of codes and themes were identified, which formed the basis of the thematic findings encompassed within the report.

An ‘observation checklist’ was used by researchers to standardise and record their court observations. Key descriptive statistics were collated from the checklists using Excel, and qualitative data was coded into themes. Administrative data that was routinely collected by GCHSCP on the use and outcome of justice orders for young people aged 21 and under was anonymised and shared with the researchers. This data was analysed in Excel to generate a picture of Youth Court use and trends over time.

KEY FEATURES OF THE GLASGOW YOUTH COURT: INCEPTION TO PRESENT

This chapter describes the Youth Court - including its aims, implementation, structure, processes, operational context, and throughput.

THE DEVELOPMENT OF THE GLASGOW YOUTH COURT

The Glasgow Youth Court developed out of a context where innovative Drug and Alcohol Problem-Solving Courts were already operating within the city, leading to initial conversations between the judiciary and Glasgow City Health and Social Care Partnership (GCHSCP) as to whether there would also be merit in creating a bespoke court process for young people, who would otherwise ordinarily appear at the Glasgow Sheriff Court:

“...the problem-solving courts, in terms of the drug court and alcohol court, had been very successful [...] and seeing that you know you’ve got quite a large cohort of young people going through the court and maybe getting them into the one place would make sense. You know, in terms of a consistent approach that looks at the specific needs of young people, which are very different to maybe your general population going through the Sheriff Court - that kind of older population.”

(Senior GCHSCP Manager)

Following agreement between the judiciary and GCHSCP, as of June 2021, a dedicated Youth Court has been operational within the Glasgow Sheriff Court. Where the presiding Sheriff is satisfied as to it being the appropriate disposal, a Structured Deferred Sentence (SDS) via the Youth Court can be implemented in respect of a young person. An SDS via the Glasgow Youth Court involves regular social work engagement, regular review hearings, along with ‘multi-disciplinary’ interventions tailored to meet young people’s needs.

INCLUSION AND EXCLUSION CRITERIA

As of August 2022, the inclusion and exclusion criteria for the Glasgow Youth Court is that:

- The young person must live within Glasgow City Council or South Lanarkshire Council boundaries. Young people resident within East Dunbartonshire Council boundaries are currently not eligible for admission.
- The young person must be under the age of 25 at the date of plea or finding of guilt.
- There is no restriction on the type of case that may be referred (i.e. domestic offenders can be referred). The expectation is that the court will deal with summary cases only, however, solemn cases will be accommodated in exceptional circumstances.
- Cases that begin before a Sheriff (including those where there has been a trial) can be referred to the court, if appropriate. A referral to the court will always be a matter for the presiding Sheriff (in the same way as referrals to the drug and alcohol courts currently operate).
- Referrals will be allocated to the Sheriffs presiding in the Youth Court according to the court programme / loadings.
- A report from social work should be requested at the same time as the young person is referred to the Youth Court. Admission to the Youth Court will be a matter for the Sheriff presiding there.

It is necessary to highlight, however (see the second bullet point), a modification that has taken place to the inclusion and exclusion criteria since the Court's initial development. At its inception in June 2021, the Glasgow Youth Court was originally directed at young people aged between 16-21 years old.

STAFFING

Youth Court Team Social Work

The Glasgow Youth Court is managed by a Team Leader and a team of four qualified social workers.

The composition of the Youth Court Team has changed somewhat from its initial operation in June 2021. One significant staffing change has been the transition from an interim Youth Court Team Leader (who also held significant social work responsibilities outwith the Youth Court) to the introduction in March 2022 of a new dedicated Youth Court Team Leader, focused solely on supporting its functioning.

A team of four qualified social workers (under the direction of the Youth Court Team Leader) carry out the core social work functions in respect of the Youth Court. They are integral to its workings, being present in person at the Youth Court to support the young person, carrying out Youth Court related social work appointments and associated assessment/ activities, arranging and requesting feedback from intervention providers and writing SDS reports for Youth Court review hearings.

Both prior to the development of the Youth Court and ongoing, Youth Court Team social workers have been trained to use the following tools and resources: START: AV, LSCMI, SARA 3, SAVRY and Justice Star. Specific Youth Court training written by CYCJ has also been delivered to Youth Court Team social workers.

Sheriffs

At its inception the Glasgow Youth Court regularly had up to 14 Sheriffs sitting for hearings. However, as of September 2022, a dedicated group of five Youth Court Sheriffs has been created, who now oversee all Youth Court business. Sheriffs in the Youth Court have all benefited from extensive judicial training, part of which relates to sentencing, and were also provided with the opportunity to 'sit in' with a Sheriff experienced in problem-solving courts prior to the commencement of the Youth Court. A number of Sheriffs in the Youth Court have also benefited from judicial training on sentencing guidelines, including relating to young people.

TIMINGS

Initially the Glasgow Youth Court operated four afternoons a week, with hearings taking place at 2pm. However, as of September 2022, this has now changed to two afternoons a week, with hearings split into two separate sessions: i) new Youth Court cases, appearing at 12pm ii) reviews of existing Youth Court cases, taking place at 2pm.

AREA TEAM SOCIAL WORK REPORT AND ASSESSMENT

Area Team social workers have an important function at the front end of the Glasgow Youth Court process. When a young person commits an offence, and a criminal justice social work report (CJSWR) is requested, this is carried out by an Area Team social worker (rather than a Youth Court Team social worker) [2]. Accordingly, to carry out this role effectively it is necessary that Area Team social workers have sufficient understanding of what the Glasgow Youth Court entails, so that if the young person meets the required criteria, they are able to put it forward to the court as an option for consideration. To date, relevant information concerning the function and purpose of the Youth Court has been disseminated to Area Team social workers by means of the Youth Court Team Leader regularly inputting into Area Team meetings, and through the distribution of written resources outlining the criteria and referral process (e.g., flow-charts). The Youth Court Team manager has also welcomed queries, in the event of further guidance being needed.

A number of the Area Team social workers interviewed highlighted that they enjoyed good communications with the Youth Court social work team and they felt they could always discuss any matters arising around the referral process, if required. They also emphasised that they would value the opportunity to observe the Glasgow Youth Court in person, seeing this as an important aspect of furthering their own practice in this area (a number of Area Team social workers explained that, owing to their own work schedules, going along to observe the court hadn't yet been possible).

Practically, Area Team social workers meet with the young person in order to complete the CJSWR. Once the report has been written up following the interview, the Area Team social worker will then communicate with the young person, in order to explain the recommendation(s) that have been put forward for consideration (the young person is reminded that this is ultimately the decision of the presiding Sheriff). To assist with the report writing process, it was suggested by an Area Team social worker that a 'Youth Court prompt' could be included in the relevant disposal options box on the standard template for the CJSWR. It was noted that this may be especially helpful for any new members of the team, who may otherwise unintentionally overlook the Youth Court as a possible option when going through disposals. Additionally, when completing the CJSWR, Area Team social workers give consideration to the applicability of the Children's Hearings System (CHS), owing to the fact that the Youth Court encompasses 16-17-year-olds within its remit. Here, Area Team social workers will seek advice from the Scottish Children's Reporters Administration (SCRA) in line with guidance upon the sentencing of young people and stress this possibility within the disposal section of the CJSWR, if deemed appropriate.

Once the Area Team Social worker has recommended consideration of the Youth Court within the CJSWR, the young person then appears at the Glasgow Sheriff Court as a new case (as explained, as of September 2022, new cases are heard twice weekly at 12pm). Usually, their court date and time is provided to them by their Defence Agent in letter form.

ATTENDANCE AT COURT

Court 4 Configurations (Pre-September 2022)

Prior to September 2022, the Youth Court took place in Court 4 of the Glasgow Sheriff Court. It is an open court, meaning that members of the public are permitted entry to proceedings. Court 4 is a large, formal courtroom, with insignia and features associated with an adult court setting. It is important to note, that at the time of commencement of the Youth Court, this was the only courtroom available. Furthermore, as a criminal court, there are also limitations as to where the Youth Court can be held.

The standard configuration of Court 4 (see **Figure 1**) during Youth Court hearings – as observed by the researchers – consists of a raised Bench located at the front and centre of the courtroom at which the Sheriff is sat. Immediately in front of the Sheriff's Bench, in the well of the court, is a table occupied by the clerk(s), and directly in front of that is a large rectangular table at which both the procurator fiscal and defence agent sit/stand. On one side of the courtroom – to the right of the Sheriff – is a small seating area where the Youth Court Team social worker is sat. On the other side of the courtroom – to the left of the Sheriff – is the dock – with a screen – where the young person is situated when called. At the back of the court is a public gallery, consisting of a number of rows of seats. A court police officer will also normally be within the vicinity of the courtroom.

