

Dealing with offending by young people

Performance update



Prepared for the Auditor General for Scotland and the Accounts Commission
August 2007

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Summary

Increased funding and a stronger focus on youth justice services have delivered some positive changes, but significant challenges remain.

Setting the scene

1. Effective youth justice services are essential for improving the quality of life in communities which are adversely affected by offending behaviour and for improving the life chances of young people who offend.

2. Youth justice services are provided by a wide range of agencies (including local authorities, police, the children's reporter, and the voluntary sector) which need to work well together if effective outcomes are to be delivered in an efficient way. Managing change across such a complex system presents many challenges.

3. The term youth justice services is used throughout the report to refer to the whole range of services provided across agencies to prevent and address offending behaviour by young people.

4. This performance update follows up the issues contained in our previous *Dealing with offending by young people* reports which were published in December 2002 and November 2003.^{1,2} These reports:

- provided detailed findings and recommendations on the time it takes for young people to proceed through the youth justice system
- highlighted variations in decisions reached on young people
- commented on services for young people who offend, spend on youth justice and staffing in children's services.

Key messages

5. The key messages from this update report are:

Since 1999, the Scottish Executive has shown a consistent commitment to improving youth justice services. It has substantially increased funding for youth justice services from £235 million in 2000/01 to over £330 million in 2005/06 and provided a range of practical support and guidance for these services.

However, the impact of this activity on improved services and outcomes is not yet demonstrated, and limited progress has been made over the last five years on taking forward several key recommendations from our earlier reports. This raises important questions about the extent to which the new investment offers value for money and is delivering effective use of resources.

Since our last report good progress has been made in the following areas:

- National standards are in place and provide a focus for improved inter-agency working.
- Significant improvements have been made in the timeliness of police reporting and children's reporter decision-making.
- More services for young people who offend are now in place.
- Over 500 additional children's services social workers have been recruited.

In other areas progress has been mixed:

- Although data on timeliness of reporting has improved, significant gaps exist in performance data, making it difficult to evaluate the effectiveness of services and interventions.
- The introduction of antisocial behaviour orders for 12 to 15-year-olds has created tensions with approaches to dealing with offending by young people through the children's hearings system.
- The principles underpinning the children's hearings system have been put under pressure by recent increases in referral activity.
- There is evidence of significant variation in police referral practice.

A number of significant challenges still remain:

- Despite a small improvement, the time taken for social work reporting remains unacceptably long. The average time taken for an offence-based social work report to be submitted to the reporter is almost twice as long as the time standard.
- Despite increased investment by the Scottish Executive, sustained reductions in offending behaviour have yet to be realised. The Executive's target of reducing the number of persistent young offenders (PYOs) by ten per cent by

¹ *Dealing with offending by young people*, Audit Scotland, December 2002.

² *Dealing with offending by young people: a follow-up report*, Audit Scotland, November 2003. Copies of both these reports are available to download at www.audit-scotland.gov.uk

March 2006 has not been met. The new administration in the Scottish Executive acknowledges that the PYO target is only a partial measure of success of the youth justice system and intends to develop more rounded measures of the impact of interventions to address offending behaviour by young people. This should provide more useful information than the PYO target alone, but will need to be supported by appropriate performance management arrangements.

- Much more needs to be done to develop an understanding of the cost-effectiveness of different service interventions to address the offending behaviour of young people as part of a comprehensive framework for evaluating the performance of youth justice services.
- The current youth justice improvement programme echoes earlier Audit Scotland recommendations and previous commitments made by the Scottish Executive, reflecting the limited progress the Executive has made in securing effective implementation of policy in this area.

It is important that any future strategy addresses the significant outstanding issues.

The recommendations from our 2002 and 2003 reports and our assessment of progress against these are set out in [Appendix 2](#) and [Appendix 3](#) respectively.

Scope of the study

6. This update report assesses the progress made by the Scottish Executive, local authorities and other agencies (including Association of Chief Police Officers in Scotland (ACPOS), Crown Office and Procurator Fiscal Services (COPFS) and Scottish Children's Reporter Administration (SCRA)) in implementing the recommendations made in our 2002 and 2003 reports in the context of a significantly changed policy landscape. The study does not cover performance of the adult criminal justice system.

Audit approach

7. The methodology employed for this study involved five main strands of audit activity:

- Review of documentation including Scottish Executive youth justice performance update reports and service mapping information, the Scottish Parliament Justice 2 Committee Inquiry report, SCRA and COPFS annual reports, relevant National Audit Office and Audit Commission reports, academic research and evaluations (eg, youth courts, fast track children's hearings pilot).
- Information from the Scottish Executive, SCRA, ACPOS, ADSW and COPFS about progress against each recommendation from our previous reports.

- Interviews with the Scottish Executive, ADSW, ACPOS and SCRA.
- Fieldwork visits to eight local authority areas between October and December 2006 to gather information on partnership working, explore factors that impact on performance, capture local perspectives on the implementation of national strategies and identify good practice. The areas visited were Aberdeen City, Dundee City, East Ayrshire, City of Edinburgh, Glasgow City, Highland, North Lanarkshire and Scottish Borders.
- Funding and costing analysis to replicate key areas of the analysis contained in the 2002 report. While the study does not cover performance of the adult criminal justice system, it does include elements of costs of the adult criminal justice system which relate to offending by young people, to reflect the total cost associated with dealing with offending by young people.

