

# Dealing with offending by young people

A follow-up report

Prepared for the Auditor General for Scotland and the Accounts Commission

November 2003



### Dealing with offending by young people: a follow-up report

Prepared by Audit Scotland on behalf of the Auditor General and the Accounts Commission.

#### 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
- NDPBs and others 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 35 joint boards (including police and fire services). Local authorities spend over £9 billion of public funds a year.

**Audit Scotland** is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. It provides services to 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.

# Contents

## Summary of findings

**Page 2**

### Part 1. Introduction

Background

The follow-up study

**Page 5**

### Part 2. Supervising children and young people who have offended

Unallocated cases

**Page 6**

'Unimplemented' cases – the national picture

**Page 7**

'Unimplemented' cases – the local picture

Frequency of contact

**Page 8**

Recording

Care plans and action plans

**Page 11**

Social work staffing

**Page 13**

### Part 3. Submitting reports to the Children's Reporter

Police reports

Social work reports

**Page 15**

### Part 4. Youth justice teams

Data

**Page 17**

Membership

**Page 18**

### Part 5. Progress in implementing the recommendations of *Dealing with offending by young people*

**Page 20**

Recent changes

Recommendations being implemented

Recommendations agreed and in development

**Page 21**

Direction of change unclear

**Page 22**

### Part 6. Recommendations

**Page 23**

#### Appendices

Appendix 1. Number of files reviewed

**Page 24**

Appendix 2. Data items

**Page 25**

# Summary



In December 2002 Audit Scotland published the report *Dealing with offending by young people*. This described how young offenders, up to the age of 21, are dealt with in Scotland through the Children's Hearings System (CHS) and the adult Criminal Justice System (CJS). This is an initial follow-up to that report and provides further information on:

- supervision of children and young people who have offended
- reports to the Children's Reporter
- youth justice teams.

The report also describes early progress in implementing the recommendations of *Dealing with offending by young people*.

Our main findings are as follows:

**Most children (an estimated 75% of the total number) on statutory supervision for reasons which include offending appear to be receiving the required level of service from councils. But hundreds are not.**

- Case records suggest that most children experienced no significant gaps in the services they received. But in 15% of cases there appeared to be gaps. In a further 10% of cases, the evidence was unclear.
- From these figures, we estimate that between 300 and 500 children on supervision for reasons which include offending are not getting the service which the Children's Hearings prescribed to address their needs and their offending behaviour.
- This contrasts with adults on probation – our earlier study found that nearly all receive the level of service prescribed by the courts.

**Most councils are providing the required levels of supervision; but the evidence points to problems in seven councils.**

- Children in small council areas generally receive the required level of supervision; some larger councils also achieve this – Dundee, Falkirk, Fife and Renfrewshire.
- But the evidence suggests problems in Dumfries & Galloway, East Ayrshire, Glasgow, Midlothian, North Ayrshire, South Ayrshire and South Lanarkshire.

**Social workers see some children very frequently, but around half the children on supervision do not see their social workers often.**

- Children placed on supervision by Hearings should be seen frequently by a social worker. Our review of files suggested that 20% are seen more than twice a month. But around half the files we reviewed showed an average of less than one contact a month.
- There isn't a national standard for how often a social worker should see a child on supervision. But there is for adults on probation – the standard is weekly for the first month, fortnightly for the next two months, and at least monthly after that.

**Poor records are a problem – which makes it difficult for council managers to make sure children are getting the services and contact they should.**

- 37% of children's files did not have a recognisable care plan. A quarter of young adult probation cases did not have an action plan. Care plans are required by statute, and action plans are a national standard.

- 10% of children's files did not have reliable records of contact.
- The information in existing records often appeared unreliable.

**The number of vacancies for qualified social workers in children's services is high and continues to rise.**

- The percentage of vacant posts for qualified social workers in children's services continues to rise sharply – up from 6.6% in 2000 to 14.5% in October 2002, equivalent to 247 posts.
- But vacancies in criminal justice posts, which deal with over 16s, are steady at around 8%.
- Most, but not all, of the councils with problems in provision have high vacancy levels. But some councils with high vacancies eg Angus, Highland, North Lanarkshire and West Dunbartonshire, seem to be maintaining reasonable service levels.

**There is a need for better information about:**

- the **quantity** of services – the Scottish Executive do not know how many children do not receive the services required
- the **quality** of services – the audit did not assess the quality of services. The evidence from case records and of contact levels raises questions about the quality of services.

### **Children's Reporters aren't getting police referrals or social background reports quickly enough.**

- Social work and police services are not meeting nationally agreed time standards for referrals and reports.
- Police forces should make 80% of referrals to the Children's Reporter within 14 days. Only Tayside meets the target. Strathclyde is close. Only four forces could provide complete data.
- Only five councils reported they met the target of 75% of social background reports delivered within 20 working days. By contrast, 95% of social enquiry reports on over 16s were submitted to the courts on time.

### **The strategic youth justice teams often don't have the right information or the right members to do their jobs well.**

- Teams need data to support planning and coordination of services. From a list of 26 data items that might be expected, teams, on average, had around one third.
- Information on services for over 16s was usually available (79%); but much less was to hand for children's services (31%); or from courts and fiscal services (25%).
- The picture varied widely between different areas.
- Social work, Reporters, police and education are heavily involved in youth justice teams; but Procurator Fiscal, health, housing and leisure services involvement is patchy.

- Chief executive and corporate services are involved in less than half of the teams.
- Only five teams are chaired by a chief officer – most (24) are led by senior social work staff.

### **Most of the recommendations in our report *Dealing with offending by young people* (published December 2002) are being acted on.**

- The Scottish Executive has accepted 35 of the 38 recommendations; three are receiving further consideration.
- The Executive, councils and other agencies are working to speed up and improve decision making and provide more effective services.
- Other changes are being taken forward but it is too soon to judge the results.
- But there are some subjects (covered in this follow-up report) where further action by the Scottish Executive and councils is required eg shortfalls in services for children on supervision; submitting police and social work reports quickly; and engaging senior staff in youth justice teams.
- Some other issues identified in *Dealing with offending by young people* are not being addressed eg evaluating the cost effectiveness of residential schools and secure units; joint training and staff development across residential and institutional care; and collective approaches to residential and secure care provision.

dealt with. These recommendations are listed at the end of this report. They add to and complement the recommendations in *Dealing with offending by young people*.

As a result of this follow-up study we make further recommendations intended to support improvements in how offending by young people is

# Part 1. Introduction

## Background

**1.1** In December 2002 Audit Scotland published *Dealing with offending by young people*. This report described how young offenders, up to the age of 21, are dealt with in Scotland through the Children's Hearings System (CHS) and the adult Criminal Justice System (CJS).

**1.2** The report made 38 recommendations for action by the Scottish Executive, councils, police forces, the Scottish Children's Reporters Administration (SCRA) and the Crown Office and Procurator Fiscal Service (COPFS).

**1.3** The Scottish Parliament Audit Committee carried out an inquiry based on the report and took evidence from accountable officers from the Scottish Executive Education and Justice departments, the COPFS and the SCRA. The Committee also took evidence from the Convention of Scottish Local Authorities (COSLA), the Association of Directors of Social Work (ADSW), the Association of Chief Police Officers (ACPOS) and three national voluntary organisations. The committee published its report and 22 recommendations in March 2003. The Scottish Executive response to the Committee's report was laid before the Parliament on 27 June 2003.

**1.4** In Appendix 4 of *Dealing with offending by young people* we said we would carry out a follow-up study across all council areas of aspects of performance which were causing concern and that appeared to need urgent attention. The aim was to provide information about the current position against which progress in improving performance can be assessed over the next few years.

