YOUTH CRIME IN SCOTLAND

A Scottish Executive Policy Unit Review
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## YOUTH CRIME IN SCOTLAND

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SUMMARY OF FINDINGS

Preventing youth crime

• Early intervention should be the focus of youth crime prevention strategy. The objective of preventing youth crime should be integrated into early intervention strategies.

• This requires an integrated approach: coherent and co-ordinated multi-agency action to tackle multiple risk factors.

• Many of the initiatives required to achieve this are already in place. But a new policy focus is needed, through development of a coherent overarching strategy for early intervention; deepening some aspects of the existing early intervention programmes; and by encouraging professionals and practitioners to tackle the multiple risk factors which lie behind youth crime.

• Because it is based on existing programmes, this approach to crime prevention would not necessarily require significant new resources. Instead, it would aim to make more effective and efficient use of existing resources.

Additional opportunities to prevent youth crime lie in: targeting intervention where it will be most effective; promoting parenting skills; the role of health visitors; making the most of New Community Schools; improving interventions at transition points in children’s lives; supporting community education; tackling drug and alcohol misuse; increased evaluation of preventive interventions; more sharing of good practice; and better statistical information.

Dealing with young offenders

The biggest reductions in re-offending are likely to be achieved by targeting interventions on the small number of persistent offenders who commit disproportionately large amounts of crime. This group should be the first priority for investment, followed by offenders in the 16 - 18 year old group and serious offenders. The current systems deal well with first offenders.

The Children’s Hearing and criminal justice systems are not realising their full potential when dealing with young offenders. We should address the weaknesses in the current systems rather than attempt to change the systems more fundamentally. There are 3 particular areas in which opportunities exist to improve the current systems.

• disposals: increasing the range and effectiveness of interventions to tackle offending behaviour – this may require additional funding up front, but should reduce costs as re-offending is reduced; improving the information available about what works and what doesn’t; and improving funding arrangements;

• identifying the main impediments to a smoother transition between the children’s hearings system and the criminal justice system;

• co-ordinating better within and between the systems for dealing with young offenders.
PURPOSE

1. This paper seeks to contribute to the development of an integrated Scottish approach to tackling youth crime by:

- reviewing from a cross-cutting perspective the input of Scottish Executive policies to tackling youth crime;
- testing the extent of the coverage and integration of those policies, and testing their clarity of focus; and
- making proposals on how opportunities for improvement might be exploited.

BACKGROUND TO THE STUDY

2. In late 1998 the Management Group Support Staff Unit (MGSSU) was asked by Ministers and Special Advisers to review the approach being taken in Scotland to tackle youth crime. Ministers were conscious of the disproportionately large amount of crime committed by young people. They wished the review to test whether Government was doing all it could to tackle the problem effectively and whether there were key areas which merited greater focus. They asked that the review be a broad-based one and, given the significant role played by a number of Scottish Executive Departments, local authorities and other agencies in tackling aspects of youth crime, wished the review to be undertaken from a cross-cutting perspective. The majority of this work of the review was undertaken by MGSSU between January and April 1999. Ownership of the review was subsequently inherited by the Policy Unit at its inception, and the report has been updated to take account of announcements and events until July 1999.

METHODOLOGY

3. The review has been taken forward through a number of stages:

- reviewing the relevant literature to identify current thinking on the risk factors for youth crime, on recommended approaches for addressing those risk factors, and on recommended interventions for dealing with young offenders;
- discussions with colleagues in HD, EID, DoH and DD about action already underway and to identify perceived pressure points in the system; and
- discussions with a small number of external parties with experience in various aspects of tackling youth crime:
  - Jeane Freeman, Director, APEX Scotland;
  - Dan Gunn, Governor, Polmont Young Offenders Institution;
  - Allan Stewart, Reporter Manager, East Region
  - Linda Kinney, Head of Children’s Services, Stirling Council;
  - Brenda Doyle, Head of Child and Family Services, South Lanarkshire Council;
  - Pauline Craig, Greater Glasgow Health Board, and Paul Martin, Director of Nursing, Borders Community NHS Trust (health visitors);
  - community education workers in the voluntary and statutory sectors;
  - Professor David Smith, Centre for Law and Society, University of Edinburgh.
4. This review is not intended to provide a detailed blueprint for action. Rather, it seeks to identify the areas where the most significant opportunities to improve the effectiveness of policies aimed at tackling youth crime lie and to suggest potentially effective approaches.

5. Departmental colleagues have seen the paper in draft, and have offered comments, but the conclusions are those of the Policy Unit.

DEFINITIONS

6. In Scotland children legally become adults aged 16, and may then be treated as such within the criminal justice system. While this paper focuses primarily on the 0-16 age range, particularly in relation to crime prevention, it looks beyond age 16 as well, for several reasons:

- work with children to prevent future offending affects offending patterns over the course of their whole life, not just offending before age 16;
- the effects of the transition between the youth and adult systems is one of the key issues identified in the paper;
- offending rates increase to a peak at age 18 before declining;
- the age group 16-24 accounts for a very significant proportion of the overall amount of crime.

7. This paper focuses on youth offending and offending behaviour, and therefore the following section refers to both crime and offences. While more minor misdemeanours (such as simple assault and breach of the peace) are classed as ‘offences’ rather than ‘crimes’ (such as housebreaking, theft and serious assault), the distinction between offences and crimes is a legal one and the human behaviours and motivations underlying the two categories are indistinguishable.
EXTENT OF YOUTH CRIME

Introduction: key points

• 16-24s are responsible for a disproportionately large amount of crime: 41% of all persons convicted for crimes and offences and 42% of all persons proceeded against in court;
• youth crime is predominantly a male phenomenon: for the 16-24 age group there are around 8 times as many convictions for males as for females; in the 8-15 age group around 4 times as many boys as girls are referred to Reporters on offence grounds;
• males aged 16-24 comprise only 12% of the total population;
• the prevalence of offending increases to a peak at age 18 and decreases thereafter;
• males who begin offending in their youth are more likely to become persistent offenders than those who begin as adults;
• a substantial amount of youth crime is committed by a very small number of persistent offenders. A study of youth crime in the former Central Region revealed that:
  • 69% of young offenders committed only one offence;
  • 10% of young offenders committed 2 offences;
  • 1.6% of young offenders committed 19% of the total number of young offender offences.

Demographic background

8. The number of young people in Scotland has fallen over the last 20 years. The number of 16 year olds fell by 39% from 95,000 in 1981 to a low of 58,400 in 1993. While there has subsequently been a modest increase (to 66,500 in 1997), numbers are expected to remain between 60,000 and 70,000 over the next 10 years or so.

Levels of crime

9. First 3 health warnings:

• accurate statistics on the true levels of youth crime are not available. Recorded crime figures provide no details about offenders and victims. Reliable information about the age of offenders only becomes available within the criminal proceedings data, and the conviction data. This paper uses the best available estimates;

• the level of recorded crime is considerably lower than the likely true level of crime: many crimes are not reported to the police, and of those that are not all are subsequently recorded by the police. The most recent Scottish Crime Survey estimated that, for those types of crime that can be compared, only 37% of crimes are included in the recorded crime statistics;

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1 Statistics quoted in this section have been supplied by SOHD’s Civil and Criminal Justice Statistics Unit unless otherwise stated.
2 See Farrington, Understanding and Preventing Youth Crime (1996), page 3
3 The Denny Study, Central Region, carried out as part of their youth crime strategy.
4 See 1996 Scottish Crime Survey first results. The SCS uses samples of adults in household units and therefore does not collect information about crimes committed against public or corporate bodies, individuals not resident in households and those aged less than 16. It does, however, include the most prevalent types of
• crime is not a single phenomenon: the term covers a range of different crimes and offences for which the trends vary over time. Thus, between 1992 and 1998 housebreaking recorded crime fell by 51% but drug related offences increased by 163%.

10. But given these caveats, 2 broadly similar estimates of the levels of youth crime are available:

• one study, published by The Prince’s Trust, estimated that 37% of all recorded crimes and offences are committed by young people between 8 and 20\(^5\). Our own efforts to verify this figure came close: males under 21 account for around 34% of all convictions and offence referrals to Reporters\(^6\);

• we know that in 1997 young people aged 16-24 accounted for 41.7% of all those proceeded against in court for crimes and offences and that same age group accounted for 40.9% of all those convicted for crimes and offences. In almost 90% of these cases, the person proceeded against or convicted was male, and yet males aged 16-24 comprise only 12% of the total population.

11. It is difficult to translate the proceedings figures into numbers of crimes committed, since they tend to mask multiple offences committed by an individual. It is therefore difficult to demonstrate precisely whether the overall impact of youth crime is increasing or decreasing. But this paper uses the best information available, and its proposition that youth crime continues to account for a disproportionately large amount of the overall total has been endorsed by those we have spoken to in the course of the review.

**Children under 16**

12. Children aged under 16 who commit offences are normally referred to the Reporter to Children’s Hearings. Referral rates on offence grounds for boys have generally been stable in recent years (at around 40-45 referrals per 1000 population in 8-15 age group). By contrast, referral rates for girls in the same age group have risen markedly since the mid-1980s (from 8 referrals per 1000 population in 1985 to 13 referrals per 1000 population in 1995). In 1997/98 there were 40,080 referrals to Reporters on offence grounds (62% of all referrals).

**Convictions of 16-24 year olds**

13. The absolute number of people aged 16-24 with a charge proved has fallen dramatically: for males from almost 79,000 in 1987 to 56,245 in 1997 (a 29% decrease); for females the 1997 levels are similar to those in 1987 (around 6,750). However the conviction rate as a percentage of the population in the age group has remained stable at around 20% for males and 2% for females between 1987 and 1996. (See table below).

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\(^5\) The Prince’s Trust, *Young People and Crime in Scotland* Page 10

\(^6\) Source: SOHD’s Civil and Criminal Justice Statistics Unit
14. The one exception to this general rule is the male conviction rate for 16 year olds: halving from around 16% in 1987 to under 8% in 1996. This decrease does not necessarily indicate a decline in criminality. Rather the decrease is believed to reflect factors such an increase in diversion away from criminal proceedings.

15. In 1996 the peak age for offending (in terms of convictions as a percentage of the population) was 18 for both males - 26.7% - and females - 2.8%. The rate of convictions for males starts to decrease by age after 18, although not for females.

Demography and crime

16. The link between demography and crime is often commented upon. For example, the 16-24 age group accounts for the majority of crimes of dishonesty (including housebreaking, breaking into cars, shoplifting and other crimes of theft), and it has been suggested that the decline in the size of that age group explains the decrease by 38% in these crimes over the period 1991-1997. However, while demography is undoubtedly a factor, it does not fully explain the reduction in crime since the demographic decline predates by at least 10 years the decline in overall recorded crime and rate of decline in the overall crime rate exceeds the rate of decline in the size of the age group.

Types of youth crime

17. In 1996, almost three quarters of all male convictions (age 16-24) and almost two thirds of all female convictions (age 16-24) were for crimes in just 4 categories.
Motoring offences | Males (16-24) | Females (16-24)  
--- | --- | ---  
27% | 21%  
Crimes of dishonesty | 24% | 29%  
Breach of the peace | 13% | 10%  
Simple assault | 8% | 10%  

18. Of the crimes of dishonesty, shoplifting comprised a much higher proportion for females (46%) than for males (16%). By contrast, youth crime does not account for significant numbers of crime of indecency. Finally, although the overall numbers are not large enough to figure in the above figures it is important to bear in mind that young people do commit some very serious and violent crime: for example 18 is the peak age for mandatory life sentences, i.e. for murder. In 1997, 31% of all persons convicted of serious assault were men aged under 21, and 36% of all persons convicted of handling offensive weapons were men aged under 21.

Costs of youth crime

19. There is a noticeable lack of definitive information about the costs - direct and indirect - of youth crime. Research primarily in the US has sought to identify some of the costs of crime but no detailed assessment has been made in the UK. Some estimates are, however, available. None of them have been endorsed by the Scottish Executive, and they are difficult to reconcile, but they do give an indication of the orders of magnitude involved:

- work carried out by Coopers & Lybrand for a 1997 Prince’s Trust report estimated that the total cost of youth (defined as ages 8-20) crime to society in Scotland is at least £730 million per year, excluding costs which are difficult to value in monetary terms such as psychological distress of victims and the fear of crime. The report also estimates the average cost of a youth crime to be £2,100, of which £1,700 could be saved in the short term if a single youth crime was prevented. The report goes on to propose a break-even ratio i.e. a cost-benefit framework for evaluating the cost effectiveness of youth work projects which aim to divert young people from crime;

- the Audit Commission’s work on the costs of the criminal justice system in England & Wales estimates that public services spend around £1 billion per year on processing and dealing with young offenders, of which £660 million is spent by the police – largely on identifying the offenders.

- finally, using recent research looking solely at the impact of heroin injecting on crime, Greater Glasgow Health Board have estimated that Glasgow’s 8500 heroin injectors may be committing some 2.5 million crimes annually, and the cost of this crime to the

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7 The Prince’s Trust, Young People and Crime in Scotland (June 1997), page 13. The £730 million figure includes “economic costs (i.e. the cost of resources lost to society such as property damaged and destroyed or of time spent by professionals within the criminal justice system that could have been used in other ways) and financial costs (i.e. the costs to the victims of resources redistribute to offenders as a result of the crime).

8 i.e. allowing for costs in the system that are likely to remain inflexible in the short term even if the volume of crime were to alter.

9 Audit Commission, Misspent Youth: Young People and Crime (November 1996)
community may exceed £0.5 billion per year\textsuperscript{10}. This group comprises all ages, but of those 8500 injectors, the mean age is 29, and on average injectors have a 9 year ‘lead-in’ period of drug misuse before beginning to inject heroin\textsuperscript{11}.

Conclusions

20. The evidence suggests that:

\begin{itemize}
  \item within a context of falling crime overall, the proportion of crime committed by young people up to the age of 24 has remained stable;
  \item young males continue to account for a disproportionately high share of crime;
  \item the fall in crime is only partly explained by the drop in the number of young males;
  \item of those young males who commit offences, most commit one or two. A small percentage of persistent offenders are responsible for a disproportionate amount of crime.
\end{itemize}

21. This leads us to the conclusions that:

\begin{itemize}
  \item society bears a very high cost from youth crime;
  \item preventing youth crime must be a key element of crime prevention strategy;
  \item demography is not the sole factor at work in influencing the level of youth crime;
  \item for many young people, males in particular, pushing the boundaries of the law or breaking the law is a common experience, but only for a few does this lead to a pattern of repeat offending;
  \item making significant inroads into addressing youth crime requires an approach that can deal with the factors which lead to offending, as well as dealing with offenders themselves.
\end{itemize}

\textsuperscript{10} See letter of 18 June 1997 from Chris Spy, Chief Executive, Greater Glasgow Health Board, to the Home Secretary and unpublished research by Gruer et al, \textit{The Impact of Methadone in Glasgow Study} (November 1998)

\textsuperscript{11} Estimates supplied by Dr Laurence Gruer, Greater Glasgow Heath Board, lead author of the above research.
CURRENT THINKING

22. Crime, criminality and crime prevention is a vast topic. Narrowing the focus to youth crime provides a more manageable area, but even here the issues raised are numerous, complex, and extremely diverse. This paper focuses on 2 broad aspects of youth crime: preventing youth crime; and dealing with young offenders.

23. A broad consensus of opinion exists in the research literature and amongst professionals, practitioners and academics about:

- risk factors which can predict future offending;
- preventing crime: effectiveness of interventions;
- dealing with offenders: effective approaches to minimise chances of re-offending.

Risk factors

24. There is a strong correlation between young people offending and the degree to which they have been exposed to a number of risk factors. High risk factors include the following

- pre-natal and perinatal factors: teenage child bearing; absent fathers; substance abuse during pregnancy, leading to low birth weight; perinatal complications;
- parenting: poor supervision and child-management techniques; erratic or harsh discipline; parental conflict; cruel, passive or neglectful attitude; anti-social or criminal parents;
- hyperactivity and impulsivity: can lead to low school attainment, poor ability to foresee consequences of actions and difficulty with abstract thinking;
- home environment: ‘broken homes’, separations, family (parental conflict probably key factor, not ‘broken home’ itself); offending by siblings; separation from parents;
- poverty/socio-economic deprivation: links to poor health, low educational achievement, behavioural problems and delinquency; low family income and poor housing;
- low intelligence (can measure as early as age 3): offending may be associated with poor ability to manipulate abstract concepts, foresee consequences of actions and appreciate feelings of victims;
- low school attainment leading to disaffection and exclusion from school;
- association with delinquent peers;
- school, community, and situational influences.

