

PERFORMANCE AUDIT

Dealing with offending by young people

SUMMARY REPORT

Dealing with offending by young people

A joint report by the Auditor General for Scotland, to the Scottish Parliament, and by the Accounts Commission.

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Acknowledgements

Audit Scotland is grateful to the Scottish Prison Service for the secondment of Peter Rawlinson for the duration of this study. Thanks are also due to the members of the Study Advisory Group whose expert advice was gratefully received. The study was managed by Karen Chapman, under the direction of David Pia. Rebecca Booth provided support and assistance to the team throughout the study.

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Acronyms

ACPOS	Association of Chief Police Officers
ADSW	Association of Directors of Social Work
CAPS	Community Alternative Placement Scheme
CHS	Children's Hearings System
CJS	Criminal Justice System
COPFS	Crown Office and Procurator Fiscal Service
CSO	Community Service Order
DCA	District Courts Association
DTTO	Drug Treatment and Testing Order
GAE	Grant Aided Expenditure
HMIC	Her Majesty's Inspectorate of Constabulary
HMIE	Her Majesty's Inspectorate of Education
HMIP	Her Majesty's Inspector of Prisons
IAR	Initial Assessment Report
IER	Initial Enquiry Report
ISCJIS	Integration of Scottish Criminal Justice Information Systems
LAC&FSW	Local Authority Children & Families Social Work
LACJSW	Local Authority Criminal Justice Social Work
NCH	National Children's Home Action for Children
PF	Procurator Fiscal
PO	Probation Order
RLO	Restriction of Liberty Order
SACRO	Safeguarding Communities and Reducing Offending
SAO	Supervised Attendance Order
SBR	Social Background Report
SCRA	Scottish Children's Reporters Administration
SCRO	Scottish Criminal Records Office
SCS	Scottish Court Service
SE	Scottish Executive
SEED	Scottish Executive Education Department
SEJD	Scottish Executive Justice Department
SER	Social Enquiry Report
SLAB	Scottish Legal Aid Board
SPOW	Senior Police Officer Warning
SPS	Scottish Prison Service
SWS	Social Work Services
SWSI	Social Work Services Inspectorate
TIMG	Time Intervals Monitoring Group
YOI	Young Offenders Institution

Introduction

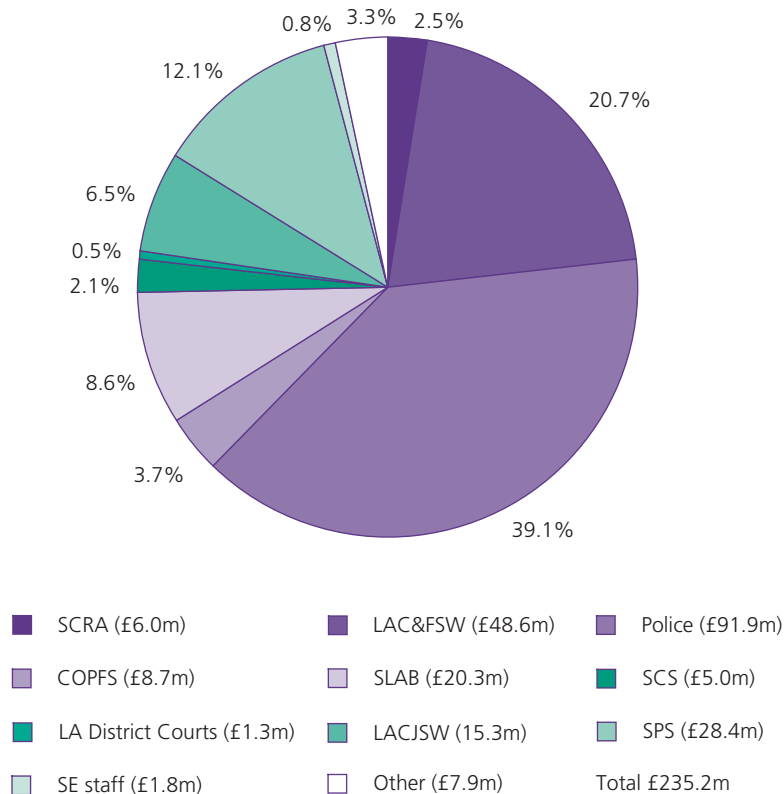
1. This report is a summary of the results of Audit Scotland's study of youth justice in Scotland. It describes the key findings and conclusions which are set out in detail in the full report of the study '*Dealing with offending by young people*'. The study was carried out on behalf of the Auditor General for Scotland and the Accounts Commission. It examines how the Children's Hearings System (CHS) and the adult criminal justice system (CJS) deal with young offenders up to the age of 21.
2. In carrying out the study we have considered relevant literature and documents, analysed data, visited services and interviewed staff working in the two systems. We studied over 300 case files and met young offenders in residential schools and Young Offenders Institutions (YOIs).
3. The report makes recommendations for improvements that affect the Scottish Executive (SE) and other national and local agencies. The 38 recommendations are listed in the Appendix. Audit Scotland will monitor progress in achieving these improvements over the coming years on behalf of the Auditor General and the Accounts Commission.

Background

4. An estimated £230-£240 million* was spent on dealing with offending by children and young people in Scotland in 2000/01. This comes from ten sources whose total spend on all functions was £1.68 billion. Each agency has its own budget priorities and accountability arrangements and many different professional groups are involved. Youth justice is not the leading commitment of any of these agencies and does not command as much as 50% of the budget of any agency. Exhibit 1 illustrates the breakdown across agencies.

Exhibit 1: Allocation of total expenditure on youth offending by the agencies involved 2000/01

Over ten budget sources contribute to youth justice.



Source: Audit Scotland. For acronyms please see page 2.

* Details of the financial analysis and our assumptions are set out in Appendix 3 of the main report.

5. We estimate that £140-£150 million was spent on identifying offenders in 2000/01 and deciding what should happen to them as a result of their offending; and £80-£90 million was spent on disposals and services to tackle their behaviour.
6. Young offenders are dealt with by two systems, the CHS dealing mainly with under 16s and the adult CJS dealing mainly with over 16s:
 - For children the aim is to provide supervision and support to ensure the young person's welfare; decisions are reached by the Children's Reporter and Children's Hearings, and implemented mainly by local authority and voluntary organisation social work services for children.
 - Young adults are prosecuted in courts and the aim is to deliver justice by finding a balance between punishment, protecting the community and preventing further offending. Services are delivered in the community by local authority and voluntary organisation criminal justice services and in YOIs by the Scottish Prison Service (SPS).
7. Neither system exists solely to deal with young offenders. The children's system addresses the needs of all children and the majority of its work is with children in need of care and protection where offending is not an issue. The criminal justice system is concerned with all adult offenders, only a third of whom are under 21.
8. Over the last three years the Scottish Executive has given increasing attention to youth crime and youth justice, focusing particularly on how the CHS deals with offending. A series of initiatives have been announced during the last year culminating in a 10-point action plan which proposes specialist Children's Hearings and youth courts for persistent offenders, a national system of police warnings, a reconfiguration of secure accommodation and the introduction of national standards for work with all young offenders. Additional funding of £25.5 million was provided to local authorities over the three years to 2003/04 to increase services to tackle offending behaviour with an extra £15 million announced in June 2003 to be spent by March 2003. The Scottish Executive has announced further additions over the next three years to provide an extra £33 million in 2005/06.
9. Young people are responsible for a high proportion of offending, and young males commit more crime than young females. Most offenders only offend once; 55% of young people who offended in 2000/01 were not referred to the Reporter more than once.

10. The available data do not provide an entirely clear picture of trends in offending behaviour. There is no clear evidence of offending increasing:
 - the number of offences by children referred to the Reporter in a year increased by 5% between 1990 and 2000, rising to 42,000; but the number of children referred remained steady in the late 1990s and dropped by 5% in 2000/01 compared with the previous year.
 - the number of people aged 16-21 with charges proved in court in a year declined between 1990 and 2000 by 37%, down to 27,000. Most of the reduction has been for less serious offences.

11. The evidence on whether the number of persistent offenders is increasing is inconclusive. The data show:
 - the average number of offences per child has increased slightly. The number of children with over ten offences in a year increased gradually during the 1990s to reach 890 in 1999/2000 – but declined by 12% in 2000/01.
 - the number of young people aged 16-21 with more than ten charges proved in a year is steady; but the number with 6-10 charges dropped by 17% from 2,900 to 2,400 in 2000/01 compared with the previous year.

12. What is clear is that most young people who offend do not commit many offences and they will usually grow out of their offending behaviour. The challenge is to reduce the number of young people who go on from minor offending to become persistent or serious offenders.

