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REGIONAL NEWS

EXECUTIVE EXTRA

Executive's Youth Crime Review

REPORT AND STATEMENT ON RECOMMENDATIONS

Perceptions About Crime

Crime and disorder remains an important concern for our communities. We know this from our own experiences and our knowledge is backed by the 2000 Crime Survey, where just over 8 in 10 people identified crime as a serious problem.

And although disorder may not involve criminal behaviour, the Scottish Household Survey has consistently reported that around 30% of respondents think groups of young people hanging around to be a problem in their area. Over half of families living in council flats identified this as a problem.

Youth Justice Systems

We have two parallel systems of justice for dealing with young offenders in Scotland. A unique part is the non-criminal Children's Hearing System. It has been in operation for over 30 years, following the Kilbrandon Commission's review of the area. Young offenders under 16 are generally referred to the Children's Hearing System, and 16 and 17 year old offenders can continue to be dealt with by a Hearing. Hearings act both in the best interests of the child's welfare (reflecting their "needs") and taking into account the behaviour of the child (their "deeds") to decide the appropriate actions.

Offenders over 16 are usually reported to the Procurator Fiscal and go through to the adult justice system. The vast majority are dealt with in the Sheriff Court and District Court.

In both systems (Hearings and Courts), the role of the police is critical. They identify the suspected offender, gather evidence and refer that young person to either the reporter to the Children's Hearing or the Procurator Fiscal.

Size Of The Problem

We should be proud of our young people. The vast majority lead law-abiding lives and very few end up in front of the Hearings or the Courts. There are about 920,000 young people in Scotland and 92% of them do not offend.

The recent overall trends are downwards. Referrals to the Hearings system for offenders are down by 19% in the last 3 years. The total number of convictions involving under 21s fell by 23% for males and 8% for females between 1996 and 2000.

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In any given year, comparatively few young people commit youth crime (though not few enough). The vast majority of offenders appear to offend only once. Around 60% of all (ie offence and non-offence) referrals to the Children's Hearings system appear only once. , Less than 1% of young people are persistent offenders. Nevertheless youth crime accounts for a third of all recorded offences. Tackling youth crime goes a long way to reducing crime in general.

Work So Far

The Scottish Cabinet's first strategy meeting in 1999 dealt with youth crime. This demonstrates the high priority which has, and continues to be, given to this problem. Since then, we have made excellent progress in addressing not only the underlying problems in order to prevent young people becoming involved in crime, but also establishing effective programmes to deal with those who are already involved in offending behaviour. We built on the Advisory Group on Youth Crime report in 2000 by publishing [Scotland's Action Programme to Reduce Youth Crime 2002](#) earlier this year. It sets out what we are doing under five key themes:

- Increasing public confidence in Scotland's system of Youth Justice;
- Easing the transition between the youth justice and adult criminal justice systems;
- Giving victims an appropriate place in the youth justice process;
- All children and young people should be valued and encouraged to thrive; and
- Effective Early Intervention.

Supported by an additional £25.5m investment to tackle youth crime, the Action Programme gives a solid basis for promoting youth justice, firmly establishing a multi-agency approach to delivering youth justice programmes and services in every local authority in Scotland.

Real developments are taking place on the ground. The youth justice teams are developing and implementing local strategic plans and programmes to tackle youth crime. All local authorities should identify the persistent offenders in their area and the programmes most likely to be effective in tackling this group's offending.

Next Steps - The Ad Hoc Ministerial Group on Youth Crime

This Group was set up to assess progress and to consider where we need to develop or improve on our current work. It was chaired by the First Minister, and attended by the Deputy First Minister, the Minister for Education and Young People, the Minister for Social Justice, the Lord Advocate and senior officials.

It met first on 22 May to consider the scope of the review, and it commissioned work including information on the operation of the youth justice system and the range of means that are available to it in dealing with offenders. The Group met again on 19 June to discuss draft recommendations. Cathy Jamieson and Jim Wallace reported formally to Cabinet on 26 June on behalf of the Group, providing Cabinet with the Group's final recommendations.

