

National Standards for Scotland's
Youth Justice Services

A Report by the Improving the Effectiveness of the
Youth Justice System Working Group



SCOTTISH EXECUTIVE

Making it work together

Foreword



The Improving the Effectiveness of the Youth Justice System Group has provided its report at a time when the Youth Justice system is under close scrutiny.

I am grateful to the Group for its work and its contribution to helping us improve our Youth Justice system.

Audit Scotland's report "Dealing with Offending by Young People" supported the underlying principles of the system, but made it clear that there is considerable room for improvement if youth justice services are to be delivered effectively and offending behaviour reduced.

Audit Scotland's report also endorsed the steps already being taken in implementing the Executive's 10-point Action Plan to reduce youth crime. The Action Plan committed us to introducing National Standards for Youth Justice services.

The Group has made clear recommendations for the Standards which must be met, if we are to achieve our target of reducing the number of persistent young offenders by 10%, by 2006.

I welcome and accept the Group's recommendations and the Standards set.

The pilot fast-track hearings will be asked to achieve these standards, when they commence in the first half of 2003. The lessons from these pilots will be regularly disseminated to ensure good practice is shared, and all agencies must ensure all these standards are achieved, throughout the country, by 2006.

There is a need for strong leadership and management from all partners - police, local authorities, Scottish Children's Reporter Administration, hearings, procurator fiscals and the voluntary sector. All agencies have a responsibility to work together to deliver the changes needed to meet the Standards.

These Standards are challenging. Every agency must work to achieve them, to ensure that effective action is taken to turn young offenders' lives around, and help build safer communities.

A handwritten signature in black ink that reads "Cathy Jamieson". The signature is written in a cursive style with a horizontal line at the end.

Ms Cathy Jamieson, MSP
Minister for Education and Young People

Introduction

Action Point 8 of the *10-Point Action Plan for tackling youth crime and disorder* is to develop “a set of national standards to operate between local authorities and children’s hearings, covering reporting, timescales and follow-up”.

This report by the Improving the Effectiveness of the Youth Justice System Working Group¹ describes the characteristics of effective local management of youth justice services and outlines a set of standards to improve delivery.

The Group was asked to develop a strategic framework of national objectives and standards for Scotland’s Youth Justice services, to help achieve the national target of reducing the number of persistent offenders by 10% by 2006.

Objectives of Youth Justice Services are:

1. To improve the quality of the youth justice process
2. To improve the range and availability of programmes to stop youth offending
3. To reduce the time taken from the initial report on the offender (usually by the police) to the implementation of a hearing decision
4. To improve the information provided to victims and local communities
5. To ensure that secure accommodation is used when it is the most appropriate disposal and ensure it is effective in reducing offending behaviour.
6. To improve the strategic direction and co-ordination of youth justice services by local youth justice strategy teams

The Group believes strongly that the development of national standards for youth justice should take place in the context of integrated children’s services at a national and local level. **All authorities should therefore review and update their children’s services plans to ensure that this report’s recommendations are effectively addressed.**

Each area must also ensure it has an effective mechanism in place to ensure progress is made towards meeting the standards.

The Group believes that this mechanism should include 3 key elements:

Local commitment to the overall aims for Scotland’s Youth Justice Services, which are to:

- Achieve the national standards set out in this report
- Support parents, carers and families in their efforts to prevent and stop their child’s offending.
- Increase local communities’ confidence in Scotland’s system of youth justice
- Enhance the integration of young people who have offended into all aspects of community life and ensure they maximise their potential.

¹ Membership of the Improving Effectiveness Group is at Annex A

An Inter-agency Youth Justice Strategy Group

Although such groups already exist in every local authority area, the remit, membership and the seniority of representatives varies. The key task of the local Youth Justice Strategy Group is to ensure progress towards meeting the national objectives and standards. Organisations responsible for the local youth justice system should, therefore, be represented at a senior level. It is recommended that membership includes senior Local Authority staff responsible for relevant services such as Social Work, Education, Housing/Development and Leisure; the Police; Health; the local Children's Reporter, children's panel and voluntary sector representatives; the local Fiscal service, the economic development agency, community representatives and representatives of the youth justice services teams.

The national Youth Justice Strategy Group, which provides advice to Ministers, will also provide strategic advice and support to these local strategy groups.

It is recognised that in many areas, the same official and professional members of the local Child Protection Committee or strategic children's services attend the Youth Justice Strategy Group. Similarly, there are many representatives who attend both the local community safety partnerships and the youth justice strategy group. Agencies must ensure their time is used efficiently and should consider combining these groups, wherever appropriate.

An operational Youth Justice Services Team

Specific operational responsibilities must be addressed in each local area, through the Youth Justice Services Team. These are:

- effective liaison with appropriate agencies (if they are not co-located within the youth justice team)
- effective co-ordination of youth justice work to support young people who receive behaviour support at school; who are truanting or are excluded from school; who are homeless; misusing drugs or alcohol etc.
- improving the links with diversionary opportunities, such as New Opportunities Fund's Active Steps, training schemes and other appropriate initiatives

Every area's youth justice team must work towards the national target, which is to reduce the number of persistent offenders² by 10% by 2006. This should be each team's priority although, of course, their work will also include implementing early intervention measures that prevent offending and diverting young people from becoming persistent offenders.

