

PERFORMANCE AUDIT

Dealing with offending by young people

Executive summary

PREPARED BY AUDIT SCOTLAND

DECEMBER 2002



DEALING WITH OFFENDING BY YOUNG PEOPLE



TWO SYSTEMS

This report deals with offending by young people between the ages of eight and 21. In Scotland, there are two systems for dealing with young people who offend. Those under 16 are dealt with in the Children's Hearings System (CHS), those over 16 in the Criminal Justice System (CJS). An estimated £230-£240 million is spent on under 21s in these systems each year from ten budgets covering police, Children's Reporters, local authorities, courts, Procurators Fiscal (PF) and prisons.

The children's system provides supervision to ensure the child's welfare.

- Approximately 14,000 young people are referred to the CHS on offence grounds each year.
- 55% are referred for only one offence.
- A small number of young people commit a large proportion of offences; but the evidence about whether this problem is growing is inconclusive.

The adult system balances punishment and protecting the community with efforts to prevent further offending.

- The numbers of 16-21 years olds proceeded against in court has declined from a high of 42,000 in 1996 to 33,000 in 2000.
- Fewer 16/17 year old males are going to prison.
- The trend for 18-20 year olds is steady...
- but, the number of young women getting prison sentences continues to rise (albeit they account for just 5% of the total).

THE STUDY

Audit Scotland, on behalf of the Auditor General and the Accounts Commission, has undertaken a national study examining the structures and procedures that comprise the "youth justice system" in Scotland. The study concludes with 38 recommendations for action by the Scottish Executive (SE) and other national and local bodies.

Over the last two years, SE has announced a number of new initiatives to tackle youth crime and deal more effectively with young offenders. Substantial new monies have been made available. These initiatives address many of the improvements that are required and need to be implemented successfully. Our report provides evidence and analysis to inform these and future policy developments. And it provides a framework against which progress in achieving improvements can be measured.

The recommendations for improvements affect a number of agencies. Audit Scotland will monitor progress over coming years on behalf of the Auditor General and the Accounts Commission.

FINDINGS

1

TIME TAKEN

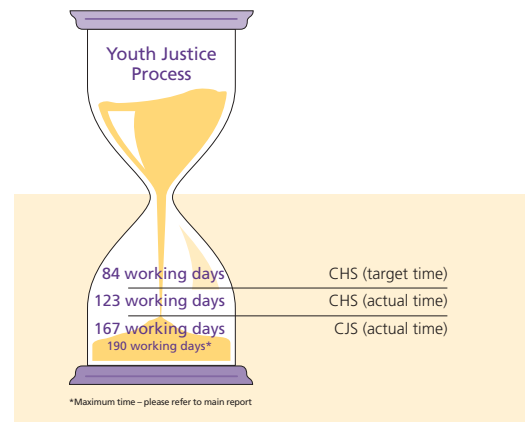
IT TAKES TOO LONG FOR YOUNG PEOPLE TO PROCEED THROUGH THE CHS AND CJS.

It is good practice to reach decisions about young offenders quickly. At present it takes too long.

- It takes an average of 5½ months for a child to reach a Children’s Hearing.
- It takes between 7½ and 8½ months on average to get a court decision on a young person.

Time standards exist within the CHS. However data are not consistently collected or reported, and those agencies that do report performance are not meeting targets.

Few time standards exist in the CJS. Data on the time taken are not routinely collected for many of the stages involved.



A month equals 22 working days

2

VARIATION IN DECISION MAKING

THERE ARE SIGNIFICANT VARIATIONS IN THE DECISIONS REACHED ON YOUNG PEOPLE.

Decisions on what should happen to young people who offend should be based on good quality information and data and reflect good practice.

- The proportion of offence grounds referred to Hearings by Reporters varies from 10% to 47%.
- The percentage of under 21s on whom PFs take no action varies from 1% to 17%.
- The percentage of under 21s convicted and given a custodial sentence varies from 3% to 24% across court areas.

Police, Reporters, PFs, Children’s Hearings and courts vary in their approaches.

- Definitions and practice vary within and between agencies, eg, what is persistent offending? when are police warnings used?
- There are gaps in data about activity, costs, and results achieved by the different agencies.

Good quality timely information is needed by Sheriffs, Reporters and Hearings to help them decide what should happen to the young person.