## The follow-up study

**1.5** This follow-up study has examined evidence about:

- the levels of service for children with offending problems who have been placed on supervision by Children's Hearings
- the existence of plans for children on supervision and young adults on probation
- the availability of qualified social workers to supervise children
- the time taken for police and social work reports to reach the Children's Reporter
- the membership of multi agency youth justice teams and the information they hold about offenders
- progress in implementing the recommendations of *Dealing with offending by young people*.

**1.6** In carrying out the study we:

- covered all 32 councils and eight police forces
- reviewed case files on 684 children placed on supervision by Children's Hearings for reasons including offending behaviour
- reviewed case files on 689 under-21-year-olds placed on probation by the courts
- reviewed council documents and interviewed key social work and police personnel
- reviewed reports from key stakeholders on progress in addressing the 38 recommendations of *Dealing with offending by young people*.

**1.7** This report concludes with recommendations for the Scottish Executive, councils, the SCRA and police forces. Audit Scotland will examine progress in implementing these recommendations along with those made in the report *Dealing with offending by young people* in a further follow-up study in two to three years. Issues for individual councils will be followed up in the audits of Best Value which will start in 2004.

## Part 2. Supervising children and young people who have offended

**2.1** Where a Children's Hearing has determined that a child requires compulsory measures of supervision, the statutory responsibility for providing this supervision lies with the local authority. Supervision involves taking measures 'for the protection, guidance, treatment or control' of the child.

**2.2** Supervision may involve a range of local authority services but every child on supervision should be allocated a caseworker or case manager. This will normally be a social worker. Our report *Dealing with offending by young people* found that from a sample of cases in six councils, a fifth of children on supervision with offending behaviour had not had a social worker allocated continuously to them over the preceding six months. If repeated nationwide this would mean that around 400 such cases were not receiving the service that the Children's Hearing had determined they needed. Without such services it is unlikely that the child's needs will be addressed, there is more chance of the offending behaviour continuing and a greater likelihood of the child

offending as an adult. These findings suggested that there may be serious shortfalls in supervision services. We decided therefore to examine the level of services in all 32 council areas.

**2.3** We looked at:

- the number of unallocated cases in each council
- whether there were gaps in the supervision provided by a social worker to allocated cases during a six-month period
- the number of recorded contacts between a child on supervision and their allocated social worker
- the existence of care plans setting out the action to be taken in relation to the child's needs including their offending behaviour
- social work staffing figures.

### Unallocated cases

**2.4** There is no national data about the number of unallocated cases or

cases which do not receive the prescribed service. We asked councils for information about the numbers of unallocated cases. Very few could distinguish the numbers of cases of children on supervision where offending was at least one of the grounds for referral. The data we obtained on unallocated cases therefore relates to the total population of children on supervision, some 10,000 cases.

**2.5** **Exhibit 1** sets out councils' own figures for the number of unallocated cases of children on supervision (for whatever reason). Some are snapshot figures taken in January 2003, others are averages over the previous 12 months. The snapshot figures may be higher or lower than the actual average for that council – most councils could not say. The figures show 11 councils in which there were more than 10 unallocated cases. Several other councils had a small number of unallocated cases. The total number of cases amounts to about 6% of all children on supervision. The 11 councils illustrated provide services to about half the population of Scotland. So



## Exhibit 1

### Number of cases of children on supervision not allocated to a qualified social worker

Eleven councils report more than 10 unallocated cases. Glasgow reports a very large number.

Council	January 2003	Average January – December 2002
Dumfries & Galloway	14	
East Ayrshire		11
Edinburgh, City of	30	
Glasgow City	220	
Inverclyde	25	
Midlothian		10
North Ayrshire		15
North Lanarkshire	13	
South Ayrshire	10	
South Lanarkshire	24	
West Lothian		10

Figures relate to all children on supervision.

Figures for East Ayrshire and North Ayrshire are an estimate for the 12-month average.

Source: Audit Scotland, 2003

councils' own figures suggest that children placed on supervision in half of Scotland are at risk of not receiving the service prescribed by the Children's Hearing.

**2.6** The quality of the data varies. Some councils collect information on unallocated cases systematically but in many councils no information system exists and the figures are based on estimates by local managers. The data limitations restrict the conclusions that can be drawn. What is clear is that a substantial number of children do not receive the required service; that the number of these children is particularly high in Glasgow; and that there is a lack of reliable information about the scale of the problem.

### 'Unimplemented' cases – the national picture

**2.7** The evidence from our earlier study, confirmed in this follow-up study, suggests that the shortfall in services is in fact much greater than the number of unallocated cases. Our visits to councils during the main study identified cases where there

were extended periods without social work contact but which were not recorded as unallocated. We describe these cases as 'unimplemented'. Such cases may reflect the absence of a social worker on extended sick leave; or may be classed as 'allocated' but are held by a senior social worker or team leader for occasional intervention in response to a crisis or to provide a report for a Children's Hearing. Some cases are passed to 'substitute' services eg social work assistant or a youth worker, because a social worker is not available.

**2.8** In order to obtain a more accurate assessment of the extent to which children on supervision received the service prescribed by the Children's Hearing, our auditors examined 684 files of children on supervision on grounds of offending (and often other grounds also).<sup>1</sup> The number of files examined in each council area is set out in Appendix 1. This survey therefore captured information on an estimated 33% of the total population of children on supervision where offending

behaviour was at least part of the reason for concern.

**2.9** Auditors examined records covering a six-month period. They noted from files whether cases were allocated or not, the amount of contact with the child and family, and the involvement of other services. From this information we judged whether cases had received continuous supervision as prescribed by the Children's Hearing. Our focus was on the amount of contact with the child and family. We did not form a judgement about the quality of the supervision provided.

**2.10** The analysis depended upon the quality of records kept by social workers. There are no national standards defining the form that this record should take but the usual understanding of good practice is that a 'running record' or contact sheet is held in the child's file on which are dated and noted or summarised all actions taken in relation to the case, including contacts between social workers and children on supervision and their

<sup>1</sup> This covered every council except Orkney, which had none that fitted the required criteria. The cases examined in Shetland were 'voluntary' cases where no supervision requirement was in place but the family and child had agreed to receive support from the social work service.

families. In many of the records which we examined, evidence about contact with children and their families was missing or unclear. In these case files we looked more closely at the case records and took into account any information that could be found about contact with the case. In order to check the consistency of findings we undertook a further separate analysis of 10 files in each of 10 councils.

**2.11** Exhibit 2 shows that:

- most children – 75% across Scotland – on statutory supervision for reasons including offending appear to be receiving the required level of service from councils
- in an estimated 15% of cases, case records suggest significant gaps in service; and
- in a further 10%, evidence of a continuous service from a social worker was lacking and it was unclear whether an appropriate alternative service was being provided.

**2.12** Extrapolating from these figures, we estimate that at least 300, and up to 500, children on supervision for reasons which include offending are not getting the service which Children’s Hearings prescribed to address their needs and their offending behaviour. These findings contrast with findings in relation to adults on probation – our earlier study found that nearly all receive the level of service prescribed by the courts.

### ‘Unimplemented’ cases – the local picture

**2.13** The picture varies considerably between councils. Exhibit 3 illustrates the variations. Most councils appear to be providing the required level of

service for over 80% of cases. In seven councils auditors found evidence that every case reviewed was receiving an appropriate level of service; and in five others at least 90% came into this category. Most of these are smaller councils but they include larger councils such as Dundee, Falkirk, Fife, and Renfrewshire.

**2.14** There appear to be particular problems in seven councils – Dumfries & Galloway, East Ayrshire, Glasgow, Midlothian, North Ayrshire, South Ayrshire and South Lanarkshire. In each of these the auditors could not find evidence in more than half of the case files examined that a continuous service had been provided as required by the Children’s Hearing. It is possible that more contact had occurred than auditors could identify from the records available. But without evidence from these records it cannot be safely concluded that an appropriate level of service was provided.