13. Young people who offend – particularly those who do so more than once – need to be dealt with effectively to: stop them committing more crimes; prevent the consequent distress and financial loss caused to other people; and help them lead constructive lives in the future. Interventions with them need to take account of the fact that they are less mature than adult offenders, and frequently have serious problems in their home lives.

14. The evidence from the literature and from our discussions with practitioners suggests that dealing with them effectively means:
 - taking prompt action;
 - tackling their offending behaviour together with their problems in areas such as health and education;
 - diverting them away from formal judicial processes for as long as this is appropriate; and
 - ensuring that programmes and services for early intervention are widely available and adequately resourced.

Police action

15. The police are the first point of contact for young people in both the CJS and CHS. On identifying a suspected offender they decide whether to:
 - issue a formal warning;
 - refer the young person to the Reporter; or
 - refer to the Procurator Fiscal.

Police warnings

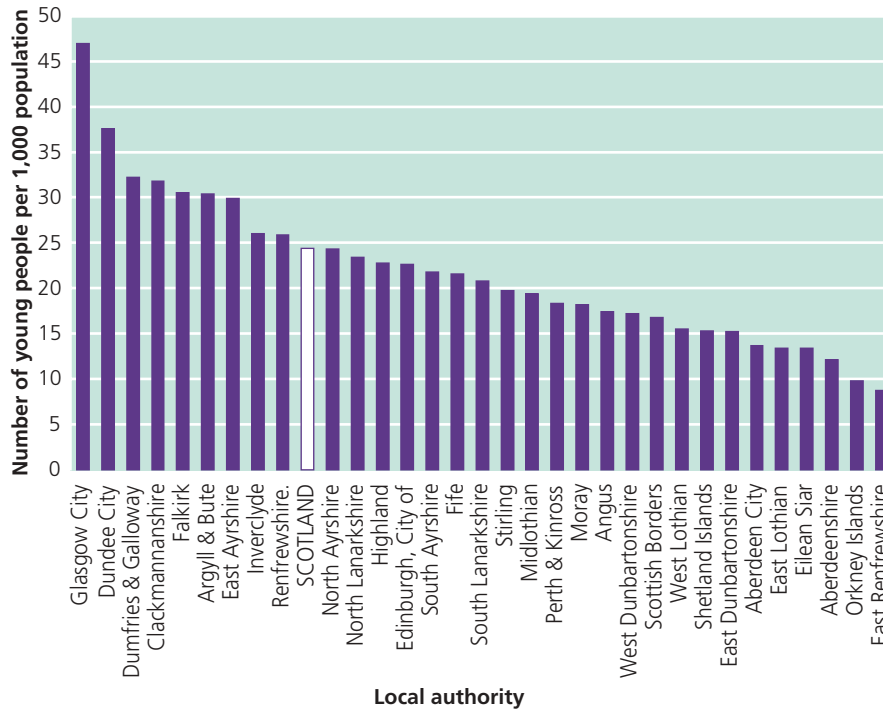
16. Police warnings are a useful way of dealing with minor offences. They are quick, normally delivered within 14 days, and an appropriate way to respond to first time offenders, most of whom do not reoffend.
17. We found differences between police forces about what constitutes a warning and how these are recorded. Only five of the eight police forces could provide annual data about warnings.
18. A national system of warnings should be introduced and the Executive is now proposing that this happens. This needs to define the different types of warning, the circumstances in which it is appropriate to use each type, the procedures to be followed and guidelines for good practice. Training for police officers will be required.

Police referrals to Children's Reporter and Procurator Fiscal

19. The number of children referred to reporters on offence grounds was over 14,000 in 2000/01. This equates to a rate of 24 in every 1,000 children aged between 8 and 16. The rate varies across Scotland (Exhibit 2).

Exhibit 2: The number of young people referred to the Reporter on offence grounds per 1,000 population (aged 8-16), 2000/01

The rate of referral varies between 8 and 47 per 1,000 young people.



Source: Unpublished SCRA data run for Audit Scotland and GRO population estimates 2000/01

20. The reasons for this variation include:
 - varying patterns of crime by young people across the country;
 - differing levels of persistency evident in different areas;
 - variations in police decisions about what to refer to the Reporter; and
 - the extent to which police warnings are used as an alternative to referral.

21. There is no national data on the number of under 21s referred to the PF by the police. From a sample of data provided by the Crown Office and Procurator Fiscal Service (COPFS), Audit Scotland has estimated that roughly 45,000 cases involving an accused aged under 21 were reported to PFs in 2001/02.

The Children's Hearings System

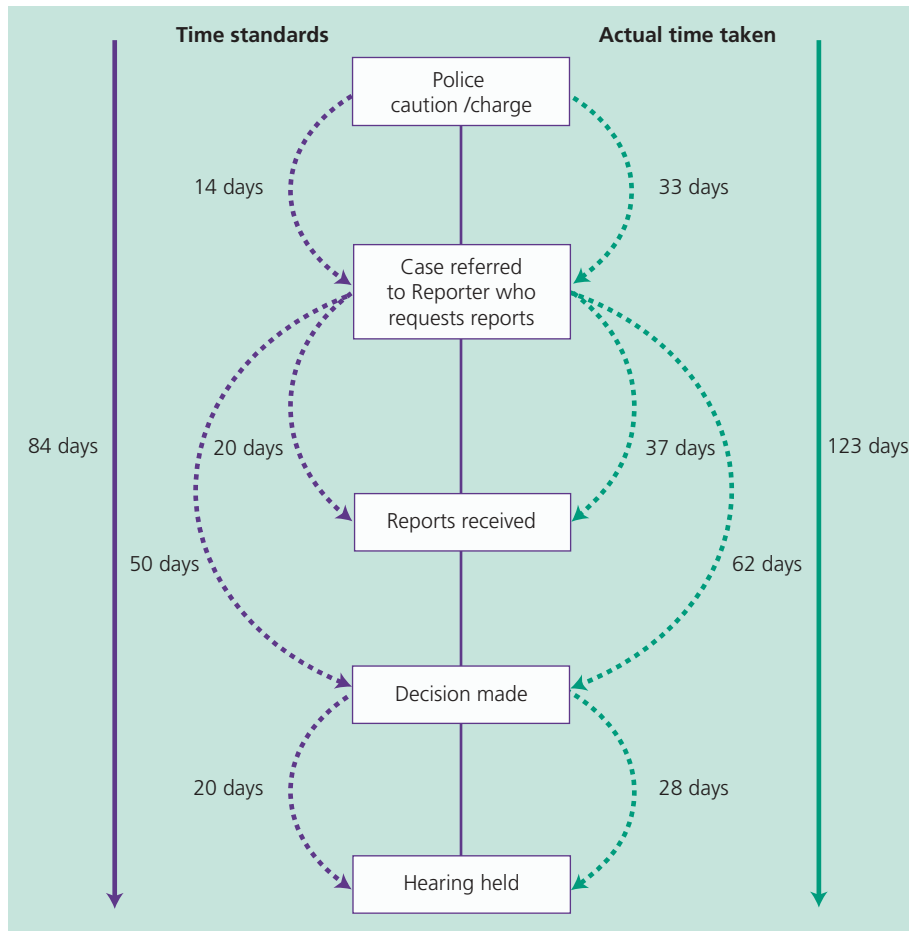
22. The Reporter decides what action to take with a child who has committed an offence. With the help of information from the police and social and education services, the Reporter decides whether to: refer the child to a Children's Hearing; seek support from social work services on a voluntary basis; or to take no further proceedings.

Time

23. It is good practice to reach decisions about young offenders quickly. There are time standards for the different stages in the children's hearings process, but performance against them is poor.
24. If all time standards are met, the overall elapsed time for a referral to be dealt with in the CHS should range from 64 working days, where no Hearing is held, to 84 working days where a case goes to a Hearing. We found that the average elapsed time for cases to proceed from initial report to hearing decision was 123 working days, or 5½ calendar months. Even though this is far slower than the standard, it is still less than the average time taken to deal with cases in the adult system. Exhibit 3 sets out the standards and performance against them.

Exhibit 3: Time taken within the Children's Hearings System

Cases take on average 123 days from caution/charge to Hearing decision.



Source: Data taken from SCRA and Audit Scotland case file reviews

25. There are particular delays with police and social work reports.
 - The police should make 80% of referrals to the Reporter within 14 days. Only Tayside Police came close to meeting this standard in the last two years. Our analysis of case files found that referrals took an average of 33 days.
 - Seventy-five percent of social work reports should be with the Reporter within 20 working days. Only Angus met this standard in 2000/01. No authority achieved this in 2001/02; our case file analysis found an average of 37 days. Around two-fifths, 41%, of reports were received within 20 days.