25. Typically these risk factors have additive or even multiplicative effects: the probability of offending increases the more they cluster together. The greater the exposure to these risk factors, the greater the likelihood of a child offending at an early age and the greater the likelihood of the child becoming a serious or persistent offender.

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12 See Asquith et al, Children, Young People and Offending in Scotland (CRU, 1998) and Farrington, Op. Cit
Preventing crime

26. There is a consensus of view about what works best. The general approaches to the most effective interventions can be summarised as:

- early intervention works - the earlier the better - and should be a key guiding principle underpinning crime prevention;
- a collaborative multi-agency approach is required, including the statutory and voluntary sectors, beginning with the health, education and social work sectors and community initiatives, ie long before the criminal justice system comes into play;
- an inclusive approach is required: for example excluding children from schools and other support systems removes stabilising influences in their lives and excludes them from the normalising effects of their peers;
- prevention strategies should include community-based interventions which allow for local variation to respond to differing local circumstances/attitudes;
- an understanding of risk factors can be used to identify children, families, schools or communities which would most benefit from early intervention;
- since risk factors seem to have cumulative effects, prevention strategies should be designed to target multiple rather than single risk factors.

27. The risk factors listed above differ little from risk factors associated with other anti-social or undesirable behaviour. Programmes to prevent criminality can therefore be part of wider programmes to address a range of problematic outcomes for young people: such as substance abuse, school failure and teenage pregnancy. Such programmes are likely to be more cost-effective than initiatives which focus only on preventing crime, since they deliver multiple outcomes.\(^\text{15}\)

Cost-effectiveness of preventive interventions

28. Some US studies have sought to examine the cost-effectiveness of interventions which tackle the risk factors associated with future offending.\(^\text{16}\) They have produced encouraging results. Data is available from a range of programmes, including family therapy and parent training, family preservation, home-visiting and pre-school education programmes. The most impressive results seem to be recorded in the last 2 categories, where nurses, health visitors and social workers have been involved in supporting and sometimes training parents of young children:

- a recent cost-benefit analysis of one (much quoted) study – the High Scope/Perry Programme – indicated a return of $7 for every $1 invested. The study, begun in the 1960s, tracked over 30 years the fortunes of 58 children in low socio-economic families who received a 2 year high quality pre-school education programme and whose mothers received home visits for the same period. Compared to the control group, by age 19 arrest rates were 40% lower. They also performed better in school and adult education, were more likely to graduate and get employment and teenage pregnancy rates were 50%\(^\text{17}\)

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\(^{15}\) See Graham et al, Op. Cit., Page 124

down. By age 27, only 7% had been arrested 5 times or more compared with 35% of the control group.

29. As well as the effects on criminality, the example illustrates the potential for improvement across a range of outcomes with the corresponding cost-benefits. Another programme in New York State provided pre and post-natal advice and support to low income women. 6% of their children had been convicted for criminal offences by age 15 compared to 22% in the control group, which also committed more serious offences.

30. One can question whether the findings of successful US interventions are directly applicable in Scotland: the programmes have been developed within very different cultures, with very specific socio-economic backgrounds for the target groups, and the sample sizes are relatively small. In addition, it may well be that the US target groups began from a lower base in terms of health and social care and educational support than would be the case in most UK communities, and therefore the results of interventions were greater than would be the case in the UK. But they do give an indication of what can be achieved. The seeming absence of comparable UK data points to the need for the effectiveness of local intervention programmes to be similarly evaluated over time.

**Dealing with offenders**

31. Again, there is a fair degree of consensus around what works best based on research evidence and the experience of practitioners. The available evidence suggests that:

- neither punishment on its own nor incarceration are particularly effective interventions for young offenders;
- it is not true that nothing works\(^\text{17}\);
- some things can prevent reoffending: eg cognitive behavioural projects (particularly with older children), social skills training, aggression reduction/anger management techniques, and diversion strategies (mediation and reparation programmes, confronting offenders with the consequences of their behaviour, community based programmes);
- a key requirement is ensuring that those dealing with young offenders have access to a range of properly resourced measures, tailored to particular age groups: one size does not fit all;
- it is important to differentiate between the minority of young offenders who commit most of the serious offences and the majority of young offenders who commit less serious crimes, mostly property crimes. That said, both groups respond to the same risk factors: the differentiating factor seems to be the degree of exposure: the greater the number of risk factors children are exposed to, the earlier they may commit their first offence and the more likely they are to become persistent offenders.

32. On the whole, locking children up is unlikely to be effective in addressing offending behaviour. There is however a very small number of young offenders whose behavioural problems and offences require them to be kept in secure units\(^\text{18}\).

\(^{17}\) Interestingly, and bearing in mind that reconviction rates do not tell the whole story, reconviction studies have consistently shown that overall – ie including adult crime - there is little difference between court sentences in terms of their impact on reoffending rates. (See Graham et al, Op. Cit, page 98). This is not the case, however, with disposals for dealing with young offenders: another reason why focussing on youth crime can be particularly fruitful.
33. Some of the outcomes from research into effective interventions with offenders of all ages – ie not youth-specific – are also likely to be relevant to dealing with young offenders too\(^{19}\):

- risk classification - ie more intensive programmes should be targeted at high risk offenders. In the youth crime context this suggests focussing on the persistent offenders who account for a disproportionately high amount of crime;
- the importance of identifying those factors which contribute directly to criminal behaviour – eg anti-social attitudes; drug dependency; low level educational and vocational skills; poor cognitive and interpersonal skills;
- within probation programmes best results are achieved where teaching styles match offenders’ learning styles, and most offenders require active, participatory approaches (eg role play) rather than unstructured or over-didactic methods;
- structured drug treatment programmes such as methadone prescribing can significantly reduce drug related crime, since users frequently rely on crime to finance their drug habits. The profile of drug abuse amongst young people can differ significantly from that of adults – different drugs; different forms of abuse – and therefore drug treatment programmes for young people should specifically tailored to meet their different treatment needs.

**Cost effectiveness of offender interventions**

34. Using approximate figures, the following generalisations can be made:

- custodial disposals are relatively expensive: on average, £503 per person per week in prison; £427 per person per week in Polmont Young Offenders Institution;
- residential disposals are more expensive still: £1,120 per child per week in residential care; around £2,500 per child per week in secure units;
- the cost of community-based disposals varies significantly from relatively low-cost supervision requirements in the community to the most expensive intensive intervention programmes for persistent offenders: eg around £320 per child per week at Freagarrach project and probably around £480 per child per week at the proposed Invest to Save project (See Annex B for details of the 2 projects);
- there is an almost unanimous view amongst practitioners, professionals and academics that non-custodial disposals are far more likely to prevent re-offending, even with the most persistent offenders: interim evaluation findings from the Freagarrach project indicate that re-offending rates have been cut by over 60% in relation to previous offending patterns;

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\(^{18}\) The criteria for sending a child to a secure unit are that “the child: (a) having previously absconded, is likely to abscond unless kept in secure accommodation, and, if he absconds, it is likely that his physical, mental or moral welfare will be at risk; or, (b) is likely to injure himself or some other person unless he is kept in such accommodation.”

\(^{19}\) For further details and research references see Graham et al, Op. Cit, page 103
this study did not find evidence about the effectiveness of secure units in preventing re-offending;

overall, therefore, community based, non-custodial disposals are on the whole likely to be the most cost-effective disposals for young offenders. The costs of even the most expensive community based programmes targeted at persistent offenders are broadly similar to those of a Young Offenders Institution and are far more likely to prevent re-offending.

Conclusions

35. There is a striking consensus in the research literature, confirmed in the discussions we had with professionals in the field, about the risk factors which predispose young people to offending behaviour, about the most effective ways of counter-acting those risk factors and about the most effective ways of dealing with those who have started offending. In summary:

- risk factors are multiple and detectable early in a child’s life;
- the earlier risk factors are addressed the better;
- risk factors for youth offending can be addressed as part of wider programmes to improve the life circumstances and life chances of the children at risk;
- exclusion – from home, school, community – tends to exacerbate, not address, risk factors;
- locking up older children who have embarked on a pattern of offending behaviour is unlikely to break the pattern. For most young offenders whose crimes do not fall into the ‘serious’ category, non-custodial disposals are far more likely to be more effective and more cost effective.
GOVERNMENT POLICY ON YOUTH CRIME IN SCOTLAND

36. Recent statements of Government policy on crime have been broadly in line with current thinking on preventing crime and dealing with offenders. Mr McLeish’s APEX lecture (May 1998) set out the main strands:

Objectives

• safer communities;
• prevention by confronting causes of crime;
• support for victims of crime and for offenders to change their behaviour.

Approach

• tackling the cycle of isolation and exclusion: action across spectrum of Government - employment, education, community safety, parents, drugs misuse;
• importance of partnership between professionals; collaborative approach.

Action

• invest in prevention of child abuse and neglect;
• support strategies based on early identification of underlying risk factors and early intervention;
• invest in intensive programmes for school children;
• providing credible and effective community disposals;
• offer offenders chance to change their behaviour; both in the community and in prison.

37. The Secretary of State’s Crime Paper (published February 1999) endorsed this general approach and set out recent progress in implementing this agenda. More recently, ‘Partnership for Scotland’ stated that the Scottish Executive would take action to prevent the causes of crime, protect communities through the rehabilitation of offenders, tackle drug-related crime and support victims of crime.

Action underway

38. Annex A gives sets out the wide range of action and initiatives already underway in Scotland to prevent youth crime. Annex B summarises the approaches currently taken in Scotland to deal with young offenders.

39. The following analytical sections contain the main discussion and proposals flowing from this review. Taking into account current thinking and the range of action set out in Annexes A and B, they consider whether we are making the most of the opportunities that exist to tackle youth crime.
PREVENTING YOUTH CRIME: ANALYSIS

The focus of youth crime prevention

40. The evidence summarised earlier in this paper points to the conclusion that early intervention is the key to preventing youth crime. Many of the risk factors which predispose children to offending behaviour in their teens are evident from pre-natal months into the first years of a child’s life. Patterns of behaviour once established are hard to change. Effective and sustained early intervention presents the opportunity to tackle the problem at source, by dealing with the factors which predispose children to offending behaviour.

41. This leads us to two central conclusions:

• early intervention should be the focus of youth crime prevention strategy; and
• the objective of preventing youth crime should be integrated into early intervention strategies.

42. Early intervention in this context means multi-agency action taken from pre-natal months through the early years of a child’s life to address the risk factors which predispose for offending before they manifest in offending behaviour. Such an approach means taking a medium to long term view. The pre-school child of today will not be influencing the crime statistics for another 5 to 10 years. A focus on early intervention should not therefore negate other aspects of youth crime policy, in particular dealing with those who are already offending and situational prevention. Situational prevention activities can be relatively inexpensive and effective in preventing specific types of crime. But an early intervention focus will ensure that youth crime prevention is integrated into those policy areas which have to hand the tools to make the greatest overall impact on the problem.

43. This approach is consistent with the aim of reducing the overall numbers of children who begin offending, and raising the mean age at which those who do so commit their first offence. While the impact of adolescence on boys in particular is likely to mean that a degree of youth crime is inevitable - testing rules and the boundaries of authority – the evidence suggests that early intervention can help young people develop the social skills, confidence, self esteem and sense of security which avoids the need to test the boundaries later on.

44. The key to the early intervention approach is the recognition of the multiple risk factors which predispose young people to offending behaviour. These risk factors also lie behind adverse outcomes in many other aspects of young people’s lives, including poor health (including mental health) and educational attainment. Dealing with these risk factors therefore has multiple beneficial outcomes including addressing the problems which lead to offending behaviour.

45. This focus for youth crime prevention therefore reinforces the need for an integrated approach: coherent multi-agency action to tackle multiple risk factors. It would promote interventions which target not only children at risk but also their parents, their pre-school care and their schools. It requires an explicit focus on children’s behaviour and intervention to address anti-social behaviour as soon as it manifests itself.
46. An inclusive approach is required to avoid excluding children from the stabilising influences of their families, peers, teachers, pre-school and school environments, and to maintain the opportunities for active intervention. Intervention should therefore be delivered within mainstream systems: health, social work, education, childcare. The professionals and practitioners who can ‘break into the cycle’ – health visitors, school nurses, psychologists/psychiatrists, social workers, care workers, nursery nurses, playgroup leaders and teachers – are the key to success.

47. The idea that youth crime prevention should be part of a wider focus on youth is widely supported in the literature and by professionals in the field. The UK Government has acknowledged the role of early intervention in tackling the risk factors for crime (see recent Ministerial speeches and the February 1999 Scottish Crime Paper) and the Scottish Executive is already giving priority to children, families and communities within the broader range of social policy (see CSR outcomes and new Scottish Executive Ministerial portfolios). This approach would therefore be in line with existing trends but would go beyond the current position to give clearer definition to youth crime policy, and provide a framework for integration of youth crime prevention into wider early intervention strategies.

48. The indications are that this approach would be well received. For many of the professionals involved the agenda has already moved on to focus on the whole child’s development: cognitive, behavioural, emotional, social and psychological. In this respect, policy would be catching up with practice.

49. There are also signs that a similar approach is developing in England: the Home Office have established an Active Communities Unit which will, amongst other things, be liaising with other Departments (for example DfEE on Sure Start) to develop a multiple intervention programme for children and families at risk under the crime reduction programme.

Current provision

50. Taken together, the programmes described in Annex A demonstrate that action is being taken to address many of the risk factors which predispose young people to offending behaviour. Some of the key initiatives are relatively recent and help to bring the general approach taken in Scotland in line with identified best practice.

51. These initiatives address to a significant extent previous criticisms that provision of preventive interventions in Scotland has been patchy. For example, the availability of pre-school education has expanded from around 50% of the pre-5s population in 1996 to 95% in 1998, and there are now some excellent local examples of multi-agency early years intervention programmes. The £91 million announced in September 1998 to expand childcare in Scotland came on-stream in April 1999. This includes £42m for up to 5000 new part-time places for age 0-3 children at family centres to promote children’s well-being,

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20 In other respects, the approach to youth crime being developed in England & Wales differs from that in Scotland: for example, the introduction of a parenting orders; reparation orders; child safety orders; action plan orders; detention and training orders; and a national Youth Justice Board. A fuller comparison of the Scottish and English systems is outwith the scope of this review.

21 “Despite evidence of some good programmes for pre-fives in Scotland, provision is minimal, not planned on comprehensive basis, and dependent on the goodwill of local authorities” Asquith et al, Op. Cit. Although published in 1998, the research was carried out in 1995.
development and future educational achievement: stimulating play opportunities and access to co-ordinated wider support such as health and social work services and drop in advice for parents.

52. A primary, and important, conclusion is therefore that many of the tools for addressing the risk factors which predispose young people to offending behaviour are already in place. We have not identified a need for wholly new approaches or for the introduction of new early intervention instruments which focus specifically on preventing youth crime. Given the multiple nature of the risk factors, and the close links to adverse outcomes in many other aspects of a child’s life including health and educational attainment, that is to be expected.

53. The important point is that we make the most of the opportunities that already exist to tackle the key risk factors for youth crime. But most of these programmes have been developed with objectives other than preventing youth crime to the fore. Nor is there currently a policy focus which would allow the integration of youth crime prevention into a coherent strategy for early intervention as a whole. In our view, this points to three missed opportunities:

• to demonstrate the extent to which the Government is already responding to the main risk factors associated with youth crime;

• to enhance the effectiveness of early intervention strategies in contributing to the reduction of youth crime; and

• to develop an overarching youth crime strategy which has at its heart action in the policy area where action is known to be most effective.22

Implications

54. We recognise that more work will be required to test the proposition that early intervention should become a new focus of crime prevention strategy, particularly in terms of the practicality of implementation. That detailed work has been beyond the scope of this study. However, our research has given us a number of pointers to the sort of issues which will need to be addressed by the Scottish Executive and by implementing agencies. The resource implications will also need to be tested.