Part 1. Policy developments since 2002

There have been a number of significant new policy initiatives, legislative changes and other developments relating to youth justice since 2002.

Key findings

- There have been significant changes to the youth justice policy landscape since 2002.

There has been a steady flow of new policies, legislative changes and initiatives relating to youth justice since 2002

8. Since 2002 there has been a constant flow of new policies, legislative changes and initiatives (Exhibit 1), the most significant of which are:

- the Scottish Executive ten-point action plan on youth crime
- introduction of national standards

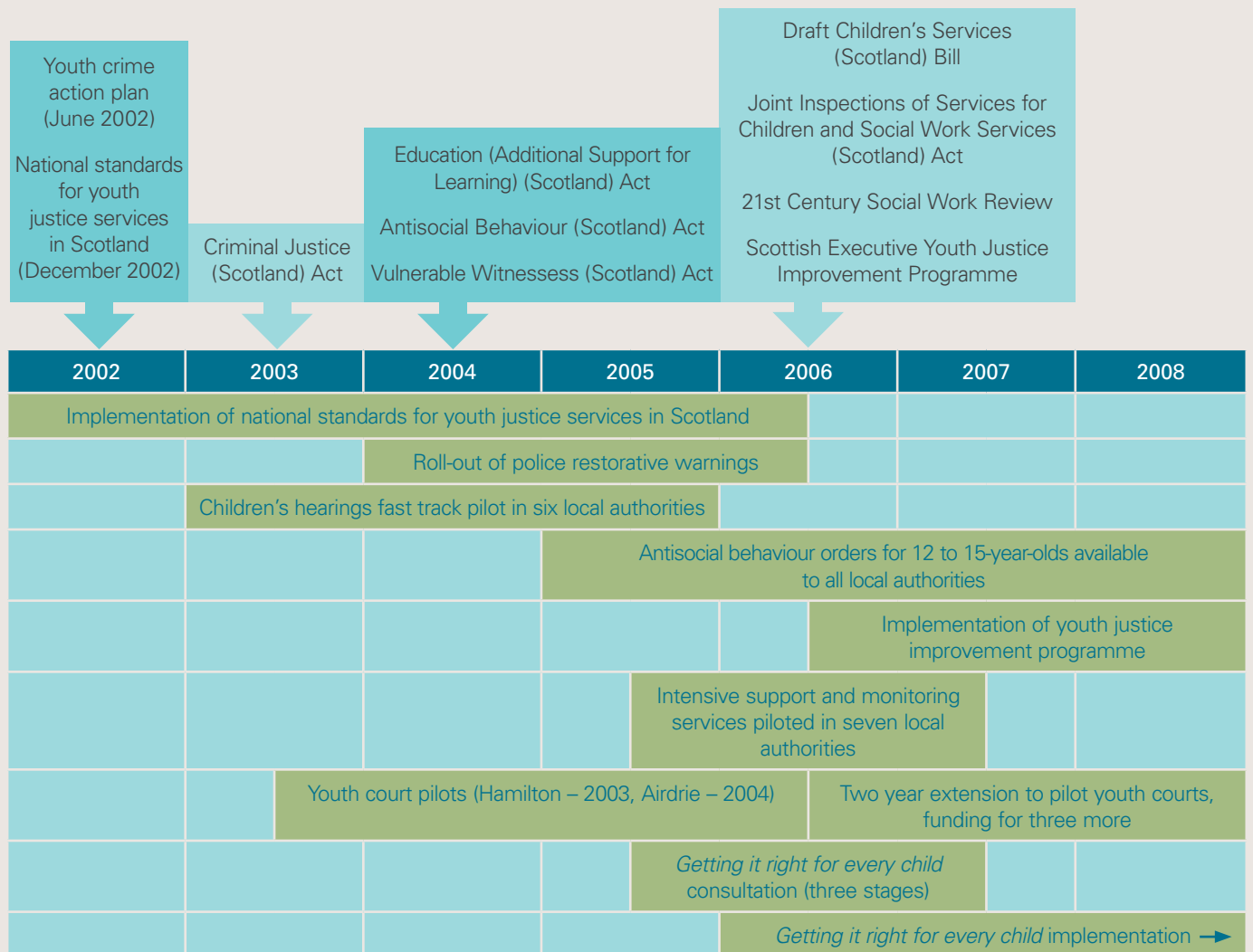
- antisocial behaviour legislation
- restorative justice developments.

Scottish Executive ten-point action plan on youth crime

9. Youth crime was one of the issues considered at the Scottish Executive's first cabinet meeting in 1999. This resulted in the establishment of an advisory group to conduct a review of youth crime in Scotland, which reported in June 2000. The Scottish Executive produced *Scotland's Action*

Exhibit 1

Overview of youth justice developments since 2002



Source: Audit Scotland

Programme to reduce youth crime in January 2002. In June 2002, the Executive set out a ten-point action plan on youth crime ([Exhibit 2](#)).