On a small number of occasions, a separate or non-standard configuration was observed during Youth Court hearings at Court 4 (see **Figure 2**), with the young person and the Youth Court Team social worker being invited to sit at the table, along with the procurator fiscal and the defence agent.

Court 10 Configurations (September 2022 Onwards)

From September 2022, coinciding with both the change in timings and the introduction of a smaller group of dedicated Youth Court Sheriffs, the Youth Court relocated to Court 10 within the Glasgow Sheriff Court. Court 10 is a smaller venue than Court 4, whilst still retaining many features associated with an adult court setting. It is an open court, meaning that members of the public are permitted entry to proceedings.

The standard configuration of Court 10 (see **Figure 3**) during Youth Court hearings - as observed by the researchers - consists of a raised Bench located at the front and centre of the courtroom at which the Sheriff is sat. Immediately in front of the Sheriffs' Bench, in the well of the court, is a table occupied by the clerk(s), and directly in front of that is a large rectangular table at which both the procurator fiscal and defence agent sit/stand. However, rather than being situated on a side of the court, as in Court 4, the young person is instead positioned in an elongated dock, with a low partition wall, directly in front of the table occupied by the procurator fiscal and defence agent. This means that there is a direct line of sight between the Sheriff and the young person, as they are facing towards each other. At the back of the court, directly behind the dock, is a public gallery containing rows of seats, split into two sections.

The position of the Youth Court Team social worker within Court 10 was still being determined at the time of the observations; on occasions they were sat within the well of the courtroom itself (i.e., between the bench and the dock), whilst on another occasion they were seated in the first row of the public gallery (i.e., behind the dock). A court police officer will also normally be within the vicinity of the courtroom:

“...in Court 10, it's a much kinda, I'm not gonna say a nicer environment, it's still a court nonetheless, but it's less vacuous. The young person they'll stand in the dock, but there's not a glass kind of barrier there, it feels much more kind of welcoming, you know that their ability to kind of engage in, and hear, and take part in the hearing is not as impacted - not impacted as negatively as it was previously.”

(Youth Court Team Social Worker)