Handling in the Scottish Executive

55. Issues for the Scottish Executive will include:

• the development of a coherent overarching strategy for early intervention. Given the multiple benefits of early intervention, this is something which goes wider than youth crime alone. But it is only by maximising the effectiveness of wider approaches that we can be sure of maximising the impact on future offending behaviour;

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22 There is a perception, supported in the research material, that “a clearer ‘umbrella’ national policy” is required. See Asquith et al, *Children, Young People and Offending in Scotland* (CRU, 1998) pages 48, 119
• the integration of youth crime prevention into that strategy: ensuring that the key risk factors for youth crime are recognised and tackled as part of the wider strategy. These would include the pre-natal factors, tackling hyperactivity and impulsivity, and the central role of parenting;

• whether a deepening of some aspects of the existing early intervention programmes is required to address the impact of the full range of risk factors. This could build on existing trends: for example, the extension of the pre-school curriculum to include 3 year olds. A central element of the curriculum is emotional, personal and social development, within which children should learn to “become aware of and respect the needs and feelings of others in their behaviour, and learn to follow rules… care for themselves and their personal safety… [and] develop confidence, self-esteem and a sense of security”23. Other examples include extended training to help practitioners identify and actively address behaviours which should either be reinforced or discouraged; the extension of home-school links to pre-school education; and elements of recent guidance (December 1998) on the expansion of support for families with very young children.

• how to ensure co-ordination of the activities of the many agencies involved in delivering effective intervention. This would include taking an overview of service provision, from a youth crime perspective, and spotting gaps in provision or identifying pressure points;

• how to ensure that Government support for an early intervention approach is seen and understood by practitioners who need that backing to validate their work. Elements of this approach have already been endorsed by Ministers in different contexts, but an external perception lingers that a broad based approach to early intervention at local level – particularly to address behaviour – is still to be fully ‘legitimised’ by Government. Some professionals and practitioners have concerns about overstepping the mark until such intervention is recognised as part of their core business;

• whether there is scope to review funding streams. It has been frequently pointed out to us that central government funding for initiatives such as the Excellence Fund, Social Inclusion Partnerships, healthy living centres, family centres, New Community Schools, the current early intervention programme, childcare, and support for 0-3s is channelled to different agencies, and within local authorities to different departments, when in fact much of the funding is ‘re-united’ at the point of delivery to children and families.

Implementing agencies

56. Issues for implementing agencies will include:

• how to integrate the organisation and delivery of early intervention. For example, around half of Scotland’s local authorities have now integrated to some extent the planning and delivery of early years services such as family centres, day care, registration of childminders and playgroups. What more needs to be done? What are the most effective approaches?

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23 A Curriculum Framework for Children 3 to 5 (June 1999)
• whether to locate lead responsibility for over-seeing and co-ordinating policy implementation with a single individual/agency/local authority department. One approach would be to locate the primary responsibility with the practitioners who have greatest access to children and families. It is not clear who this should be, and the comments below on the over-stretching of health visitors are relevant. The ‘integration managers’ being appointed to co-ordinate services in New Community Schools represent one appealing model. To help co-ordination, youth crime prevention goals could also be integrated into local authorities’ Children’s Services Plans;

• what additional training and support is required for the people to deliver the interventions, to develop a better understanding of how the individual’s work fits into the wider picture, and where necessary to clarify understandings of the links between risk factors and offending taking account of the local context;

• identifying barriers to joint working. One frequently quoted example is the extent to which confidentiality requirements genuinely prevent the sharing of important client information. Another is the extent to which professionals are prepared to work together in the child’s normal environment such as school, rather than requiring that children see them at their own places of work. New Community Schools will provide one forum to resolve such issues. Other examples of existing best practice could be developed;

• how to respond flexibly in different communities to the varying social and behavioural values. This is important particularly when considering family influences on children’s emotional and social development.

Resources

57. Any change in policy emphasis is likely to have resource implications. A detailed cost benefit analysis will be required if the approach recommended here is taken forward to policy outcomes. But it is possible to give some indication of the resource issues which might arise. The approach proposed for youth crime prevention is one which builds on existing programmes. So it does not require the commitment of a whole new resource. Rather, it depends on the more effective use of the existing resource. Where additional resource is required, it is likely to be at the margins of programmes, for example in additional training.

58. There is also the possibility that a clearer focus on early intervention will assist the more efficient use of existing resource. For example, it might be that interventions could be made more effective by reviewing the skill mix within teams of professionals interacting with children. One example quoted to us was the sometimes limited extent to which psychologists work alongside social workers when addressing the needs of children. Endorsement of an extended early intervention policy might help to encourage more fundamental review of resource allocation and working practices within and between agencies.

59. A more radical possibility - perhaps for the medium to longer term - is to seek a shift in the balance of investment from processing and dealing with young offenders to preventing offending. This was the primary conclusion of The Audit Commission’s report ‘Misspent Youth: young people and crime’24. The report noted that youth crime (in England and Wales) costs public services £1 billion per year, of which two thirds is spent by the police, largely on

24 Audit Commission, Misspent Youth: Young People and Crime (November 1996)
identifying the offenders. The report endorsed the interventions recommended in this paper as cost-effective ways of redressing the balance of investment: assistance with parenting skills; pre-5s education; support for teachers with badly behaved pupils. We recognise though that extracting full unit costs from dealing with the consequences of youth crime and re-investing in prevention is problematic. Carrying out a study for Scotland similar to the Audit Commission’s was beyond the scope of this limited review, but any further work on the costs of dealing with offenders in Scotland would be very useful in assessing the likely cost-benefits of preventive interventions.

Summary: the focus of youth crime prevention

Early intervention should be the focus of youth crime prevention strategy. The objective of preventing youth crime should be integrated into early intervention strategies.

This requires an integrated approach: coherent and co-ordinated multi-agency action to tackle multiple risk factors which lie behind offending behaviour to realise the multiple beneficial outcomes. This approach builds on existing programmes and initiatives. An inclusive approach is required, with intervention delivered by practitioners working in the mainstream – health, education, social work, childcare.

Many of the tools for addressing these risk factors are already in place: we have not identified a need for wholly new early intervention instruments which focus specifically on preventing youth crime.

But implementing an early intervention focus will require further work to consider:

- the development of a coherent overarching strategy for early intervention;
- the integration of youth crime into that strategy;
- whether a deepening of some aspects of the existing early intervention programmes is required to address the impact of the full range of risk factors;
- co-ordination of intervention agencies;
- how to ensure that Government support for an early intervention approach is seen and understood by practitioners who need that backing to validate their work;
- whether there is scope to review funding streams;
- the integration of the organisation and delivery of early intervention;
- the location of lead responsibility for over-seeing and co-ordinating policy implementation;
- the need for additional training and support;
- the barriers to joint working;
- resource implications: how much can be achieved by more effective use of existing programmes.

Addressing other pressure points

In addition to the overarching conclusion that early intervention should become the new focus of strategy to prevent youth crime, we have identified a number of other key areas for improving youth crime prevention. These could be addressed as part of an overall strategy.
But they are also important in their own right and could, if required, be taken forward individually. These are listed in the following sections.

**Endorsing the principle of targeting intervention**

60. There is a well established debate about whether provision of services should be universal or targeted. The universal provision proponents argue that targeting provision or intervention – however that is presented – stigmatises those who receive it and can therefore be counterproductive, maintaining social exclusion. Against that view runs the argument that resources are finite and it is preferable to target intervention towards the children who can benefit most. A clear view on the principle of targeting is essential to a coherent approach to youth crime prevention.

61. The two approaches are not mutually exclusive. A degree of targeting at those most at risk can run alongside universal provision. In our view though, given that risk factors concentrate around some vulnerable individuals, a significant degree of targeting is sensible. Within the context of a coherent overall strategy, using an assessment of risk factors it should be possible to identify those children most at risk of anti-social behaviour and future offending. The successful American home-visiting and pre-school programmes mentioned in paragraphs 28 and 29 above targeted interventions on very specific groups: eg African American, low income, single parents. The research strongly suggests that concentration of resources is effective, within a clear overall strategy. Parental and wider community involvement in organising and delivering targeted intervention may help to reduce the potential difficulties acknowledged above. The sharing of best practice between practitioners in different areas may also help.

62. A unique 3 year Invest to Save pilot project (see Annex A) will apply the targeting philosophy in central Scotland within the youth crime context. It will target children in around 30 families whose exposure to recognised risk factors indicates potential future offending problems, and deliver packages of support measures specifically suited to the 8-14 age group. It will involve families in identifying action plans for the children and will require close links between agencies supporting families and children: social work; police; welfare agencies; education; and health. If early indications are that this form of targeted intervention works, there would be a strong case for it being replicated in other parts of Scotland.

63. Other initiatives specifically targeted at reducing offending are being taken forward as pilots, such as Communities That Care projects (see Annex A). It is clearly important to establish what works best before investing further. With a more explicit endorsement of the targeted early intervention approach based on an analysis of risk factors there might well be a case for earlier expansion of pilot initiatives in areas where youth crime is concentrated.

**Summary: targeting intervention**

*To deliver preventive interventions where they are most needed - based on an assessment of acknowledged risk factors - a significant degree of targeting and concentrating resources is required.*

*Consideration should be given to expanding the number and range of pilot projects delivering targeted intervention, to evaluating those pilots and soon as possible, and to rolling out pilots in youth crime blackspots if they prove successful.*
Parenting skills

64. Of all the risk factors associated with youth crime, parenting skills emerges as perhaps the most significant. This is true both of pre-school and later years. Arguably, the degree to which family, home and community environments influence children’s behaviour and development far outweighs the interventions which can be delivered through the ‘official’/statutory systems. Messages delivered within a school or pre-school environment can be easily undermined – even unwittingly – by contradictory messages from parents, underlining the importance of actively including parents in these environments and helping them to recognise the behaviours to be encouraged and reinforced. Parenting support programmes involving parents and their children together can be particularly effective.

65. It is important also to recognise how difficult an issue it can be to address in practice. It is an intensely personal subject which requires sensitivity in handling. When mishandled, parents may feel ‘judged’ by others or made to feel inadequate when in fact they are coping with common difficult problems associated with growing up and adolescence. One particular approach might be worth pursuing further. Practitioners commonly say that parents ask them for advice on handling children’s behaviour. This is often after problems have started, and arguably parenting skills support is most needed before that point. But when parents do initiate the discussion themselves, the practitioners they turn to - for example nursery nurses and teachers - are often insufficiently trained themselves in parenting skills to offer anything more than ‘common sense’ views and have no-one to turn to for advice. Increasing the availability of skilled parenting advisers to whom practitioners can turn might be a particularly cost-effective way of targeting support where it will be most effective.

66. Another key point at which skilled parenting advice could be targeted is programmes specifically dealing with young offenders (discussed later in this paper) where again those delivering the programmes may not themselves be qualified to advise on parenting issues but where parents may be particularly anxious to know how to do the right thing. Finally, parenting skills are included in several of the intervention programmes listed in Annex A, and this might be an area where the sharing of good practice might be particularly beneficial.

Summary: parenting skills

Promoting parenting skills should be an essential component of a youth crime prevention strategy. Programmes involving parents and children together can be particularly effective in reinforcing positive behaviours and identifying those interactions which may be reinforcing anti-social behaviour.

In the first instance, we should ensure that support is available at the points where parents ask for it. The sharing of good practice should be promoted locally by local authorities.

Role of health visitors

67. It is tempting to view health visitors in particular as the key professionals to deal with the risk factors which predispose young people to offending behaviour. The research available records their effectiveness in doing so, and their degree of access to families is unrivalled amongst other professional groups, particularly in a child’s first two years of life. By contrast, parents can be particularly wary of social workers, for example, who can carry a degree of stigma and are associated with the fear of children being taken into care. Health
visitors have a unique role in co-ordinating early years interventions – parenting skills, maternal health, diet, lifestyle – and in training others to deliver some of the skills required locally. The contribution of health visitors is therefore crucial to the success of family centres, and will continue to be important in tackling risk factors associated with offending.

68. However, discussions with health visitors revealed unease about taking on new or enhanced roles in early intervention at this time, particularly given a current debate within the profession about their proper role. Some prefer the concept of public health nurses, conducting health needs assessments (for all ages), designing programmes to meet those needs, and evaluating those programmes. Others prefer a clearer focus on children and families. There is also a difference of view around whether health visitors should focus on community programmes – eg breast feeding, parenting, post-natal, healthy eating and lifestyle groups – or managing a caseload of clients.

69. Against this context, Scotland’s Chief Nursing Officer is reviewing the contribution made by nurses to improving the public’s health, focusing especially on the role of health visitors, school nurses and practice nurses. At this stage we would suggest that the potential contribution of these professionals to tackling youth crime is taken into account in the review.

Summary: health visitors

Health visitors are among the key individuals capable of making most impact on the risk factors for youth crime, particularly in the earliest years of a child’s life. We suggest that this is taken into account in the forthcoming review of the role of health visitors.

New Community Schools

70. The New Community Schools programme provides one of the best organisational platforms from which to develop the kinds of multi-agency approaches discussed in this report. The programme will include New Community School projects in every local authority in Scotland. In the first phase there are 37 projects involving over 150 schools, of which the majority are in areas where risk factors for offending are relatively high. Multi-disciplinary working between teachers, social and family workers and health personnel is fundamental to the initiative, and training and development of all personnel will be central to the development of the initiative. Training programmes will allow groups of professionals to identify the contribution of all groups to addressing the underlying risk factors and the collaborative basis of interventions necessary to assist children and families overcome them. In order to maximise the opportunities presented by New Community Schools it will also be important to avoid defining their aims too narrowly: for example solely in relation to raising educational attainment. An evaluative framework is being developed which will monitor progress in relation to a number of key indicators including educational attainment, social and health factors, and the development of effective multi-disciplinary working.

Summary: New Community Schools

We should make the most of the unique opportunity provided by New Community Schools to co-ordinate multi-agency preventive interventions to tackle risk factors for youth crime.

Staff training programmes should include awareness of the risk factors, and guidance on how to respond appropriately.
Smoothing the transition points

71. The view is widely held that providing stability throughout a child’s life is important in helping to prevent anti-social or offending behaviour. This is true of family life and the home environment, and also of other environments such as childcare, pre-school education and school. It follows that reducing disruption in children’s lives at the main transition points is therefore important: eg nursery education to primary school; primary school to secondary school; and leaving secondary school, ie the transition between adolescence and early adulthood. Work is already in hand on some elements of this. More specifically, it would be important to minimise disruption to children by ensuring continuity in the professionals with which children come into contact. One example would be the ‘handover’ arrangements between health visitors and school nurses, or ensuring that primary teachers are aware that they may request help from health visitors even although children have started school.

Summary: smoothing the transition points

In co-ordinating locally the delivery of preventive interventions, resources might usefully be targeted at the transition points between pre-school and primary school, and between primary and secondary school.

Drugs and alcohol

72. The impact of drug misuse on crime is significant, and growing. The crime rate for drugs-related offences (expressed as a proportion of the 16-24 age group) increased by 280% between 1991 and 1997. Drug misusers are frequently multiple offenders: committing thefts and burglaries to fund drug purchase; anti-social behaviour and dangerous driving induced by drug taking; as well as the possession and dealing offences mentioned above. Some police forces now estimate that between 50 and 70% of crime is drug related. Alcohol misuse is also a significant problem and is more often associated with crimes of violence and public disorder rather than the acquisitive crime associated with dependent drug use.

73. Annex A summarises the range of action on drugs and alcohol misuse underway. ‘Tackling Drugs in Scotland: Action in Partnership - the forthcoming drugs strategy for Scotland - will set out future action. Some key issues to consider in the youth crime context are:

• whether Drug Action Teams have a sufficiently wide focus to tackle effectively the risk factors for children for drug misuse, and whether they interact sufficiently with all the relevant agencies such as community action groups - eg Mothers Against Drugs – and drugs education programmes within schools (to be addressed in the forthcoming enhanced strategy framework);

• the limited geographical coverage of substitute prescribing programmes in Scotland: in particular, programmes offering comprehensive packages of care with supervised consumption of the drug to prevent leakage onto the black market. The available

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25 Planning and Provision of Drug Misuse Services, Scottish Office Department of Health, Public Health Policy Unit (April 1998) page 1
26 Ibid, page 1
evidence\textsuperscript{27} suggests that the impact on crime justifies the investment, and it could well be cost-effective to invest further in methadone programmes as a crime prevention measure;

- greater use might be made of the health promotion and media campaigns on drugs targeted towards children run by the Health Education Board for Scotland (HEBS). It would be worth checking whether HEBS also has the access it needs to schools;

- the importance of drug treatment and prevention services for young people being tailored to meet their specific needs. For example, few young children will require the same heroin treatment programmes as adults, but action targeted on recreational drug use may be more appropriate;

- the role of social work services. £2m was announced in October 1998 for drug intensive probation programmes ie alternatives to prison. Might it be cost-effective to extend this further?