- Social work reports for Sheriffs in the CJS are prompt, and of good quality.
- Some assessment reports on children in the CHS are late and some are not done at all because of staff shortages. The quality of reports is mixed.

3

VARIATION IN SERVICE PROVISION

MANY YOUNG OFFENDERS DO NOT GET THE SERVICES THEY NEED TO TACKLE THEIR OFFENDING BEHAVIOUR.

The key to tackling youth offending lies in the provision of good quality programmes and supervision delivered by well trained staff. We found evidence that new programmes are coming on stream and many staff provide excellent support to young people.

- However in the children’s system we estimate that around 400 children are not getting the service they need and to which they are legally entitled, mainly because of staff shortages.
- Children’s Hearings are confident in dealing with most cases, but struggle to deal with persistent young offenders. This is mainly because of the lack of specialist services and social workers.

Special community programmes are being set up for young people on supervision to tackle their offending behaviour and applying knowledge from research about “what works”... but there are limited data about the quantity and quality of these programmes. Few evaluations have been undertaken and little evidence exists on the outcomes achieved.

- Councils have been slow to replicate successful intensive services such as Freagarrach in central Scotland.
- Some programmes are targeted on persistent offenders. Most persistent offenders start offending when they are under 12. More programmes should be focused on that age group.

In the adult system, the numbers on probation and community service have not increased for several years, despite repeated policy initiatives promoting these services.

Large numbers of young people are imprisoned (2,300 directly sentenced in 2001/02) and 60% are reconvicted within two years of release. The number of young females being imprisoned is still rising. Research shows that custody is expensive and tends not to stop offending behaviour.

The aim should be to prevent young people reaching residential care or custody. Strengthening of community based services should help to achieve this.

There is a need for co-ordinated action at national and local level to develop effective services.

Decision makers – and the general public – need better information about how services are performing.

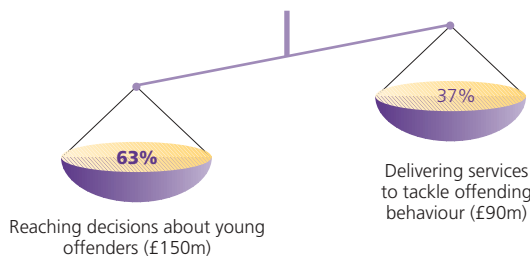
At present:

- some important questions, eg, reconviction rates for different programmes, cannot be answered
- services provided in community settings are not subject to routine independent inspection.

4 SPEND ON YOUTH JUSTICE

LESS THAN 40% OF YOUTH JUSTICE SPEND IS DIRECTED AT TACKLING OFFENDING BEHAVIOUR.

Around £240 million was spent on youth justice in 2000/01, about 60% on prosecuting and reaching decisions on what will happen to young offenders.



- The CHS processes cases at significantly lower cost than the CJS, reflecting that the former is not a prosecution system and that the time of panel members is unpaid.

Most of the money spent on tackling offending behaviour is spent on residential schools and YOIs.

- Over £60 million is spent on 1,200 residential and custodial places.
- £25 million is spent on community based services which are most effective at changing behaviour.
- At present there is no co-ordinated commissioning of residential and custodial places – which may reduce value for money.

Perverse incentives regarding funding exist within the youth justice system for agencies to shift children into the adult system. This may not be in the best interests of the young person, eg:

- funding for offender services for over 16s is ring fenced.
- custodial sentences in the adult system are paid for by either SE (secure care) or the Scottish Prison Service (YOIs). Those placed in secure care by a Hearing are supported by the local authority.

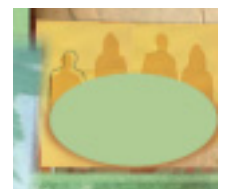
5 STAFFING IN CHILDREN'S SERVICES

THERE IS A GROWING PROBLEM IN FINDING SOCIAL WORK STAFF TO PROVIDE THE CORE SUPERVISION SERVICE FOR CHILDREN.

In October 2001, there was a vacancy rate of 11.3% among children's services social workers – this equates to 183 whole time staff. The shortages are getting worse.

In addition qualified social workers need to be better trained to work with young people who offend.

£25.5 million has been made available for youth justice up to 2003/04, and a further £33 million per annum will become available by 2005/06... but there is a real risk that it will not prove possible to spend the new money well because of lack of staff.