Court 4, standard

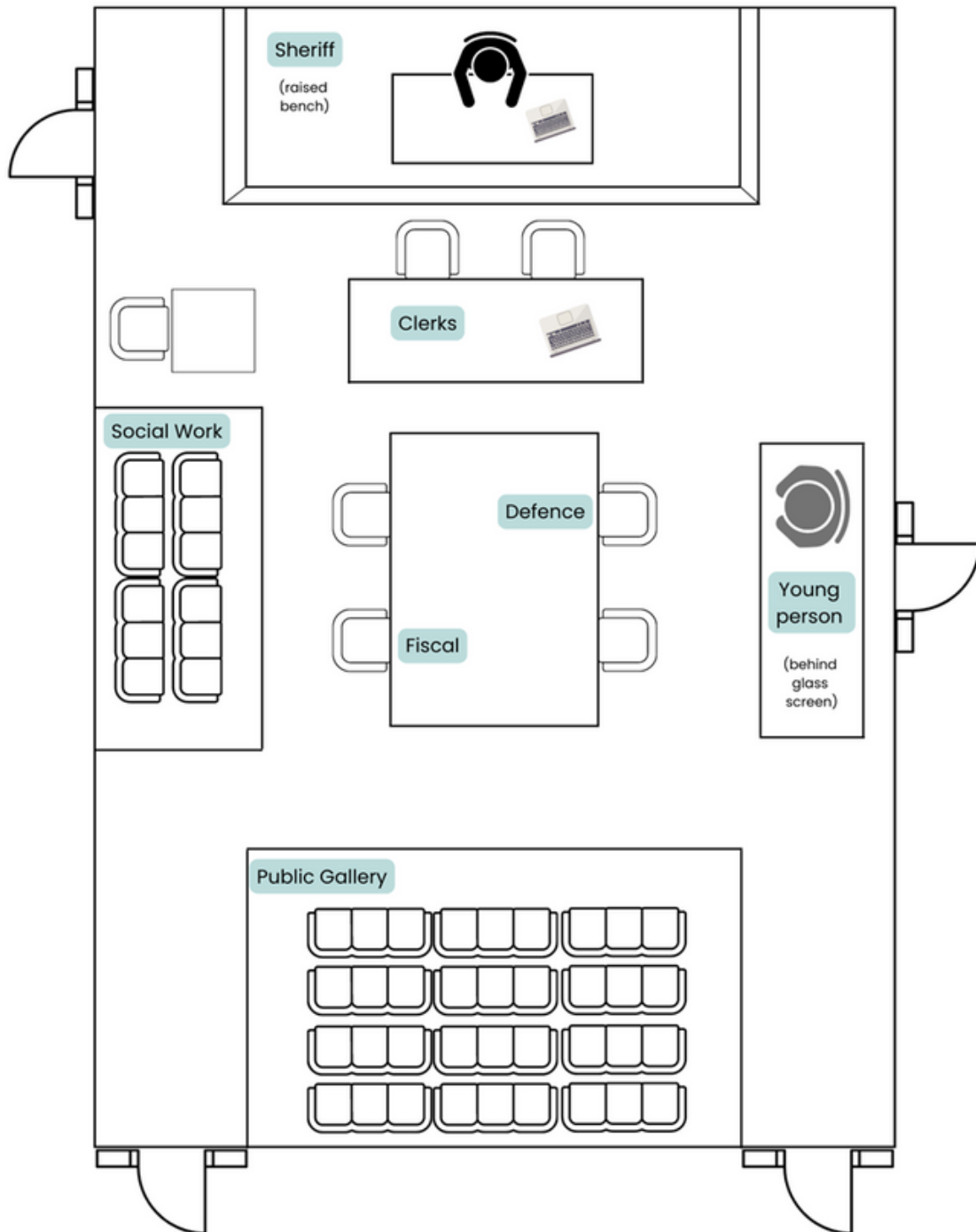


Figure 1: Court 4 - Standard Configuration

Court 4, non-standard

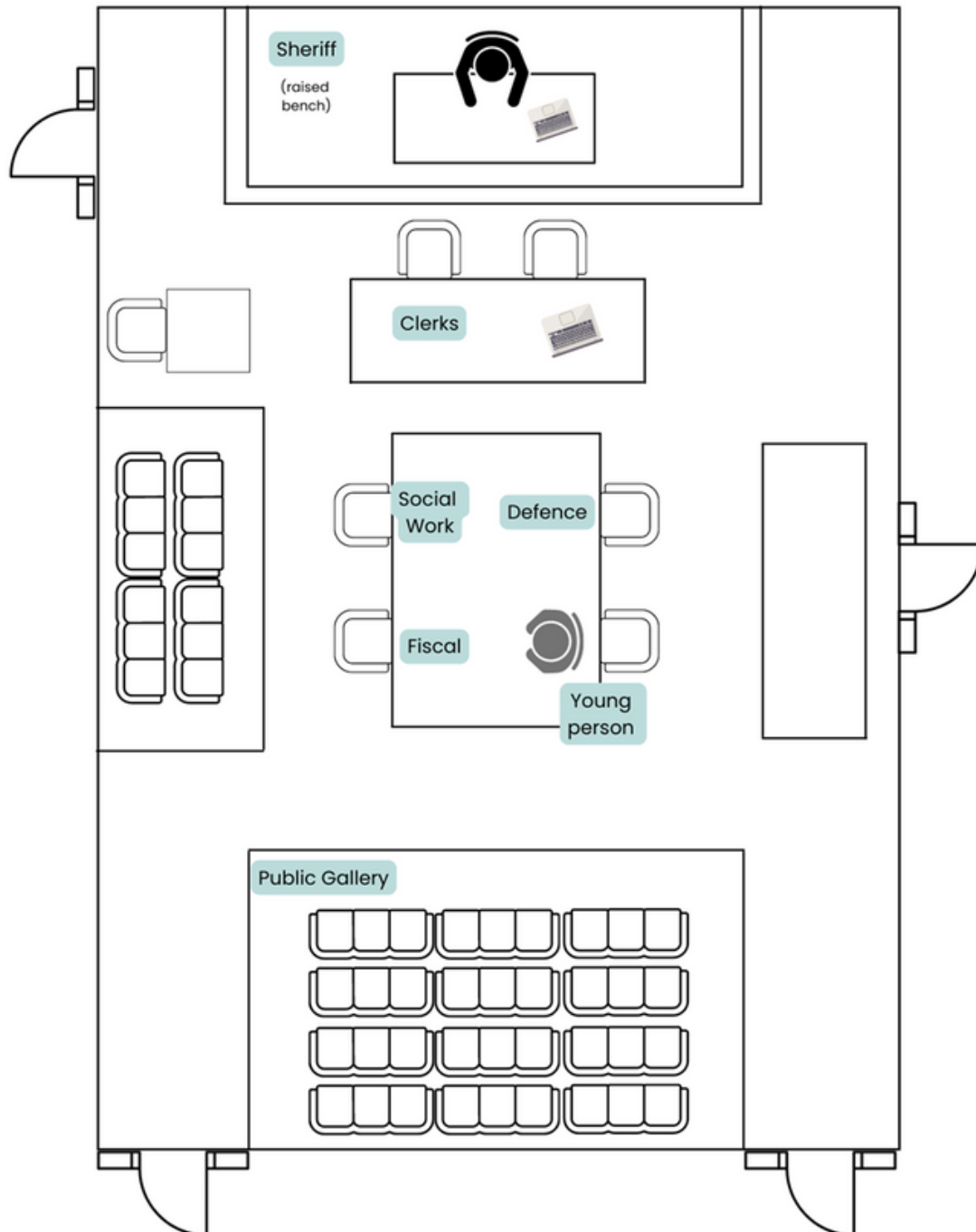


Figure 2: Court 4 - Non-Standard Configuration

Court 10

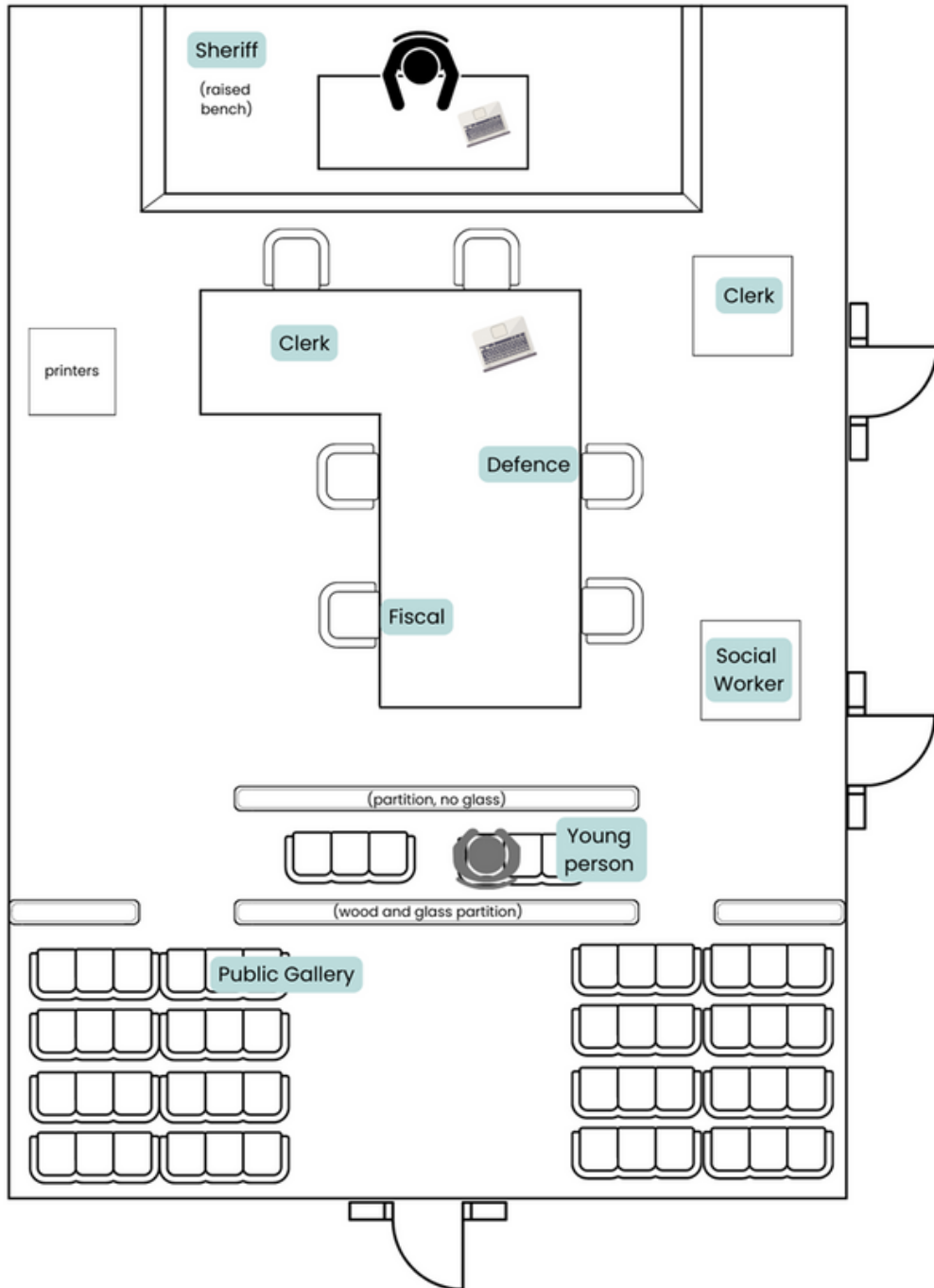


Figure 3: Court 10 - Standard Configuration

IMPLEMENTATION OF YOUTH COURT STRUCTURED DEFERRED SENTENCE (SDS)

Once an SDS is imposed via the Youth Court, a Youth Court Team social worker will arrange an initial social work appointment with the young person (frequently at social work offices, but this may be at another location to accommodate the young person in certain instances). Various assessment tools will be used with the young person at this appointment, which in turn forms the basis of a social work report required by the Youth Court for the first review hearing. Assessment tools utilised for this purpose often include the Justice Star or questionnaires and self-assessment tasks. From interviews undertaken with Youth Court Team social workers it was suggested that to meet the needs of specific groups of children – such as those with autism – more visual resources would be beneficial. It was also noted that the rooms used for the appointments (at the social work offices) didn't always lend themselves to a trauma informed approach: the “rooms are not very uh, trauma informed, they're very stale [...] you could be anywhere” (Youth Court Team Social Worker).

Referral to Interventions and Support Services

During this period (prior to the first review hearing taking place) the Youth Court Team social worker, in addition to their own input and having gained the views of the young person, will explore interventions that could assist them as part of their SDS. These interventions have traditionally sought to: enhance young people's skills, education, and employability; provide them with opportunities to build their confidence and benefit from communal experiences; and meet any specialist needs (e.g., addiction, mental health, etc.). Provision across these areas has typically been provided by the following organisations or services:

- Venture Trust
- Skills Development Scotland
- Includem
- ISMS
- Addiction Services (Drug and Alcohol)
- Mental Health Services
- Rangers Charity Foundation
- Celtic FC Foundation
- Blue Triangle
- ChoiceWorks

From interviews undertaken with Youth Court Team social workers, it was acknowledged that although Glasgow as a city was fortunate to have a variety of resources available, certain provision could be more challenging to access for young people. This was highlighted for instance in respect of mental health:

“I think that mental health is one [...] I know that they are absolutely overstretched [...] So, unless they are already engaged with CAHMS, getting them any kind of mental health supports is very, very hard.”

(Youth Court Team Social Worker)

Typically [3], once the provision has been agreed with the young person, the Youth Court Team social worker will complete a referral form provided by the relevant organisation or service – the referral form will commonly include contextual information relating to the young person to help ensure the provision is meeting their specific needs. The point of contact at the relevant organisation or service will then speak with the Youth Court Team social worker to ensure all parties are satisfied with the arrangement. The young person is then allocated to an appropriate staff member at the organisation or service who will subsequently arrange to meet with the young person to onboard them onto the provision. Once the young person is engaged with the provision, regular updates will be shared between the staff member and the Youth Court Team social worker around how the young person is engaging with the intervention (along with any other details seen as being important). This information is then conjoined with information gleaned from the social work appointments (e.g., assessments and tasks) and incorporated within the Youth Court social work report which is submitted to the court in advance of the young person’s attendance at their first review hearing.