**2.15** Between them, these seven councils cover some 30% of the population of Scotland. They are all in the group of eleven councils who informed us of having more than 10 unallocated cases; and all but two have more than the average number of qualified social worker vacancies.

**2.16** It is instructive to set the national figures we established alongside the results of a study of Home Supervision published by the University of Stirling in January 2003.<sup>2</sup> From a representative sample of 189 cases of children on home supervision they identified 22% of cases as “having no social worker attached to the family for a period of several months. About three-quarters of these cases were found in only four authorities.” The sample population excluded children on

supervision placed in residential care or foster care; and it included children placed on supervision for care and protection reasons only as well as those with offending difficulties. Even allowing for these differences, the message is similar to that of our study – that there are large numbers of children, a substantial proportion of the total number, who do not appear to be getting the prescribed service.

### Frequency of contact

**2.17** We also examined how often social workers had contact with children and their families. This analysis was limited by the poor quality of many case records. Ten percent (66 cases) of files contained no information about contact so the analysis is based only on cases where some contact could be counted. And many which did record contact were difficult to interpret. Exhibit 4 sets out the number of cases without records of contact. Fifty-three of the 66 cases were found in six councils – Dumfries & Galloway, East Ayrshire, Edinburgh, Midlothian, North Ayrshire and South Ayrshire. Five of these are councils noted earlier as having a large number of case files with evidence of gaps in services for children on supervision.

**2.18** The evidence from the review of files suggests that around 20% of cases were seen more than twice a month and some several times a week. But half (50%) of children on supervision are seen by social workers less than once a month. Exhibit 5 illustrates the levels of contact in the 612 cases where we could obtain information. This excludes cases with no records where it might be assumed that contact was less frequent than the average.

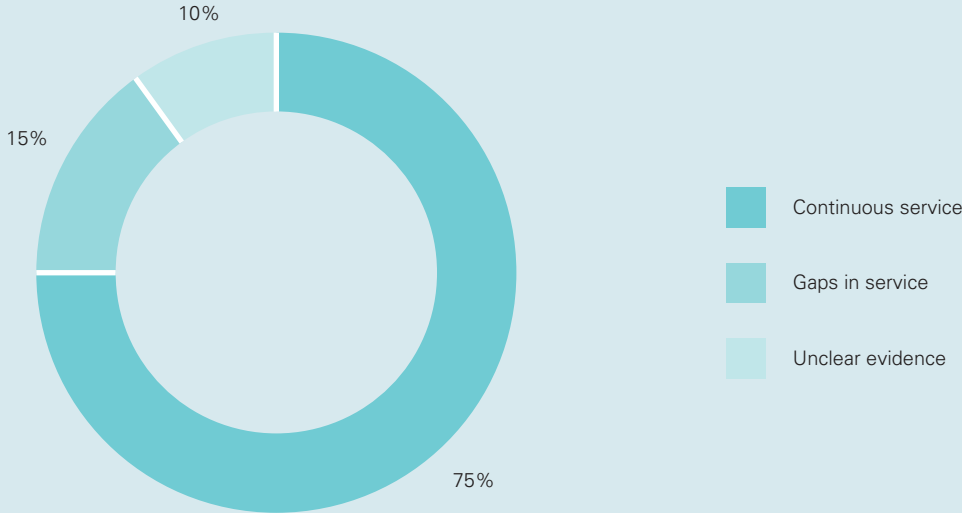
**2.19** There is no national standard for how often a social worker should see

<sup>2</sup> University of Stirling (2003), Home Supervision, Cathy Murray, Christine Hallett, Neil McMillan and June Watson.

## Exhibit 2

### Cases with evidence of a continuous service, Scotland

Only three-quarters of case files contain evidence of a continuous service for children on supervision.

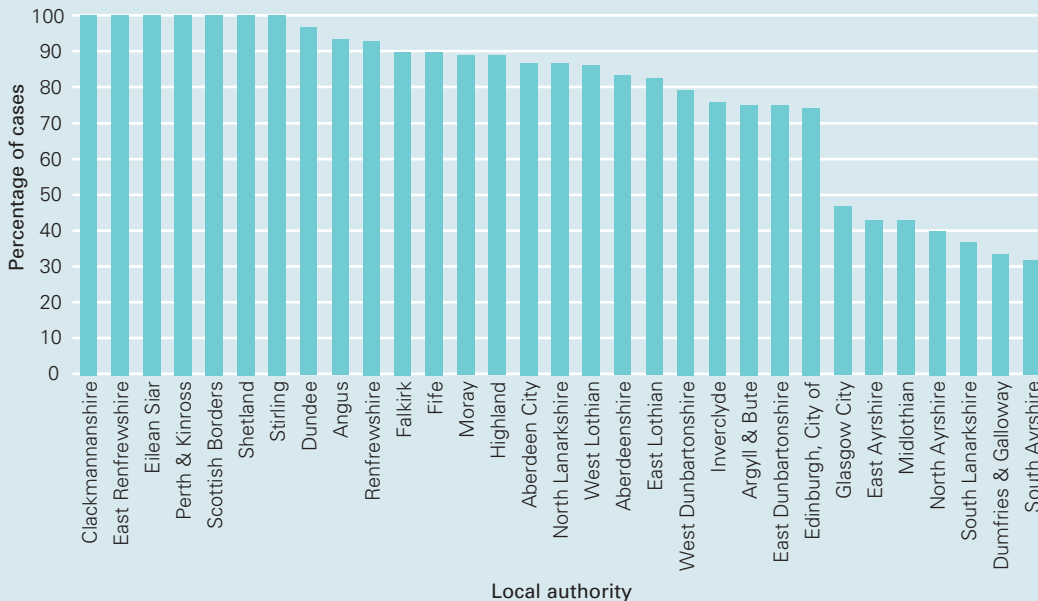


Source: Audit Scotland, 2003

## Exhibit 3

### Children on supervision: case files containing evidence of delivery of the required level of service – council by council

In only seven councils was there evidence that every child on supervision was receiving the prescribed service. In seven others more than half the files showed gaps in service.



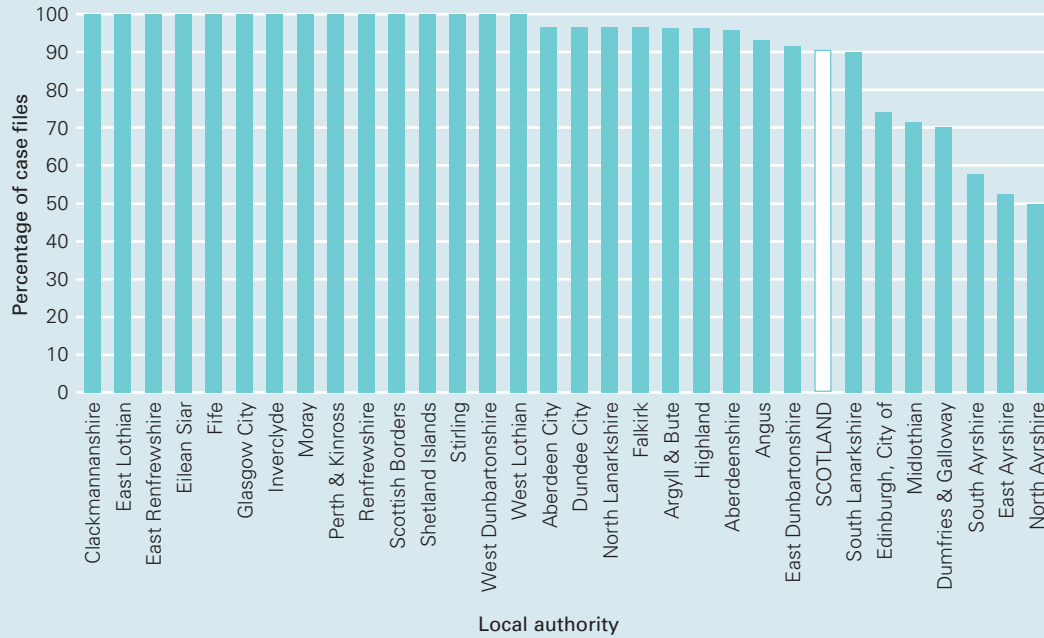
No files were reviewed in Orkney Islands Council

Source: Audit Scotland, 2003

### Exhibit 4

#### Availability of records of contact between social workers and children on supervision

Records of contact could not be found in over a quarter of files sampled in five local authorities.