SUMMARY OF RECOMMENDATIONS

All findings and recommendations are given in the main report. Responsibility for implementation is set out in the main report and will require a co-ordinated effort between the Scottish Executive and all agencies working in youth justice.



TIME TAKEN

- Time standards exist in the CHS. These must be monitored and reported by the Scottish Executive.
- Time standards should be considered for all stages within the CJS.

DECISION MAKING

- A national system of police warnings should be adopted, setting out standards and guidance on procedures and good practice. Information on their use must be collected and reported.
- Agencies should review the guidance issued to staff to ensure decision making is in accordance with good practice.
- The quality of Social Background Reports must improve. Social workers need further training and support particularly in the use of risk assessment.
- Appropriate systems must be developed to enable information to be stored and transferred between all agencies involved in youth justice.

SERVICE PROVISION

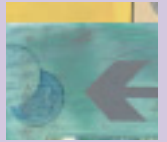
- More programmes must be developed, designed around the “what works” principles and based on evaluations of good practice. New programmes should be monitored and evaluated.
- A national system for the accreditation of specialist programmes to address offending behaviour, which is starting in 2003 for adults, should be adopted for children also.
- An independent inspection programme is needed to provide regular information on the quality of all services.
- Agencies should subscribe to a single set of performance indicators to monitor service effectiveness and the efficient use of financial resources.
- The Scottish Executive should consider developing a legislative proposal that would ensure the statutory provision of aftercare for all young people leaving prison.

SPEND ON YOUTH JUSTICE

- The Scottish Executive should review whether there can be some shift in the balance of resources from the decision making process towards services to tackle offending behaviour. Similarly, the Executive should review whether spend on residential and custodial services can be shifted in favour of community based services.
- The Scottish Executive and local authorities should review how places in secure care and residential schools are commissioned.
- The Scottish Executive should address the inconsistencies between Grant Aided Expenditure and budgets so that local authorities have a clearer lead on what expenditure is expected on children’s services.

STAFFING IN CHILDREN’S SERVICES

- The Scottish Executive and councils must urgently tackle the shortage of social workers in children’s services.



AUDITOR GENERAL FOR SCOTLAND

The Auditor General for Scotland is the Parliament's watchdog for ensuring propriety and value for money in the spending of public funds.

He is responsible for investigating whether public spending bodies achieve the best possible value for money and adhere to the highest standards of financial management.

He is independent and not subject to the control of any member of the Scottish Executive or the Parliament.

The Auditor General is responsible for securing the audit of the Scottish Executive and most other public sector bodies except local authorities and fire and police boards.

The following bodies fall within the remit of the Auditor General:

- departments of the Scottish Executive eg the Health Department
- executive agencies eg the Prison Service, Historic Scotland
- NHS boards and trusts
- further education colleges
- water authorities
- Non Departmental Public Bodies and other eg Scottish Enterprise

THE ACCOUNTS COMMISSION

The Accounts Commission is a statutory, independent body, which through the audit process, assists local authorities in Scotland to achieve the highest standards of financial stewardship and the economic, efficient and effective use of their resources.

The Commission has five main responsibilities

- securing the external audit
- following up issues of concern identified through the audit, to ensure satisfactory resolutions
- reviewing the management arrangements which audited bodies have in place to achieve value for money
- carrying out national value for money studies to improve economy, efficiency and effectiveness in local government
- issuing an annual direction to local authorities which sets out the range of performance information which they are required to publish.

The Commission secures the audit of 32 councils and 34 joint boards (including police and fire services). Local authorities spend over £9 billion of public funds a year.

ABOUT AUDIT SCOTLAND

Audit Scotland is a statutory body set up in April 2000, under the Public Finance and Accountability (Scotland) Act 2000. It provides services to both the Auditor General for Scotland and the Accounts Commission. Together they ensure that the Scottish Executive and public sector bodies in Scotland are held to account for the proper, efficient and effective use of public funds.

HOW TO ACCESS THE MAIN AND SUMMARY REPORTS

A full report detailing all findings and recommendations is available from Audit Scotland. A shorter summary report is also available. Both documents are accessible on our website.

Contact us at 110 George Street, Edinburgh EH2 4LH T. 0131 477 1234 F. 0131 477 4567
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