Youth Court Review Hearings

A young person can attend multiple review hearings during the course of their Youth Court SDS (there is no fixed number), with the first review period typically taking place after the first 4- 6 weeks. Subsequent review hearings then normally follow a 6-8 week pattern. The review hearing allows the court to stay informed of the young person’s circumstances (wellbeing, living arrangements, further offending behaviour, etc.), gain an understanding of how well they are engaging with the provision that has been provided, and what further course of action should be taken moving forward.

Decisions Available via the Youth Court

All options are available to the presiding Sheriff at the conclusion of a review hearing, including:

- Extension of the SDS for a further period
- Admonishment
- Fines
- Restriction of Liberty Order (ROLO)
- Community Payback Order (CPO/ with Unpaid Work element)
- Custody

Concurrent Orders

There are occasions where a Community Payback Order (CPO) runs concurrently alongside a Youth Court SDS. When this happens, it is important that provision isn't duplicated between the two orders to the detriment of the young person. In such instances, Area Team social workers responsible for the CPO will communicate closely with the Youth Court Social Work Team to ensure there is no unnecessary repetition:

“...so, Youth court would make an SDS, and they've still got an outstanding CPO as well. So, we try and link in with the workers during the CPO, because the last thing we want to do is to overwhelm young people and make it more difficult for them, because they are going through the Youth Court. So, we try and tie-up with the team and have a coordinated approach.”

[Youth Court Team Social Worker]

ASSESSING THE IMPACT MADE BY GLASGOW YOUTH COURT

This chapter identifies the **outcomes** that have occurred and the experiences of those involved with the Youth Court.

ESTABLISHMENT OF THE YOUTH COURT

The establishment of the Glasgow Youth Court in June 2021 was a significant achievement, and the product of strong partnership working. The reasoning behind the establishment of the Glasgow Youth Court included: a focus on rehabilitation; a recognition of the impact of ACEs and trauma; an acknowledgement of the role of maturation and development; a means by which to divert away from the adult court; and a way of offering intensive supports.

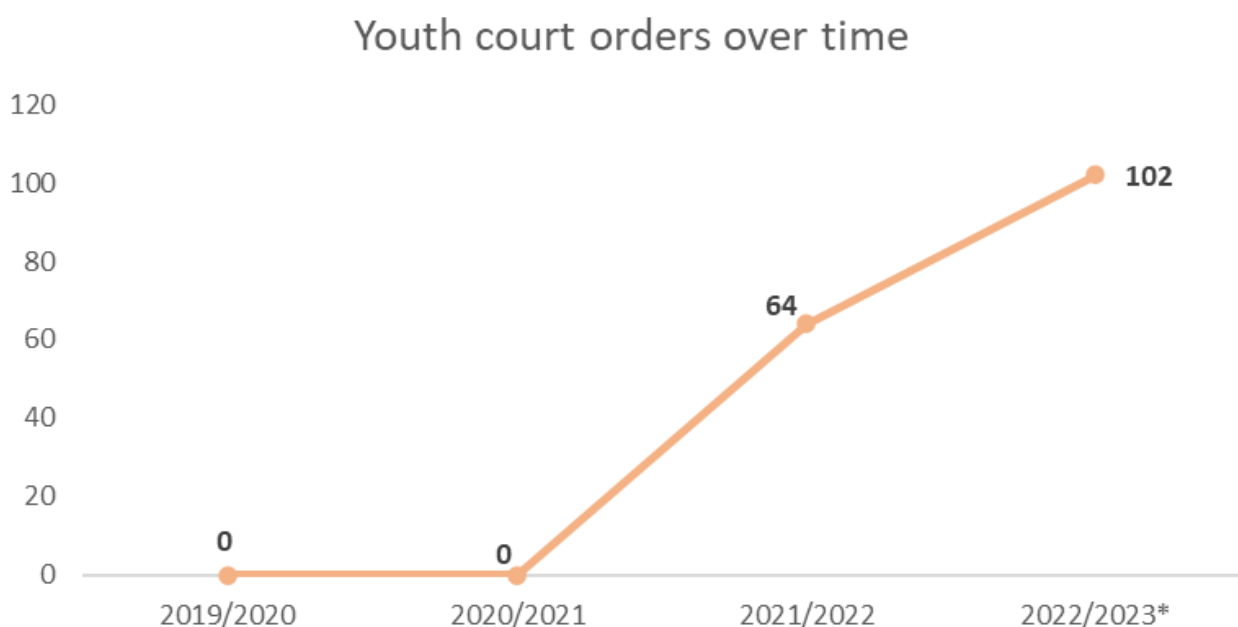


Figure 4: Youth Court Orders Over Time

Figure 4 [4] clearly shows the impact made by the establishment of the Youth Court, and reveals that Youth Court orders made up 21.7% of all orders made for those aged 21 and under in 2022/2023 (based on 6 months of data).

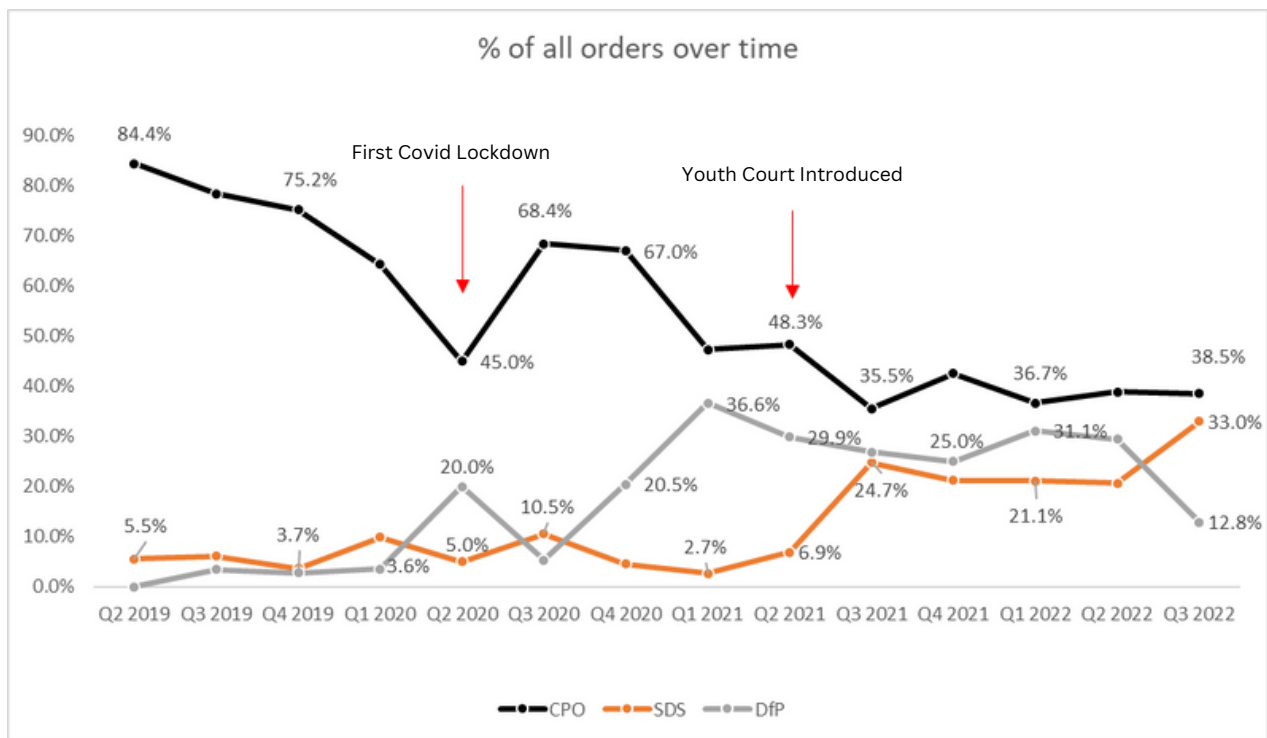


Figure 5: Percentage of All Orders Over Time - Aged 21 and Under

Figure 5 reveals that Community Payback Orders (CPO) were on a downward trend prior to the establishment of the Glasgow Youth Court. It is possible that this downward trend reflects a reduction in usage during covid in favour of orders and disposals that were more feasible during a period of lockdown - for example, a clear drop in CPOs can be discerned at this time, along with a spike in Diversion from Prosecution. The data also reveals a clear increase in SDS since the introduction of the Youth Court - from 2.5% to more than one-in-four of all orders for young people aged 21 and under. However, a corresponding decrease in the use of Diversion from Prosecution is also evident; greater analysis is required in order to fully understand why this may be the case. The presence of the Youth Court should not result in any up-tariffing, and therefore this trend should continue to be monitored closely over the coming months.