The introduction of national standards for youth justice services in 2002

10. In line with point eight of the action plan, the Scottish Executive published a strategic framework of national objectives and standards for Scotland's youth justice services in December 2002. This included actions intended to address many of the recommendations in our report published in 2002. These 'national standards', as they are known, were developed by a multi-agency working group. They were designed to help local authorities and their partners achieve the Scottish Executive's target of reducing the number of persistent young offenders by ten per cent by 2006. The national standards are arranged under six objectives:

- to improve the quality of the youth justice process, ie to improve the assessment of young people who offend and the quality of reports to the children's reporter
- to improve the range and availability of programmes to stop youth offending
- to reduce the time taken from the initial report on the offender to the implementation of a hearing decision
- to improve the information provided to victims and local communities
- to ensure that secure accommodation is used when it is the most appropriate disposal and ensure it is effective in reducing offending behaviour

Exhibit 2

Scottish Executive ten-point action plan on youth crime, June 2002

1. A pilot of fast track children's hearings for persistent offenders under 16.
2. A youth courts feasibility project for persistent offenders aged 16 and 17, with flexibility to deal with 15-year-olds.
3. Reviewing the scope for using restriction of liberty orders, antisocial behaviour orders and community service orders for persistent offenders.
4. Funding in support of 'Safer Scotland' national police-led campaigns and other related policies.
5. Spread best practice, and establish firm standards, for community-based projects funded through the Action Programme, Better Neighbourhood Services Fund programmes and Making Communities Safer programmes.
6. Consideration of a Scottish-wide application of a system of police cautions/warnings, and a detailed exploration of a restorative cautions approach.
7. Reconfiguring the secure accommodation available nationally to provide girl-only accommodation, further consideration of additional places and improving the range and provision of programmes in secure units.
8. A set of national standards to operate between local authorities, the criminal justice system and children's hearings covering reporting, timescales and follow-up.
9. Promote parental responsibility, through voluntary measures and in the longer term to consider the feasibility of introducing further statutory obligations on parents.
10. Measures to increase the speed of referral to the courts will be considered, and introduction of specific targets discussed with the judiciary.

Source: *Scottish Executive 10-point Action Plan on Youth Crime*, Scottish Executive, June 2002

- to improve the strategic direction and coordination of youth justice services by local youth justice strategy teams.³
- 11.** The target date for the national standards to be met, at both a national and a local level, was March 2006. In each local authority area, the local inter-agency youth justice strategy group (discussed in [Part 3](#)) was responsible for achieving the national standards. The Scottish Executive produced a short report summarising progress against the national standards in July 2006⁴ (discussed in detail in [Part 2](#)).

3 *National Standards for Scotland's Youth Justice Services: A Report by the Improving the Effectiveness of the Youth Justice System Working Group*, Scottish Executive, December 2002.

4 *Youth Justice National Standards: Progress to March 2006 Summary Report*, Scottish Executive, July 2006.

Other key developments arising from the ten-point action plan on youth crime and the national standards

12. Other developments which have taken place, stemming from the ten-point action plan and the national standards, include:

- **The introduction of antisocial behaviour orders for under 16s from October 2004** – From October 2004, it has been possible to obtain an antisocial behaviour order (also known as an ASBO) for 12 to 15-year-olds (discussed in more detail in paragraphs 40-44).
- **The introduction of electronic monitoring for under 16s** – A pilot of intensive support and monitoring services (ISMS) commenced in April 2005 in seven local authority areas. This is an alternative to secure care where an intensive package of care (usually around 25 hours per week) is put in place to help the young person address their offending behaviour on the condition that they are electronically monitored.
- **National guidelines on the use of police restorative warnings for young people who offend (June 2004)** – Police restorative warnings can be used to deal quickly with minor offences, often committed by first time offenders, ensuring that the young person has the opportunity to understand his/her offence and/or make amends for his or her deeds.⁵
- **Increasing use of restorative justice services in the voluntary and local authority sectors** – Restorative justice services complement police restorative warnings and provide an

opportunity for those harmed by young people to benefit from a degree of recompense from the young people who have offended, while enabling the young people responsible to appreciate the effects of their offending.

- **Services for victims** – From February 2006, in five police areas, SCRA has routinely provided victims with information on the outcome of their cases and with general information about the children's hearings system.
- **A youth courts pilot for persistent offenders aged 16 and 17** – The first youth courts were piloted in Hamilton and Airdrie in 2003 and 2004 and provide a fast track system for the majority of young people to appear in court within ten days of the date of the alleged offence.
- **A pilot of fast track children's hearings for persistent offenders under 16** – Fast track was developed to investigate the effectiveness of a faster response to persistent offenders within the children's hearings system and was piloted between February 2003 and September 2005 in six local authority areas. Following evaluation a decision was made not to roll out the service.
- **Redevelopment of Scotland's secure estate** – 29 new places in specialist accommodation for young people at serious risk to themselves or others were announced in March 2003. To date, 18 new beds have been provided and the remaining eleven are expected to be available by the end of 2007.⁶

The Youth Justice Improvement Group and Improvement Programme

13. The multi-agency Youth Justice Improvement Group set up in November 2005, reported in October 2006⁷ and the Scottish Executive responded by setting out the Youth Justice Improvement Programme⁸ which runs until March 2008. The Improvement Programme sets out five broad areas for action ([Exhibit 3](#)).

14. All five areas in the improvement programme echo recommendations we made in 2002 and 2003 ([see Appendix 2](#)) and earlier commitments made by the Executive (ie, those included in the ten-point action plan and national standards), reflecting the limited progress the Executive has achieved in securing effective implementation of policy in this area.

15. Discussions are currently taking place with ministers of the incoming Scottish administration on the Youth Justice Improvement Programme, to ensure that it reflects new ministerial priorities. The intention is to publish a refreshed strategy late in 2007.