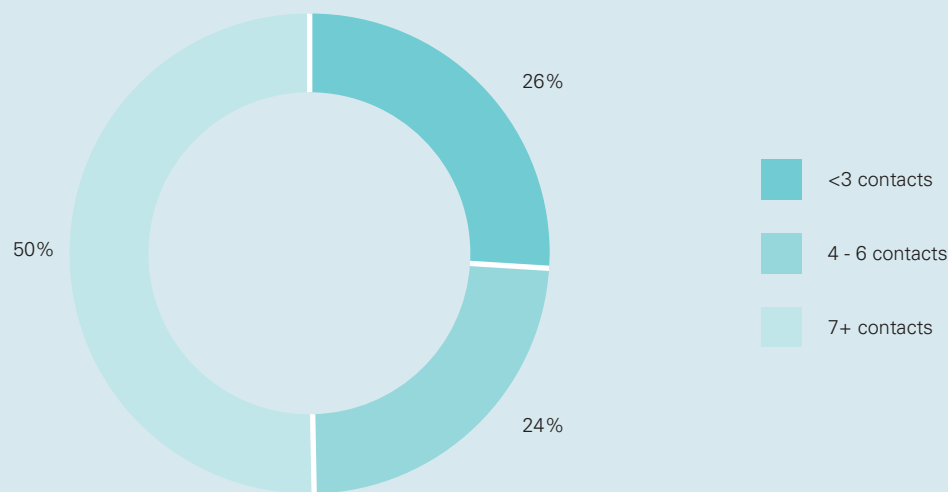
No files were reviewed in Orkney Islands Council

Source: Audit Scotland, 2003

### Exhibit 5

#### Number of contacts between social workers and children and families on supervision in a six month period

Half of all children on supervision are seen at least once a month – but a quarter were seen less than three times in six months.



Source: Audit Scotland, 2003

a child on supervision. National guidance recommends that children should be seen at least once a fortnight for the first three months of supervision. The national standards for services in the criminal justice system stipulate that young adults on probation should be seen weekly for the first month, fortnightly for the next two months, and at least monthly after that. The evidence from this study suggests that performance in children's services is falling far short of the level recommended in the guidance and the level which constitutes the required standard for adult services.

### Recommendations

The Scottish Executive should consider setting standards for the frequency of contact with children on supervision (as exist for adults on probation).

Councils should ensure that contacts with children on supervision and their families are recorded in case files.

### Recording

**2.20** Our analysis of levels of service for children on supervision was limited by the poor quality of many case records. The majority of records were kept to a good standard. Some councils had exemplary records systems and had invested usefully in new technology.

**2.21** But in 10% of case files (66) there was no recognisable contact sheet or running record or progress notes. And the information in records which did exist sometimes did not appear reliable. Many records were poorly maintained and difficult to interpret. We were told that contacts were often not recorded because of pressure of work, and close scrutiny of files sometimes suggested contact with cases that was not recorded. It

was often hard to tell if cases had been passed to other services or what the involvement of other services was. Files sometimes contained handwritten notes which were hard to read and understand.

**2.22** Good record keeping is important in order to:

- help managers to make sure children are getting the services and contact they need
- give service users information about their personal histories and the reasons for decisions about their lives – children often return in later years with requests for information about events in their childhood
- support efficient management of workloads
- provide council members and managers with information about the performance of services
- record workforce shortages and their consequences
- hold councils to account for their statutory work.

**2.23** Our study indicates that these standards are not widely met and that this is more of a problem in children's services than in criminal justice social work services.

### Recommendations

The Scottish Executive and councils should set out the purpose of recording (effective case management, performance management, accountability, the rights of clients to access information) and provide guidance on a standard format.

Councils should review the quality of current records for children on supervision.

### Care plans and action plans

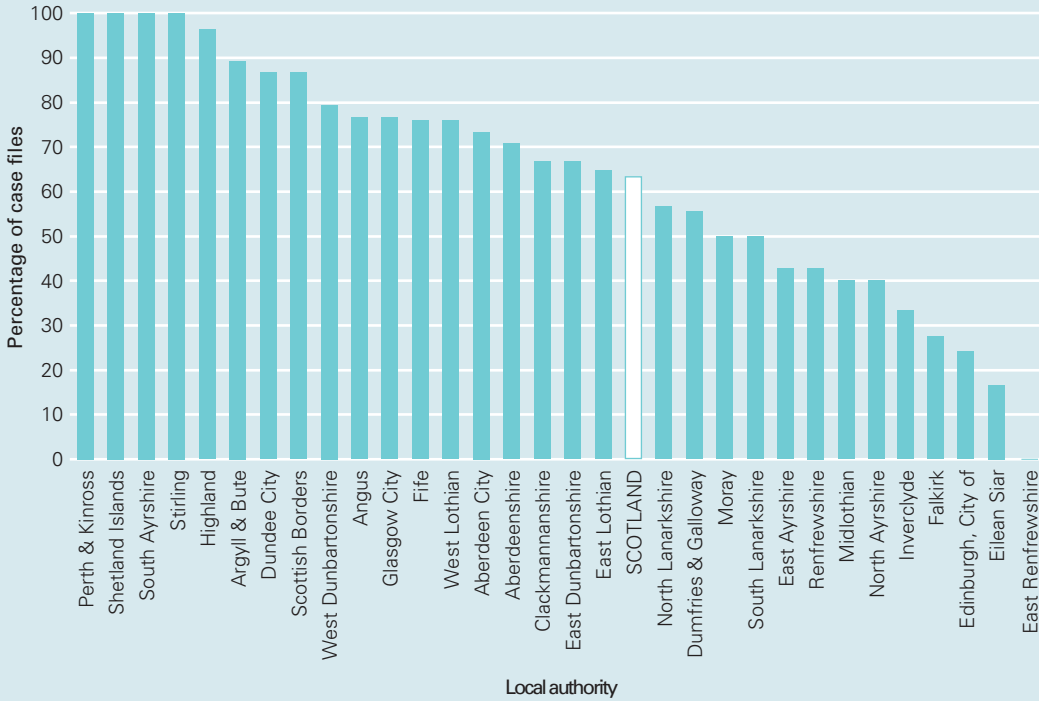
**2.24** Written care plans are required by statute for children on supervision and the importance of this is reinforced in the new National Youth Justice Standards. The care plan should set out the child's needs and say what each service will do to address these needs. It should be dated and signed by the social worker, the child and their parents and copies should be given to the child and parents. Plans have to be reviewed regularly and the record of reviews should provide a means for monitoring performance in implementing care plans. The plan is therefore an important tool for managing services – both for the individual child and for the whole population of children on supervision in each council area.

**2.25** Previous studies have raised concerns about whether care plans are in place as required. *Dealing with offending by young people* found that nearly a third of case files sampled in six local authorities did not contain care plans. The research by Stirling University<sup>3</sup> found from a representative sample of 189 cases that plans were only available in 17% of cases of children on supervision at home. In our study auditors reviewed 684 cases and identified care plans in 63% of these files. So our study, like the recent Stirling study, confirms that there is widespread failure by councils to discharge the statutory requirement to have care plans in place for children placed on supervision by Children's Hearings. **Exhibit 6** shows that only four councils had care plans available for all cases. These were all small councils. And only four more councils had care plans in more than 80% of files.