- the links between drugs, youth and offending might be a fruitful area for further research.

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<th>Summary: drugs and alcohol</th>
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<td>The impact of drugs and alcohol misuse on youth crime is increasing. Key issues to examine are:</td>
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<td>- the role of Drug Action Teams and Alcohol Misuse Co-ordinating Committees in tackling risk factors for youth crime;</td>
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<td>- the limited geographical coverage of substitute prescribing programmes;</td>
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<td>- the targeting of health promotion activity at young people;</td>
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<tr>
<td>- the availability of drug and alcohol treatment services tailored for young people.</td>
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Community education

74. Community education workers can help young people to develop a resilience to some of the risk factors for youth crime, such as the adverse influence of peers, by building self-esteem and developing communication and interpersonal skills. Much of this work targets disaffected young people in particular and encourages them to take responsibility for themselves and others and to develop other social skills. Community education workers can also usefully exchange information with social work and the police about the young people they deal with ‘on the edge’ of crime: anticipating potential problems; and providing alternative activities to engage young people.

75. Provision is delivered principally by local authorities and voluntary organisations, such as The Prince’s Trust and Fast Forward (focussing on drugs). Some young people, wary of traditional authorities, prefer to interact with voluntary organisations. Recent EID sponsored research indicated that many vulnerable young people bypass traditional youth clubs and groups, but that detached youth work is particularly effective in reaching large numbers of disaffected young people. This involves workers engaging with young people on the street, and developing relationships which enable them to inform, advise and support

\textsuperscript{27} See Drugs section in Annex A results of Glasgow methadone prescribing study
them on a wide range of issues including substance misuse, contraception, education and training.

76. The Scottish Executive currently invests £2.1m per year on community education in total: £600,000 to the Scottish Council for Community Education, and £1.5m in grants to voluntary organisations and other projects. The 1999 report ‘Communities: Change Through Learning’ provides a guide to the future refocusing of community education resources. It might be worth reviewing the levels of investment made in this area in the light of any available evidence illustrating the effectiveness of community education in tackling risk factors for youth crime. Other methods of supporting this sector might also be considered: for example providing more stability to the funding flows, particularly from local authorities and lottery funding; and encouraging the funding of administrative costs to voluntary organisations as well as service delivery costs. Finally, the ways in which voluntary sector organisations might make a greater contribution to the planning, as well as the delivery, of services might also be considered.

**Summary: community education**

Community education has a perhaps under-rated role in tackling the risk factors for youth crime. We suggest that consideration be given to:

- the levels of investment in community education;
- improving the funding stability of voluntary organisations;
- the potential contribution which voluntary organisations might make to the planning as well as to the delivery of services.

**Evaluation of preventive interventions**

77. There is a lack of UK evaluative evidence: for preventive interventions and dealing with offenders (see below). Most prevention evaluation is based on US studies, and direct comparisons are difficult: the absence of a comprehensive public health service, the social and ethnic composition or many inner city areas and – to some extent – the widespread use of drugs are features of American society held to be different from ours. It is therefore important to evaluate preventive interventions in the UK. A 1995 review commissioned by the Scottish Office Central Research Unit noted an information deficit and concluded that evaluation of the different approaches should be a priority. That study noted, for example, that at that time the only programme of pre-fives provision in Scotland which has been evaluated was the Strathclyde Community Nursery Initiative (1993). It is also important to recognise that it can take some years to track the full effects of preventive interventions, so expanding the range of UK evaluative evidence will take some time. Pooling the available data sets from different professional and organisational sources might also help to provide better information in relation to a wider range of outcomes: health; educational; behavioural.

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29 Asquith et al, Op. Cit., pages 116 and 120
Summary: evaluation of preventive interventions

There is a need for more UK based evidence. With advice from the Scottish Executive’s Central Research Unit, consideration should be given to how this can be addressed, and whether better use can be made of existing data sets.

Sharing good practice

78. We are not aware of a forum or other facility to promote the sharing of good practice between those who are pioneering the many prevention initiatives underway. Conferences run by the Scottish Executive’s Crime Prevention Unit may currently fulfil this role to some extent. Multi-disciplinary events are a feature of the support for the New Community Schools initiative. As evidenced by Annex A, a lot is happening across Scotland and an opportunity would be missed if scarce resources and energies were diverted into reinventing wheels. A lot is also happening in other parts of the UK, and it would be helpful if that information could also be tapped into. (See also comments on evaluations above.)

Summary: sharing good practice

An early intervention good practice forum should be established and publicised, if one does not already exist.

Statistical information

79. There is also a lack of readily available statistical information about youth crime which could be invaluable in helping to prevent it. Basic information such as the numbers of youth crimes is hard to ascertain (see paragraph 8). A targeted approach in particular relies on the availability of sufficient data about what types of youth crime are being committed where and by whom. Three specific areas of research could be particularly worthwhile to improve the effectiveness of targeting preventive intervention:

- identifying locally the incidence of offending within families. Evidence suggests a correlation between young offenders and siblings or parents who also offend;
- identifying the incidence of youth crime within geographical areas or communities. Again, evidence suggests that youth crime is concentrated in specific areas. The Audit Commission report referred to above estimated that 40% of youth crime is committed in 10% of areas;
- identifying whether, and if so how, the type of crime committed by young offenders varies by community or geographical area.

Summary: statistical information

Statistical information about youth crime is limited. To help target preventive interventions, more statistical information is needed about the levels of youth crime, and particularly in the 3 areas identified above.
DEALING WITH YOUNG OFFENDERS: ANALYSIS

80. Having looked firstly at youth crime prevention, the second of the two areas examined in this paper relates to how we deal with young people who have begun to offend.

81. The focus in the sections below is primarily on preventing re-offending. Court sentences do have additional aims - one description is retribution; deterrence; reformation and rehabilitation\(^{31}\) - and the hearings system is designed to ensure that much broader welfare needs of the child are met. While there is a degree of overlap between the various aims, this paper takes the prevention of re-offending as the most relevant objective in this context.

82. As in the above discussion on youth crime prevention, the issues relating to dealing with young offenders are complex and varied. A wide range of agencies is involved, including the children’s hearings system and Reporters, social work departments, the voluntary sector, the courts and the Procurators Fiscal. The subject also covers a wide age range: a young person acquires the ability in Scots Law to commit criminal offences at the age of 8. The rate of offending rises sharply at age 13 to a peak at 18.

83. Our research suggests a degree of consensus about where the pressure points lie in the systems for dealing with offenders. This paper seeks to identify the opportunities for dealing more effectively with young offenders. The evidence is that some things work much better than others. Annex B provides a summary of the recommended approaches in dealing with young offenders alongside the range of relevant programmes in Scotland. Annex C gives a brief summary of the Children’s Hearing’s system. This section first of all discusses:

- the children’s hearings system; and
- the criminal justice system.

84. It goes on to identify 3 main pressure points and highlights the opportunities to address them.

**Children’s hearings system**

85. In addition to dealing with children referred on care or protection grounds or because of non-attendance at school, the children’s hearings system is the centrepiece of Scotland’s system for handling young offenders up to the age of 16. A description is provided at Annex C. With the exception of especially serious offences, which are dealt with by the criminal courts, all children referred on offence grounds up to the age of 16 are subject to the hearings procedure. Children aged 16 and 17 who are still subject to a previous supervision requirement may also be subject to the hearings procedure. In 1996/97, 28,105 children were referred to the Reporter on offence grounds: 60% of all referrals.

86. A research programme was commissioned by the Scottish Executive to evaluate the system, and some findings were published in 1998\(^{32}\). The principle conclusion was that support for the hearings system “has persisted despite some evidence of tensions and difficulties in practice. These include the capacity of the system to meet the needs of some

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31 Scottish Association for the Study of Delinquency, *Offenders aged 16 to 18*, page 34
children, particularly serious and persistent offenders... and frustration at the shortage of resources to meet identified needs.\textsuperscript{33} The strengths of the system were identified as:

- the ethos of the system (child-centred, focus on needs and welfare, integrated approach, the potential for participation, avoidance of punishment or retribution);
- the principle of separation of adjudication of evidence from disposals;
- the commitment, independence and lay status of panel members;
- the system’s ability to respond to children and young people who had offended for the first time or in minor ways.

87. The weaknesses identified included:

- the shortage of resources which affected the quality of service which could be delivered to meet identified needs;
- the ability of the system to respond to persistent or serious offenders;
- the speed of the system: in 39\% of study cases Reporters took more than 2 months to make decisions; there were frequently long delays in notifications to Reporters (on average 58 days for offence referrals) and delays in receiving reports from schools and social work departments;
- the participation of children and families at hearings was limited.

88. The research also noted a variation in views about whether the hearings system or the criminal justice system is best placed to deal with children, particularly those over 16. Across Scotland, individual Procurators Fiscal retained from 15\% to 66\% of cases which were jointly referred to them and Reporters.

89. This paper does not comment further on these research findings which relate mainly to the running of the hearings system itself – such as those relating to the speed of the system and the participation of children and families in the system - beyond endorsing their importance to maintain and enhance the system’s credibility. Some changes have been introduced by the Children (Scotland) Act 1995 subsequent to the research being carried out, such as the duty on the Hearing to attempt to obtain the views of the child. The research findings are being taken forward by Social Work Services Group, including at a planned conference in March, and in some respects are already being addressed. The Chairman of the Scottish Children’s Reporter Administration (SCRA) was commissioned in June 1997 to examine methods of speeding up the handling of cases, and the Time Intervals Working Group, comprising representatives of the hearings system, the police, Crown Office and the NHS have produced a preliminary report setting out areas where time could be saved and standards raised in the processing of cases. SCRA also received an additional £8.1m from the CSR, part of which is to be invested in a networked IT system for the Administration.

90. For this report, though, 2 research outcomes are particularly relevant:

- concerns about the ability of the system to deal with serious or persistent offenders;
- the absence of a suitably wide range of appropriate disposals by which the identified needs of all young offenders can be met.

\textsuperscript{33} Social Work Research Findings No. 25 (CRU, 1998)
91. There is a consensus of opinion, reinforced in our discussions, that the existing children’s hearings system with its clear focus on addressing the needs of the child is an effective approach for dealing with younger children who offend, particularly for the first time. There is often an underlying problem in the child’s life – perhaps at home or at school - which has led to the offence, and the ethos of the hearings system ensures a focus on that underlying problem.

92. However, there is a very strong view that the hearings system is failing to deal with older offenders (age 14-16), persistent offenders and serious offenders. This view is presented in 3 main forms:

- firstly, some argue that a single approach to dealing with children aged from 8 to 16 cannot take account of such a diverse range of individuals: the youth justice system should respond differently to the actions of young children and young adults. The approach taken with older children should strike a balance, it is argued, between treating the needs of the child and a more adult approach of facing up to the consequences of the offence: making reparation to victims and to the community; addressing the offending behaviour; proper punishment;

- secondly, some argue the case from the perspective of the offender. Offenders aged 14-16, particularly repeat or persistent offenders, appearing before Hearings for the third, fourth or fifth time are frequently dismissive of the experience and its consequences. From their perspective, the prospect of yet another supervision requirement is something they can easily live with. In contrast to courts, the lack of sanctions available to Hearings if the offender fails to comply (apart perhaps from sending the child to residential care or secure accommodation, which may be inappropriate in the circumstances) reinforces the impression of a system lacking teeth. And unlike court sentences, Hearings’ decisions are not always implemented speedily. A more subtle view is that these older offenders expect punishment for their offence, and see Hearings as the forum in which that will be decided, but are in fact brought before a system with an entirely different focus: ie the needs of the child, not the consequences of the offence and certainly not punishment. Consequently, Hearings can be seen as a soft option;

- thirdly, some argue that the hearings system fails victims of youth crime and the community at large. The system is explicitly focused on the needs of the child (the offender in the case of offence referrals) and not on the victim, the offence or its consequences for the community. There is an understandable degree of public concern that the system ‘lets young criminals away with it’. This concern, and the view that Hearings can be a soft option for young offenders, is partly explained by the fact that the confidential nature of the Hearings (to accord children the protection of privacy) prevents most people knowing what actually goes on. The need for confidentiality also prevents the involvement of victims. There might therefore be a case for informing the public more about the range of activities undertaken in the hearings system.

**Criminal justice system**

93. Most young offenders committing offences after their 16th birthday will be legally regarded as adults and processed by the adult criminal justice system. The sentences which can be imposed by the courts include detention in a young offenders institution (ages 16-21), a fine, community service, and probation. In certain circumstances, offenders over 16 may
also be remitted by a court to a Children’s Hearing for advice or final disposal: for example if the individual is subject to supervision requirements imposed by a Hearing.

94. The evidence is that the effectiveness of the above sentences for young offenders in terms of retribution, rehabilitation and discouraging re-offending is variable. There is a clear view that detention in a young offenders institution (in large measure similar to adult prisons) is very expensive, risks the individual acquiring additional criminal skills or coming under negative influences, loosens family relationships (already under strain), removes a sense of responsibility for daily existence, diminishes a sense of self-respect, and reduces the possibility of future employment – all of which achieves little in terms of reducing future offending. The benefits to the community in terms of gaining respite from the individual’s offending are at best temporary – they will be released sooner or later - and bearing in mind that most youth crimes are crimes of dishonesty, time spent in custody is unlikely to have removed the need for money (or remove ‘badness’). Custody should therefore be seen as a measure of last resort, for dangerous offenders and where the severity of the crime merits it. Persistent petty offenders do not necessarily fall into this category. Overall levels of admissions to young offenders institutions have decreased by only 5.5% since 1987, with a 4% drop being recorded between 1996 and 1997.

95. Fines too are frequently inappropriate for this age group. Unless the individual is earning and has the available income to pay, the fine is often not paid and subsequently converted into a custodial sentence. The imposition of supervised attendance orders has in the past given offender the opportunity to convert a fine into a chance to learn and gain something positive, but some offenders apparently see the requirements as too onerous and prefer custody.

96. Views about community service are much more positive. Community service is thought to be particularly useful for offenders verging on a custodial sentence, but the required degree of co-operation between the offender and the supervising officer can be hard to establish and a method of enforcement is required if the offender fails to co-operate. Probation, and intensive probation, is again thought to be among the more effective disposals, combining supervision of the offender in the community with programmes to tackle the offending behaviour.

97. The following statement sums up a widely held view on disposals for the 16-21 age group: “If it is possible to find a punishment which does not involve fining or incarceration all of those involved in the justice system would derive considerable benefit… Custody achieves little in all but a few cases, may cause more crime in the long term than it prevents and is enormously expensive in financial terms. On the other hand, the diversion of offenders from custody is relatively inexpensive and is presently carried out on very small budgets. The quality of some schemes is sometimes outstanding, and the benefit for the expenditure involved is enormous by comparison with custody. Such schemes do require leadership of the highest calibre, and many already receive it, through both the voluntary and statutory sector.”

98. In 1997, 31,310 penalties were issued by courts to men aged under 21. The relative proportions of disposals used were as follows:

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34 See Scottish Association for the Study of Delinquency, Offenders aged 16 to 18 (1993)
35 Scottish Association for the Study of Delinquency, Offenders aged 16 to 18 pages 36 and 38
<table>
<thead>
<tr>
<th>Penalty</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>fines</td>
<td>56%</td>
</tr>
<tr>
<td>young offenders institution</td>
<td>14%</td>
</tr>
<tr>
<td>admonition or caution</td>
<td>12%</td>
</tr>
<tr>
<td>probation</td>
<td>8%</td>
</tr>
<tr>
<td>community service order</td>
<td>6%</td>
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<tr>
<td>compensation order</td>
<td>1%</td>
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<tr>
<td>absolute discharge</td>
<td>1%</td>
</tr>
</tbody>
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99. From the above discussion of the hearings system and the adult criminal justice system, 3 key pressure points emerge.

- disposals;
- transition between the two systems;
- co-ordination within and between the systems.