KNOWING WHAT TO EXPECT

From interviews undertaken with young people, it was apparent that there were often gaps in their understanding of what would take place when appearing at the Youth Court. In some instances, young people explained that their defence agent or a social worker provided them with information concerning the Youth Court. This information could at times be quite limited (for example, a letter from the defence agent outlining the location, date and time of their Youth Court hearing). For other young people, a past encounter with a court setting (for example, accompanying a relative to a court appearance or having previously appeared themselves) provided them with certain insights. However, there was also evidence of young people possessing very limited understanding of what appearing at the Youth Court would actually involve, who would be present, and what would be expected of them:

“...you don’t really get told innit [...] what it’s going to be like or who’s going to be there...”

(Young Person)

“I just, I wasn’t sure like who was all gonna be there, and if it was still like a judge and whatever else. Cause I’ve been to a children’s panel before, when I was a wee bit younger, so I was thinking like is it gonna be like that or is it still gonna be a proper court?”

(Young Person)

“...the very first time I ever went in for my case, I never got explained how my courtroom demeanour should be, I never got explained how I should talk, how I should walk.”

(Young Person)

The emotional impact for young people of not fully understanding what to expect when appearing at the Youth Court was also acknowledged by a young person:

“...see, cause I’ve got anxiety, when I’m like standing up in front of people, I didn’t know how many people were gonna be in the room or anything, so didn’t have a clue what was going to happen.”

(Young Person)

In respect of these findings, observations undertaken by researchers were mixed as to whether the observers felt that young people understood what was happening; it was noted that there were occasions where young people looked awkward, puzzled, nervous or disengaged as people spoke about them. It was also apparent that young people often did not know what to do when at court (i.e. where to sit, when to leave, etc.).

Additionally, interviews with Youth Court Team social workers revealed that at times young people also lacked awareness of the wider Youth Court process – particularly as regards what a SDS via the Youth Court would necessitate. It was emphasised by Youth Court Team social workers that at times young people could still be confused around specifically what would be involved, or what this would mean in terms of their engagement, even after they'd been placed on a SDS by the Youth Court:

“It turns out a lot of these young people seem to think that this is a standard deferred sentence for good behaviour. No, it's ‘structured’ - there's a big difference [...] They are often kind of like ‘ahhh I have to come and see you weekly?’”

(Youth Court Team Social Worker)

Youth Court Team social workers explained that this was not necessarily because information around the Youth Court hadn't been provided to the young person (by Area Team social workers), but rather that young people were not always able to successfully recall or retain all the information around the process given to them at their Area Team social work appointment, at the start of the process. Although, young people are always provided information relating to the Youth Court when Area Team social workers are compiling the CJSWR, this was routinely delivered ‘verbally’ and without the use of any additional resources – such as pictorial leaflets, pamphlets or videos. As one Area Team social worker explained: “I certainly don't have anything like a pamphlet or a video or anything to explain it to them.” Accordingly, the possibility of engaging with different types of resources with young people, in order to enhance their understanding of the Youth Court process, was seen as an important consideration moving forward:

“I think to touch on as well, how do we prepare our young people for the Youth Court? You know on the Scottish Sentencing Council website there are the short video clips – I don't know how they would do that? – but I think that would be an amazing resource for us as frontline social workers to have some sort of video, so that we can take a laptop in when we are doing the reports and say this is what the Youth Court is, this is what to expect – or some sort of animation they can relate to.”

(Area Team Social Worker)

Given these findings, it does appear that for young people there exists at times a 'knowledge gap' around what exactly engagement with the Youth Court will involve. Here, the possibility of incorporating additional resources (notably, pictorial leaflets, videos or animations) into practice was highlighted as a means of enhancing young people's understanding of the Youth Court. Practically, and in line with Article 12 (UNCRC 1989), young people's input into the development of any such resources is an important consideration, along with their views on when exactly in the process they would most benefit from receiving this information.

COURT LAYOUT AND FORMALITY

Young people expressed a mixture of views relating to the layout and formality of the courtroom. Some young people, who had experienced both a traditional adult court and the Youth Court, felt that there was no obvious difference between the two settings. Significantly however, and contrary to this view, one young person made clear that they considered the Youth Court to be a more informal setting (with this informality being closely associated with their position outwith the dock – see Figure 2):

“...to be honest I think it's a lot more laid back, it's eh like, when you go in, they have you sitting at the table, see where the lawyers and that sit. Rather than in the wee kinda box thing, they had us sitting next to the PF and lawyers and that, I think it's a lot more laid back than normal court, it's been a lot better for me, I had a good experience...”

(Young Person)

In respect of the role of the dock at the Youth Court, out of 47 hearings observed by the researchers, the young person was in the dock for 36 (and four of these was because they had appeared from custody). The young person was not present on five occasions and the young person was seated around the table in the well of the court on six occasions. For some young people, they emphasised how being situated in the dock during their hearing negatively affected their experience of the Youth Court. This was often explained in the context of the dock compounding feelings of anxiety and apprehension:

“I was at the dock bit, but aye, it was scary, I didn't like it. I didn't really look at like that many people because I've got anxiety, so I didn't really like it.”

(Young Person)

In speaking with Sheriffs, there were mixed views on the role of the dock at the Youth Court. At times, depending on the Sheriff's preference, young people have sat at the table in the well of the courtroom (along with the procurator fiscal, defence agent and Youth Court Team social worker). However, it was noted that there are security and safety implications that necessitate careful deliberation when considering the appropriateness of young people routinely being situated outwith the dock. It was also apparent from discussions with Sheriffs that it was important that the court retain a sense of gravitas – given the serious nature of offences that could come before them – whilst also attempting to find the correct balance for a Youth Court:

“...it's not just minor offending and it's not just a cosy chat on the sofa, but it's about getting that balance. It's problem-solving, so we do want to be able to support dialogue.”

(Sheriff)

Observations revealed that, out of 11 possible occasions (i.e., each Sheriff on a given day), the Sheriff was wearing full wig and gown on seven occasions, gown but no wig on one occasion and no wig or gown (but formal Sheriff attire / necktie) etc. on three occasions. On all occasions the defence agent, procurator fiscal and clerks were wearing gowns. However, young people did not suggest that the attire being worn within the courtroom was a significant issue for them, when compared to placement in the dock, for example. As one young person explained: “It does not bother me [...] what they are wearing. I just want to get on with it and get my freedom” (Young Person). However, it is worth noting that a lack of consistency in approaches can make it more challenging for Youth Court Team social workers to accurately prepare and brief the young person as to what to expect at their hearing. Ultimately, there was no uniform or singular approach to court layout observed, with variation contingent on which Sheriff was presiding over proceedings, although it was evident that Sheriffs were eager to understand and learn from how their colleagues approached these matters.

A number of additional factors within the courtroom were identified by young people as negatively affecting their experience. Although who was present in the courtroom wasn't a concern for some young people, one young person mentioned that they did not like a police officer standing directly in their line of vision within the courtroom. A number of young people also highlighted the lack of privacy they felt, specifically resulting from the presence of individuals sitting in the public gallery during their hearings. As a young person observed, there were:

“... random people sitting in the mad wee bit as well [...] I think it was like people coming in for another court case [...] I would just rather if it was just like us in the court and not random people just watching.”

(Young Person)

Significantly, this was a point reiterated by a Youth Court Team social worker who believed that the only young person(s) present in the courtroom, should be those getting their case(s) heard (see **Case Study: Rhian**, for how young people can already be experiencing anxiety prior to entering the courtroom):

“...people are allowed to come and sit in court, waiting with their lawyers to get heard. And young people have massive anxiety about that - about things getting discussed - and I can fully relate to that. I personally think that it should be the young person only in the courtroom being heard, that’s what I would prefer so that there’s no other young people.”

(Youth Court Team Social Worker)

As previously highlighted, as of September 2022, the Youth Court has moved from Court 4 to Court 10 – a move which has had implications for layout (see **Figures: 1, 2, 3**). Although a very recent development, there was broad consensus from professionals interviewed [5] that the move from Court 4 to Court 10 was a positive development for the Youth Court. Although still a formal courtroom, its smaller size, better acoustics, and improved distances and lines of vision between parties were all seen as important elements which could potentially enhance Youth Court practice:

“...one other positive thing, is the fact that the Court has been moved to Court 10, instead of the Court 4 - Court 4 is fine for Remand Court, but not for Youth Court business. So, Court 10 is a bit smaller, and you know, it’s absolutely better that way.”