16. It is important that the significant issues outstanding in this area as a result of the limited progress made against many key recommendations from Audit Scotland's 2002 and 2003 reports, and the Executive's key targets over the last five years, are addressed by any future strategy. Progress against previous Audit Scotland recommendations, highlighting action that was planned through the Youth Justice Improvement Programme linked to outstanding recommendations, is summarised in [Appendix 3](#).

⁵ *Restorative warnings in Scotland: Guidelines for police*, ACPOS, Scottish Executive, June 2004.

⁶ *Youth justice national standards: Progress to March 2006 Summary Report*, Scottish Executive, July 2006.

⁷ *Report of the Youth Justice Improvement Group: Proposals for Action*, Scottish Executive, October 2006.

⁸ *Report of the Youth Justice Improvement Group: Scottish Executive Response – Youth Justice Improvement Programme*, Scottish Executive, October 2006.

Exhibit 3**Scottish Executive Youth Justice Improvement Programme, October 2006
– Areas for improvement**

- Improving practice – this includes:
 - identifying children at risk of future or further offending and take action early to improve their situation
 - ensuring that high risk offenders' needs and risks are properly assessed and supported
 - ensuring the right support, programmes and monitoring and information exchange systems are in place for those young people in transition between the children's and adult systems.
- Evaluating and improving performance – this includes:
 - the development of outcome indicators and a full performance framework for youth justice
 - the development of a system of inspection of approaches to tackling antisocial behaviour and offending by those under 16.
- Ensuring youth justice is effectively managed – this includes:
 - identifying what needs to be in place to prevent young people offending and coming into the youth justice system eg, provision of resources for parents, services that focus on educational concerns that indicate a higher risk of developing offending patterns, and appropriate mental health and addiction resources
 - ensuring that agencies, based on a robust audit of need, have effective approaches and interventions in place to prevent and address offending behaviour.
- Improve appropriate information to victims, communities and offenders.
- Develop and support the workforce – ensure that people working with young people who offend, or who are at risk of offending, have the appropriate skills and knowledge to make positive changes.

Source: *Report of the Youth Justice Improvement Group: Scottish Executive Response – Youth Justice Improvement Programme*, Scottish Executive, October 2006

Part 2. Funding and performance management

Current performance management arrangements cannot demonstrate value for money from recent additional investment in youth justice services.

Key findings

- The Scottish Executive has increased funding for youth justice services from £235 million in 2000/01 to £336 million in 2005/06.
- Comprehensive reporting on performance against the national standards cannot yet take place because of weaknesses in performance management arrangements.
- More programmes are now available for young people who offend, but the extent to which these services offer value for money and are making effective use of resources cannot yet be demonstrated.
- The Scottish Executive's target of reducing the number of persistent young offenders by ten per cent by March 2006 has not been met.

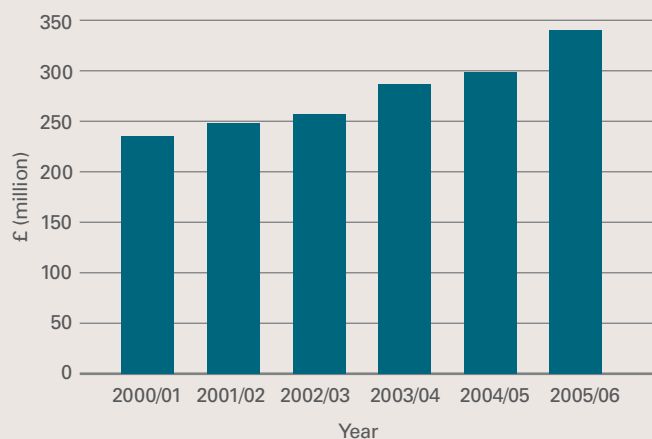
The Scottish Executive has increased funding for youth justice services from £235 million in 2000/01 to £336 million in 2005/06

Financial support

17. Our December 2002 report estimated that in 2000/01 expenditure on youth justice services was £235 million. Our updated costing work indicates that in 2005/06, this figure had risen to £336 million, an increase of over 40 per cent (Exhibit 4). As well as expenditure on specific youth justice services, this figure includes expenditure by the police, social work, SCRA, the adult criminal justice system and the Scottish Executive on young people who offend (Exhibit 5). Some services provided to young people who offend, in particular residential school and secure services, have seen increases in cost higher than inflation and continue to put pressure on council budgets, particularly in smaller councils.

Exhibit 4

Expenditure on youth justice services: 2000/01 to 2005/06



Source: Audit Scotland estimates

Exhibit 5

Spend on youth justice services by agency: comparing 2000/01 and 2005/06

	2000/01 £m	2005/06 £m
Local Authority Social Work – Criminal Justice Department	15.3	24.0
Local Authority Social Work – Children and Families Department	47.6	80.3
Scottish Children's Reporter Administration	6.0	9.4
Police	91.9	122.0
Scottish Legal Aid Board	20.3	24.1
Scottish Court Service	5.0	7.1
Local Authority – District Courts	1.3	1.2
Crown Office and Procurator Fiscal Service	8.7	16.0
Scottish Prison Service	29.8	29.6
Scottish Executive staff	1.8	2.8
Other	7.8	19.7
Total	235.4	336.4

Source: Audit Scotland estimates

18. Increased spending on youth justice is in line with general trends in Scottish public expenditure which has increased from £28.43 billion⁹ to £41.67 billion¹⁰ (46.6 per cent) over the same period.