### Exhibit 6

#### Care plans for children on supervision

Only eight councils had care plans in more than 80% of the files examined.



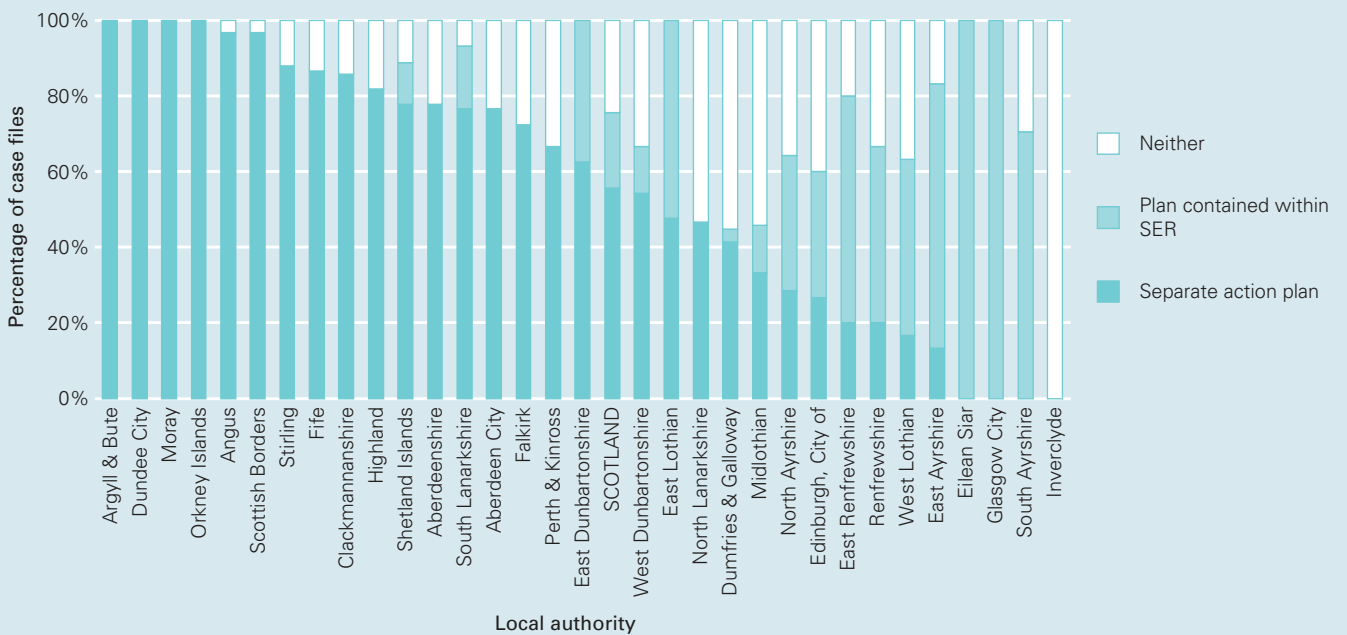
No files were reviewed in Orkney Islands Council

Source: Audit Scotland, 2003

### Exhibit 7

#### Action plans in Criminal Justice social work files

A significant proportion of files for under 21s on probation do not have action plans.



Source: Audit Scotland, 2003

**2.26** In many councils auditors had difficulty in finding or identifying the kind of separate care plans which are required. Sometimes our attention was drawn to material contained within social background reports or routine records. When these were drawn to our attention and seemed otherwise to fulfil the requirements of a care plan we included them. But the national guidance makes it clear that there should be a separate clearly identifiable document describing the care plan.

#### Recommendation

Councils should implement the statutory requirement to provide care plans for all children on supervision, to review these at specified intervals, and to maintain easily accessible records of care plans.

**2.27** National standards for social work services in the criminal justice system require that action plans are agreed for adults on probation. There is no standard form for recording these plans. In most cases a separate form or record sets out the action plan. But we found that a common practice is to set out the action plan as part of the Social Enquiry Report (SER) prepared for the court, prior to the making of the Probation Order. This applied in around 20% of the total number of cases examined.

**2.28** [Exhibit 7](#) shows the percentage of cases in each council which have action plans and distinguishes plans identified in a separate record from those incorporated within SERs. Across Scotland around a quarter of probation case files for young adults on probation did not have any action plan. In nine councils at least one third of cases did not appear to have the required plans. Those plans incorporated in SERs are generally harder to identify than those set out separately. It would be helpful for councils and individual social workers

if the national standards could clarify expectations for how action plans should be recorded.

**2.29** Our study did not assess the quality of care plans and action plans and did not judge whether there is any relation between the quality of such planning and the outcomes for individual young people. This would require an examination of the management of cases by social workers.

#### Recommendations

Councils should ensure that all young adults on probation have action plans as required in the National Objectives and Standards for Social Work Services in the Criminal Justice System.

The Scottish Executive should clarify what is meant by an action plan in the National Objectives and Standards for Social Work services in the Criminal Justice System.

#### Social work staffing

**2.30** The main reason given by councils for the deficits in service provision is the shortage of qualified social workers in children's services. The usual policy in councils is that children on supervision are allocated a qualified social worker and this is what Children's Hearings expect. This is not stipulated in national standards, as is the requirement for young adults on probation to be allocated a qualified social worker. *Dealing with offending by young people* referred to the high number of vacant posts for qualified social workers in services for children. It noted the initiatives taken in the last year by the Scottish Executive to address this problem. The Executive reports that there are promising signs that more and better trained social workers will become available for children's services in coming years.

**2.31** The latest staffing figures collected by the Executive in October 2002 are set out in [Exhibit 8](#). These show:

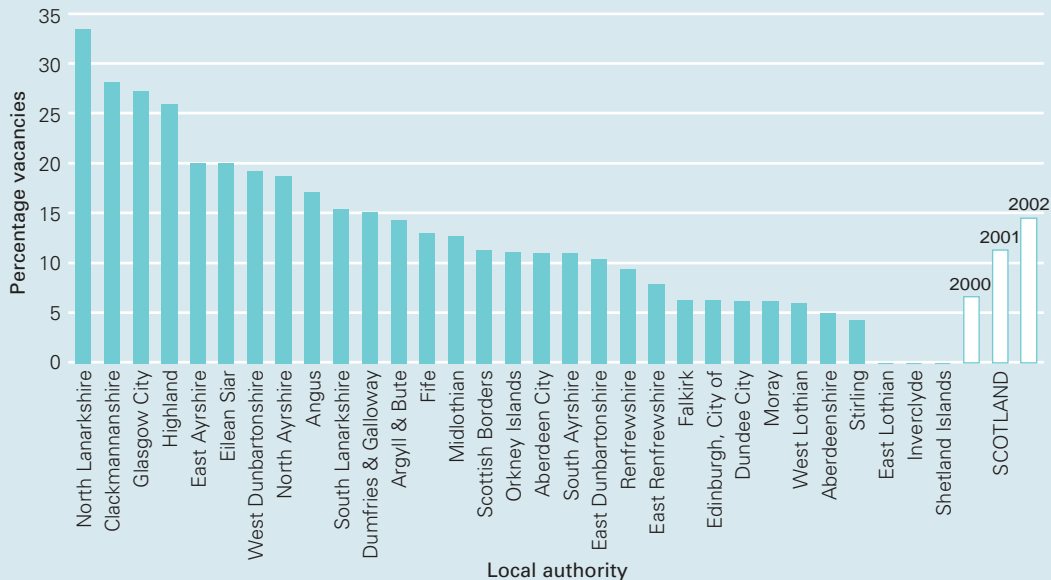
- The percentage of vacant posts for qualified social workers in children's services continues to rise sharply – up from 6.6% in 2000 to 14.5% in 2002, equivalent to 247 posts.
- By contrast, vacancies in criminal justice posts, which deal with over 16s, are steady at around 8%.
- Most, but not all, of the seven councils with problems in provision (see paragraphs 2.13 and 2.14) have high vacancy levels. But some councils with high vacancies eg Angus, Highland, North Lanarkshire and West Dunbartonshire seem to be managing to maintain service levels.