(Youth Court Team Social Worker)

LANGUAGE

A number of young people felt that they did have an understanding of the language being used within the courtroom. For example, one young person emphasised:

“it’s easy enough to understand it all yeah”, whilst it was noted by other young people that the Sheriff spoke in a “straightforward and clear way” and that they “understood what he meant and all that.” Significantly, the observations found that broadly Sheriffs took the opportunity to speak directly with the young person and used relatively straightforward communication. One Sheriff explained “I like to think I use age-appropriate language”, whilst another emphasised that:

“I tend not to use legal language; I tend to use straightforward language, but without patronising them. I make a point of explaining technical or legal terms if someone else has used them. I do my best.”

(Sheriff)

However, despite these findings, there were young people who highlighted that, at times, professionals within the Youth Court could speak at a fast pace, all speak at once and employ long words or complex language, which could complicate the young person’s ability to fully understand what was taking place:

“...sometimes some of the words they have to use, because of court room demeanour, it makes it quite hard to follow.”

(Young Person)

From the observations, it was particularly noticeable, the contrast between the general approach of Sheriffs, as compared to other professionals within the courtroom. Other actors in the court tended to use more legal language and did not always make their language accessible to the young person (i.e., the procurator fiscal stating the facts of the case, the clerk stating the decision of the court at the conclusion of the hearing, the defence agent discussing details of the case with the Sheriff). The clerk’s summing up in particular was often observed to be difficult for young people to understand – due to the terminology used and the speed at which it was delivered. Moreover, in Court 10 it was noted that the decision was stated by the clerk, and the next young person called, often before the young person had a chance to leave the room. This created a rushed and impersonal feel to proceedings.

Regarding the nature of the verbal communication directed towards the young person by the Sheriff, a number of young people viewed this positively, with one young person explaining that: “that there was no shouting from the Sheriff, and he was calm”, and another

emphasising that they “were treated fairly”. A further young person highlighted:

“I had missed a few appointments with my employability worker, so she asked me about that, but I just told her the truth and that, but she was a really good Sheriff.”

(Young Person)

Broadly, the observations reflected these findings, with Sheriffs tending to adopt a kindly, but firm approach. This was a theme echoed by a Youth Court Team Social Worker who explained that:

“What does work well is when, for example, when the young person does well, praise and credit is given [...] and they’re also very good. If the young person is not engaging very well, they leave them in no uncertain terms...”

(Youth Court Team Social Worker)

At times it was also clear that Sheriffs used humour, which seemed to relax the young person and increase engagement and rapport. There was also evidence of second chances, where the Sheriffs acknowledged mistakes (i.e. non-engagement or reoffending), but gave feedback and scheduled a further review. Sometimes the Sheriffs expressed frustration, but this was done in a kindly manner. Efforts were also made by Sheriffs to give positive feedback to the young person. As one Sheriff emphasised: “I give them fulsome praise for the achievement.” Often there was lots to praise, and they did so enthusiastically, but even in cases with less positive progress, significant efforts were made by Sheriffs to highlight the positives, as well as areas that needed to improve. It is important to acknowledge, however, that not all young people felt this way about their engagement with Sheriffs, with one young person explaining that the communication was “too harsh” and “made me cry”, whilst another young person felt the Sheriff did not fully understand their current circumstances and the reasons for why they may have missed certain appointments:

“...sometimes if you miss meetings, obviously if you’ve got something going on as well know what I mean? You’re not a robot, you’re a human being, you can be not well as well, do you know what I mean?”

(Young Person)

Concerning the extent of communication that took place with the Sheriff, whilst this varied, young people generally felt that the Sheriff engaged in some form of dialogue with them when at the Youth Court.

SUPPORT AT COURT

The observations and feedback from young people suggested that the support provided by defence agents varied. At times it appeared that defence agents were unprepared or not fully up to date on the case, and discussion at the Evidence Summit indicated that it was not always the young person's own defence agent that was in court with them. From the interview with a defence agent a lack of formalised training for the profession was highlighted as being problematic; it was also noted that it was seen as being defence agents' responsibility to keep up to date with relevant legislation and guidelines.

This situation was compounded by the fact that at times there could be very little interaction between the defence agent and their young person during the hearing. Here, (see **Figures 1, 2**) the young person was typically positioned in a way that meant everyone was looking away from them. This was more pronounced when the young person was situated in the dock in Court 4 (i.e. the defence agent sits with their back to the young person), but also applied when the young person was seated around the table. Oftentimes the actors in the court made minimal/no eye contact with the young person, with all attention directed towards the Sheriff. As a consequence, young people seemed separate and isolated from proceedings. In Court 10 (see **Figure 3**) this was less pronounced, as the layout meant that no-one had their back to the young person, but the young person was still separate, with everyone looking towards the Sheriff.

Youth Court Team social workers' role in supporting the young person within the courtroom was often observed to be minimal. They were sometimes asked to verbally input, but this was not routine. The recent move to a dedicated set of Youth Court Sheriffs may potentially serve to enhance verbal social work input, as professional relationships are further developed. This may have significant implications for their greater inclusion within the process, along with their ability to effectively advocate for the young person and provide verbal updates directly to the Sheriff (see **Figure 3**). It is also important to highlight that, outwith the courtroom itself, Youth Court Team social workers do try and speak with the young person prior to their hearing, and also after their hearing, to briefly explain the next steps in the process. For one young person, this interaction with the Youth Court Team

social worker, following on from their hearing, helped ease their anxiety around the overall process: “It was a bit scary in the [court]room, but then when you actually meet the worker, it’s alright.”

PARTICIPATION

It was observed that proceedings at the Youth Court typically followed a pattern, with very little engagement or interaction with the young person, other than to confirm their name, for at least the first half of proceedings. Often the young person was directly engaged towards the end of the hearing (although the length of this interaction did vary). A number of the young people explained that they only spoke when addressed, whilst others explained that their defence agent normally spoke on their behalf or that they could input their views via their social worker if required. At times, inputting via their defence agent or social worker was closely linked to feelings of nervousness and apprehension. As one young person explained: “I didn’t really want to because I’ve got anxiety and I hate standing up in front of people to talk...” Another young person felt that actors in the courtroom “look like they are judging you, which makes you feel very enclosed and shut off.” According to another young person, levels of participation ultimately depended on the approach of the Sheriff, as they emphasised:

“There was a few times the Sheriff asked me like is there anything I wanted to add in? I think it just depends on the Sheriff you get, like some are good and some are a wee bit more [pause], it just depends, but the one I got was a good Sheriff.”

(Young Person)

There was a feeling from other young people that they needed to be wary or guarded at times around their participation – as it may be taken the wrong way or misinterpreted by the Sheriff. As one young person acknowledged: “I can say things and it can come across as cheeky – so the Sheriff may take it the wrong way. Those people have a lot of power.” For others, they felt strongly that they wanted to speak for themselves, as they wanted to correct what was perceived to be inaccurate information or offer additional information to what was being discussed concerning their case:

“...my lawyer is the one who does all the talking, but the issue with my lawyer is I had to stand up last time to explain a situation why I couldn’t come to Court, and my lawyer failed.”

(Young Person)

This young person emphasised that there should always be a dedicated opportunity where a young person is asked if they would like to input or raise anything. A further dynamic that is sometimes overlooked, but that can have a significant impact on participation and engagement, is acoustics. In Court 4, the large size of the courtroom, along with the frequent positioning of the young person in the dock behind a screen (see **Figure 1**) impacted upon their ability to hear properly. This was a theme picked up on in the observations, as well as by both Youth Court Team social workers and young people:

“I think in Court 4, there was a lot of not hearing what was going on, because there was times when I didn’t hear what was going on - I couldn’t really hear.”

(Youth Court Team Social Worker)

“When you’re standing in the dock thing it’s like a glass thing round you, so you can hardly understand or hear what they are saying [...] I was like over there and he [the Sheriff] was like in the other corner.”