² (A persistent offender is defined as a young person with 5 offending episodes within a 6-month period).

Objective 1: Improving the quality of the youth justice process

The youth justice system has been criticised for variation in decision-making by Reporters and the varying quality and availability of social work reports across the country. If a sustainable reduction in offending is to be achieved, the assessment of young people who offend and the quality of reports provided to the Children's Reporter and to hearings must be improved.

Standards for the quality of the youth justice process:

- Every young person referred to the Reporter on offence grounds will have an initial assessment of their offending behaviour, carried out by or on behalf of the Social Work Department
- Every young person referred to a hearing on offence grounds will have a comprehensive assessment delivered on time to the hearing, with the young person's caseworker in attendance at the hearing.
- Every young person referred to a hearing will have an action plan, developed from the comprehensive assessment. This action plan will state the options for the programme/interventions to be followed; who will deliver them; the case management arrangements and the intensity of contact and supervision required.
- Every action plan will be reviewed within two months of the initial hearing by the young person's case manager. The action plan should be updated and reviewed within 3 months of this first review and at intervals agreed between the case manager, young person and others as appropriate, thereafter, endorsed by the Reporter and further hearing, where necessary.
- Every comprehensive assessment must be completed using ASSET/YLS-CMI assessment tools.

Objective 2: To improve the range and availability of programmes to stop youth offending

The Group noted that the Scottish Executive had funded youth justice teams to complete an audit of patterns and types of youth offending in their areas. The next steps are for teams to ensure that there is an appropriate range of programmes available to tackle and reduce the offending behaviour in each area.

Research suggests that there is no single programme or intervention that has all the answers to reducing offending. Rather, a range of approaches is required. Programmes used should be based on a comprehensive assessment of the young person's offending behaviour and the reasons for their behaviour.

We would expect, however that a core repertoire of community-based programmes in each area would include:

- Intensive community based support and supervision
- Restorative justice approaches
- Family/parent support
- Cognitive skills
- Anger management
- Alcohol, drugs, and mental health programmes
- Diversionary projects

The Executive will introduce an evaluation toolkit, by the summer of 2003 to help youth justice teams identify whether the programmes they have in place are working and to identify success measures when they are commissioning or reviewing programmes.

The Executive will also finalise plans in early 2003 for accreditation of youth justice programmes. We intend to work towards the availability of a comprehensive range of nationally accredited community and residential based programmes and interventions by 2006.

Standards for the range and availability of programmes

- To have a range of programmes in place that will address the nature and pattern of youth offending identified in the area's audit of youth crime.
- To ensure that the programmes recommended in the action plan submitted to hearings are available for that young person.
- To implement every supervision requirement made by a hearing (subject to the discretion available to the Chief Social Work Officer in respect of secure authorisation)

Objective 3: To reduce the time taken to reach and implement hearing decisions

Audit Scotland has identified one of the characteristics of an effective youth justice system as taking as short a time as possible to process, and reach disposal. The Group has built on existing standards for the police, reporters, local authorities and children's panels to outline how the objective can be achieved, of reducing the time between charges being made to reaching and implementing the decision of the hearing.

Standards for the time taken to reach and implement and decision

- The time from the police caution and charge to the implementation of hearing decision should be reduced to 80 working days by March 2006.
- The police will provide a report to the Reporter within 10 working days of cautioning/charging the young offender.
- The reporter will request an assessment from the Social Work Department within 2 working days of receipt of the offence report.
- The youth justice team will submit the assessment of the young person's offending behaviour and the action plan within 20 working days of Reporter's request.
- The Reporter will make a decision about a referral to a hearing or to other agencies, if appropriate, within 28 working days of receipt of the assessment.
- Hearings will be scheduled to take place within a maximum of 15 working days of the Reporter's decision.
- The local authority will implement supervision requirements within 5 working days of date of being advised of the decision of the children's hearing.

In addition, the agreed inter-agency standards and Code of Practice set by the Time Intervals Working Group should also be met:

- The Reporter will inform the child and family of the outcome of a referral within 5 working days of making a decision.
- Education reports should form part of the assessment of the young person and the recommended action plan. If the Reporter requires additional information, it should be received within 10 working days of Reporter request.
- All relevant people, information and resources will be available to hearings to ensure that continuations are kept to a minimum. At least 75% of hearings will proceed to disposal.
- Child and adolescent mental health professionals will submit reports within 6 weeks (30 working days) of the date of the request by a children's hearing.
- The child and family will be sent written notification of the outcome of a hearing within 5 working days of the hearing.

Objective 4: To improve information on youth justice services to victims and local communities

The Group noted the multi-agency Victims' Sub-Group was developing proposals for national standards to improve information and support to victims and to extend the role of restorative justice approaches.

It also noted the Executive's intention to bring forward proposals for supporting youth justice teams in improving communications with their local communities.