26. There are problems with data collection. A number of areas do not collect and monitor this information, reflecting the lack of priority attached to these targets. Without the data, local authorities, the police and Reporters cannot identify delays and take action to reduce them.

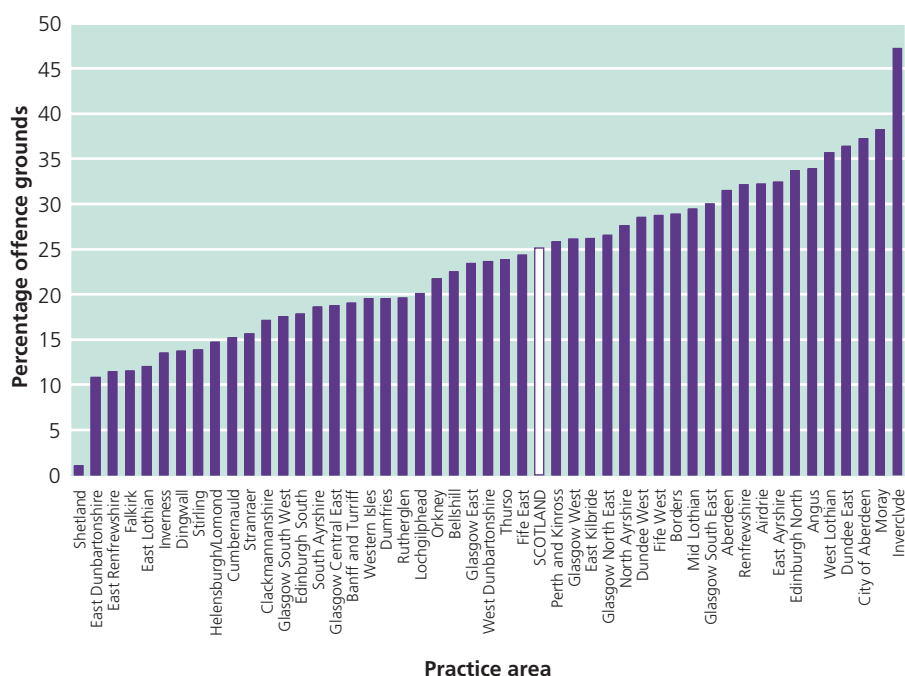
27. The Scottish Executive should collect and publish information about achievement of targets annually in order to monitor performance. All the agencies concerned – the police, social work, SCRA – should work with the Executive to tackle any problems which emerge in achieving targets.

Reporters' decisions

28. The pattern of Reporters' decisions varies significantly across the country. The proportion of offence-related grounds that are sent to a Hearing varies between 10% and 47% (Exhibit 4). And the proportion of offence grounds referred where no formal proceedings were required varied between 16% and 66% across practice areas.

Exhibit 4: Percentage of offence grounds referred to a Hearing 2000-01

The percentage of offence referral grounds sent to a Hearing varies significantly around the country.



Source: Unpublished SCRA data run for Audit Scotland, May 2002.

29. The referral rate for voluntary social work support is consistently low at around 6%, reflecting that social work resources are likely only to be available for compulsory supervision orders that are made at Hearings.
30. SCRA should review variation in Reporters' decisions and develop guidance to support Reporters in making decisions. These should describe good practice while allowing Reporters to retain the flexibility required for the wide range of individual circumstances with which they deal.

Information and assessment

31. The quality of the reports received by Reporters is variable. Police reports were generally good at outlining the required facts about the offence. Information about factors such as the attitudes of parents are given in some reports and are considered helpful. The quality of Social Background Reports (SBRs), produced by social workers, varied considerably. These reports should be based on assessment of young people's "needs and deeds". Some were of a good standard while others were not. Many did not address the young person's offending behaviour. Education reports covered factual issues such as educational attainment and attendance well.
32. The contrast with the adult system is striking (paragraph 47). Sheriffs receive over 90% of reports on time and, on the whole, rate reports highly. Reporters and panel members say that they cannot rely on SBRs being produced as requested and that the quality is variable. Thus children's needs are receiving poorer consideration in the CHS than young adults' needs receive in the court system.
33. Councils need to ensure that reports are of good quality. Councils and SCRA should review the effectiveness of current guidance on reports and the assessments which they should include. National standards for the CHS would help to improve practice as they have done in the CJS.

Decision making at Hearings

34. Children's Hearings decide whether a child needs compulsory supervision and may attach conditions to their decision such as requiring that the child resides in a particular place. Hearings vary in their use of different disposals. Across Scotland, roughly one in three children placed on supervision by a Hearing has been referred on offence grounds (and possibly for other reasons also). This proportion varies between Reporter areas from around 10% to over 60%. This will partly reflect variable offending patterns but the wide range of decisions is likely to reflect more on panel members' perceptions of the quality of supervision and range of services which the local authority can provide and this varies considerably.
35. Many Reporters and panel members expressed reservations about the capability of the Hearings system to deal with persistent offenders. This is partly due to limited local authority resources and the lack of options for addressing persistent offending. Although the availability of programmes has increased in recent months, panel members and Reporters felt that many persistent offenders exhausted the options available to the Hearings system, and that they were often marking time until the young person was old enough to enter the adult system.

36. The Scottish Executive's recent proposals to pilot specialist Hearings for persistent offenders are aimed at addressing these weaknesses.
37. If panel members are to deal more effectively with offending, the Scottish Executive, in consultation with SCRA, needs to provide more guidance and training to support them.

Fiscals and the courts

Time taken

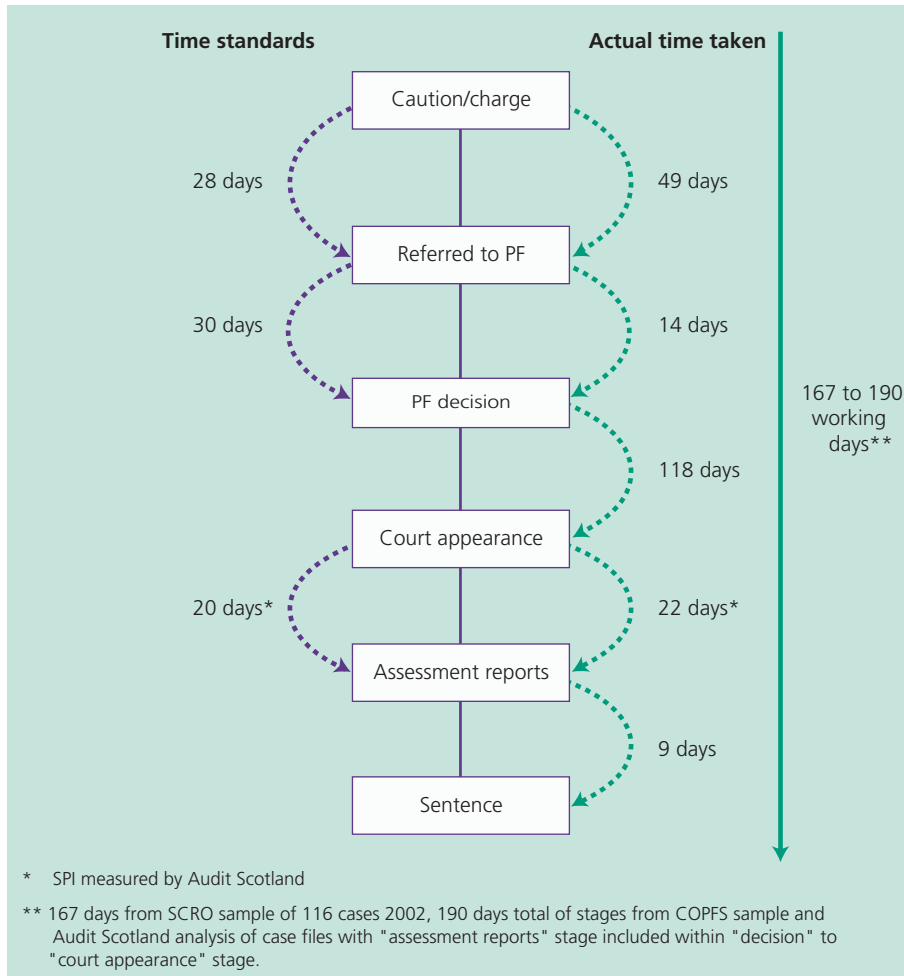
38. Comprehensive data on the time taken to reach decisions in the adult system is not available. We therefore examined separate samples of cases from the Scottish Criminal Records Office (SCRO) and from COPFS. We also examined a sample of cases from the six areas we visited. We found that average elapsed time for young people to progress through the CJS from caution to conviction is between 7½ and 8½ months, depending on the sample used. During this time a young person can expect to appear in court an average of three times for the offence¹.