**2.32** The limitations in the data identified in *Dealing with offending by young people* still apply. The staffing data has only been collected for three years, so longer term trends cannot be analysed; only snapshot data is available (one council which registered no vacancies at the time of the annual return to the Executive in October 2002 had a vacancy level of around 25% at the time we examined case files in February 2003); and data about staff employed in the independent sector, which plays an increasing role in service provision, are not available. The Scottish Executive has indicated that it is addressing these issues and this should assist workforce planning in future.

## Exhibit 8

Vacancies for qualified social workers in children's fieldwork services, October 2002

Nineteen councils had more than 10% of posts vacant for qualified social workers in children's services.



Perth & Kinross Council were unable to provide this data

Source: Scottish Executive, 2003

### Conclusion

**2.33** Our analysis of evidence about contact with children on supervision and the availability of care plans for these children suggest significant deficits in provision in several council areas. Reliable data about these difficulties are not available either at local or national level. The poor quality of many social work records has meant that this audit has not been able to draw definite conclusions about the extent of service shortfalls. But the evidence that we have found suggests that many hundreds of children are not getting the service they need. It seems clear that a shortage of qualified social workers is a significant contributory factor to these difficulties. And the quality of recording and the inconsistent approaches to care planning also raise questions about the quality of management and practice in many services. Information about what is happening to children on supervision and the consequences of the service gaps is not readily available. There is a need for information about:

- the **quantity** of services – neither the Scottish Executive nor many of the councils involved know how many children are not receiving the required services;
- the **quality** of services – this audit did not assess the quality of services. But the evidence we have obtained about unallocated cases, gaps in service, numbers of care plans, poor records and staff shortages prompts questions about whether children and their families are receiving services of an acceptable quality.

**2.34** The evidence set out in this report demonstrates a high level of risk to the statutory supervision of children. This in itself calls for closer monitoring by the Scottish Executive as well as the responsible councils. The vulnerability of the children who need these services reinforces the need for such monitoring. Other public services looking after vulnerable people have routine systematic inspection. The Executive has said that it will set up arrangements to do this in relation to services for children and young

adults who have offending problems.

### Recommendations

Councils should review arrangements to monitor the performance of services for children and young people on supervision and probation. This should include coverage of frequency of contact with children and their families, gaps in services, record keeping, and time to submit reports to the Reporter.

The Scottish Executive should review whether current monitoring arrangements provide sufficient information about the quantity and quality of services for children on supervision; in particular the extent to which councils are meeting statutory requirements and providing the services prescribed by Children's Hearings.



# Part 3. Submitting reports to the Children's Reporter

**3.1** *Dealing with offending by young people* identified problems in getting police and social work reports to the Children's Reporter quickly. Reporters are the key decision makers in the Children's Hearings System and they need good information quickly. There are national standards which define targets for the submission of referrals and reports to the Reporter. These are monitored by the Children's Hearings Representative Group (CHRG), which contains representatives of all the relevant agencies and is convened by the Scottish Executive.

## Police reports

**3.2** The most recent data collected by the CHRG from councils about police performance cover the year 2001/02. The data are incomplete. There are data for 19 council areas. The target that police forces should make 80% of referrals to the Children's Reporter within 14 calendar days is met in only five of these areas. In 13 areas no data is available. Complete data is not available through this mechanism for any single police authority area.

**3.3** We were interested in finding out whether any other data existed about police performance in submitting reports to the Reporter. We asked forces to provide the most up to date performance figures against the national standard. The responses are set out in [Exhibit 9](#) and confirm that standards are still far from being achieved. Only Tayside meets the target for good performance. Strathclyde is close. Two forces (Grampian and Northern) were unable to provide any data. Of the remaining forces, two (Fife and Dumfries & Galloway) could only provide figures for a very brief period.

**3.4** It is clear that there is significant variation across the country in how forces measure and report performance against the time standards. There is variation within force areas as well as between forces. These standards have been in place for some time, and the continuing lack of good data from half the forces suggests insufficient commitment in these forces to the national standards.

## Social work reports

**3.5** The target for local authorities is to submit 75% of social work reports to the Reporter within 20 working days. The CHRG's report on performance in 2001/02 shows only one council (East Renfrewshire) meeting the target.

**3.6** Auditors asked councils for any data available about recent performance concerning the time to produce reports. Eight councils could not provide data. However, data was available for five of these from the CHRG for the earlier period of 2001/02. No performance data was available either to our auditors or to the CHRG from three councils – Argyll & Bute, Dumfries & Galloway and North Lanarkshire.

**3.7** Only five councils reported to auditors that they met the target of 75% of social background reports delivered within this period. This contrasts with performance on reports for the courts on over 16s. The Statutory Performance Indicator shows that 95% of these were submitted on time in 2001/02.

## Exhibit 9

### Time for police reports to reach the Reporter

Only Tayside meets the target of 80%.

Police Force	Time period for which data available	% reaching the Reporter within 14 days
Central Scotland	January - December 2002	28%
Dumfries & Galloway	December 2002	78%
Fife	October - November 2002	65%
Grampian	No data available	
Lothian & Borders	January - December 2002	37%
Northern	No data available	
Strathclyde	April 2001 - March 2002	72%
Tayside	April 2001 - March 2002	89%

Source: Audit Scotland, 2003

**3.8** It is therefore clear that there is continuing widespread non-compliance with the time standards for submitting police and social work reports. The 'fast track' Children's Hearings for persistent offenders which are currently being piloted, aim to show that the time standards can be met in full. The Executive is also seeking to improve performance through monitoring time intervals and promoting the new national standards.

# Part 4. Youth justice teams

**4.1** The Executive has high expectations of youth justice teams. They are intended to have a key role in planning and coordinating services for dealing with offending by young people. In September 2002, the Scottish Executive published a report<sup>4</sup> which said that there were youth justice teams in every local authority area and programmes in place to tackle offending behaviour. The report highlighted the work in 12 local authorities as demonstrating good practice.

**4.2** *Dealing with offending by young people* identified concerns over whether teams would have the impact planned for them. We were interested in obtaining a full picture of progress across the whole country. We looked particularly at:

- the information and data held by teams – if they are to play a key strategic role they need to have readily available data about needs, demand and performance

- the membership of teams – real impact depends upon influential figures from the key agencies participating.

**4.3** We collected data and documents, and interviewed a representative of the team in each council area.

## Data

**4.4** We identified 26 data items which we consider are necessary for effective planning and monitoring of services.

**4.5** This is not an exhaustive list and we recognise that there may be additional data items which should be included in a minimum data set. Our list is at Appendix 2. The average number held by youth justice teams was 10, just over one third of the total. The numbers available varied according to the subject:

- 79% of the items relating to criminal justice social work services were available

- 31% of those concerned with children who had offended were available, and
- only 25% of those originating with the courts and Fiscal service were held by youth justice teams.