### Disposals

100. The Government recognises that a range of responses is required to address the offending behaviour of different types of young offender: first offenders; periodic offenders; persistent offenders and serious offenders. Examples of the responses are given in Annex B. But as evidenced in the recent evaluation of the hearings system and in our discussions with practitioners, there are widespread concerns that:

- **Hearings and courts do not have access to a sufficient range of disposals: ie they have too few options to meet the needs of all of the offenders they deal with;**

- **on the whole, the disposals which are currently available to Hearings and courts are not effective enough in preventing young offenders from reoffending;**

- **with a few exceptions, offending behaviour is in general not being addressed well enough within many of the disposals available when young offenders are dealt with.**

101. The first point above – that the range of disposals available is too limited – needs little further explanation. Hearings deal with children from ages 8 to over 16; courts deal with young people from age 16 upwards; the offences committed vary hugely from petty offences to violent crime; and in terms of disposals one size does not fit all. In particular, Hearings seem to lack access to a wide enough range of innovative solutions to address the problems of the children they deal with. Put another way, local authorities (with whom responsibility primarily rests) are not bringing forward sufficiently innovative or wide ranging disposal options in making recommendations to Hearings.

102. The point about effectiveness of disposals does merit more discussion. Effective disposals for young offenders should both meet the welfare needs of the child and reduce the chance that he or she will re-offend. The two aspects are inter-related, but the crucial point in this context is that the offending behaviour is actively addressed.

103. Different projects take different approaches when dealing with young offenders and it is important to find out what works and then share that information. Definitive evaluative evidence about which interventions are most effective to address the offending behaviour of
which young offenders is in short supply. **An initial conclusion is therefore that wherever possible the effectiveness of disposals in reducing re-offending should be evaluated.**

104. But the evidence available does indicate that some things work better than others. For example, we do know that the effectiveness of different types of disposals varies according to the age, maturity and category (eg first offender or persistent offender) of young offender. Options include confronting young offenders with the consequences of their actions – for example making reparation to their victims; mediation; repaying a debt to the community – and addressing their behaviour: for example cognitive behavioural programmes including social skills training, aggression reduction and anger management techniques. We are not aware of any forum in which evaluation data is pooled and shared, but it may be that the Criminal Justice Social Work Development Centre to be established in mid-1999 can fulfil this role to some extent. If not, alternatives might be considered.

105. When looking in more detail at the range and effectiveness of disposals available the picture emerging differs significantly by category of offender, pointing to areas where energies and resources should be focussed. The sections below examine separately the effectiveness and range of disposals available for:

- first offenders
- periodic offenders
- persistent offenders
- serious offenders
- 16-18 year old offenders

**Disposals for first offenders**

106. **The indications are that on the whole the Children’s hearings system deals effectively with first offenders, particularly in the younger age range, and that the range of disposals available seems adequate for this group.**\(^{36}\) The hearings system is designed to deal with the underlying causes of the offending behaviour in order prevent re-offending, and on the whole seems to be successful in nipping it in the bud. First offenders tend not to re-offend. Hearings are generally good at prescribing low key action, and a Hearing’s supervision requirement can attach any condition it considers appropriate. A sensitive approach with first offenders is also appropriate since the offence can simply be symptoms of the growing up process - testing the boundaries of rules and authority – rather than anything more sinister.

107. The judgement and actions of Reporters are particularly important here: deciding how to handle each young offender. Around half of all offence referrals to Reporters are handled without a Children’s Hearing or a referral to a social work department. These are recorded as ‘No Further Action’ and - to the credit of Reporters - the indications are that very few go on to become persistent or serious offenders. This is partly because within this category - and despite the misleading ‘No Further Action’ heading - Reporters can interview the young offenders and/or their parents, present the consequences of the offence from the perspective of the victim, and bring home the seriousness of the situation. For this period of time - until a letter is finally sent to the parents informing them that on this occasion a referral to a Hearing will not be made - the ‘fate’ of the young person hangs in the balance. For some young

\(^{36}\) See Hallet et al, Deciding in Children’s Interests: the evaluation of children’s Hearings in Scotland
offenders, this can be sufficient pressure to divert them away from re-offending, having tested the limits of acceptable behaviour. For others, a much more serious response is required, and the Reporter has the responsibility of deciding which approach is most appropriate.

**Summary: disposals for first offenders**

The hearings system deals well with first offenders in steering them away from re-offending. The range of disposals available is adequate and on the whole are effective in preventing re-offending.

**Periodic offenders**

108. Periodic offenders - children who do not stop offending after the first time, but who do not fall into the persistent category – comprise the main business of the hearings system and require a range of forms of supervision. There is some evidence that a wider range of disposals is needed by Hearings when dealing with periodic offenders and this is picked up in the Evaluation of the system mentioned above. In particular, more disposals which actively address offending are required for periodic offenders. But again, we do not see this group as one of the key pressure points within the system. The areas in which improvements are required are already recognised, and corrective action can be planned accordingly.

**Summary: disposals for periodic offenders**

On the whole, the hearings system seems to cope with periodic offenders: the disposals available are adequate, although a wider range which explicitly address offending behaviour is perhaps needed.

**Persistent offenders**

109. There is a widespread view, however, that we are not dealing effectively with persistent offenders and that the range of community-based disposals available for this group is inadequate. This is one of the key pressure points in the system and represents a significant lost opportunity.

110. There is an acute shortage of options for dealing with persistent young offenders, including for the youngest in this group, and yet this is arguably the group presenting the biggest opportunity to reduce re-offending overall: relatively small numbers of offenders are committing disproportionately large amounts of crime. In addition, targeting this specific group in particular should also help to address the public’s fear of crime. ‘One youth crime wave’ stories are prevalent in the media. Apart from the number of crimes they commit, there is a sense in which the crimes committed by persistent offenders are more ‘visible’: young people wanting to be seen by their peers pushing the limits of authority and testing the law. By contrast, few adult offenders wish to be seen committing crime.

111. Paradoxically, there also seems to be a greater degree of public acceptance and understanding that, when compared to adults, children or young people are both ‘capable of changing’ and deserving of an opportunity to change their behaviour. If it can be shown that disposals are actively tackling offending behaviour, and include an awareness of the
consequences for the victim – for example by mediation or reparation – public frustration that young offenders are ‘getting off scot free’ (mentioned above) might also be lessened\textsuperscript{37}.

112. Interim evaluations of two projects focused on persistent offenders (described more fully in Annex B) are beginning to highlight interventions which can be particularly effective with this group:

- the Freagarrach project delivers intensive interventions to 12-16 year olds aimed at addressing offending. The project estimates that re-offending rates have been cut by over 60% in relation to previous offending patterns, although an emerging message is the cognitive behavioural approach works best with the older children in the age group;

- the CueTen project has taken a different approach. It is run by Apex Scotland, an organisation which aims to create equality of access to employment opportunities for people with a criminal record\textsuperscript{38}. The employment-focused approach does seem to work with adults: an ex-offender with a job is three times less likely to re-offend than one who is employed; and while the national re-offending rate within 2 years of release from prison is 71%, only 5% of those who use Apex’s services re-offend\textsuperscript{39}. Evaluation reports suggest that an employment focused approach is not so effective with most young offenders\textsuperscript{40}. Most of those referred to the CueTen programme have continued to offend; and the small decrease in offending rate is deemed not statistically significant. Other lessons have been drawn about what works with young offenders: eg in relation to the intensity of programmes (only 40% of those attending CueTen have completed the programme); parental involvement; and close inter-agency working.

113. For each project it will be important to isolate the elements which are effective in reducing re-offending, and those which are not, and to assess the applicability of the approach elsewhere. It may be that an even more effective model might combine the 2 approaches: addressing the offending behaviour and providing a constructive route out of the offending pattern. It may also be the case, however, that interventions for persistent offenders which are provided from one location such as these are less appropriate for younger offenders because they remove the offenders away from the stabilising influences of their families and schools. Taking account of age and maturity is therefore important.

114. Beyond these pilot projects though we have not found other projects in Scotland delivering intensive interventions specifically designed to address the offending behaviour of persistent offenders. One reason for this might be that these schemes appear to be very expensive, due to the concentration of resources and the high staff/offender ratios which they require. They are, however, no more expensive than custodial disposals and are likely to be

\textsuperscript{37} In this context, it is worth noting that the ethos of the Hearings system – addressing the needs of the child, not punishing the offence – might be interpreted as preventing Hearings disposals for older or persistent offenders from including elements which explicitly recognise the offence, such as reparation or mediation programmes involving victims. We do not have evidence about the extent to which this is a genuine problem in practice: ‘addressing offending behaviour’ might in fact be consistent with both the Hearings ethos (ie acting in the child’s interest) and including these much needed elements in disposals.

\textsuperscript{38} 75\% of 16-17 year old males arrested and charged by the police (in England and Wales) are not in education, training or employment. (Source: Social Exclusion Unit, November 1998)

\textsuperscript{39} See Apex Scotland, \textit{A Catalyst for Change}

\textsuperscript{40} See Central Research Unit, \textit{Crime and Criminal Justice: Research Findings No. 31} (May 1999)
considerably more effective in preventing re-offending. Increasing the provision of intensive interventions for this group may therefore be one of the most cost effective uses of resources.

115. An alternative view is that persistent offenders represent the hardest group to reach and interventions are likely to be least effective. This argument therefore queries the targeting of resources on this group rather than less persistent offenders who may be less difficult to reach but more responsive to interventions. The argument also applies across the range of activities to combat social exclusion. However the telling point in the youth crime context is the lack of existing interventions which even attempt to tackle the toughest group. Given the very great potential for reducing overall offending rates, this must be addressed.

**Summary: disposals for persistent young offenders**

There is an acute shortage of effective interventions for persistent young offenders in the 12-18 age range. This represents a very significant lost opportunity:

- in order to make the biggest overall impact on youth crime, and to respond to the public’s fear of crime, disposals for this group should be the first priority for investment. These should actively address offending behaviour;
- if the elements for success can be identified from existing pilot projects, the lessons should be applied elsewhere;
- investment in such interventions has the potential to be cost effective.

**Serious offenders**

116. There are two key issues for this category of young offenders: the effectiveness of secure units in addressing the offending behaviour of serious offenders, and the seeming lack of alternative disposals for this group.

117. Young offenders who have committed serious offences and whose behaviour makes their detention in a more open setting inappropriate may require secure accommodation, often as an alternative to prison. Each year in Scotland around 250 young people are admitted into secure care; there are currently 84 places in secure units in Scotland. Around 25% of these children are in secure care after being sentenced to detention by courts; the remainder via children’s hearings.

118. We endorse the view of the National Planning Group that given the seriousness of their offences, the level of offending and the cost of placements (around £2500 per child per week) it is important that the period in secure care is focused on effective intervention. Although ‘A Secure Remedy’ recommended more attention to programmes which target offending behaviour, recent inspections of secure units indicate that focused programmes could be better developed. One suggestion is that social skills and cognitive-behavioural training tailored for the young offenders be made available for staff in secure units. This

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41 For criteria for admission to secure care see earlier footnote.
42 See First Annual Report of the National Planning Group on Care and Education Services for Young People with Behavioural Problems which Include Offending (April 1999)
44 See First Annual Report of the National Planning Group on Care and Education Services for Young People with Behavioural Problems which Include Offending
would mirror the similar programme of staff training run for Scottish Prison Service staff. We also note comments made to us that secure units could do more to re-establish levels of personal responsibility for offenders and better prepare them for life outside the units.

119. The range of disposals for young serious offenders seems very limited, and the issue arising is simply the apparent lack of disposals for serious offenders other than secure accommodation, or young offenders institutions for over 16s. It has been argued to us that other models exist in Europe and the USA which would be worth examining.

**Summary: disposals for serious offenders**

Options for dealing with serious offenders other secure units should be explored.

An evaluation of the effectiveness of secure units in preventing re-offending would be helpful, if one does not exist already.

### 16-18 year old offenders

120. The significance of this particular group of offenders in this context is that their ages straddle the transition point between the hearings system and the criminal justice system. The evidence suggests that Hearings, and to some extent courts, have neither an adequate range of appropriate disposals nor effective enough disposals available for this older age group. There are a few examples of disposals being tailored to address the behaviour of these offenders: through close liaison between the Procurator Fiscal and social work services, the CHOSI initiative in North Lanarkshire aims to tackle offending behaviour of young people aged 15½ -18 with individual care plans. But these are exceptions.

121. The transition between the hearings system and the criminal justice system is discussed in more detail in the next section, but the lack of suitable disposals partially explains the perceived lack of confidence in the hearings system’s ability to deal with the 16-18 age group. Courts refer only around 5% of the 16-17½ year olds they see to the hearings system, even though they may refer to Reporters for advice or in some instances disposal the case of any offender under 17½ whether or not they have been under supervision. It is likely, however, that confidence would increase – not least within panels themselves – if more appropriate disposals were accessible to Hearings.

122. Over half of the penalties given to young offenders aged 16-20 in 1997 were fines, and 14% were custodial sentences. Neither seem to be effective in preventing re-offending. In particular there is broad agreement that custody is not usually the answer for the 16-18 age group. The consensus view is that community-based disposals provide more opportunities for reducing re-offending (see paragraph 97). The report ‘Women Offenders - A Safer Way’ recommended that “The Scottish Office should consult on how to ensure that by the year 2000, young women under 18 years of age are not held in prison establishments and how and by when to achieve the same for males under 18.” The National Planning Group has recommended that the Scottish Executive should issue for consultation a draft protocol to minimise the use of custody for children under 1845.

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45 See First Annual Report of the National Planning Group on Care and Education Services for Young People with Behavioural Problems which Include Offending (April 1999)
123. Reduced use of custody will require a wider range of disposals specifically designed for this age group. The Government has recognised that non-custodial sentences such as community service, probation and specialised programmes designed to address offending behaviour provide credible alternatives in which judiciary and public can have confidence. Increased use of secure units is not a viable alternative to young offenders institutions. This would require significant extra funding given the costs of secure accommodation, and the young people concerned might not meet the criteria required for a secure placement.

124. It is worth noting that some progress is being made to address the effectiveness of programmes to address offending behaviour of those in young offenders institutions. In addition to the standard 4 Scottish Prison Service ‘preferred programmes’ - cognitive skills, drugs relapse prevention, sex offender, and anger management – Polmont YOI is increasing its focus on the implications of adolescence, including training for all staff, and runs wider programmes within its relatively recent unit for 16-18s to address offending behaviour.

Summary: disposals for 16-18 year old offenders

Confidence in the ability of the hearings system to deal with 16-18 year old offenders is being undermined by the lack of appropriate disposals available to them. The ability of the criminal justice system to deal appropriately and effectively with 16-18s is also widely questioned:

• an increased range of effective disposals is required to gain the confidence of those involved in the criminal justice and hearings systems;
• co-operation between the two systems will be required in the design of such disposals.

Disposals: general points

• Projects taking different approaches are being run across Scotland. It is important that these projects are evaluated and that the findings are shared.

• A widely accessible forum is required for the pooling and sharing of evaluation data.

• If sufficient supportive evaluation data was available, national quality standards might be produced for Hearings disposals. These might be similar to the National Standards already in place to promote consistency across criminal justice social work services. But given the diversity of young offenders, it might be more practical to focus on the effectiveness of specific elements of disposals rather than on a consistent approach.

• A list of core disposal options which ought to be available in all local authority areas, particularly for persistent and 16-18 offenders, might be useful. Given that the profile of youth crime probably varies across the country, the list might include a menu of options from which local authorities can design disposals to meet local circumstances.

Funding of disposals

125. In order to address the range and effectiveness of disposals available to Hearings and courts, the funding of these disposals should also be considered.

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126. In 1991 a policy of 100% Government funding for criminal justice social work services was introduced. Ostensibly this meant that the funding for social work community-based disposals which the courts could use in sentencing offenders would thenceforth be provided by central government. These disposals include probation, community service, and reports to courts. The main aims of the policy were:

- to reduce the use of custody by increasing the availability, improving the quality and targeting the use of community-based disposals on those most at risk of custody, especially young offenders; and

- to enable offenders to address their offending behaviour and make a successful transition to law-abiding life.

127. This report endorses those aims, and recent evaluations\(^{47}\) have recorded some progress towards meeting the aims, although less so for young offenders\(^{48}\). However, commonly-expressed concerns relating to the 100% funding policy include the following:

- the 100% funding policy relates only to the criminal justice system, and not the children’s hearings system. In the hearings system it is the responsibility of local authorities to bring forward to the Hearings a range of disposals for the individual concerned, funding for which needs to be found primarily from the social work department’s budget. There is therefore a discrepancy between how disposals are funded in the two systems. This is highlighted most starkly where 16-17 ½ year olds are concerned. They may be dealt with by either system, but in one the funding for the community sentence has ‘guaranteed’ 100% central government funding, while in the other funding for the disposal has to be found from within the already stretched social work department’s budget. Taken to extremes, this discrepancy might even create a perverse incentive for 16-17 ½ year old offenders to be dealt with by the criminal justice system even although the interests of the child and the offending behaviour might be better served by the hearings system;

- another – partly contradictory - complaint voiced by local authorities is that 100% does not in fact mean 100%. Local authorities receive an annual allocation from the Scottish Executive within which they are expected to fund these demand-led services. In practice, some local authorities may supplement their ‘100% allocation’ from their general settlement in order to meet demand.