39. There is no comprehensive set of national time standards in the adult system as there is for children. There are some targets for the timely processing of cases and Exhibit 5 shows that performance against these is mixed. Police reports, where the accused is not in custody, should be with the PF within one month of caution and charge, but this was achieved in only 40% of the sample of cases reviewed for this study.

¹ Scottish Court Service

Exhibit 5: Time taken in the adult system

It takes 7½ - 8½ months from caution to sentence in the criminal justice system.



Source: SCRO sample files, COPFS sample data, Audit Scotland case file review

40. The Crown Office has a target of taking and implementing decisions in 80% of cases in 7 weeks. Currently 80% of all cases have decisions reached (marked) within 20 working days. PFs found this target easy to achieve.
41. It was not possible to gather accurate national data on the time taken for court cases involving under 21s. In a sample of cases, the average time taken from PF decision to conviction was 149 working days, or 6½ months from beginning to end. PFs, sheriffs and social workers expressed frustration at the length of time required for court cases to be concluded. This hampers efforts to deal quickly and effectively with offending behaviour.

42. Social enquiry reports (SERs) requested by the court are required to be submitted within 20 days of request. Nationally, performance against this target is good, with 95% submitted on time.
43. The agencies involved in the CJS, principally COPFS and the police, should review the time taken for cases to be dealt with and establish inter-agency time standards and targets for the key stages in the process. They should ensure that targets are achieved. The Scottish Executive should monitor progress against these targets.

Fiscals' decisions

44. The data available about PFs' decisions show that, compared with older offenders, those under 21 are:
 - more likely to go to court (61% vs 44% of all cases);
 - more likely to receive a fiscal fine (9% vs 6% of all cases); and
 - less likely to have proceedings dropped (9% vs 16% of all cases).
45. Fiscal regions vary in the use of different options. From our sample drawn from 17 PF offices we found that between 1% and 17% of under-21 cases had proceedings dropped; and between 55% and 85% of under 18s jointly referred to the Reporter and PF were referred back to the Reporter for disposal. Analysis was constrained because of the limited amount of national data available about decisions made by PFs about young people under 21 years.
46. COPFS should consider, with SCRA and the Association of Directors of Social Work (ADSW), the need for developing guidelines for PFs in making decisions, so that available options are used appropriately across Scotland. This should include specific attention to cases jointly reported to the PF and the Reporter.

Information and assessments

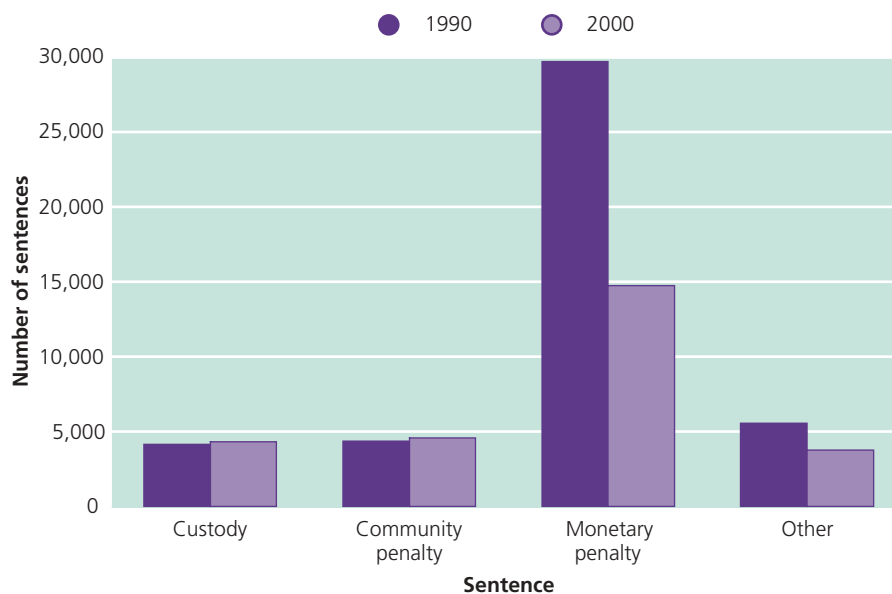
47. SERs provide sentencers with information on young offenders and their circumstances. There are national standards and overall performance against these is satisfactory. In some areas which we visited we found consistently clear, easy to read reports with systematic risk assessments (which evaluate the likelihood of further offending). Other areas had variable performance largely reflecting the skills and expertise of individual social workers. Two-thirds of files we examined contained risk assessments. In two of the areas we visited, fewer than 50% of SERs included risk assessments. Risk assessment needs to be carried out systematically for all reports as required by national standards. Sentencers were highly satisfied with the reliability of reports and overall said that the quality was high.

Court decisions

48. The numbers of people under 21 with charges proved in court in a year declined considerably between 1990 and 2000, from almost 44,000 to 27,500. Exhibit 6 shows that the number of custodial sentences and community penalties has hardly changed over the ten year period. This reflects a levelling off after substantial increases over provision in the 1980s and needs to be seen against a background of reducing court business. The overall decline in numbers with charges proved is accounted for by the decrease in numbers receiving monetary penalties, which have fallen by over 50% from 29,682 to 14,771. One factor explaining this is the greater use of warnings and diversions by the police and the PFs.

Exhibit 6: Number of under-21s with a charge proved by main penalty 1990-2000

The numbers of community penalties and custodial sentences are steady. There has been a large reduction in monetary penalties.



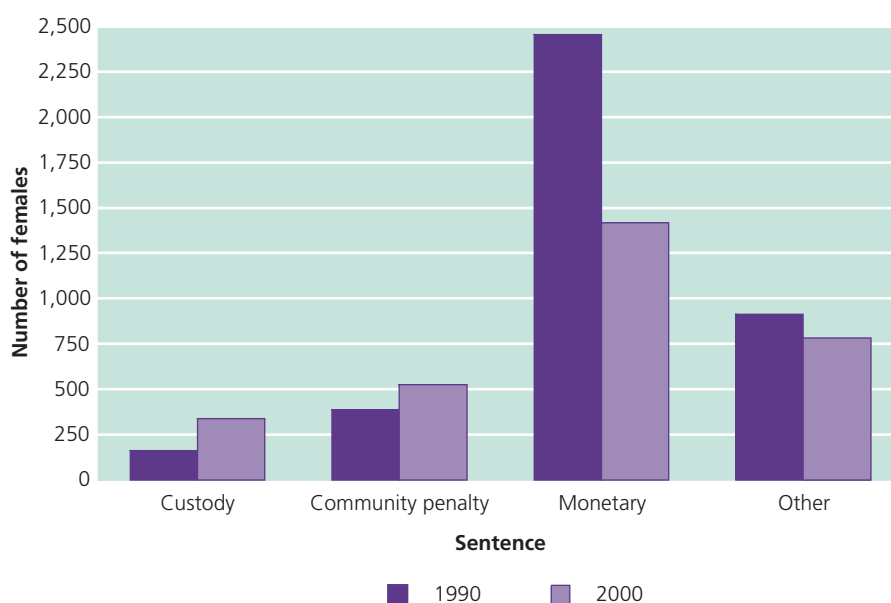
Source: Scottish Executive Statistical Bulletin, CrJ/2001/7, November 2001

49. In recent years there has been no significant increase in probation and community service for convicted young adults. This is despite continuing policy commitment to promote these disposals as alternatives to custody and an increased number of Probation Orders for offenders age over 21. This suggests that there needs to be continuing focus on increasing the availability of community disposals for young adults.

50. The pattern of offending is different for females under 21. The overall numbers have declined but not by so much as for males. Females now constitute 11.1% of the total number with charges proved in court compared with 9% in 1990. Exhibit 7 shows that the number of custodial sentences for females has increased by 200% over the last 5 years from 110 to 336.

Exhibit 7: Number of females under 21 with a charge proved shown by main penalty 1990-2000

The number of custodial sentences for female young offenders has risen considerably in the last ten years.