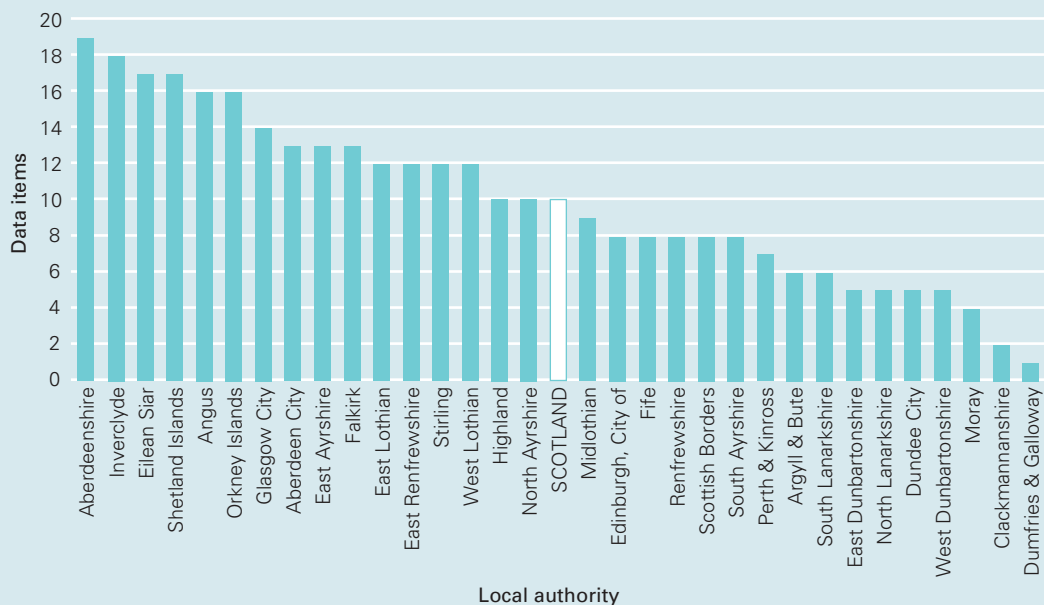
**4.6** The significantly higher figure for criminal justice social work services probably reflects the well established national standards and earmarked funding relating to needs and demands.

**4.7** There is variation between different areas and between subjects. No area possessed all the items, only seven areas had more than 50%. [Exhibit 10](#) illustrates the number of these data items held by each council area's youth justice team.

## Exhibit 10

### Data items readily available to youth justice teams

The average number of data items held by teams is 10 – around one third of the total; only two teams had more than two-thirds of the items readily available.



Source: Audit Scotland, 2003

**4.8** The National Standards for Youth Justice Services say that youth justice teams should “publish annual performance information about the area’s youth justice system, youth offending and the offences committed by them...” and carry out an “annual audit of youth crime in the area; its characteristics, pattern and location.” The evidence from this audit suggests that the strategic youth justice teams do not have systems in place to provide comprehensive performance information and that the lack of good information which is readily available (and does not require a special collection exercise) will limit the capacity to produce the required annual audits in local areas.

### Membership

**4.9** The Scottish Executive report on progress in September 2002 said that all local authorities had a “multi-agency team made up of senior representatives...pulling together the resources that can reduce youth crime and prevent it happening”.

**4.10** We examined membership of youth justice teams, attendance at

meetings and the chairing of meetings. Twenty-nine councils have strategic teams. Three (Clackmannanshire, Falkirk and Stirling) have combined to operate as one team. Moray, Shetland and Eilean Siar have teams with an interest in youth justice issues but do not have a clear strategic focus.

**4.11** We found that:

- social work, Reporters, police and education are heavily involved; but Procurator Fiscal, health, housing and leisure involvement is patchy ([Exhibit 11](#))
- chief executive and corporate services are involved in less than half of the teams
- only five teams are chaired by a chief officer/head of department – most (24) are led by senior social work staff.

**4.12** It is clear that many teams have some way to go to meet the Scottish Executive’s recommendations on membership. There is a particular gap between the exhortations for

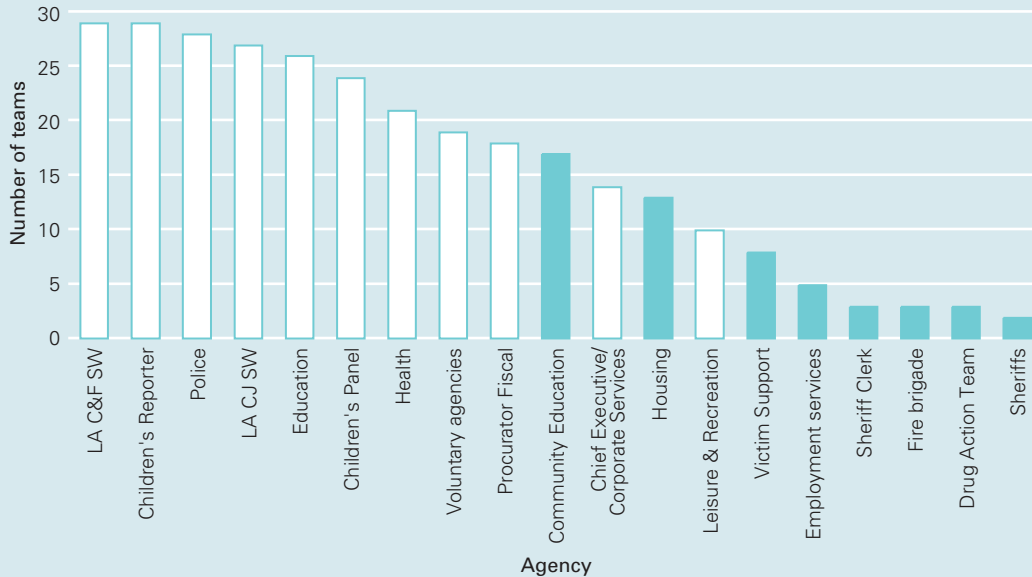
chief executives and corporate services staff to become involved and the reality. The teams are predominantly social work led. It is also questionable whether significant strategic influence can be achieved with the participation of so few chief officers.

**4.13** The National Standards for Youth Justice Services published in December 2002 say that teams should “identify, allocate and pool as necessary the resources available from each partner agency to ensure effective delivery of youth justice services and to provide financial monitoring information to the Executive”. This is a bold objective. Teams have clearly made good progress in tackling offending by young people more effectively but they have considerable work ahead to achieve the aspirations set in the national standards.

## Exhibit 11

### Agencies involved in youth justice teams

A wide variety of agencies are involved in the strategic youth justice teams.



Agencies in white are those recommended by the Scottish Executive

Source: Audit Scotland, 2003

### Recommendations

The Scottish Executive should publish annual reports on the performance of youth justice teams against national standards.

The Scottish Executive Education and Justice Departments, the COPFS and local strategic youth justice teams should agree a core set of performance information which should be collected by each team.

The Scottish Executive and councils should review the membership and seniority of representatives in strategic youth justice teams.

Part 5. Progress in  
implementing the  
recommendations of  
*Dealing with offending  
by young people*



**5.1** *Dealing with offending by young people* made 38 recommendations for action by the Scottish Executive, councils, SCRA and the police. The Executive have accepted 35 of these recommendations and said that three require further consideration. In June 2003 the Executive responded to the 22 recommendations of the Scottish Parliament Audit Committee. From these responses, and from others by SCRA, ACPOS and ADSW, we can report on the progress made to date in implementing the recommendations made in *Dealing with offending by young people*.

### Recent changes

**5.2** There has been a great deal of action by the Executive and other agencies during the last 12 months to tackle offending by young people. Initiatives have included:

- a 10-point action plan containing;
  - introduction of national standards to operate between local authorities, the criminal justice system and Children's Hearings
  - pilot fast track Hearings for persistent offenders
  - pilot youth courts for persistent offenders
- significant additional resources for children's and adult services
- new information systems set up by SCRA and the COPFS
- renewed partnership working between the key agencies at national strategic level
- new legislative proposals for Restriction of Liberty Orders ('tagging') and Anti Social Behaviour Orders for under 16s
- reconfiguring secure accommodation to increase the number of places and provide more specialist provision

- proposals for a National Criminal Justice Board and improvements to the prosecution and courts system.

### Recommendations being implemented

**5.3** This programme of action has contributed to the implementation of many of the recommendations in *Dealing with offending by young people*. Since late 2002 specific action has been taken to:

- set up a national system of police warnings
- review targets in the Children's Hearing System
- speed up decisions in the CHS
- improve decision making in the CHS
- improve reports for Children's Hearings
- equip members of the children's panel to carry out their work more effectively
- review handling of jointly reported cases by SCRA and COPFS
- improve aftercare for young people leaving prison and residential care
- increase the number and quality of community based services for young people who are offending
- improve specialist training for social workers in work with young offenders.