Standards for the information provided to victims and local communities

- Every victim should receive information about the process for dealing with the young person who has committed an offence against them and the outcome.
- Every victim of a young offender referred to the reporter on offence grounds will have the opportunity to engage in a mediation or reparation scheme, where appropriate.
- Every area's youth justice team will publish annual performance information about the area's youth justice system, youth offending and the offences committed by them.

Objective 5: To target the use of secure accommodation appropriately and ensure it is effective in reducing offending behaviour

The Group believes the number of young people re-referred to secure on offence grounds should be reduced. Baseline data should be established for 2003-04. A substantial minority of young people are placed in secure on an emergency basis or on a short-term warrant. The Group recognises that it is hard to set standards for these cases, but believes that the principles of sound assessment, planned and appropriate throughcare and aftercare arrangements must apply to all young people in secure accommodation, regardless of the length of their stay.

To balance these quantitative measures, the Group welcomes the Scottish Executive's proposals to develop and enhance the range of programmes available in secure accommodation. It believes these should be among the first to be considered for accreditation.

Standards for use of secure accommodation:

- Every decision to place a young person in secure must meet the legislative requirements of S. 70 (10) of The Children's (Scotland) Act 1995:

The hearing **must** be satisfied that one or other of the following applies:

“The young person having previously absconded, is likely to abscond unless kept in secure accommodation, and, if he absconds, it is likely that his or her physical, mental or moral welfare is in danger; or

The young person is likely to injure him or herself or some other person, unless kept in secure.”

- The reasons for not implementing a secure authorisation will be provided to panel members or the police by the youth justice services team, at an appropriate forum, for example through the Local Authority Review Group meeting.
- The following information must be collected on an annual cycle and shared with appropriate agencies and local communities:
 - the number of secure authorisations made
 - the number of authorisations continued – with reasons to be provided
 - the number of secure placements agreed by the area's Chief Social Work Officer
 - the number of authorisations turned down by:
 - (i) the Chief Social Work Officer; or
 - (ii) the principal officer of the secure unit
- All relevant background information, including the ASSET/YLS-CMI assessment, held on the young person should be passed by the young person's caseworker to the secure unit within two working days of admission. Information that may indicate concerns about risk of harm either to self or to others should be passed on immediately.

- The young person should have a named caseworker from within their home authority with whom the secure unit maintains regular contact and who is responsible for developing the aftercare plan for the young person.
- An action plan detailing the objectives for the care of the young person while in secure, including educational provision and a health assessment, should be completed by secure staff, within ten days of their entry into the unit.
- The individual's plan should be reviewed at least monthly by the unit, the named caseworker, the young person and their parent/advocate.
- Every secure authorisation must be reviewed within 3 months by a children's hearing.
- A representative of the secure unit and the young person's caseworker must attend every children's hearing held to review the young person's supervision requirement.
- Every young person will have an aftercare plan covering a period of at least 3 months following the day of departure from secure accommodation.
- The young person's caseworker must discuss the aftercare plan with the young person at least 21 days before their planned departure and agree this with the young person at least 5 days before their date of departure.
- The young person's caseworker will meet the young person within 1 working day of their release from secure and meet at least weekly following this.
- The aftercare plan will be reviewed by the young person's caseworker and the young person after 3 months and regularly after that whilst the young person is under a supervision requirement.
- The young person's aftercare plan should include reintroduction into education or training, as appropriate.

Objective 6: To improve the strategic direction and co-ordination of youth justice services by local youth justice strategy teams

The Group identified that an effective strategic process, characterised by co-ordinated action among the youth justice service providers, was required if national standards were to be achieved.

Standards for each area's Youth Justice Strategy Team

- To produce an annual report on the area's youth justice services. This will include the area's performance in achieving the national standards, the area-wide development of inter-agency measures such as community satisfaction, reduction in the fear of crime and truancy and exclusion rates, and its spend on youth crime.
- To commission and update annually an audit of youth crime in the area; its characteristics, patterns and location.
- To identify, allocate and pool, as necessary, the resources available from each of the strategy group's partner agencies to ensure effective delivery of youth justice services and to provide financial monitoring information to the Executive, on request.
- To produce the area's communications strategy for its youth justice services by September 2003 and update it annually thereafter.

MEMBERSHIP OF THE EFFECTIVENESS SUB-GROUP OF THE YOUTH JUSTICE STEERING GROUP

REPRESENTATIVES

Kelly Bayes
Mairi Brackenridge
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Paddy Hanrohan
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Martin Kettle
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Tom McIntosh (until June 02 – not replaced)
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In attendance: Scottish Executive Officials

Stuart Bond
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ORGANISATIONS

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Crown Office & Procurator Fiscal Service
ADSW Children and Families
Criminal Justice, Edinburgh City Council
ACPOS Association of Chief Police Officers Scotland
SPS Scottish Prison Service
SCRA Scottish Children's Reporter Administration
ACPOS Association of Chief Police Officers Scotland
ADES Association of Directors of Education Scotland
CPCG Children's Panel Chairmen's Group
CPCG Children's Panel Chairmen's Group
CJSWDC Criminal Justice Social Work Development Centre
CPAG Children's Panel Advisory Group

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