The Group's Assessment

The Group recognised the major strengths in Scotland's youth justice system. For instance:

- Major steps have been taken to develop and increase the range of disposals available to

both the courts and the children's hearings;

- The Hearings system has a track record of effectiveness for the majority of cases, is well regarded, and there is little evidence to support a radical replacement of it;
- We are no longer using methods for dealing with offenders which have been shown not to work (e.g. Borstals); and
- We are increasingly recognising and implementing policy to address the fact that youth crime reflects social and economic problems which may require social and economic solutions, and to locate our criminal justice strategy within this broader framework.

And identified areas for further improvement:

- **Combating persistent offenders.** We are improving the availability of programmes for persistent offenders. We now need to ensure that offenders are referred to the right programmes at the right time. More could be done to fast-track these offenders through the Hearings and Court systems;
- **Enhancing community safety.** Petty crime, disorder, and the perceived threat of crime, are real issues for many people. The perceptions of safety and youth disorder will be addressed both by reducing the reality of crime and by increasing public confidence in the prevention of crime; and
- **Effectiveness of the system.** There are no national standards in the delivery of the youth justice system, covering the timescale of reporting to the Hearings the follow through on the decisions of the Hearings. These affected not only the handling of offence referrals but also, to a lesser degree, those relating to welfare concerns. As regards the Courts, there were serious issues around the time taken to bring youth crime cases to court. Some offenders offend again before initial cases have been dealt with. This will be addressed through the introduction of national standards, and greater prioritisation to meet them.

The Group's Recommendations

The Group recommended a 10-point plan (details in the Appendix). Amongst the recommendations are:

Persistent Offenders

1. A pilot of Specialist Children's Hearings. This will involve piloting of hearings to fast-track persistent offenders under 16 years old and would build on the proposed national standards between local authorities and the Hearings (see below). This will include greater information and training for Panel members to enable them to respond in a more targeted way to the complex issues raised by persistent offenders. Timescales, information about programmes, standards of reporting to reporters and hearings by local authorities, including welfare issues, would need to improve. Systematic monitoring of outcomes to measure effectiveness will be built in.

2. A Youth Court feasibility project. A project to determine the feasibility of Youth Courts for persistent offenders aged 16 and 17, with some flexibility to include 15 year olds. The development of a Youth Court would complement and build on the existing Youth Crime Strategy. Persistent offenders cause particular concern in communities, and have often had a history of unsuccessful interaction with the Children's Hearings. Youth Courts would depend on a multi-agency approach with access to intensive programmes to tackle repeat offending.

3. Reviewing the use of Restriction of Liberty Orders, Anti Social Behaviour Orders and Community Service Orders for persistent offenders. Following pilots in Hamilton, Peterhead and Aberdeen, Restriction of Liberty Orders (RLOs) are now available to courts across Scotland. Their use will be monitored over the next year, and this option would be a key disposal available to Youth Courts. Anti social Behaviour Orders (ASBOs) will also play a role. For under 16s, the option of voluntary anti-social behaviour contracts, involving parents and the police co-operating in relation to anti-social behaviour by children, will be considered further, alongside consideration of the application of ASBOs. Community Service Orders are well established as an alternative to custody, but could also be used to address offending as a form of reparation to the Community.

Community Safety

4. A Safer Scotland police campaign on high visibility policing, covering Youth Disorder. The next phase of ACPOS's Safer Scotland campaign (involving all forces) will run from October to late December. The main aim of this is to provide public assurance that forces have the safety of communities high on their agendas. During the campaign there will be high visibility policing, supported by a media campaign

5. Spread best practice, and establish firm standards, for community based projects. The voluntary sector is at the cutting edge of best practice, with good work taking place through organisations such as NCH, SACRO, Includem, Barnardos etc. We will continue to press for the evaluation of outcomes and the spread of best practice, and to ensure that the information about success and programme availability across Scotland is made systematically available.