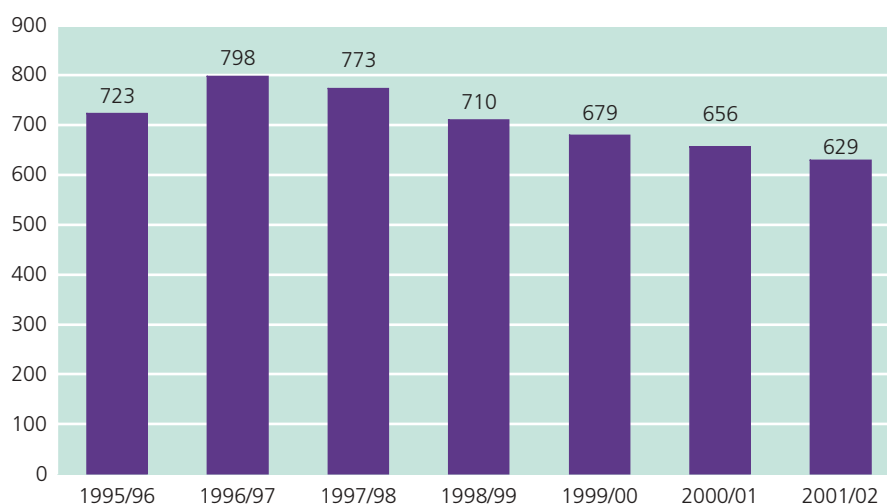


Source: Scottish Executive Statistical Bulletin, CrJ/2001/7, November 2001

51. The data about court decisions count the number of occasions on which a person is proceeded against in court. More than one proceeding may be dealt with on the same day. So the data about decisions to impose a custodial penalty are not directly comparable with statistics about the number of admissions to prison (receptions). The admission figures show a different pattern from the sentencing figures, with the average daily population of young offenders serving custodial sentences declining by 21% over the past five years (Exhibit 8). The average daily number remanded in custody has also fallen from 331 to 242. The lower number of custodial sentences is accounted for almost entirely by a 45% drop in the 16/17 age group. However, about a quarter of under-21s on remand – 60-70 at any one time – are aged 16/17 whereas only 15% of sentenced young offenders are that age. Sentencing trends for the 18-20 age group are steady.

Exhibit 8: The average daily population of under-21s in custody in Scotland

The total number of young people held in custody has declined over the past five years.



Source: Scottish Prison Service Annual Report 2001/02

52. Only 5% of young offenders in prison are female. The average daily prison population was 44 in 2000, of whom 30 were directly sentenced and 14 on remand. The number of convicted females under 21 admitted to custody rose markedly from 65 to 137 over the five years to 2001. The rise in custodial sentences for younger women is striking given that the figures for young men are falling.
53. This problem has been recognised by the Scottish Executive. In February 2002, the Ministerial group on Women Offenders concluded that, “*young women offenders should be targeted for special measures to reduce the present prison numbers and halt a future increase . . . there is the potential to reduce the number of young women in custody by up to 45*” admissions per year. This would translate into a reduction of up to three people in the average daily population.
54. The Executive has identified the need for special efforts to reduce the number of young women in custody. Sustained work is required by all the agencies involved to achieve this objective.

Costs

55. The CHS, which is not based on a model of prosecution, processes cases at significantly lower cost than cases in the adult system which are dealt with by means of judicial process (Exhibit 9). It is reasonable to assume that this has provided Scotland for many years with a lower cost system for dealing with children who offend than the court based systems used in many other countries.

Exhibit 9: Average costs of processing cases through the CHS and CJS

The cost of processing a case through the CHS is significantly cheaper than the cost in the CJS.

CHS	Cost	CJS	Cost
Arrest and charge by the police	£125	Arrest and charge by the police	£125
Reporter decision making	£405	PF decision making	£200
Reports/assessments	£175	Reports/assessments	£175
Hearing	£240	Court*	£900-£12,000
Total cost	£945	Total cost	£1,400-£12,400

* This figure refers to cases that receive legal aid.

Source: Audit Scotland estimates, please refer to Appendix 3 in the main report for a full breakdown of all financial assumptions.

Changing behaviour

56. The consistent message from those we spoke to during the study was that there is a need for more and better services in community settings so that children and young adults could be diverted from the repeated and serious offending which can lead eventually to custodial sentences.
57. The literature review commissioned for this study could find no evidence that custodial sentences succeed in reducing reoffending. Although the SPS is seeking to improve rehabilitation services within prisons, throughcare is not good, reconviction rates are high and return to custody frequent. 60% of young offenders released from YOIs are reconvicted within two years of release.
58. Our literature review reported promising research evidence that programmes and services for young offenders living at home could be effective in reducing the criminal behaviour of persistent offenders. The evidence suggests that effective programmes for young people:
 - require participants to attend regularly and frequently over several months at least;
 - are targeted at those at the highest risk of reoffending;
 - use cognitive and behavioural methods focused on the individual's criminal behaviour;
 - address the individual's personal and family relationships;
 - focus on education and employment needs;
 - are tailored to individual needs as much as possible, not "one size fits all"; and
 - are delivered by well-trained, knowledgeable, skilled individuals.
59. To be effective, programmes must be delivered as planned and conform to these principles. Services require staff with the right skills, supported by effective first line managers and appropriate training and development.
60. The services available in Scotland to deal with offenders include:
 - action by social workers working individually with the young person as part of a supervision or probation order; sometimes to include family members also;
 - formal programmes such as community service or supervised attendance orders, or attendance at community projects; and

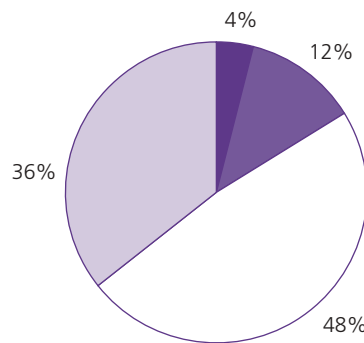
- specific programmes focused on aspects of behaviour eg, anger management, thinking skills, addictions, victim awareness.

61. The main services which seek to change offenders' behaviour in the criminal justice system are shown in Exhibit 10.

Exhibit 10: Percentage of under-21s with custodial and main community penalties

Only a small proportion of young adult offenders are in custody.

- Remand in custody (203)
- Custodial sentence (629)
- Probation (2,472)
- Community service (1,830)



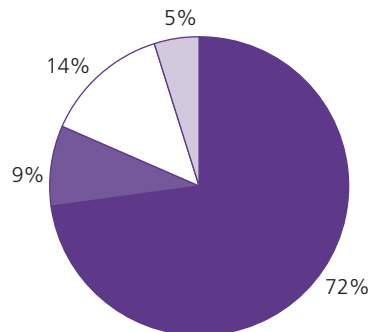
Source: Criminal proceedings in Scottish Courts, SPS Annual Report 2001/02, Criminal Justice Social Work Statistics 2000 analysed by Audit Scotland

62. The services provided in the children's system are shown in Exhibit 11.

Exhibit 11: Residence of under-18s on supervision

Only a small proportion of children who have offended are in residential schools and secure care.

- Supervision at home (1,425)
- Supervision in children's homes (171)
- Supervision in a residential school (266)
- Supervision in a secure unit (96)



Source: SCRA Statistical Bulletins 2000/2001

63. The large majority of cases receive supervision in community settings, but the balance of provision has not changed significantly in recent years. The numbers in custody, in residential care and using community supervision have remained largely consistent over the past five years. The exceptions are a reduction in the number of 16/17 year-old males sentenced to custody and an increased number of females sentenced to custody.

Costs

64. Data about costs is difficult to obtain and we have drawn upon a number of sources. We have estimated the average weekly cost per person of the different service options as:
- £40 for a Probation Order (PO);
 - £70-£120 for enhanced probation ie, with additional programme;
 - £35 for an average community service order;
 - £50 for social work supervision;
 - £15-£320 for specialist community programmes;
 - £830 -£1,400 for specialist foster care;
 - £1,200 for supervision of child in children's home ;
 - £1,200-£1,700 for a residential school;
 - £2,200-£2,900 secure residential care; and
 - £540-£700 for a young offenders institution.

Appendix 3 in the main report provides further details.

Services in the Criminal Justice system

65. We found a generally positive picture of how probation and community service is working:
- over 90% of our sample of young people on probation were continuously allocated a social worker;
 - sentencers were confident that the service would be delivered;
 - 40% of offenders attend special programmes as a condition of their PO and a further 20% attend a community service scheme;
 - agencies are clear about national standards and overall these are being observed;
 - frequent use of conditions for POs to tailor service to individual requirements;
 - action is taken if court order is not working;
- but...
- 24% of case files examined did not contain satisfactory care plans;
 - only 61% of new probationers were seen by a supervising officer within one week; and
 - evidence about outcomes, eg, reconviction, is not readily available.

66. The SPS has increased its delivery of programmes within YOIs to prevent reoffending, but there are problems. Prisoners with short sentences are usually excluded and staff often cannot find time to sustain commitments to programmes and to building supportive relationships with young prisoners.
67. A serious problem is the lack of aftercare for those leaving prison after short sentences. The rehabilitative work provided in prison will be much less effective if not followed through when the young person leaves prison. The literature is clear that no matter how good the work done in the prison setting, practical issues such as employment and accommodation are critical in preventing a return to custody. Without aftercare, opportunities are missed to provide such help and introducing a statutory duty may be the best way to ensure this happens. In December 2002 Scottish Executive Ministers are expected to announce a new throughcare policy which identifies young offenders as one of three priority groups for voluntary aftercare.