128. In terms of addressing the discrepancy between the funding of the 2 systems for 16-18 year olds, the Crime and Punishment Act contains an as yet uncommenced provision to provide 100% funding for services for 16-18 year olds in the children’s hearings system. Commencing these powers would redress the balance, but would presumably have significant cost implications. Similarly, funding criminal justice social work services alone on a truly 100%, or even demand-led, basis would also be likely to require an increase in funding. An alternative view is that the lack of funding for social work Hearings disposals reflects a failure by local authorities to accord sufficient priority to this responsibility when deciding on their funding priorities. It is clearly within authorities’ discretion to increase the funding available from within their general allocations. In addition to complaints that local

\(^{47}\) See CRU Research Findings Nos13, 14, 16 and 18.

\(^{48}\) For example, probation was found to be less successful with young offenders than adults.
authorities are generally failing to fund and provide to Hearings innovative and varied disposals, a common complaint is that social work departments are too slow in allocating social workers to children placed under supervision: for example gaps of 2 months between the Hearings and first contact with the social worker, which reinforces the view of offenders that the Hearings system lacks real teeth.

129. There are also problems about the instability of funding for the voluntary sector. The sector plays a large role in dealing with young offenders, and particularly in developing much needed innovative projects to address offending behaviour. In addition to Apex and Barnardos (which runs Freagarrach) mentioned above, NCH, SACRO, Save the Children and the Airborne Trust are all active, and between them have a considerable amount of expertise. In addition, on the crime prevention side voluntary bodies play a significant role in areas such as community education and drugs counselling. A common complaint however is that Government tends to fund only a very small number of pilot schemes, and on the few occasions when it does so it does not commit to ongoing funding (as in Freagarrach and CueTen). This leaves the voluntary bodies at the mercy of local authorities’ annual budget setting exercises which may result in projects being discontinued. This instability, it is argued, acts as a disincentive for voluntary bodies to develop innovative projects in the first place and fosters an unhealthy competition between the bodies for the scare funds.

130. Coming up with solutions to the perceived problems is not easy. On the voluntary sector issues, we do not recommend that Government should abandon its general stance on: pilot first, evaluate, and if it works locate funding solutions in line with responsibility for provision. But there may be ways in which to address the instability of the funding streams, and in particular to avoid projects ceasing after their pilot phase simply because decisions on future funding were not taken in time. It may also be possible for Government to ‘hold the ring’ between the bodies and local authorities and foster a culture of transparency in financial arrangements to prevent an ultimately wasteful ‘internal market’ developing between them.

131. Resolving problems relating to local authorities’ level of expenditure is also difficult. Putting in place more effective disposals for a range of young offenders will cost more, and responsibility for resourcing those disposals and making them available to Hearings lies primarily with local authorities. Local authorities set their own funding priorities and unless a greater degree of commitment is shown to funding these disposals the Hearings system is not going to be able to fulfil its full potential and deal more effectively with young offenders, particularly older and persistent offenders. This paper does not propose a specific solution but recognises the importance of finding a resolution to the problem.

132. What seems clear however is that, overall, the funding arrangements for disposals aimed at young offenders seem to be unnecessarily complex, and may be inhibiting the development of new disposals, particularly for older, serious and persistent young offenders. A review of these arrangements would be helpful, with active participation from local authority and voluntary sector representatives. We suggest the following objectives:

- to simplify the funding arrangements and make them more transparent;
- to remove any funding anomalies and perverse incentives;
- to develop a more consistent approach to the funding of Hearings and courts disposals for young offenders;
- to develop more stable funding arrangements for the voluntary sector bodies involved, in recognition of the important contribution they make;
to consider the likely costs associated with funding a wider range of effective disposals for young offenders, and the ability of local authorities to adjust funding priorities.

133. Finally, such a review might also consider the organisational merits and financial implications of one new approach in particular: 100% Government funding for all Hearings and courts offence disposals for children up to 18. We recognise that this option would involve a radical change to current arrangements requiring new legislation. It would also need to address how to fund Hearings referrals on care and protection grounds when it may not always be possible to separate those cleanly from offence referrals: a referral on offence grounds may reveal underlying care and protection issues such as child abuse. But it does merit consideration on the grounds that it might well meet all 4 of the objectives listed above.

Summary: funding of disposals

The funding arrangements for disposals seem to be unnecessarily complex and may be inhibiting the development of new disposals. We suggest a review of these arrangements, with active participation from local authority and voluntary sector representatives, to:

- simplify the funding arrangements and make them more transparent;
- remove any funding anomalies and perverse incentives;
- develop a more consistent approach to the funding of Hearings and courts disposals for young offenders, recognising that Hearings also deal with children referred on non-offence grounds. The merits of a 100% funding policy for all Hearings and courts disposals for young offenders up to 18 should be considered. For Hearings, the criteria might where supervision requires specific action to address offending behaviour;
- develop more stable funding arrangements for the voluntary sector bodies involved, in recognition of the important contribution they make.

Dealing with young offenders: transition between the children’s hearings system and the criminal justice system

134. One of the widespread criticisms of the current arrangements is that the transition between the hearings system and the criminal justice system is too abrupt. In short, while Hearings focus on the needs of the child, often to the exclusion of the offence, the criminal justice system focuses on the nature of the offence – often to the exclusion of the needs or underlying problems of the individual.

135. The differing approaches taken by the 2 systems is called into question most clearly when individuals make the transition from one to the other, usually around age 16. One concern is that the criminal justice system is not the right place to deal with the needs and behaviour of many 16-18 year olds. This system treats them like adults but many are still emotionally and developmentally immature and living in unstable, poorly supported situations. They therefore still have needs which ought to be addressed through the welfare-based system49. There have been some calls for the hearings system to deal with all offences under 18. Some argue that the United Nations Convention on the Rights of the Child supports this view, and point out that Scotland has a relatively low age of criminal majority (16) compared to many other countries.

49See Report of the National Planning Group on Care and Education Services for Young People with Behavioural Problems which Include Offending (April 1999)
136. Another common criticism is that even when individuals should move from the hearings system to the criminal justice system, the difference in ethos between the 2 systems is too stark, and perhaps an intermediate system combining elements of both justice and welfare principles would be more appropriate for the 16-21 age group. Suggestions include new youth courts; sheriffs/judges sitting with panel members; or specialist panel members to deal with older teenagers. Another suggested approach is to create new youth panels for the 14-18 age group with JPs sitting alongside panel members.

137. However in our analysis these criticisms – most of which are valid – are less immediate concerns than 2 prior questions. Firstly, as discussed above, whether credible disposals are available. It matters less which system decides on how to deal with a young offender if neither system has access to a range of properly resourced and effective disposal options tailored to address the behaviour of different types of offender. Once a wider range of effective disposals are in place and have been given a chance to work, it may then become more appropriate to consider altering the systems.

138. Secondly, the arguments for raising the age of criminal majority to 18 or for requiring all offence cases to be taken within the hearings system are weakened by the lack of a direct correlation between chronological age and maturity. Young men aged 14-18 are progressing through a turbulent phase of their lives, progressing from adolescence to adulthood, establishing their identities in relation to their peers, their parents and authority. Some mature faster than others. It seems to us that a rigid chronological separation between the children’s and adult systems – wherever that it placed – will not easily accommodate this variability.

139. Instead, a flexible approach seems more appropriate. Courts do currently have the flexibility to refer young people under 18 back to the hearings system. The fact that they do not do so in the vast majority of cases seems to have more to do with their lack of confidence that the hearings system has access to appropriate disposals for these offenders than a lack of faith in the hearings system itself. Equally, Hearings’ seeming reluctance to retain offenders beyond age 16 – most supervision orders terminate shortly after the offender’s 16th birthday – might well be explained by their lack of resources to deal with older offenders rather than a belief that they will be more effectively dealt with by the courts. In other words, there remains a significant degree of unrealised potential within the current system.

140. Addressing the availability of disposals might also address one of the most serious current problems: the ‘gap’ that can develop between the 2 systems. A persistent or periodic offender is likely to offend regularly aged 16-18: 18 is the peak age of offending. But if his supervision requirements are terminated on his 16th birthday and the hearings system ‘lets go’, and if it takes the criminal justice system 18 months to catch up with his first offence after he has left the hearings system, he will fall between the two and neither system will have the responsibility or opportunity to tackle the offending behaviour at the very point at which it is most problematic. Access to disposals specifically targeted at the 16-18 age group would encourage Hearings to retain some offenders beyond their 16th birthday, and thus lessening the chances of them falling between the two systems.

141. The Government’s consultation paper ‘Community Sentencing - A Tough Option’ reflects this thinking: ‘young people should be dealt with by the children’s hearings for as long as possible, particularly where their welfare needs are extensive. However this should not preclude using the skills and expertise of criminal justice social workers when dealing
with offenders of this age group. The important point is that intervention is effective”. In addition, an increase in the availability, range and consequently use of community sentences within the criminal justice system rather than custody should reduce some of the starkest differences in approach compared with the hearings system.

142. **Overall, the key would seem to lie in ensuring the availability of credible disposals, rather than altering the current systems.** Consequences might include:

- raising the status of the hearings system: giving it better access to better disposals would be seen as giving it the teeth it needs;
- an increased confidence in the hearings system within the criminal justice system, potentially resulting in increased numbers of young offenders – where appropriate - being referred back to the hearings system where their offending behaviour can be more effectively dealt with;
- an increased public confidence in the hearings system, lessening current frustration about how young offenders are dealt with, and to some extent lessening the fear of crime;
- overall, allowing the hearings system to realise its currently unfulfilled potential.

143. Other suggestions made to us in the course of this review consistent include:

- requiring that, where there is a choice, the decision to refer a young offender to court rather than a Hearing should be based on the number and type of his previous offences, and the way in which he has responded to supervision rather than on the current age criteria. This would take into account to some extent the maturity of the offender;
- removing the word ‘Children’ from the title of the hearings system. Many young offenders do not consider themselves children and might be more co-operative if they felt they were being treated more appropriately.

<table>
<thead>
<tr>
<th>Summary: transition between the hearings system and the criminal justice system</th>
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<tr>
<td>In our analysis, the frequently voiced concerns about the age at which young offenders enter the criminal justice system from the hearings system, and about the clash of ethos between the 2 systems, are of less immediate importance than the unavailability of suitable disposals for the 16-18 age group (discussed in the previous section). In addition, the lack of a direct correlation between the age and maturity of young offenders suggests that a flexible approach is preferable.</td>
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<tr>
<td>The current systems do have the capacity to provide a flexible approach. The hearings system in particular is not realising its full potential. The key to unlock this lies with better disposals.</td>
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<tr>
<td>In short, we should do all we can to address the acknowledged weakness in the current systems rather than considering fundamental change.</td>
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**Dealing with young offenders: co-ordination**

144. The final area in which opportunities exist to improve how we deal with young offenders concerns the lack of co-ordination:
• between the children’s hearings and criminal justice systems;
• between agencies involved in each system;
• between individual projects.

145. A common message we have received from most of the individuals we have spoken to is that very few processes or structures exist to ensure a co-ordinated approach:

• few appropriate fora exist locally and at national level (beyond the high level Criminal Justice Forum and Liaison Group) to share good practice or to discuss common problems;

• there is a particular need to collate regularly and share information about the range of projects running across Scotland: there is a general feeling that a lot is going on, but more precise details seem not to be recorded in the one place;

• evaluation data about the effectiveness of different interventions, where it exists, is not widely or systematically shared; Reporters or Panel members do not receive feedback on the offending patterns of young people they have dealt with once they enter the criminal justice system;

• professionals in different areas eg health and social work, sometimes cite client confidentiality or even civil liberty concerns in opposing the sharing of client information and a fully integrated approach to preventive action and service delivery. The legitimacy of this stance has been questioned in discussions, and a greater degree of balance between rights and responsibilities suggested;

• IT systems within the different agencies – courts, hearings system, police, Procurators Fiscal, local authorities, service providers, voluntary sector bodies – are frequently incompatible, making the tracking of offenders (particularly persistent offenders) virtually impossible, preventing programmes from assessing accurately their success in reducing re-offending rates, and denying practitioners up to date information about the activities of children in their care/guidance. A significant exception to this is the ISCJIS project being developed in Scotland which links the IT systems of the criminal justice organisations: police, Procurator Fiscal, courts and prisons. In the last year, pilot projects have been established to transmit police reports electronically to the Scottish Children’s Reporters Administration, and to establish electronic links between the Procurator Fiscal and district courts. Accurate tracking of offenders using integrated IT systems has also emerged as a key ingredient of success in the Freagarrach project. Overall, ISCJIS provides an example of what can be achieved.

146. Ensuring co-ordination at local level is not the sole responsibility of the Scottish Executive, and it is disappointing that few agencies have felt able to make the running on an issue about which they seem to feel strongly. However, this does seem like an area where relatively little effort and investment from the Scottish Executive to establish appropriate fora or networks could pay dividends. Another specific suggestion to improve co-ordination at local level (already mentioned above) would be to require local authorities to set out local approaches to both crime prevention and dealing with young offenders in the Children’s Services Plans now required from all local authorities, or perhaps more appropriately within the community planning frameworks.
147. Suggestions were also made to us that co-ordination between agencies could be improved at national level, beyond the existing Criminal Justice Forum. A more active national forum/network might be helpful in galvanising action to tackle many of the issues mentioned in this report.

**Summary: co-ordination**

Co-ordination within and between the systems for dealing with young offenders is poor. We suggest that the Scottish Executive chairs discussion between the various co-ordinating and service delivery agencies to agree how this can be improved. In particular, the establishment of appropriate fora at national and local levels within which such discussions can continue should be a priority.

We suggest that local authorities be asked to set out local approaches to both crime prevention and dealing with young offenders in either Children’s Services Plans or within the community planning frameworks.

Policy Unit
July 1999
ANNEX A

YOUTH CRIME IN SCOTLAND: SURVEY OF ACTION TO PREVENT YOUTH CRIME

This section gives an indication of the range of action and initiatives already underway in Scotland to prevent youth crime. The list is not comprehensive but is intended to give an impression of the scale and range of the existing response to youth crime. The section also provides much of the background information to which the analysis in the main body refers.

To make this ‘stocktake’ more meaningful, the section provides (in italics) summaries of the approaches recommended in the literature or in our discussions with relevant individuals within and outwith the Scottish Executive which respond to the acknowledged risk factors for youth crime or which are identified as good practice, and then lists briefly key actions in Scotland which reflect that good practice. Given the very wide range of this survey, and to make the section more user friendly, the following categories have been used:

• early years intervention;
• school years and family support;
• drugs;
• community initiatives; and
• reducing socio-economic deprivation.

Early years intervention

Recommended approaches

• intensive home visiting: before birth and during first 2 years of life, advice on post-natal care, infant development, nutrition, the need to avoid smoking and drinking during pregnancy;
• pre-fives services combining education, child care and play: tackling disadvantage, promoting equality of opportunity;
• pre-school intellectual enrichment programmes, leading to increase in success at school and decrease in offending;
• including parents in the management of projects and addressing the needs of parents as well as those of the children.

Child health

• Health White Paper (published February 1999) announced resource pack on multi-agency co-ordinated support for children and their parents including:
  • parental health, lifestyle, nutrition and avoiding substance misuse in the period prior to, during and after pregnancy;
  • children’s nutrition, focusing on breast feeding, healthy diet and dental health;
  • reducing accidents, the principal cause of death and injury to children;
  • comprehensive screening, surveillance and immunisation programmes for maternal and child health, in line with national guidance and targets;

• work across agencies to help children at risk through behavioural disorders and educational failure.

• Health White Paper announced new demonstration project - ‘Starting Well’ – to focus on health and protection from harm in the period leading up to birth and in the first 5 years of childhood.

• the 1998 Planning and Priorities Guidance for the NHS required (for the first time) that the health of children and young people should be an important focus of 2 of the national strategic priorities: improving health and tackling inequalities. Health Boards, NHS Trusts and Primary Care Practitioners will now include in their jointly-agreed Health Improvement Programmes local priorities for investment and change in these areas, and progress towards objectives will be performance managed.