19. In 2005, the Scottish Parliament Justice 2 Committee echoed the recommendation from our 2002 report when it expressed concerns that there was too much short-term initiative-based funding and that agencies needed greater stability and continuity of funding.¹¹ We found that many agencies still view short-term and ring-fenced funding (or funding with requirements attached) as difficult to reconcile with longer-term strategic planning. However, it is also clear that ring-fenced funding has managed to secure and protect resources for youth justice services which may not otherwise have been identified, and have been useful where new approaches to service provision need to be piloted before committing to full-scale roll-out.

20. There is much uncertainty surrounding funding for youth justice after March 2008. The forthcoming spending review will set the context for the next three years and clarify the Scottish Government's funding commitment in this area.

Comprehensive reporting on performance against the national standards cannot yet take place because of weaknesses in performance management arrangements

21. When the national standards were set in 2002, the Scottish Executive and its partners did not ensure that effective performance management arrangements were in place across Scotland. In March 2006, the date by which the standards were to be

achieved, there were still gaps in their arrangements and the Scottish Executive was unable to report fully on progress made.

22. The overarching persistent young offenders target and objective 3 of the national standards (to reduce the time taken to reach and implement hearing decisions) were the only two areas where the Scottish Executive was able to report in detail in its July 2006 progress report. Progress against the remaining five objectives contained within the national standards could only be partially reported on. In a number of cases, progress was described at a very high level whereas some of the standards are very specific.

23. For example, a typical standard within objective 1 of the national standards (improving the quality of the youth justice process) is: 'Every young person referred to a hearing on offence grounds will have a comprehensive assessment delivered on time to the hearing, with the young person's caseworker in attendance at the hearing.' There is no data to show whether this standard is being achieved.

24. The Executive planned that the primary focus for reporting against national standards would be at local level. To that end, templates were provided to youth justice strategy groups to support this process. The national standards were designed in consultation with the Executive's partners in response to acknowledged weaknesses within the youth justice system at that time, and it was agreed that the annual performance information would be published at a local level by youth justice teams. National reporting on progress against the standards would have strengthened accountability in this

area. The absence of reporting of this kind is a weakness in current performance management arrangements.

More programmes are now available for young people who offend, but it is not yet possible to demonstrate whether these services offer value for money

25. Youth justice resources are allocated by the Scottish Executive as a combination of payment through grant aided expenditure (GAE) and ring-fenced funding. Between 2005/06 and 2007/08 the Scottish Executive provided annual ring-fenced funding of £20 million to initiatives including: restorative justice services, programmes for under 16s being considered for or subject to antisocial behaviour orders, implementation of the national standards, and intensive support and monitoring services (piloted in seven areas).¹²

26. Objective 2 of the national standards was 'To improve the range and availability of programmes to stop youth offending'. This set out the Executive's expectations for a core repertoire of community-based programmes in each area.

27. In 2002, we reported that although there had been a growth in specialist programmes to tackle offending by young people, practitioners considered that there was a shortage of community-based programmes for under 21s.

28. A mapping exercise in 2003/04 indicated that the number of places provided across Scotland exceeded the number of places required.¹³ Exhibit 6 provides an indication of the extent to which services available for young people who offend have increased since 2002 in Edinburgh and Glasgow.

9 *Public Expenditure Statistical Analyses 2002-2003*, Cm 5401, HM Treasury, May 2002.

10 *Public Expenditure Statistical Analyses 2007*, Cm 7091, HM Treasury and National Statistics, April 2007.

11 *Inquiry into Youth Justice*, Scottish Parliament Justice 2 Committee, 9th Report 2005, SP Paper 370, Session 2 (2005), June 2005.

12 Scottish Executive Allocation of Youth Justice Funding 2006/07 and 2007/08 Letter, November 2005.

13 *Summary report of Scottish Executive youth justice mapping exercise, 2003/04* (available from www.youthjusticescotland.gov.uk).

29. More is not necessarily better. It is important that funding is directed towards services that will deliver appropriate and effective outcomes. For this to happen, youth justice professionals must understand the nature and pattern of offending by young people in their area, and the extent to which local services to prevent or address offending by young people are meeting local need. There were significant limitations with the data in the Executive's 2003/04 and 2004/05 mapping exercises, making judgements of this kind and inter-authority comparisons impossible. There is little evidence that local audits of patterns and types of offending have improved since then. Many local audits of need remain out-of-date and national mapping exercises have not been repeated.

30. Therefore, while there is evidence of an increased number of places and programmes for young people who offend, it is not clear how well new service developments are matched to local needs. Nor is it possible to assess with confidence the scale of the shift in the balance of resources from residential services to community-based programmes achieved over recent years. This is a significant weakness given the evidence that exists on the cost-effectiveness of well-targeted community-based services and appropriate early interventions. When strengthening these approaches, consideration should be given to the appropriate balance needed between early intervention, prevention and diversionary services.

31. In 2002, we recommended that the Scottish Executive should ensure that services and programmes to tackle offending behaviour by young people should be evaluated and the results disseminated widely, and it should develop a national system for the accreditation of such services and programmes.