Services in the children's system

68. There were positive findings on the supervision of children referred by Hearings:
 - many case files reflected committed and intensive work by social workers;
 - 22% of case files indicated that children attended a special programme which addressed their offending behaviour; more programmes are becoming available; and
 - in some areas, children's and adults' social workers are combining to form specialist 'youth justice' teams to ensure that specialist skills and knowledge are used more effectively in tackling offending behaviour.
69. But there are also serious shortcomings which require urgent action:
 - a fifth of cases examined did not have a social worker allocated continuously to the young person – if replicated nationally this means that some 400 children at any one time are not receiving the service they need and to which they are legally entitled;
 - nearly a third of cases had no care plan in the file;
 - in nearly a third of cases there was no evidence that offending behaviour was being tackled; and
 - cases in our sample referred by the Reporter for voluntary support were unlikely to receive a service.
70. Many of the shortcomings are a result of shortages of qualified social work staff in services for children. There was a vacancy level of 13% in October 2001. Social work managers told us of increasing difficulty

in recruiting and retaining good quality staff in children's services. This contrasts with the more stable and experienced profile of staff in criminal justice social work services.

71. Every young person placed on supervision by a Children's Hearing should receive the continuous service of a social worker. This is a legal requirement. Nearly all over 16s placed on orders by the courts receive the service that the law has determined should be provided. This does not happen as it should for, it appears, hundreds of children.

Special programmes and services

72. A survey undertaken during our study identified 51 programmes in community settings, additional to mainstream services, which were specifically focused on the offending behaviour of young people. These related to young people in both the CHS and CJS. We estimate that some 1,600 young people with offending problems used these services in 2001/02. Programmes are widely spread geographically. Sixteen were for persistent offenders only and a further 20 included persistent offenders alongside other offenders.
73. The growth of programmes focused on offending behaviour is encouraging, but data about their performance are not routinely collected and few are being evaluated. Despite the evident success of programmes that have been evaluated such as Freagarrach in central Scotland, there is little sign of replication of these services. Some concerns were expressed by programme organisers that some programmes are not attracting referrals and that others are not managing to sustain the services necessary to achieve good outcomes. This is most likely to occur when the key agencies are not sufficiently involved in setting up and overseeing programmes in partnership through, for example, an effective youth justice team.
74. In 2003, the Scottish Executive will start to accredit specific programmes for adult offenders which meet the principles for effective outcomes. A similar approach is necessary for programmes for children to help to ensure that effective programmes are increasingly used in place of less effective options. The Executive has announced its intention to extend accreditation schemes to services for children and young people.

Children looked after and accommodated away from home

75. We estimate that the average number of children in residential schools who have offending problems is around 270. A further 96 (not all offenders) are placed in secure accommodation in residential schools. These schools deal with the most damaged and difficult children. The costs of residential schools and secure care are the highest of any disposals, ranging from £1,200 to £2,900 per week. The price of secure care has risen by around 46% since 1997/98. Over £30 million per year is spent on these services.

76. There is a need for better data about the progress of young people who have been in residential and secure care, and for an evaluation of the cost effectiveness of these options. The Executive should review how places are commissioned and used to identify if there are opportunities to increase value for money.

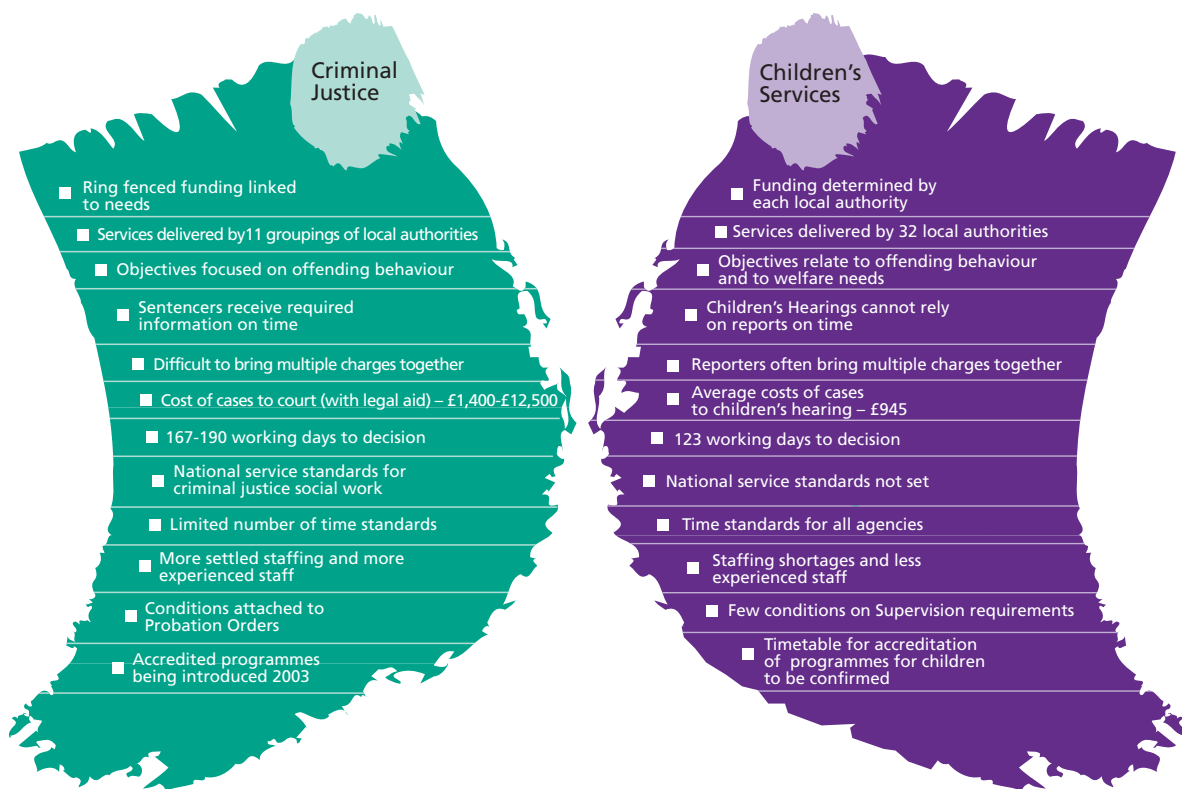
Strategic issues

Organisation and structure

77. There are striking differences between the systems for children and adults. These are illustrated in Exhibit 12.

Exhibit 12: Differences between children's and adult services

A strong framework for CJS: complex objectives in the CHS



Source: Audit Scotland

78. The CJS has strengths – secure funding, national standards, evidence base, accreditation of programmes, reliable service to the courts. The children's system has more complex objectives, but is generally quicker and cheaper at reaching decisions about offending behaviour. There is no evidence available about the relative effectiveness of the adults' and children's systems as measured by outcomes for young people whose offending behaviour is being addressed.

79. Initiatives are underway to import some of the strengths of the adult system into the CHS eg, standards and accreditation of programmes. These should improve the arrangements for dealing with children. There are other proposals eg, specialist Children's Hearings and Youth Courts, which will explore new ways of reaching decisions about young offenders. These are designed to address some of the weaknesses of the children's system in dealing with persistent young offenders.
80. The case for continuing investment and support in the CHS is strong. Most persistent offenders start offending at a young age, commonly under 12, and it is increasingly difficult to reform their behaviour as they get older. Early intervention to tackle offending behaviour has to be pursued in order to reduce the likelihood of persistent offending developing. When persistent offending is occurring, there needs to be ready access to programmes specialising in tackling that specific behaviour and other urgent needs of the young people involved. This will require community programmes provided by good quality staff. The Executive's additional funding is intended to increase the quantity and quality of such programmes.
81. The funding arrangements and national standards provide a more stable framework for criminal justice social work services than for children's services. The criminal justice services have recently been grouped into 11 partnership units to provide more efficient delivery. In the absence of such infrastructure the Scottish Executive needs to find ways to support good practice across all 32 local authority areas for children's services. SE needs to put in place arrangements to monitor progress in improving services for children who offend. At present there are difficulties in obtaining information about what is happening. There is no means by which the public and Ministers receive regular up-to-date objective reports about the quality of the full range of services and the system's capacity to deliver the outcomes for which the services are set up.
82. Most public services are subject to independent inspection on a regular basis. This happens, for example, with education, police and fire services. It will soon be introduced for COPFS. Residential services for young offenders are inspected by the Scottish Commission for the Regulation of Care, and YOIs by Her Majesty's Inspector of Prisons (HMIP). But services provided in community settings by local authorities and voluntary organisations are not subject to routine independent inspection and this creates a gap in the information available for the public about the quality of these services. The Scottish Executive's Social Work Services Inspectorate (SWSI) has some

responsibilities in relation to these services, but does not have a rolling programme to cover services in a systematic way.