• family centres for families with children aged 3 and under (see childcare section below): guidance issue (December 1998) on the need for joint working and co-ordinated service delivery. Guidance on health input will include:
  • encouragement from midwives and health visitors to families to use the centres;
  • health promotion, including breast-feeding, addressing the needs of mothers with post natal depression and advice on nutrition;
  • opportunities for the direct provision of health services at centres.

• health visitors: Scotland’s Chief Nursing Officer is leading a review of health visiting and the role of community nurses in improving public health, including in supporting children. Health visitors have a key role in delivering preventive intervention (parenting skills, health of mothers, diet, lifestyle), providing a link with other agencies and in training others.

Childcare

• announced an additional £91 million (CSR) in September 1998 to expand childcare in Scotland. Of that sum:

  • £42 million will provide up to 5000 new part-time places for age 0-3 children at family centres. The aim is to promote children’s well-being, development and future educational achievement through early intervention: stimulating play opportunities and access to co-ordinated wider support: eg health (see health section above) and social work services; drop in advice for parents;
  • the remaining £49 million will fund more general expansion of childcare including: new childcare partnerships (to plan how to meet local needs), helplines for parents in every local authority area by summer 1999, and extra funding for increased regulation and inspection to reassure parents on the quality of care provided.

• financial assistance with childcare also available from: National Lottery Funding for out-of-school childcare (£25m) and for out of school learning activities (£23m); 18-24 and lone parent New Deal options; further and higher education Access Funds; and Childcare Tax Credit - £25-30m per year towards childcare for lower income families.
• £138m (CSR) announced for part-time pre-school education, where desired, for children in the 2 pre-school years; target date 2002. 94% of eligible children already in part-time education in pre-school year;

• additional grant support to local authorities of £56m over 5 years announced for early intervention programmes: intensive work to improve literacy and numeracy skills of children in first 2 years of primary school. National research project being run concurrently to ascertain effectiveness in raising attainment and cost-effectiveness.

• in line with the good practice statements above, there are a few well-established programmes in Scotland which include parents in the management of projects and address the needs parents as well as those of the children. Examples include Stepping Stones Scotland (6 family centres); First Step centre in Musselburgh; Bo’ness Family Centre and The Rosemount Project in Glasgow. Other examples are currently coming on stream by developing home-school links as part of early intervention projects.

<table>
<thead>
<tr>
<th>School years</th>
<th>Recommended approaches</th>
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<tr>
<td>• truancy and anti-bullying programmes;</td>
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<td>• projects combining parenting education, teacher training and interpersonal skills for children; mentoring schemes</td>
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<td>• study support schemes, targeted at specific areas;</td>
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<td>• providing alternatives to exclusion from school;</td>
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<tr>
<td>• skills training: reduce children’s impulsivity by cognitive-behavioural or interpersonal skills training; teaching delinquents to stop and think before acting, consider consequences of their behaviour, consider impact on others;</td>
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<tr>
<td>• peer influence strategies: teaching children to resist peer pressure to smoke/drink/take drugs; evidence that using peer leaders can be more effective than teachers;</td>
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<tr>
<td>• contact with crime prevention programmes: police, crime prevention officers and panels; raising awareness in schools of crime prevention and community safety;</td>
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<tr>
<td>• diversion activities: sports, arts, Duke of Edinburgh etc</td>
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<td>• for the most difficult cases, alternative facilities out of school at Day Units.</td>
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**Family support**

• parenting skills; family therapy
• encouraging parents to liaise with schools and other agencies

**New Community Schools**

• £26m over 3 years. Twin goals of raising educational attainment and promoting social inclusion: tackled by co-locating services and integrating provision – education, social work, family support, health education and promotion. Cross cutting approach entirely consistent with identified good practice in tackling factors predicting youth crime. Potential to become a key step forward in crime prevention.

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Early Intervention Programme

- investing £60m over 5 years to target literacy and numeracy in primary 1 and 2. The programme allows local authorities to adopt flexible approaches locally to suit local needs.

Invest to Save: pilot project

- a unique 3 year pilot project in Scotland is being funded from April 1999, with 75% funding from the HM Treasury’s Invest to Save scheme, explicitly focussed on reducing youth offending and anti-social behaviour. Based in Central Scotland, the multi-agency project will draw directly upon the research evidence about preventing youth crime\(^{52}\) and will provide early special support for around 30 families whose children are at particular risk of developing anti-social or offending behaviour. It will target children whose exposure to recognised risk factors indicates potential future offending problems, and deliver packages of support measures specifically suited to the 8-14 age group. It will involve families in identifying action plans for the children and will require close links between agencies supporting families and children: social work; police; welfare agencies; education; health. The project will focus on what action might be taken earlier than would otherwise be the case with a view to saving resources in the longer term. The project will be unique in Scotland: no other project delivers targeted early intervention to families specifically aimed at preventing children aged under 14 offending in the future, and in particular preventing children becoming persistent offenders.

Family learning

- £15m available to authorities from the Excellence Fund to support the role of parents in their children’s education. Resources will be targeted on family literacy schemes. Home-link teachers (which may include community education workers with experience in adult basic education) and parent support groups;

- some authorities already employ home-link teachers as part of the Early Intervention Schemes (see above). A survey of family literacy schemes already in place is being conducted by the Scottish Council Foundation.

Bullying

- anti-bullying network launched in May 1999. The network will promote the sharing of good practice and will support schools in developing effective anti-bullying strategies. All schools will be expected to establish and maintain anti-bullying policies.

Truancy

- schools and education authorities have been asked to set local targets for reduction in non-attendance over the 3 year period to 2001.

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\(^{52}\) In particular, it responds to the evidence referred to in paragraph 25 in relation to the cumulative or multiplicative effects of risk factors which significantly predict future offending.
collection of good practice “Close to the Mark” published in December 1997 by network of schools participating in The Scottish Initiative on Attendance and Absence (SIAA). Publication highlights in particular the role of parents. Further work is being developed through the Scottish Schools Ethos Network.

School exclusions

- national target to reduce permanent exclusions by one third by 2002. Guidance on minimising exclusions issued to authorities in April 1998;

- £23m available from April 1999 over 3 years to fund programme of alternatives to exclusion. Will build on pilot project work being done in 18 of the 32 authorities under the £3m Alternatives to Exclusion Grant Scheme. Many of these pilot schemes are multi-disciplinary, in line with multi-agency approach required to tackle youth crime. HMI will evaluate pilot schemes and successful examples will be disseminated.

School ethos/discipline

- Schools White Paper (published January 1999) emphasises importance of creating a positive ethos in schools and sets out Government’s intention to establish a national Ethos Programme with 4 strategic priorities: networking; bullying; non-attendance and improving discipline through positive approaches to behaviour.

- Government will continue to encourage the expansion of the Scottish Schools Ethos Network (established 1995): encourages exchanges of good practice on all aspects of ethos from promoting positive discipline to anti-bullying strategies; over 1000 members.

Police School Liaison Officers

- All police forces have School Liaison Officers who visit schools giving presentations on a wide range of crime topics. Largely aimed at primary schools. Most forces also have standard packages for this use; the most popular was developed by Grampian Police and is known as ‘The Police Box’. It has recently been converted to CD Rom.

Study support schemes

- £27m from the Excellence Fund for Schools for study support (out of school hours learning activities) over 3 years – homework clubs, breakfast, lunch and evening clubs and summer and holiday schemes. The aim is to help pupils reach higher standards of achievement through gaining study skills, self esteem and confidence. Complements £23m for study support from the National Lottery’s New Opportunities Fund.

Diversion activities


- examples of other diversion activities include the Castlemilk Young Complex.
Drugs and alcohol

Recommended approaches

The crime rate for drugs-related offences (expressed as a proportion of the 16-24 age group) increased by 280% between 1991 and 1997. But drug misusers are frequently multiple offenders: committing thefts and burglaries to fund drug purchase; anti-social behaviour and dangerous driving induced by drug taking; as well as the possession and dealing offences mentioned above\(^53\). Some police forces now estimate that between 50 and 70% of crime is drug related\(^54\). A Home Office study indicated that 61% of arrestees tested positive for at least one illegal drug\(^55\). The Glasgow research referred to in paragraph 69 on the impact of heroin injecting on crime provides an indication of the cost of heroin-related crime: up to £0.5 billion per year in Glasgow alone\(^56\).

Although statistical evidence is not readily available, there is a strong link between excessive drinking and youth crime. There is also widespread concern about the increase in underage drinking. Anecdotal evidence suggests that young people who commit violent and/or sexual crimes or who resort to disorderly behaviour have often been involved in heavy or inappropriate drinking beforehand. Many persistent offenders have a lifestyle which includes alcohol misuse and many drink-related offences take place at or near licensed premises.

The risk factors which predict future drug and alcohol misuse are in many cases the same as those which can increase the risk of offending. Many of the crime prevention measures mentioned in this report therefore also represent good practice in preventing drug misuse: for example, inter-agency working, early intervention, community education and diversionary activities.

Action against drug misuse


- setting national strategic objectives with key performance and activity measures (including for drug related crime); issuing service guidance; improving the management of drugs misuse; strengthening prevention efforts and a publishing a new information strategy to provide a clearer picture of drug misuse across Scotland;

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\(^53\) Planning and Provision of Drug Misuse Services, Scottish Office Department of Health, Public Health Policy Unit (April 1998) page 1

\(^54\) Ibid, page 1

\(^55\) The Arestee Drug Abuse Monitoring (ADAM) Programme.

\(^56\) More specifically, the research estimated that: Glasgow’s 8500 heroin injectors were committing around 2.5 million crimes annually, mostly involving shoplifting, theft and drug dealing; the average injector in Glasgow spends about £300 per week on drugs, amounting to annual expenditure across Glasgow of about £133 million; most of this sum is raised by the sale of stolen property, for which the resale value is only about one fifth of the true value; so the cost of heroin addicts’ crimes to the community may be around £0.5 billion per year. (For details see letter of 18 June 1997 from Chris Spy, Chief Executive, Greater Glasgow Health Board, to the Home Secretary.)
• October 1998: £14 million package of measures (from 2000-03) including £8m for new initiatives to cut drug related crime and £6m for NHS drug treatment funding;

• drugs education: £300,000 to fund a new Health Education Board for Scotland media campaign targeted at children on the dangers of heroin; new multi-agency Drugs School Safety Team; Ministers backed the Scotland Against Drugs launch of the Primary School Initiative - every Scottish primary school teacher to receive drugs education over the next 3 years.

Wider significant trends include:

• new strategy: 1994 Drugs Task Force recommendations now largely implemented, including setting up of multi-agency Drug Action Teams to co-ordinate local action on drug misuse. Recent evaluation of the DATs showed a variable picture: while some areas such as Glasgow have fully implemented the recommendations of the 1994 Report and gone beyond - using innovative approaches to tackle local issues - others are still implementing the recommendations and a few are lagging behind. A corporate planning role is now being introduced for DATs to aid implementation of the 1999 strategy;

• drugs and crime: recent (as yet unpublished) research in Glasgow estimates that the prescription of methadone prescribing for heroin injectors can reduce the numbers of crimes committed by those addicts by around two thirds (from 25 to 8 crimes per month)\(^{57}\). If the study sample is representative, it suggests that Glasgow’s 2500 individuals being prescribed methadone are committing around half a million crimes fewer each year than they would without access to the substitute prescribing programme. Geographical coverage of substitute prescribing programmes in Scotland is, however, patchy.

• ‘rising tide’: the number of people prosecuted under the Misuse of Drugs Act is increasing - by 182% from 2842 in 1987 to 8219 in 1997 – and the severity of sentences has also increased: in 1996 for the first time drugs offenders became the largest group of persons (256) sentenced to prison for terms exceeding 2 years. Recent estimates suggest that 47% of all users are under 25; and 46% of S4 pupils have taken an illegal drug.

Alcohol

• Ministerial Group set up on Alcopops to examine the issues surrounding alcopops and their association with drinking among under 18 year olds. This resulted in a detailed statement outlining a range of measures to tackle the problem;

• launch of the Teenwise Alcohol Project (TAP): a Scottish Executive funded, police led initiative comprising 6 local pilot schemes throughout Scotland. The schemes combine enforcement and educational measures aimed at addressing drinking behaviour in under 18s. The results of an independent evaluation of TAP are expected to be published shortly;

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\(^{57}\) Dr L Gruer et al, *The Impact of Methadone in Glasgow Study* (awaiting publication, final report completed November 1998)
• police have been given powers to confiscate alcohol from under 18s in public places. These have been widely used and are beginning to bite;

• local authorities encouraged to introduce byelaws prohibiting drinking in public. 23 Councils now have byelaws, covering a total of more than 380 towns and villages;

• as indicated in the Public Health White Paper a new national strategy for alcohol misuse is being forged. The White Paper also announced the setting up of a new national advisory committee on alcohol misuse to aid the development and implementation of that strategy. A key issue for the new national strategy will be education and promotion activity to prevent underage drinking and encourage sensible drinking among those over 18 who choose to drink.

**Community Initiatives**

**Recommended approaches**

Communities working together in integrated ways:

- prevention: eg community safety initiatives; youth action projects; peer led education;
- comprehensive community-based risk and protection programmes tailored to the needs of local areas: eg Communities that Care, being implemented across the USA\(^{58}\); city centre initiatives; accommodation and employment initiatives;
- situational prevention of crime: increasing surveillance eg CCTV; measures against burglary and car crime; eliminating situational opportunities for crime\(^{59}\).

**Community safety**

- June 1998: published Safer Communities – a Strategy for Action. Encouraged the development of multi-agency community safety partnerships which might include the police, local authorities, Health Boards, Scottish Homes, local enterprise companies, and voluntary bodies. The partnerships were encouraged to develop local approaches to community safety, responding to local needs and opportunities;

- July 1999: detailed Guidance Notes for local authorities and police forces to support the development of community safety partnerships. A monitoring programmes has also been established to track progress of individual partnerships. A Community Safety Challenge Competition will also support innovative and sustainable initiatives.

‘Communities that Care’

- Scottish Executive funding 3 projects in Scotland over 3 years. Responds to American good practice with the Communities That Care Programme now implemented in most States: a risk and protection programme tailored to the needs of local areas, combating alienation of young people and strengthening their bond with society, families and

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\(^{58}\) For fuller description, see Farrington, Op. Cit, page 29

\(^{59}\) In some cases these approaches can ‘displace’ crime elsewhere; in others, eg Neighbourhood Watch, research has shown some schemes to be ineffective (see Farrington, Op.Cit, page 24).
schools, and promoting values which promote pro-social behaviour. The US programme is based on the assumption that weak bonding to society is the major cause of delinquency and drug use, and therefore attempts to strengthen these bonds. In this respect, the programme reflects the current approach to tackle social exclusion in Scotland. Features in the US programmes include:

- community mobilisation – community leaders agreeing goals of the prevention programme and committing to it;
- establishing a community Board to assess local risk factors to be tackled and the protective factors to be enhanced, and to plan a local strategy choosing from a menu of established approached: eg pre-natal and post-natal programmes; pre-school interventions; parenting education; school organisation and curricular development; teacher training; media campaigns;
- monitoring and evaluating the success of the programmes.

Social Inclusion Partnerships

- Social Inclusion Partnerships (SIPs) are focusing on promoting inclusion in communities: tackling links between poor housing, drugs misuse, truancy and other risk factors for offending. The multi-agency SIPs will link to community safety strategies, and will be backed by investment of £48m over 3 years;
- Partnerships include all relevant local partners: community representatives; voluntary and private sector representatives; Scottish Homes; local enterprise company; local authority; Health Board; Employment Service; schools and colleges; and the police.

Working for Communities

- The Working for Communities programme brings together service providers and excluded communities to deliver local services which meet local needs and priorities. The initiative is supported by £10m of investment over 3 years. It funds 13 pathfinder projects, across Scotland, aimed at testing innovative ways of giving communities much more influence over the delivery of local services. The programme will allow best practice to be developed and rolled forward to other areas.
- Community safety and the importance of working with young people to ensure that their views are taken into account have emerged as priorities for action in several pathfinders.