Exhibit 6

Case study – Change in the level of youth justice services provided in Edinburgh and Glasgow between 2002 and 2006

Edinburgh		
	2002	2006
Prevention		Services include: Streetwork, maintaining young people in education, youth literacy, 'Open all hours' community programmes available on Friday, Saturday and Sunday evenings, Youth Action Team police officers, intensive family support service.
Early intervention/diversion		Police restorative warnings, restorative justice projects, pupil support programmes in schools.
Persistent/serious offending	Junction project (undertaking assessments and working with persistent offenders) – eight members of staff.	Youth justice service (undertaking youth justice assessments and delivering offence-focused programmes) – 29 members of staff. Lighthouse project (children with sexually problematic behaviour) – 12 places available. Includem service (children requiring intensive levels of support outwith ISMS criteria) – 11 places available.
Glasgow		
	2002	2006
Youth justice teams	Two pilot youth justice teams (outwith areas covered by these teams young people who offend managed through generic children and families services).	Youth justice teams in all five community health and care partnership (CHCP) areas.
Offence-based cognitive behavioural programmes	Pilot teams committed to run one groupwork programme each but not achieved due to resource and operational difficulties.	Programmes team with three members of staff established. Delivers programmes and trains other members of staff to deliver groupwork and one-to-one programmes. (50 staff trained in 2006/07).
Intensive support and monitoring services (ISMS)		Multi-agency intensive support package, coupled with a movement restriction condition. Sixty-five young people assessed and 37 people on ISMS orders at some point during year.
Antisocial behaviour services		Early intervention, prevention and diversion services, restorative justice service, ASB services, safety education, city centre task force, security, CCTV.

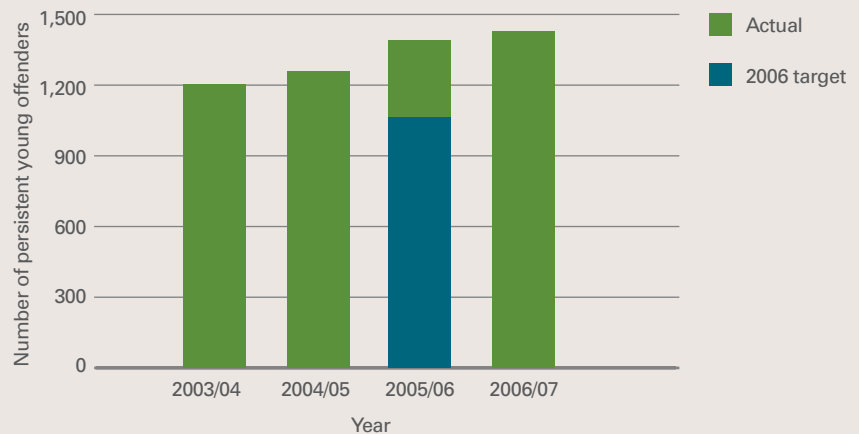
Source: Edinburgh and Glasgow youth justice strategy groups, 2007

32. The Scottish Executive's response to these recommendations was positive. The national standards included a commitment to introduce an evaluation toolkit by the summer of 2003 to help youth justice teams identify whether the programmes they have in place are working and to identify success measures when they are commissioning or reviewing programmes. The Executive also stated that it would finalise plans in early 2003 for accreditation of youth justice programmes with the intention of working towards the availability of a comprehensive range of nationally accredited programmes and interventions by 2006.

33. We found that accreditation of youth justice services by the Scottish Executive has not been progressed to any great extent over the last five years. Because of the lengthy process of accreditation and the developing nature of programmes for young people who offend, the Scottish Executive decided, through its October 2006 Youth Justice Improvement Programme, to move from accreditation of youth justice services (no services were ever accredited) to a new system of approval by March 2008.¹⁴ This agenda needs to be taken forward because it has the potential to offer important benefits: the approval process can both assure the quality of local service provision and, if cost and efficiency are taken into account, can set out a means of securing efficient use of resources.

Exhibit 7

The number of persistent young offenders – target versus actual: 2003/04 to 2006/07



Source: Youth justice performance update reports, Scottish Executive and SCRA published data

The Scottish Executive's target of reducing the number of persistent young offenders by ten per cent by March 2006 has not been met

34. In July 2006, the Scottish Executive published a progress report on its ten-point action plan and national standards and for the first time reported publicly on performance against the March 2006 persistent young offender target. This document reiterated that the primary aim of the national standards was to achieve the national target of reducing the number of persistent young offenders by ten per cent by 2006 but it reported that the target had failed to be achieved.

35. Between the baseline year, 2003/04, and 2005/06, the number of persistent young offenders rose from 1,201 to 1,388 (an increase of over 15 per cent, 307 over the national target). (Exhibit 7). In responding to

the progress report, the minister expressed disappointment that the target had not been met despite a 'major investment in local activities'. While the target was only a partial measure of success of the youth justice system, it had been given high priority by the Scottish Executive.

36. There are a number of issues around the persistent young offender target which were raised during our fieldwork, including:

- Changes in persistent young offender numbers can be complex and decreases in number do not necessarily equate to an improved outcome for children. For example, a fall in numbers may occur as children move from the children's hearings system into the adult criminal justice system when they turn 16.

14 Formal return from the Scottish Executive to Audit Scotland, detailing progress against recommendations from the 2002 and 2003 *Dealing with offending by young people* reports, November 2006.