(Young Person)

With the recent move to Court 10, the Youth Court now functions in a smaller setting, which it was felt may have potentially improved the acoustics: “their ability to kind of engage in and hear and take part in the hearing is not as impacted - not impacted as negatively as it was previously” (Youth Court Team Social Worker). Nonetheless, it remains important that factors such as printer noise during proceedings and persons entering and leaving the courtroom is minimised. Young people’s ability to hear the proceedings should also routinely be checked by professionals in the courtroom (rather than relying on the young person to raise this as an issue). It was also noted by a Youth Court Team social worker that the introduction of dedicated Youth Court Sheriffs could also have important repercussions for young people’s participation moving forward:

“...these ones that we have now [Sheriffs] actually do address the young person every time. That’s really, really good, rather than just making a decision.”

(Youth Court Team Social Worker)

INTERVENTIONS AND PROGRAMMES

Generally young people found the interventions and support programmes offered to them to be beneficial, with particular reference being made to the role played by Youth Court Team social workers in providing intervention:

“I guess this is actually helpful and the social work meetings and that, and obviously it does help us out, it’s not such a bad thing.”

(Young Person)

“It helped me - I went to the court because of some issues and coming here [to social work appointments] helped me remove those issues, talk about those issues.”

(Young Person)

“...I’m happy the way it’s went for me, and the people I’ve got around me and that, so it’s not too bad.”

(Young Person)

Young people also highlighted their involvement with organisations such as Skills Development Scotland, Venture Trust and Pathfinders, along with specific services such as alcohol and drug recovery services:

“...been offered outdoors activity - camping - intervention.” (Young Person)

“Currently on Skills Development Scotland - it is perfect.” (Young Person)

“I’m on a training course and they are putting me on a course for my CSCS card for construction.”

(Young Person)

When asked if there were any other interventions or support programmes, they would ideally like to have had available via the Youth Court, a number of suggestions were offered, including life skills and apprenticeships:

“Would like to be offered reading and writing classes – couple of hours a week – college help or anything that can get me reading and writing.” (Young Person)

“I have asked about cooking courses, so I can cook for myself.” (Young Person)

Although not every young person felt that the interventions would benefit them - one explained “there is not much they can do to help” - the importance of these sources of support has also been picked up on by support workers themselves:

“...we’ve had a couple of comments, just from the young people that we have had through - just I suppose probably more in terms of like the support that they’ve been able to access through you know the Youth Court and actually how beneficial that’s been to them just in terms of being able to have that support both around that kind of core process if you like, but also those other aspects of their life that you know, they weren’t receiving before.”

(Intervention Service Provider Worker)

LENGTH OF PROCEEDINGS AND OUTCOMES

Length of proceedings at the Youth Court was a theme that was touched upon in a variety of ways. For example, two young people expressed frustration at how long the overall process had taken. As one explained (see **Case Study: Ben** and **Case Study: Rhian**):

“...Covid genuinely ruined it, I’ve not offended in over 2 and half years, I’ve changed, this is just dragging on, I don’t want to be coming to these meetings and stuff [...] I don’t offend anymore.”

(Young Person)

For another young person, they were upset that they had arrived at the Youth Court to find their case adjourned, with resultant cost implications around travel expenses. Observations noted that reviews were often extended for longer than case progress might have indicated. Sometimes this was ostensibly for positive reasons. For example, in one instance there was an excellent progress report, and the Sheriff was going to admonish, but as the young person was absent with illness, the defence agent requested that they remain on for a further three months, so that the young person could hear that positive feedback directly from the Sheriff. At other times this was because of attempts to retain the consistency of the Sheriff (i.e. to accommodate annual leave etc). However, the recent move to a smaller group of dedicated Youth Court Sheriffs may potentially help resolve this particular challenge moving forward.

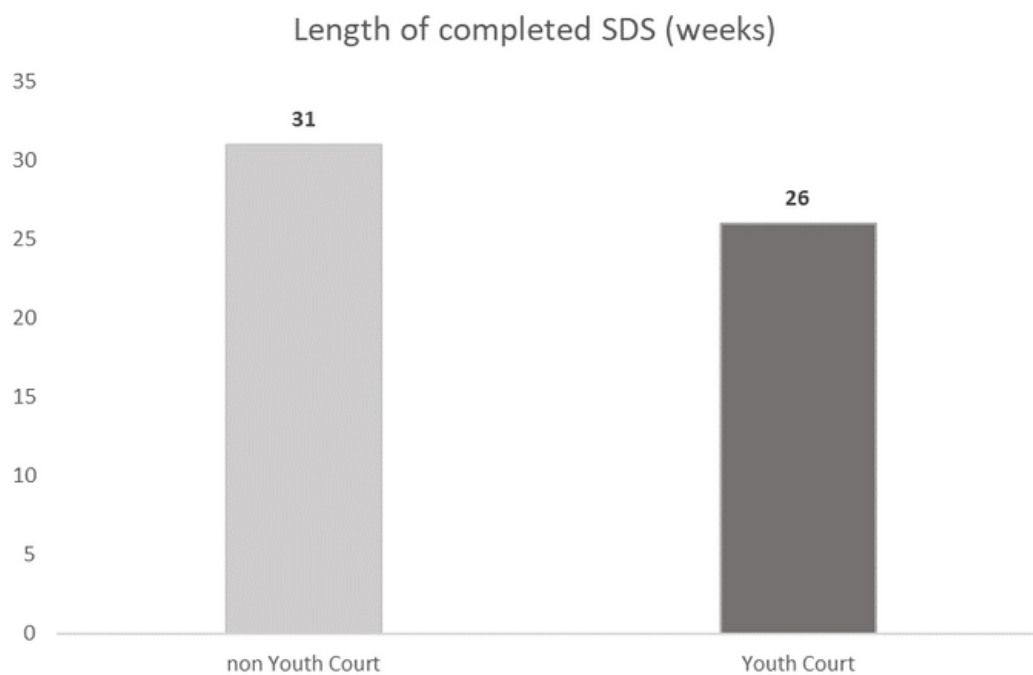


Figure 6: Length of Completed SDS (weeks)

Interestingly, Figure 6 - despite observations suggesting some continuations for SDS for longer than may have been expected - does indicate that the average length of a completed Youth Court SDS is 26 weeks (six months) and is shorter than the average SDS completed outside of the Youth Court since 2019. However, it will be important to continue to monitor this data going forward, to ensure that justice processes do not take any longer than is absolutely necessary.

Regarding specifically the timing of review hearings, it was emphasised by the Youth Court Team social workers that it would be helpful if the first review was not left for too long a period, and scheduled for around the four-to-six-week mark. As a member of the Youth Court Team social work explained:

“...we’ve had a couple of kind of young people put on SDS, where the first review was months down the line - you know 4/5/6 months. That’s not a good place to be, because we’ve got no recourse to return under breach, if the young person doesn’t do the work, if they go AWOL, we’ve got a duty of care to the young person, but also the responsibility to the court.”

(Youth Court Team Social Worker)

In relation to outcomes, there have been 115 completed SDS since 2019 (not just in the Youth Court). Overall, since 2021, 59% of SDS have been ‘successfully’ completed, i.e. admonished or marked as ‘successfully completed’ in the data. This is 65% for SDS originating in the Youth Court and 51% for those not originating in the Youth Court - reflecting positively on the impact being made by the Youth Court. **Table 2** reveals that out of 66 completed Youth Court SDS, almost two-thirds of SDS were admonished. The full breakdown of decisions at the end of a SDS was as follows:

Table 2: Youth Court SDS Outcomes

	Number	%
Other	9	13.64%
SDS - Admonition	43	65.15%
SDS - Community Payback Order	10	15.15%
SDS - Custodial Sentence	3	4.55%
SDS - Other Community Sentence (e.g., RLO)	1	1.52%
Total	66	100.00%

Table 3 reveals that out of 49 completed non-Youth Court SDS, only around half were admonished (or ‘successfully completed’ as some orders were marked):

Table 3: Non-Youth Court SDS Outcomes

	Number	%
Other	9	18.37%
SDS - Admonition/Successfully Completed	25	51.02%
SDS - Community Payback Order	6	12.24%
SDS - Custodial Sentence	2	4.08%
SDS - Other Community Sentence (e.g. RLO)	7	14.29%
Grand Total	49	100.00%

Accordingly, the admonishment rate can be seen to be higher in the Youth Court, but the use of CPO and custody after a Youth Court SDS is similar to non-Youth Court SDS.

Finally, most - although not all - young people felt positive about their future following their involvement with the Youth Court. They often saw it as an important learning experience and something which had supported them in moving on positively with their lives:

“I am changed, and I mean it! It really only had a positive impact on me. I do not regret the experience, because I would have been there with my issues still, but it helped me.”