6. Consideration of a Scottish wide application of a system of Police warnings. To address public concerns about disorder and minor offences and to provide a means of dealing swiftly and effectively with offenders where formal proceedings may not be required, it is important that the police have a range of means at their disposal. At present, police forces across Scotland have different approaches to police recorded warnings which are administered within the Children's Hearings system. A review of best practice will be undertaken. The extension of this system to young offenders within the Criminal Justice system will be considered together with the option of introducing restorative cautions, similar to those run by Thames Valley police in England. Restorative cautions have been used for offences for which the police might warn or caution rather than initiate criminal proceedings. Offenders would hear about the harm their actions have caused victims, either through a statement or a meeting. The scheme appears to have been more effective than traditional cautions in stopping re-offending. The intention would be to develop a national scheme for police cautions or warnings for Scotland, which the Lord Advocate would be able to endorse. A feasibility study will be taken forward, in consultation with ACPOS.

7. Re-configuring the secure accommodation available nationally to provide groups of girl-only accommodation, further consideration of additional places and improving the range and provision of programmes in secure units. Some young people, especially those at risk of harming themselves or others, require to be placed in secure accommodation. The Secure Accommodation Advisory Group found no systematic evidence to support a definitive conclusion on the right number of secure places. At first sight, the number of places should be sufficient for those referred from the Hearings system in recent years, if they are properly used. However, there are concerns about the location and condition of places and gender balance, as well as occasional issues of availability. We will address this through provision of some all-girl accommodation, further consideration of additional places and improving the range of programmes to tackle offending behaviour in secure accommodation.

Effectiveness of the System

8. A set of national standards to operate between local authorities, the criminal justice system and Hearings, – covering issues such as reporting, timescales, quality of intervention

programmes to reduce offending and follow up on Hearings' decisions. We will encourage information exchange to promote best practice and evaluate outcomes in addressing youth crime. The objective is to speed up the process and raise the quality of information that exists in the Hearings system, enabling a more effective delivery of services.

9. Promote parental responsibility. Voluntary participation in parenting support programmes will be encouraged/exhorted as a key outcome of a Children's Hearing. The effectiveness of voluntary measures will require real commitment by parents. In the longer term, we will consider the feasibility of introducing further statutory obligations on parents.

10. Measures to increase the speed of referral to the courts. The scope for improving the speed of referrals to the Courts will also be considered, and introduction of specific targets discussed with the Judiciary. Specific targets will be introduced for young offenders.

What Happens Next?

The Cabinet has agreed the recommendations, set out below. The Ad Hoc Ministerial Group will now put in place the implementation schedule, and an implementation team of officials from across the Executive will be put in place.

APPENDIX

YOUTH CRIME: REVIEW RECOMMENDATIONS

The Review undertaken by the Ad Hoc Group on Youth Crime recommended a tiered approach in tackling youth crime. On 26 June Cabinet agreed the following:

To tackle persistent offending: A small number of persistent offenders are responsible for a disproportionate amount of youth crime. Action will be targeted at this group, including:

1. **A pilot of Specialist Children's Hearings** to fast-track persistent offenders under 16;
2. **A Youth Courts feasibility project** for persistent offenders aged 16 and 17, with flexibility to deal with 15 year olds;
3. **Reviewing the scope for using Restriction of Liberty Orders, Anti Social Behaviour Orders and Community Service Orders** for persistent offenders;

To promote community safety and order: Youth disorder blights our communities. We need a range of ways to deal with disorder and offending in the community. This will include:

4. **A Safer Scotland police campaign on high visibility policing, covering Youth Disorder**, to increase visibility and provide community re-assurance;
5. **Spread best practice, and establish firm standards, for community based projects** funded through the Action Programme, Better Neighbourhood Services Fund programmes and Making Communities Safer programmes;
6. **Consideration of a Scottish wide application of a system of Police warnings**, and a detailed exploration of restorative cautions approach, perhaps through piloting.

7. **Re-configuring the secure accommodation available nationally to provide groups of girl-only accommodation, further consideration of additional places and improving the range**

and provision of programmes in secure units.

To promote the effectiveness of the system: While many aspects of the youth justice system are working well, there are some key pressures which must be addressed:

8. A set of national standards to operate between local authorities, the criminal justice system and Children's Hearings, covering reporting, timescales and follow up;

9. Promote parental responsibility, through voluntary measures and in the longer term to consider the feasibility of introducing further statutory obligations on parents.

10. Measures to increase the speed of referral to the courts will be considered, and introduction of specific targets discussed with the Judiciary.

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