- The impact of target setting on strategy.^{15 16} From our fieldwork there is evidence that the targeting of resources towards young people categorised as persistent young offenders can divert time, attention and money away from preventative approaches, and from other offending groups such as repeat and first offenders.
- Because of the increased profile of offending by young people and the increase in resources dedicated specifically to youth justice over the last few years, there are now more youth justice practitioners, including dedicated social workers, police officers, community wardens, focusing specifically on offending by young people. Because of this, there is an increased chance of young people who offend coming into contact with one of these statutory agencies, with a consequent impact on the number of young people classified as persistent young offenders. Better measurement can lead to increases in reported numbers. It does not necessarily reflect increases in underlying offending behaviour within the population.

37. For these reasons, we welcome the Scottish Executive's commitment to develop new measures that give a broader picture of the impact of support and interventions to both prevent and address offending behaviour by young people.

Part 3. Strategy and inter-agency working

Inter-agency working has improved since our last report, but the extension of antisocial behaviour orders to include 12 to 15-year-olds has created tensions within the youth justice system.

Key findings

- The introduction of national objectives and standards for Scotland's youth justice services has provided a valuable focus for inter-agency working based on local performance data...
- ...but the introduction of antisocial behaviour orders for 12 to 15-year-olds has created tensions with approaches to dealing with offending by young people through the children's hearings system.
- Through effective partnership working, youth justice strategy groups are starting to shape strategy and to deliver operational change. But education and health are still under-represented in this activity.

The introduction of national objectives and standards for Scotland's youth justice services has provided a valuable focus for inter-agency working based on local performance data...

38. We found that the national standards have acted as an important driver in improving service performance (Exhibit 8), particularly in:

- timeliness of reporting – over the last four years, the overall time between referral and disposal has reduced from 95 to 71 days
- development of inter-agency working via youth justice strategy groups.

39. In written evidence to the Scottish Parliament Justice 2 Committee, Barnardo's succinctly summarised support in recent years: 'The national standards, additional funding and significant activity around, and focus on, offending behaviour have all been

Exhibit 8

Quotes from the youth justice community concerning the usefulness of the national standards for youth justice services in Scotland

"Useful for benchmarking. As a result there is now much more information about children and their offending...Because of the national standards all agencies must pay more heed to these children."

"The national standards have provided a useful operational focus."

"They form a framework for evaluation and analysis."

"Helpful in managing the service."

"Proved to be very useful drivers towards integration."

"Help to focus the mind."

"The drive towards national standards has provided a clear set of expectations and guidelines. That has set parameters so that people are clear about what we are aiming for."

Source: Audit Scotland fieldwork and Scottish Parliament Justice 2 Committee

of great assistance in generating increased activity and a better knowledge of what works'.¹⁷

...but the introduction of antisocial behaviour orders for 12 to 15-year-olds has created tensions with approaches to dealing with offending by young people through the children's hearings system

40. An ASBO is an order made by a court to protect victims and the wider community from antisocial behaviour (behaviour that causes alarm or distress). Normally the ASBO will set out certain restrictions on the perpetrator, for example, that they cannot go to a particular place, or do certain things that are associated with their unacceptable behaviour. If the person does not follow the conditions laid down then the order is breached, which is a criminal offence.¹⁸ From October 2004, it has been possible to obtain an ASBO for 12 to 15-year-olds. Funding of £7

million has been provided by the Scottish Executive between 2004/05 and 2007/08 for services for young people being considered for, or subject to, an ASBO.

41. The Antisocial Behaviour etc. (Scotland) Act 2004 also introduced other measures relevant to young people including dispersal orders, electronic monitoring and restriction of liberty orders.

42. Research on ASBOs in England and Wales conducted by the Youth Justice Board found that:

- the development of effective strategies for addressing antisocial behaviour among young people is complex and raises a range of dilemmas. Professionals involved in the decision-making process inevitably have different views of the place of ASBOs in such strategies

17 *Inquiry into Youth Justice*, 9th Report 2005, SP Paper 370, Session 2 (2005), Scottish Parliament Justice 2 Committee, June 2005.

18 *Standing up to Antisocial Behaviour: First Anniversary Report*, Scottish Executive, November 2005.

- those who see their role principally in terms of community protection are generally less critical of enforcement-type measures than those whose predominant concern is working directly with young people to change their behaviour
- effective practice may in future depend on achieving a balance between those perspectives: one that is sensitive to the needs both of the (frequently disadvantaged and excluded) young people, and of the communities in which they reside.¹⁹

43. The Scottish Executive has reported that between October 2004 and March 2006, 98 cases were considered but only four ASBOs were granted for 12 to 15-year-olds in Scotland.²⁰ We found that the introduction of ASBOs for 12 to 15-year-olds has created tensions with approaches to dealing with offending by young people through the children's hearings system. Most councils have found it difficult, both strategically and operationally, to overcome the differences between the child-centred focus of youth justice under the children's hearings system and the community-focused design of the antisocial behaviour legislation. In essence, there is a tension between the approach which underpins the children's hearings system (and places the young person who has offended at the centre of the decision-making process) and the ASBO/community safety approach (which may place greater emphasis on the needs of the community within which the offending behaviour has taken place). This can create tensions when seeking agreement across agencies on appropriate service responses.