83. Inspection should be extended to cover community based services for young people who offend in both the adults and children's system. If this happens and, given that inspection of COPFS is to start, it would be logical also to introduce independent inspection of the Children's Reporter service. Because services for young offenders involve many different agencies, inspection should be multidisciplinary and HMIE, HMIC and HMIP will have significant parts to play also.

Multi-agency approach

84. The Scottish Executive looks to youth justice teams to draw together key agencies in the CHS, develop strategic plans and oversee the development of services to tackle offending. But their influence is still limited. There is uncertainty about what exactly they are expected to do; some do not have enough senior officials involved; they are hampered by a lack of good local data; and, in some teams, key agencies such as the PF service and health are not participating. The lead responsibility for teams' development lies with the local authority and the responsibility should be taken on a corporate basis. In some areas that we visited the task is left to the social work service and they face difficulties in implementing the required changes through their own efforts alone. Where other services within the local authority eg, Chief Executive, Education, Leisure and Recreation, and other agencies are more involved there is likely to be more chance of effective multi-agency work developing.
85. The Scottish Executive needs to clarify expectations of youth justice teams and work with local agencies to ensure that senior managers are actively involved – this includes health, education, police, social work, PFs, courts, prisons and Children's Reporters.

Data

86. Data on the performance of youth justice arrangements are poor. The answers to some important questions are difficult to find, for example:
 - the number of under 21s referred to the PF;
 - reconviction rates following different disposals;
 - the number of people on probation at any one time;
 - the length of time it takes for cases to progress through the adult system;
 - how many cases are not allocated; and
 - the costs of different packages of services.

87. This information is essential if the problems outlined in this report are to be tackled and the effectiveness of youth justice improved. Initiatives such as SCRA's RAD, which completes rollout in December 2002, and the Integration of Scottish Criminal Justice Information Systems² (ISCJIS) project will help. They could be the basis for a more coordinated approach to information about youth justice. ISCJIS must be rolled out urgently.
88. There is no single set of key indicators to help monitor the impact of policy and expenditure. A single set of indicators should be established and used by all the agencies. This is particularly important as there is no single agency with overall responsibility for youth justice. The Executive should take the initiative in establishing indicators. These should cover:
- sentencing and disposal patterns;
 - numbers and characteristics of people using services;
 - service costs;
 - reconvictions following different disposals;
 - custody trends and patterns;
 - availability of special programmes;
 - completion rates of special programmes;
 - time taken to process cases and make decisions about disposals;
 - outcome data from residential schools (including secure units) and YOIs eg, accommodation, education and training, employment, aftercare;
 - social worker vacancy rates; and
 - social worker sickness rates.

Funding

89. There are some specific problems with the way in which youth justice is funded.
- More than ten different budgets contribute; in only two is the youth justice share more than 20%; so there are pressures from other priorities.
 - The inconsistency between GAE (£224 million) and actual spending levels (£344 million) needs to be addressed to give a clear signal to local authorities about expenditure on children's services.
 - There are perverse financial incentives for councils to allow young offenders to move from the children's to adult system and so to attract ring fenced funding when that may be in their interests. Powers to use ringfenced funding to provide services within the children's system for 16/17 year olds (but not for children under 16) do exist but are not used.

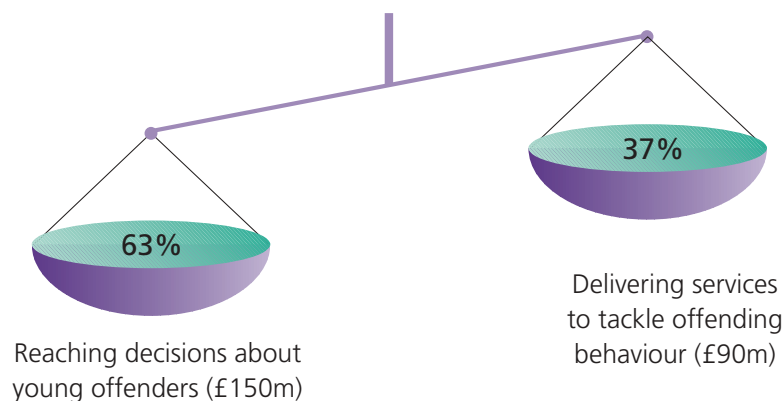
² RAD has recently been adopted by SCRA. The ISCJIS project's aim is to facilitate better communication between criminal justice agencies through using a single set of agreed information which can be passed electronically between agencies.

- Short term initiative funding needs to be better co-ordinated in order that local services can be set up more efficiently and enjoy more security.

90. We estimate that at present over 60% of spending is on activity up to the point of reaching decisions at Children’s Hearings or courts,* and that less than 40% is spent on delivering services to try to change offending behaviour.

Exhibit 13: Balance of spend on youth justice

Less than 40% of all spend is on services which tackle offending behaviour.



Source: Audit Scotland

91. Within expenditure on services, 73% of expenditure is targeted on just 16% of the young people in residential and custodial settings. A 10% reduction in the total costs of secure care, residential care and YOIs would release some £6 million. This would fund ten intensive community programmes (similar to Freagarrach) catering for around 1,000 children each year, thereby shifting funds from more expensive options into intensive community support at an earlier stage and increasing the overall effectiveness of the system. Such developments would have to be carefully targeted and the quality of service monitored.

92. The current increases in funding provide a good opportunity to review whether there can be some shift in resources from the decision making process to services which tackle young peoples’ offending behaviour; and, within these services, from custody and residential care in favour of community based services.

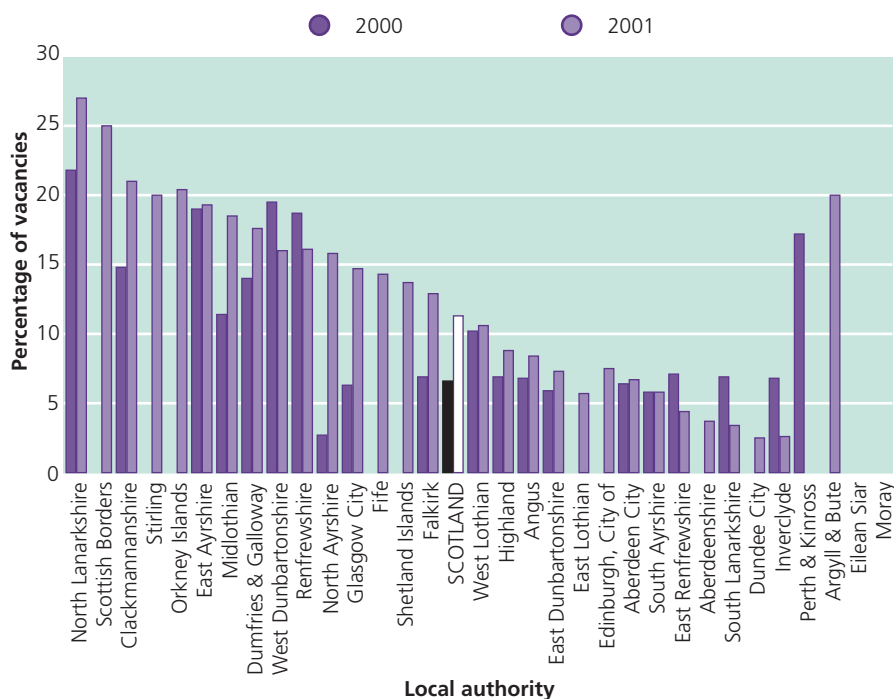
* See main report, Appendix 3 for financial assumptions

Staffing resources

93. Social work services have the central role in trying to change offending behaviour in community and residential settings. There are serious concerns about the capacity of social work services for children. Vacancy rates for qualified social workers in these services rose from 7% to 11.3% (a total of 183 whole time equivalent) between 2000 and 2001, with the rate for individual councils ranging from zero to 27% (Exhibit 14). The consequences are that some local authorities are not managing to fulfil statutory responsibilities. We were told that high sickness levels are exacerbating pressures in local authorities.

Exhibit 14: Vacancies (WTE) among main grade field social workers for children's services

Vacancies are rising steeply and are over 13% in 15 local authorities.



Source: Scottish Executive, 2002

94. These problems must be addressed to ensure consistent support for young offenders and their families. Good quality social work input is the cornerstone of effective intervention to prevent and reduce offending by young people. Achieving the objectives for youth justice cannot be achieved without having sufficient staff who possess the right skills to do this work. The current evidence suggests that the staffing situation will result in difficulty in spending the extra resources becoming available for youth justice. The Executive and councils must work together to improve the staffing of children and families' teams as well as the quality of social work practice.