Community education

- Ministers welcomed 1998 report of working group on the future of community education ‘Communities: Change Through Learning’ which recommended the promotion of community education within the social inclusion and lifelong learning context, and that local authorities should co-ordinate the development of community learning plans which assess local community education needs and match provision of services to those needs;
- EID supporting financially the work of around 24 national voluntary youth organisations in Scotland;

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60 For fuller description of US Communities that Care programmes see Farrington, Op. Cit., page 29
• detached youth work: EID supporting a development project to identify and disseminate examples of best practice, compile national guidelines and establish mechanisms to support and evaluate this type of provision;

• Scottish Community Education Council (SCEC) Youth Issues Unit: project to provide guidance and support to local authorities developing cross-departmental youth strategies: co-ordinating the work of community education, social work, housing, leisure and recreation and other departments, with the emphasis on the most disadvantaged young people;

• SCEC also involved in Connect Youth (promoting representative youth forums for ages 13-19), Young Scot publication (information on range of issues including education, health, volunteering and money matters), Millenium Volunteers programme (identifying local community needs and implementing solutions), and has established 62 Youth Enquiry/Information Points throughout Scotland offering advice and information to young people.

Youth empowerment schemes

• funded by Levi Strauss and Co, ‘Safer Communities: Empowering Young People in Scotland’, offers young people personal development training and learning opportunities. The programme targets factors which can exclude young people from society and includes negotiation and conflict resolution skills. The programme is led by Apex Scotland working with SCEC, ACPOS, COSLA and the Scottish Executive. The Youthlink Scotland scheme, sponsored by Rank Foundation, is another example of private sector sponsorship of youth empowerment schemes.

Youth crime prevention panels

• Scotland has 36 Youth Crime Prevention Panels in addition to the 125 adult Panels. Youth Panels are groups of young people working together to reduce crime and related problems in and around schools, colleges, youth clubs and home areas. Youth panels are mainly based in local schools.

Situational prevention

• neighbourhood watch: around 4,500 schemes registered in Scotland. Difficult to determine their effectiveness since many exist in little more than name. Each scheme has a co-ordinator who liaises with a nominated local police officer. Their primary purpose is to exchange information about local crime issues amongst the scheme members and with the police. Schemes tend to be as effective as their co-ordinator, and are much less popular in Scotland than England where they have formed a national association.

• CCTV: for the past 4 years the Scottish Executive has run a CCTV Challenge Competition with funding of around £1.5m annually. So far 86 projects have received funding, and funding of £1.5m for a further 18 was announced in February 1999. Around 1000 cameras operate within these schemes across Scotland, although a number of other major public schemes function without Scottish Executive Funding.
<table>
<thead>
<tr>
<th>Reducing socio-economic deprivation</th>
<th>Recommended approaches</th>
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<tr>
<td>Socio-economic deprivation is an important risk factor for offending and anti-social behaviour. The most reliable measures of this are:</td>
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<tr>
<td>• low family income (in relative terms);</td>
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<tr>
<td>• poor housing (in relative terms).</td>
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**Tackling low family income**

- **Employment programmes** in the youth crime context are relevant in tackling risk factors for both young people at risk of offending and the parents of children who might offend in later life.

- For 16-17s: Skillseekers (37,500 places) including 8,000 on Modern Apprenticeships. Target of 15,000 Modern Apprenticeships by 2002. Both programmes are delivered by the Enterprise Network and provide a work-based route to skills and qualifications;

- New Deals:
  - for Young People - 25,000 18-24s in Scotland to have new opportunities for work, education and training: young people with special needs eg homeless or drug/alcohol problems can gain early entry to programme. The New Futures Fund (unique to Scotland) provides additional specialist support for those facing the greatest difficulties in preparing themselves for work;
  - for the Long-Term Unemployed – for those out of work for 2 years or more;
  - for Lone Parents;

- Training for Work: 1998/99 allocation £64m. Delivered through Enterprise Network;

- **Working Families Tax Credit**: guarantees every working family an income for full-time work of at least £180 per week;

- Benefits reforms, including an increase of £2.50 per week in Child Benefit, and a further £2.50 for every child under 11 in the poorest families;


**Housing**

- CSR allocated £300m extra for housing over next 3 years, plus subsequent £50m increase: the largest proportionate increase any service area;

- New Housing Partnerships, outside public sector borrowing restraints, making public capital go further. Will bring forward capital investment to improve worst of housing stock. Increased opportunities for tenants and communities to become involved;

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61 See Farrington, Op. Cit., pages 12 and 21
including in the management of the Partnerships. Building stable communities, tackling social exclusion.

- Childcare Tax Credit – provides a further £25-30m per year towards childcare for lower income families.

**Homelessness**

- £16m over 3 years for Rough Sleepers Initiative: local authority led partnerships to develop effective approaches. Target: by 2002 no-one should have to sleep rough;

ANNEX B

YOUTH CRIME IN SCOTLAND: SURVEY OF ACTION DEALING WITH YOUNG OFFENDERS

This section gives an indication of the range of action and initiatives underway in Scotland to deal with children who have offended.

As with Annex A, Annex B section provides (in italics) summaries of the approaches recommended for dealing with young offenders - where any such consensus of opinion does exist - and then describes briefly the systems in place in Scotland. The following categories have been used:

- first time offenders
- periodic offenders
- persistent offenders; and
- serious offenders.

**First time offenders**

**Recommended approach**

Self explanatory: children who offend once and are unlikely to offend again, mostly from fairly ordinary homes.

Good practice highlights the importance of not over-reacting but being able to steer the young person into some useful activity. Encouraging a wide range of community, youth and voluntary activities is therefore important.

- Evaluation evidence is that hearings system works well for this group, usually nipping offending behaviour in the bud by focussing on the underlying causes.

<table>
<thead>
<tr>
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<th>Recommended approach</th>
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**Periodic offenders**

**Recommended approach**

These are children who do not stop offending after the first time, but who do not fall into the persistent category. They are often from troubled families and account for the main business of the hearings system.

- access to a range of properly resourced forms of supervision, tailored to the particular age group, to implement the decisions of Children’s Hearings eg: intermediate treatment programmes offering activity and supervision in the community; cognitive behavioural projects (social skills training, aggression reduction techniques); diversion strategies (mediation, reparation programmes, community based programmes); actively addressing the offending behaviour;
- all parties to supervision – the child, the parents, the local authority – should be clear about what is expected of them and about conditions of the supervision requirements: positive care planning with clearly defined and understandable targets for all concerned;
- supervision requirements should be reviewed regularly.

59
• Since 1997, all local authorities have been required to: draw up a care plan which reflects the terms of the supervision requirement, setting out clearly, and in greater detail, what is expected of all parties to the supervision; and to call for a review Hearing where the conditions attached to a requirement are not being complied with.

• an example of good practice is provided in North Lanarkshire: CHOSI offers a service for young offenders aged 15-18: through developing relationships between the Procurator Fiscal and social work services, care plans are developed for each young person to tackle their offending behaviour.

• SACRO’s mediation project in Fife is targeted primarily at this group.

• intermediate treatment programmes offering activity and supervision in the community, although provision is not even and further development is needed.

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<tr>
<th>Persistent young offenders</th>
<th>Recommended approaches</th>
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<td><strong>A very small number of young offenders are responsible for a disproportionately large amount of crime. For example, in evidence from central Scotland suggests that 1.6% of young offenders are responsible for 19% of youth crime. Little research evidence is available on good practice for this group, but there is a developing consensus of opinion around the following:</strong></td>
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<td>• <strong>a strategic approach: planned, managed and co-ordinated services to towards agreed specific objectives;</strong></td>
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<tr>
<td>• <strong>collaboration between local authority education and social work services, the health service, police, prosecuting services, Reporters;</strong></td>
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<tr>
<td>• <strong>confronting offenders with the consequences of their actions through individually designed programmes;</strong></td>
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<tr>
<td>• <strong>access to specialist help for children with specific or complex difficulties;</strong></td>
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<tr>
<td>• <strong>involvement of families in influencing behaviour; and access to alternative care settings for children who cannot live with their families.</strong></td>
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2 specific pilot projects are underway in Scotland – Freagarrach and CueTen - dealing with older children who have established a track record of offending and for whom the more traditional forms of disposal by Children’s does not appear to be working

**Freagarrach**

• The Scottish Executive is investing £1m over 5 years in the Freagarrach Project, managed by Barnardos at 2 bases in Polmont and Alloa. Aimed at 12-16 year olds diverted from hearings system and uses an intensive varied programme of measures with persistent offenders to help confront the consequences of their offending behaviour and deal with pressures which might lead them back into further offending. Involves Central Scotland Police; part of multi-agency strategy. Around 34 referrals per year. Been running 3.5 years. Initial evaluation suggests 60% reduction in offending rate for those attending Freagarrach compared to previous offending patterns. Most success with older age group. Where younger offenders have attended the project, the schemes and work sessions do
not appear to be as effective: experience suggests that younger children are not as capable of coping with a programme based on a cognitive approach alone.

CueTen

- The Scottish Executive has invested £500,000 over 3 years in **CueTen**, run by Apex Scotland in association with Fife Constabulary and local authority in Glenrothes. Aimed at 14-16 year olds, the focus is on returning offenders to mainstream schooling or employment. The evaluation reports suggest that an employment focused approach is not so effective with most young offenders. Most of those referred to the CueTen programme have continued to offend; and the small decrease in offending rate is deemed not statistically significant. Other lessons have been drawn about what works with young offenders: eg in relation to the intensity of programmes (only 40% of those attending CueTen have completed the programme); parental involvement; and close inter-agency working.

National Planning Group

- A National Planning Group is focussing on persistent offenders in its work to promote the development of care and education services, and to develop more effective, earlier intervention. The group is chaired by The Chief Social Work Inspector and has representation from a wide variety of agencies and interests including social work, health, education, Scottish Children’s Reporter Administration, the police and the voluntary sector. The Group’s first report was completed in April 1999.

<table>
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<th>Serious offenders</th>
<th>Recommended approach</th>
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| Serious offenders whose behaviour makes their detention in a more open setting inappropriate may require secure accommodation: a safe and contained environment – often as an alternative to prison – in which a young person’s problems may be addressed. Each year in Scotland around 250 young people are admitted into secure care. Around 25% of these people are in secure care after being sentenced to detention by courts; the remainder are there as a result of decisions in children’s hearings. | - neither punishment nor incarceration on its own is particularly effective;  
- good practice on care and education provided in secure units set out in ‘A Secure Remedy’.

- redeveloping some secure units: currently 84 places in Scotland, 73 of which are in 3 large secure units;

- National Children’s Homes with the City of Glasgow and Renfrewshire Councils are developing a team of specially trained and supported foster carers who have the necessary

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62 See Central Research Unit, *Crime and Criminal Justice: Research Findings No. 31* (May 1999)
expertise, commitment and support to look after children who would otherwise be sent to secure units. If successful, the project might allow the retention of some of the most difficult young offenders in the community by giving them the parenting and intensive support they may have been lacking in the past.
ANNEX C

CHILDREN’S HEARINGS SYSTEM

The children’s hearings system was established in April 1971 as a result of recommendations by the Committee on Children and Young Persons (The Kilbrandon Committee) which reported in 1964. The Committee found that children appearing before the courts whether they had committed an offence or were in need of care or protection had common needs for social and personal care. The Committee considered that the Juvenile Courts were unsuited for dealing with these problems because they had to combine the characteristics of a criminal court of law with those of a treatment agency. Separation of those functions was therefore recommended; the establishment of facts where disputed was to remain with the courts, but decisions on treatment were to be the responsibility of a new and unique type of hearing.

Principles of the Children’s Hearings System

The children’s hearings system is based on the welfare principle. The Hearing takes account of all aspects of a child’s conduct, not simply the offence or the present problem. It also considers what other people have done or, more often, neglected to do for the child. It recognises that the incident of an offence for which a child might be referred may only be one of several aspects involved to consider in relation to a child’s welfare.

Grounds for referral to a Children’s Hearing

Anyone who considers that a child may be in need of compulsory measures of supervision may refer the case to the Reporter to the Children’s Panel. The grounds on which a child may be brought before a Children’s Hearing include beyond the control of parents or other relevant persons; exposed to moral danger; likely to suffer unnecessarily or serious impairment to health or development through lack of parental care; victim of an offence including physical injury or sexual assault; failing to attend school; indulging in solvent abuse; is misusing alcohol or drugs; or has committed an offence.

Children under 16 are only considered for prosecution in court where serious offences such as murder or assault to the danger of life are in question, or where they are involved in offences where disqualification from driving is possible.

Reporter to the Children’s Panel

A Reporter is an independent official who is responsible for assessing whether a child is in need of compulsory measures of supervision. On receipt of a referral the Reporter would conduct preliminary investigations and decide whether to take no action; suggest voluntary involvement with the local authority or arrange a Hearing. The Reporter is involved in all aspects of the Hearings procedure - the referral process, the Hearing itself and recording and transmitting decisions. The role is that of discretionary decision-maker prior to the Hearing; a legal adviser; and an administrator for the Hearing. In addition, the Reporter is the person who presents the evidence and argues cases in court proceedings.

Children’s Panel

Children’s Panel members are volunteer members of the local community. This ‘lay’ involvement was seen as a way of involving communities themselves in finding solutions to
problems occurring in their midst. They are appointed by the Secretary of State but the recruitment, assessment, and Criminal Records checks are undertaken by each individual local authority Children’s Panel Advisory Committee.

Prior to a Hearing

In advance of a Hearing the Reporter will instruct the social work department to provide a social background report. He may also seek reports from education or health sources, as well as the police. The family will be advised that a Hearing is to be held and the grounds for referral. If the family do not accept the grounds for referral they can request that a proof Hearing be held in the Sheriff Court. If the grounds for referral are found to be established a Hearing will be convened. The parents are provided with copies of all reports sent to panel members.

Individuals who may attend a Hearing

To enable constructive and meaningful discussion the number of people involved in a Hearing is kept to a minimum. The child and family have a legal obligation to attend, although the Hearings have the power to excuse such attendance. However, the child has the right to attend all aspects of the Hearing. It is important that both the child’s parents, or other relevant person, is present when the Hearing considers the child’s problems so that they can take part in the discussion and help the Hearing to reach a decision. Parents are directly confronted with their responsibility for their child.

The parents or other relevant person may take a representative to help them at the Hearing or each may choose a separate representative. The child also has the right to choose a representative but this does not exempt either parents or child from attending the Hearing. The social worker will be present, and the child’s teacher may also be asked to attend.

The Hearing

The Hearing discusses the situation with the parents and child as fully as possible to enable them to reach a decision based on the best interests of the child. The Hearing will focus on the needs, welfare and deeds of the child, irrespective of the grounds for referral. The child may be truanting or committing offences for a variety of reasons (home circumstances, illiteracy, bad company). If necessary, in order to ensure that the child’s best interests are fully taken into account, the Hearing may appoint a Safeguarder whose primary role is to establish what is best for the child and to report back to the Hearing.

The Hearing may decide that no compulsory help is necessary and will then discharge the case. If the Hearing considers that compulsory measures of protection, control, guidance and treatment are necessary they will make a supervision requirement placing the child under the supervision of the local authority. Conditions may be attached to the supervision requirement tailored to the needs of the individual child; the Hearing will seek to address the needs and deeds of the child through its disposal. The supervision requirement may specify that the child reside away from home, with other members of the family, foster carers, residential or secure accommodation. In 1995, 32% of children referred on offence ground received a residential supervision requirement.
**Care Plan**

If a supervision requirement has been made, after the Hearing the supervising social worker will draw up a care plan with the child and family. The care plan will incorporate any conditions determined by the Hearing and will set out the timescales for meeting of objectives and reviews.

**Review of Supervision Requirement**

The supervision requirement does not last for a set period of time, however, it must be reviewed within a year or it lapses. When making a supervision requirement the Hearing may set a date for a review Hearing, in practice they normally suggest ‘in 3 months time etc.’ rather than an exact date. The parents or child may request a review Hearing within 3 months of the making of the supervision requirement. The social worker may ask for a review at any time.

**Advice Hearings**

Where a child under 16 and currently on a supervision requirement is charged with an offence and pleads guilty to, or is found guilty of the offence the High Court has the option of requesting that the Principal Reporter arrange a Children’s Hearing for the purpose of obtaining advice as to the treatment of the child; the Sheriff Court must refer such a case to the Children’s Hearing for advice. If such an individual on a supervision requirement is 16 or over then the above applies but there is also the option of remitting the case to the Principal Reporter for disposal. If a child, up to 17½, is not on a supervision requirement the High Court and the Sheriff Court have the discretion to refer the case to the Hearing either for advice or for disposal. It is for the court to decide whether or not to accept the Hearing’s advice.
ANNEX D

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66 Excludes White Papers, Consultation Documents, and other statements of Government policy