(Young Person)

“Got an interview for college coming up...” (Young Person)

“I wasn’t sure what was going to happen, but now I’m dead positive and I just want to get on with it and get moving.”

(Young Person)

Case Study: Ben^[6]

Recommendation
is alternative
disposal



Oct 2022 -
charged with
new violent
offence,
Placed on EM

"yeah, obviously if some how you miss your meeting, then as you said if it's a valid reason it doesn't matter you still need to attend these and all that, so they don't really understand that."

SDS

In May 2022, Ben was placed on an SDS via the Youth Court



Limited engagement with SDS

Engagement improves

"I've not offended in over 2 and half years, changed, I've got a baby and that now, this is just dragging on I don't want to be coming to these meetings n stuff, there should definitely been something dealt with I don't offend any more."

Becomes a father



CPO Completed Feb 2022

"I guess this is actual helpful and the social work meetings and that, erm and obviously, it does help us out its not such a bad thing to be given."

"what to expect cos you don't really get told innit, ye didn't get told eh obviously what it's going to be like or who's going to be there"

CPO



In Summer 2020 Ben received an 18 month CPO, with RLO and UPW for 2019 offences

May 2020 - 2 new violent offences, while still on Bail for 2019 offences

COVID-19

BAIL

Summer 2019, age 16 - charged with two incidents of violence



Attends A&E under the influence



Many family changes i.e. new baby, bereavement, moving home

New baby sibling

Domestic incidents



Generally describes a happy childhood

Case Study: Rhian^[7]



1st Review SDS Report - Autumn 2022:

Despite significant commitments (caring and supporting duties/ ill health/ employment) regularly turned up for social work appointments.

Not re-offended since being placed on SDS via Youth Court



Admonish



Counselling and mental health supports requested and put in place

Significant caring and supporting responsibilities/ episodes of ill health



Secured regular employment / enjoys role/ supportive employer



SDS Imposed at Youth Court - Summer 2022



Criminal Justice Social Work Report and referral to Youth Court



Experienced a traumatic family bereavement



Charged for violent offence early 2021

Extensive involvement with social work growing up

CONCLUSION

The establishment of the Glasgow Youth Court in June 2021 constitutes a significant development for 16-24 year olds who come into conflict with the law. In assessing the impact made by the Youth Court since its inception, the analysis undertaken has revealed a number of important findings. These include that:

- Many young people felt positively about their engagement with Sheriffs, who often displayed patience and flexibility, offered positive feedback and used simple language.
- Broadly, young people also found the interventions and support programmes offered to them via the Youth Court to be beneficial.
- Generally young people felt positive about their future following their involvement in the Youth Court process.
- At times, young people did however appear to lack sufficient knowledge of what their appearance at the Youth Court would involve (both within the courtroom and in respect of the wider process).
- Although many young people felt they could understand the language being used within the courtroom (notably as used by Sheriffs), there could be greater simplicity and clarity in the use of language by all actors and across all facets of the courtroom process.
- At times young people did appear to lack sufficient support in the courtroom, potentially owing to a lack of understanding by some professionals (for example, defence agents) as to the purpose and function of the Youth Court.
- The layout of the courtroom (i.e. Court 4 - although it is noted that at the commencement of the Youth Court, this was the only courtroom available) was not always young-person-appropriate and it was evident that at times a lack of privacy heightened young people's feelings of anxiety. Court 10 remains a formal and sometimes intimidating courtroom for young people, but does represent notable progress.
- Although efforts were commonly made by Sheriffs to engage with the young person, their participation could at times be hampered by dynamics such as acoustics (i.e. in Court 4), along with feelings of wariness and nervousness.

In contextualising these key findings, the recent modifications to Youth Court practice - post September 2022 - which have included a change to its timings, a move to a smaller courtroom (i.e. Court 10), as well as the introduction of dedicated Youth Court Sheriffs, are welcome developments. It is suggested that when these changes are supplemented with consistent social work involvement in court proceedings - such as their being seated in close proximity to the young person, routinely advocating for them and engaging in dialogue with the Sheriff (to update on circumstances and progress) - there is significant potential for existing strengths within the process to be solidified, further enhancing the experiences of young people engaging with the Glasgow Youth Court.

KEY LEARNINGS TO INFORM FUTURE YOUTH COURT PRACTICE

From the research findings, a series of best-practice learnings have been identified, which could potentially assist stakeholders who are either considering, in the process of developing, or currently operating a Youth Court:



The views of young people should be gathered and used to help inform the development of future Youth Courts.



To assist with preparing young people for their appearance at Youth Courts, consideration should be given to the use of resources such as pictorial leaflets, videos, and animations in order to aid their understanding of what to expect.



Careful deliberation should be given to the layout of Youth Courts, particularly relating to:

- the size of the courtroom being used;
- what clothing is being worn by professionals;
- the locations of where individuals are seated (for example, it is preferable for a social worker to be beside the young person or at the table);
- direct lines of vision.

Noise disruption should be minimised and the young people's ability to hear proceedings routinely checked. Consideration should also be given to the appropriateness of positioning young people outwith the dock when appearing at Youth Courts (where there are no immediate safety implications).



Closed courts should be considered, to ensure young people's privacy is protected – especially given the emotional distress a lack of privacy can cause.



The language and actions of all professionals in Youth Courts should change to accommodate and meet the purpose of the Youth Court. Additional training should be considered in order to accomplish this.



Every effort should be made by all those present in Youth Courts to use clear and simple language throughout proceedings, which can be easily understood by the young person.



Meaningful opportunities for young people to directly participate in proceedings - if they so desire - should be enabled within Youth Courts.



The implementation of Youth Courts should be closely monitored to ensure that there are no unintended consequences, for example drawing young people into the system or retaining them in the system for longer than necessary.

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[1] The Glasgow Youth Court can encompass children above 16 and below 18 years old within its workings.

[2] This arrangement was in part based upon anticipated high numbers of young people coming through the Youth Court, and the associated resource implications that would have been placed upon the Youth Court Team social workers if they were also required to undertake the initial report writing.

[3] Although this can vary between different organisations and service providers.

[4] *2022/2023 data is based on an estimation extrapolated from 6 months of data.

[5] Given the very recent nature of this development, and timings of interviews with young people, it is suggested that further research into young people's views of Court 10 is required.

[6] Not young person's actual name.

[7] Not young person's actual name.

APPENDIX A: EVIDENCE SUMMIT

Towards the conclusion of the research, an Evidence Summit took place on 10th November 2022. The purpose of the event was to allow early data integration and analysis to be shared with a panel of key stakeholders who could offer perspectives and ‘expert’ opinion on the data gathered and help researchers and others assess the contribution of the pilot towards the outcomes observed.

During the event, preliminary findings were shared by the researchers with those in attendance (the ‘outcomes panel’) – all attendees were provided with an information pack, which included a series of feedback forms, which allowed for comments on the findings to be shared anonymously with the researchers, as well as verbally via the discussions that took place.

DISCUSSION

Discussion reflected the key themes around which preliminary findings were presented, (the creation of the youth court, knowing what to expect, court layout and formality, language, support in court, participation and engagement, length of proceedings and outcomes) with particular attention being given to the relationship between diversion and the Youth Court; how to best maximise all parties knowledge and understanding of the Youth Court process, what can be done to ensure young people’s privacy and how court layout can be made more young person centric; ensuring that all parties are consistently using easily understandable language; ensuring young people are given a choice in how best to participate in proceedings; and factors underpinning length of proceedings.

FEEDBACK

Analysis of anonymised feedback forms revealed that across key themes, there was broad agreement that the evidence aligned with attendees’ own experiences. Regarding whether there was anything unexpected in the findings, concerns around a decline in diversion (and possible correlation with the development of the Youth Court) and young people’s lack of understanding of the Youth Court, along with appropriate resources to assist with their knowledge, were seen as particularly important.

In terms of what other evidence should be considered, a variety of themes were highlighted, including: whether different types of resources and approaches could be used to enhance young people's understanding of the Youth Court; understanding to what extent all parties in the Youth Court are sufficiently trained in its workings and how best to achieve this; how can young people's privacy be safeguarded during hearings and appreciation of how court layout and different actors positioning impacts on young people; how best to ensure all key actors use simplified language and young people are given the opportunity to decide how they wish to participate.

Themes highlighted at the Evidence Summit are emphasised throughout the report, but feedback was particularly important in refining and shaping the focus of the 'key learnings' section, aimed at assisting future Youth Court practice.