Conclusions

95. Improving the effectiveness with which young people's offending is addressed is a challenging task. This report has identified opportunities to do this and makes 38 recommendations for action which are listed in the Appendix. The recommendations can be summarised as follows:

Standards

- The SE must set standards covering the processes and services for young offenders in the CJS and CHS and monitor whether they are being achieved.

Information

- Agencies should subscribe to a single set of performance indicators to monitor service effectiveness and the efficient use of financial resources.
- Appropriate systems must be developed to enable information to be stored and transferred between all agencies involved in youth justice.

Time taken

- Time standards exist in the CHS. Performance against these must be monitored and reported by the Scottish Executive.
- Time standards should be set for all key 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.
- The police, SCRA, COPFS and councils should review the guidance issued to staff in order to ensure decision making is in accordance with good practice.
- Social workers require further training and support to improve the quality of SBRs, particularly regarding the use of risk assessment.

Service provision

- More programmes should be developed, designed around “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 also be adopted for children.
- An independent inspection programme is needed to provide regular information on the quality of all services.
- 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 to services tackling offending behaviour. Similarly, the Executive should review whether spend on residential and custodial services can shift in favour of community based services.
- The Scottish Executive and local authorities should review how places in secure units and residential schools are commissioned and identify if there are opportunities to increase value for money.
- The Scottish Executive should address the inconsistencies between GAE and budgets so that local authorities have a clearer lead on the expenditure which is expected on children’s services.

Staffing in children’s services

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

Youth justice teams

- The role of youth justice teams within the CHS must be clarified, with expectations clearly defined.

96. The detailed responsibilities for implementing the required changes lie with a range of agencies and services and are set out clearly in the individual recommendations listed at the end of this report. The task of co-ordinating and directing policy lies with Scottish Ministers and the heads of SE departments and agencies. This includes prisons, courts, COPFS, SCRA, education and health as well as social work and police.
97. Over the last year the Executive has announced a series of initiatives to tackle offending by children and young adults, and has allocated significant additional funds to support them. Successful implementation of these proposals will address some of the difficulties we have identified and should contribute to improving services. A sustained programme of action is required over a number of years to address our recommendations. This needs to be led by the Executive and fully supported by all of the other agencies that deal with children and young adults who have offended.
98. Audit Scotland will monitor progress in achieving improvements over the coming years on behalf of the Auditor General and the Accounts Commission.

Appendix

Recommendations

Recommendation 1

Police forces, ACPOS and the Scottish Executive should establish a system for collecting data on warnings. This should provide information about the use of different types of warnings given to young people; and about reoffending rates by young people who have been warned.

Recommendation 2

The Scottish Executive and ACPOS should establish a national system of warnings. It should set out standards and guidance on procedures and good practice. Police officers involved in the identification of young people suitable for warnings and those delivering the warnings must be trained.

Recommendation 3

All agencies should meet and report time standards set by TIMG. The Scottish Executive should publish information about performance against targets at regular intervals.

Recommendation 4

The Scottish Executive should ensure that the TIMG continually review targets, and work towards reducing the time allowed for each activity within the process.

Recommendation 5

SCRA should review variation in decision making by Reporters and the reasons for this variation. SCRA should review guidance to Reporters to ensure decision making is in accordance with good practice.

Recommendation 6

Councils and SCRA should review current guidance on reports, including the use of risk assessment tools. Further training and support should be given to social workers to improve the quality of SBRs.

Recommendation 7

The Scottish Executive, in consultation with SCRA, should review the training of panel members to equip them to tackle all offending behaviour appropriately.

Recommendation 8

In consultation with criminal justice agencies the Scottish Executive should review the time taken for cases to be dealt with and establish inter-agency time standards covering key stages in the process. The Scottish Executive should monitor performance against these standards.

Recommendation 9

The Scottish Executive and criminal justice agencies should develop appropriate systems to ensure that key information is stored and is transferable between agencies.

Recommendation 10

COPFS should review the degree of variation in decision making and the reasons for this variation. They should consider, in consultation with SCRA and ADSW, whether there is a need for guidelines so that decisions are made in accordance with good practice and that available service options are used appropriately.

Recommendation 11

SCRA, ACPOS and COPFS should review arrangements for jointly reported cases and ensure that good practice and guidance are being followed.

Recommendation 12

Councils should ensure that reports for Children's Hearings and courts contain good quality risk assessments.

Recommendation 13

The Scottish Executive should consider developing a legislative proposal that would ensure the statutory provision of aftercare for young people leaving prison.

Recommendation 14

The Scottish Executive and COPFS should explore the scope for bringing together outstanding charges, particularly while young people are in custody.

Recommendation 15

The Scottish Executive and councils must give urgent attention to the level and quality of social work services for children who offend. Councils and the Scottish Executive should collect data on unallocated and unimplemented cases of children on statutory supervision.

Recommendation 16

Councils should provide consistent case management within the CHS and CJS to ensure that care plans are in place and implemented. This requires good quality first line management working within a framework of standards and guidelines which should be agreed between councils and the Scottish Executive.

Recommendation 17

Because custody per se is not effective in reducing reoffending, the Scottish Executive and councils are encouraged to continue to increase community programmes designed around 'what works' principles.

Recommendation 18

The Scottish Executive should provide guidance on a standard set of required services based on programmes that have proved effective. These should include services in every area accessible to persistent offenders.

Recommendation 19

The Scottish Executive should create a national system for the accreditation of specialist programmes to address the offending behaviour of children, as is starting in 2003 for adults.

Recommendation 20

The Scottish Executive should collect data on specialist programmes for offending behaviour to assist performance monitoring and future planning. Each local authority should maintain an accurate register of programmes and projects in its area that can be used by the various referral agencies.

Recommendation 21

The Scottish Executive should ensure that services and programmes to tackle offending behaviour are evaluated and the results disseminated widely.

Recommendation 22

The Scottish Executive and the NHS should ensure that specialist mental health services are part of the core service in residential schools, secure units and YOIs.

Recommendation 23

The Scottish Executive should evaluate the cost effectiveness of residential schools, secure accommodation and YOIs.

Recommendation 24

The Scottish Executive should create a data set for tracking progress of young people with offending behaviour who have been in residential or custodial settings. This should cover reconviction, subsequent disposals and education, employment and accommodation outcomes. This should form part of the performance information covered in Recommendation 29 and should be published at regular intervals.

Recommendation 25

In order to develop the overall effectiveness of programmes tackling offending behaviour, the Scottish Executive should take the initiative in drawing together those involved in providing programmes – the secure units, the residential schools, the SPS and the specialist voluntary agencies – to work together on staff training, exchange of staff, programme development and evaluation and procurement of programmes.

Recommendation 26

The Scottish Executive and local authorities should review how secure care and residential school places are commissioned and identify if there are opportunities to increase value for money.

Recommendation 27

The Scottish Executive should establish independent inspection of the full range of services in community settings for children and young adults who have offended; this will provide Ministers and the public with information about the quality of these services.

Recommendation 28

The Scottish Executive should clarify expectations of youth justice teams including the roles different agencies are expected to play. The Executive should take steps to engage senior managers in agencies in local youth justice teams.

Recommendation 29

The Scottish Executive should urgently create a single set of performance indicators for youth justice that will be adopted by all the key agencies; and will be used to monitor progress in implementing policy and use of financial resources.

Recommendation 30

In consultation with other agencies the Scottish Executive should review whether there can be some shift in the balance of resources from the process of reaching decisions to the provision of services for offenders.

Recommendation 31

The Scottish Executive and councils should review whether there is scope to shift resources from custodial and residential services to community based programmes.

Recommendation 32

The Scottish Executive should address the inconsistencies between GAE and budgets so that local authorities have a clearer lead on what levels of expenditure are expected on social work services for children.

Recommendation 33

The Scottish Executive should review whether the financial arrangements for supporting criminal justice social work services could be used to assist services for offenders in the children's system.

Recommendation 34

The Scottish Executive should ensure coordination of funding initiatives and, with councils, seek to incorporate funding into mainstream provision as quickly as possible to put new services on a stable footing.

Recommendation 35

The Scottish Executive and local authorities should examine together the staffing requirements in different parts of the country and secure increased availability of social workers in children's services.

Recommendation 36

The Scottish Executive and local authorities should agree standards for supervision and support particularly for new/probationary staff in social work services.

Recommendation 37

The Scottish Executive and Scottish Social Services Council should review coverage of adults' and children's offending issues in professional social work training.

Recommendation 38

The Scottish Executive should collect social work staffing data across all sectors, not just local authorities. Data should cover average vacancy rates and turnover rates. Sickness rates should be monitored.



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ISBN 1 903433 82 7