These actions should improve the effectiveness and efficiency of arrangements for dealing with offending by young people. We will assess their impact when we undertake a full follow-up study in two to three years.

### Recommendations agreed and in development

**5.4** There are other recommendations which have been accepted and where progress is being made to implement change but where it is too soon to judge results. This includes action intended to:

- speed up decisions in the Criminal Justice System, including police reports to Reporters and Procurators Fiscal
- improve the exchange of information between criminal justice agencies
- strengthen decision making in the Criminal Justice System
- bring together outstanding charges more efficiently
- collect better data on specialist services
- provide specialist mental health services in residential settings and Young Offenders' Institutions
- create a single set of performance indicators subscribed to by all agencies
- increase the proportion of resources spent on services in community based settings
- establish systematic, independent inspection of services for children and young adults with offending problems
- tackle the shortage of qualified social workers in services for children
- involve Procurators Fiscal in youth justice teams
- improve data available about the social work workforce.

These are positive initiatives with the potential to deliver significant improvements in services. Sustained action is required to ensure that these initiatives bring about the required changes.

### Direction of change unclear

**5.5** For the remaining recommendations it is still unclear whether action being taken will bring about the required improvements.

- Time standards for submitting social work and police reports to the Reporter are still not being met; and many councils and police forces are not submitting the required data (*Dealing with offending by young people* recommendation 3).
- The Scottish Executive and many councils do not have data about the numbers of children on supervision who are not receiving the service prescribed by the Children's Hearings. The Executive has indicated that it is monitoring the numbers of unallocated cases, but these underestimate the actual shortfall in service provision. There is a need for closer monitoring of the level and quality of supervision that children are receiving (recommendation 15).
- Initiatives are under way to improve support for front line staff but it is not clear whether this will specifically address the need for closer case management and monitoring of service provision by first line managers. This is needed to ensure that care plans are implemented and that children receive the required services (recommendation 16).
- The Scottish Executive is commissioning a study of secure care; but no action is evident to evaluate the cost effectiveness of residential schools and custodial provision (recommendation 23).
- There are initiatives to improve working across agencies in relation to young people who may require secure care; it is not clear that this will include specific initiatives to bring residential schools and the Young Offenders' Institutions to work together with secure units on staff training and programme development (recommendation 25).
- The Executive has not yet indicated its conclusions about a collective approach to commissioning secure accommodation and residential school places (recommendation 26).
- The evidence from this follow-up study suggests that more needs to be done to engage senior staff from all the relevant agencies in youth justice teams (recommendation 28).

### Recommendation

The Scottish Executive, councils, the SCRA and police forces should review progress to date in implementing the recommendations discussed in paragraph 5.5 of this follow-up report; and consider whether further action is necessary to achieve the improvements required.



# Part 6. Recommendations

## Supervising children and young people

- Councils should implement the statutory requirement to provide care plans for all children on supervision, to review these at specified intervals, and to maintain easily accessible records of care plans.
- The Scottish Executive should consider setting standards for the frequency of contact with children on supervision (as exist for adults on probation).
- Councils should ensure that all young adults on probation have action plans.
- The Scottish Executive should clarify what is meant by an action plan in the National Objectives and Standards for Social Work Services in the Criminal Justice System.

## Recording

- The Scottish Executive and councils should set out the purpose of recording (effective case management, performance management, accountability, the rights of clients to access information) and provide guidance on a standard format.
- Councils should review the quality of current records for children on supervision.
- Councils should ensure that contacts with children on supervision and their families are recorded in case files.

## Youth justice teams

- The Scottish Executive Education and Justice Departments, the COPFS and local strategic youth justice teams should agree a core set of performance information which should be collected by each team.

- The Scottish Executive and councils should review the membership and seniority of representatives in strategic youth justice teams.

## Monitoring performance

- Councils should review arrangements to monitor the performance of services for children and young people on supervision and probation. This should include coverage of frequency of contact with children and their families, gaps in services, record keeping, and time to submit reports to the Reporter.
- The Scottish Executive should review whether current monitoring arrangements provide sufficient information about the quantity and quality of services for children on supervision; in particular the extent to which councils are meeting statutory requirements and providing the services prescribed by Children's Hearings.
- The Scottish Executive should publish annual reports on the performance of youth justice teams against national standards.

## Implementing the recommendations of *Dealing with offending by young people*

- The Scottish Executive, councils, the SCRA and police forces should review progress to date in implementing the recommendations discussed in paragraph 5.5 of this follow-up report; and consider whether further action is necessary to achieve the improvements required.

# Appendix 1. Number of files reviewed

	Children and Families	Criminal Justice
Aberdeen City	30	30
Aberdeenshire	24	27
Angus	30	30
Argyll & Bute	28	15
Clackmannanshire	6	7
Dumfries & Galloway	30	29
Dundee City	30	24
East Ayrshire	21	30
East Dumbartonshire	12	8
East Lothian	17	21
East Renfrewshire	9	5
Edinburgh, City of	27	30
Eilean Siar	6	2
Falkirk	29	29
Fife	29	30
Glasgow City	30	30
Highland	27	22
Inverclyde	29	18
Midlothian	14	24
Moray	18	3
North Ayrshire	30	14
North Lanarkshire	30	30
Orkney Islands	0	6
Perth & Kinross	18	30
Renfrewshire	28	30
Scottish Borders	15	30
Shetland Islands	5	9
South Ayrshire	19	17
South Lanarkshire	30	30
Stirling	5	25
West Dumbartonshire	29	24
West Lothian	29	30
<b>SCOTLAND</b>	<b>684</b>	<b>689</b>

# Appendix 2. Data items to assist planning and monitoring of services

<b>Children's Hearings System</b>
Number of offences committed by an under 18 reported to the police in 2001/02
Number of children referred to the Reporter for offences in 2001/02
Number of children receiving a formal police warning in 2001/02
Number of children referred to a Children's Hearing for offences in 2001/02
Number of children placed on home supervision with offence grounds established in 2001/02
Number of children placed on supervision with a residential requirement in 2001/02 with offence grounds established
Number of children placed in supervision with a secure accommodation authorisation in 2001/02 with offence grounds established
Number of children with offence grounds established on home supervision at 31 March 2002
Number of children with offence grounds established in a residential school at 31 March 2002
The time taken between caution/charge and a police report going to the Reporter (calendar days)
The time taken between request and delivery of social background reports (working days)
The time taken for the local authority to effect a supervision requirement (working days)
<b>Criminal Justice social work system</b>
Number of under 18-year-olds on a probation order at 31 March 2002
Number of under 18-year-olds receiving a probation order in 2001/02
Number of under 18-year-olds on a community service order at 31 March 2002
Number of under 18-year-olds receiving a community service order in 2001/02
<b>Procurator Fiscal and Court Service</b>
Number of under 18-year-olds referred to the Procurator Fiscal for offences in 2001/02
Number of under 18-year-olds with a charge proven in court in 2001/02
Number of under 18-year-olds admonished in 2001/02
Number of under 18-year-olds fined in 2001/02
Number of under 18-year-olds receiving a deferred sentence in 2001/02
Number of under 18-year-olds receiving a custodial sentence in 2001/02
The time taken for cases involving an under 18 between caution/charge and a police report going to the Procurator Fiscal (calendar days)
Number of under 18-year-olds receiving a PF warning in 2001/02
Number of under 18-year-olds receiving a PF fine in 2001/02
Number of under 18-year-olds in custody at 31 March 2002

# Dealing with offending by young people

A follow-up report



Audit Scotland  
110 George Street  
Edinburgh EH2 4LH

Telephone  
0131 477 1234  
Fax  
0131 477 4567