Exhibit 9

Quotes from the youth justice community concerning youth justice strategy groups and national strategy development

"More has probably been done in the last three years than had been done in the previous 20 years." – Criminal Justice Social Work Development Centre

"There is much more of a blank sheet, in that people are now less prepared to tinker round the edges with systems and processes and are more prepared and able to look radically at how we deliver services." – SCRA

"...in many cases there is an increased willingness to look at different ways of working, rather than people having to deliver a service through one agency." – Barnardo's

"Organisations that felt that they did not have a role to play in [dealing with] youth offending can now see that they do have a role to play and can make a valuable contribution." – Scottish Borders Youth Justice Strategy Group

Source: Scottish Parliament Justice 2 Committee's Inquiry into Youth Justice

44. The Scottish Executive has been unable to demonstrate that it considered the impact of the antisocial behaviour legislation on existing arrangements for dealing with offending by young people prior to its enactment.

Through effective partnership working, youth justice strategy groups are starting to shape strategy and to deliver operational change. But education and health are still under-represented in this activity

45. Our previous reports identified the need for improvements in youth justice strategy groups. The national standards for Scotland's youth justice services set out that each area should

have an effective mechanism in place to ensure progress is made towards meeting the standards and this should include:

- local commitment to the overall aims for Scotland's youth justice services²¹
- an inter-agency youth justice strategy group with relevant services and agencies represented at a senior level
- an operational youth justice services team.²²

46. Exhibit 9 summarises the evidence to the Justice 2 Committee Inquiry into youth justice in 2005 regarding the momentum for change

19 *Anti-Social Behaviour Orders*, Youth Justice Board, Solanki, Bateman, Boswell and Hill, 2006 as quoted in The Home Office: *Tackling Anti-Social Behaviour*, Report by the Comptroller and Auditor General, HC99 Session 2006-2007, December 2006.

20 *Use of Antisocial Behaviour Orders in Scotland: Report of the 2005/06 Survey*, Scottish Executive, November 2006.

21 These are to: achieve the national standards, support parents, carers and families in their efforts to prevent and stop their child's offending, increase local communities' confidence in Scotland's system of youth justice, enhance the integration of young people who have offended into all aspects of community life and ensure they maximise their potential.

22 *National Standards for Scotland's Youth Justice Services: A Report by the Improving the Effectiveness of the Youth Justice System Working Group*, Scottish Executive, December 2002.

youth justice strategy groups have created alongside national strategy development.²³

47. We found that the national standards, antisocial behaviour legislation and, in the pilot areas, initiatives such as intensive support and monitoring services, and fast track children's hearings have all acted as drivers to improved communication and working between partners. This is despite initial difficulties encountered as a result of the different working practices and value bases of the different partners.

48. We found evidence of extensive partnership working taking place across Scotland, leading in some areas to changes in operational practices. For example, where professionals including the police, the children's reporter, social workers and the voluntary sector meet routinely to systematically discuss specific children to ensure the most appropriate response to their needs and behaviour.

49. We also found that in many parts of the country, education and health are still either under-represented or under-engaged in youth justice strategy activities. Given the extensive range of activities taking place within education and health to address issues such as young people not in employment, education or training (commonly referred to as the NEET agenda) and behavioural support, both of which overlap with the youth justice agenda, opportunities may be missed to secure effective coordination of activity. Improving access to child and adolescent mental health services and to diversionary services, where gaps in service provision were identified by the Scottish Parliament's Justice 2 Committee, will also be key.²⁴ Addressing these issues will be fundamental to the success of the *Getting it right for every child* agenda.

²³ *Inquiry into Youth Justice* (Executive Summary), Scottish Parliament Justice 2 Committee, 9th Report 2005, SP Paper 370, Session 2 (2005), June 2005.

²⁴ *Ibid.*

Part 4. The children's hearings system

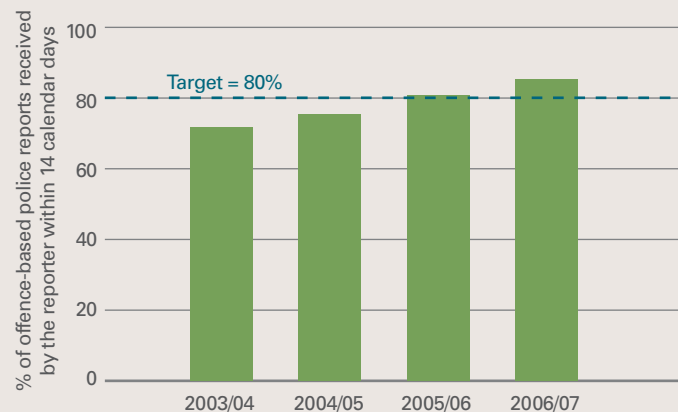
Timeliness of police reporting and reporter decision-making has significantly improved despite increased referrals. Timeliness of social work reporting is improving but remains unacceptably slow.

Key findings

- Since our last report there have been significant improvements in the timeliness of police reporting and reporter decision-making. In 2006/07, the police reporting timeliness standard was exceeded for the second year in a row, and the reporter decision-making standard was almost met.
- However, the time taken for social work reporting remains unacceptably long. At 38 days in 2006/07, the average time taken for an offence-based social work report to be submitted to the reporter is still almost twice as long as the time standard.
- Since our 2002 report, public reporting on timeliness has improved greatly.
- The number of referrals to the reporter on offence grounds is 24 per cent higher than 2001/02 although it fell by five per cent in the last year.²⁵
- Police referral levels vary widely between forces.
- The principles underpinning the children's hearings system have been put under pressure by recent increases in referral activity.
- SCRA has put processes in place to improve the consistency of its decision-making.

Exhibit 10

Timeliness of police reporting in the children's hearings system, 2003/04 to 2006/07



Source: *Scottish Youth Justice Performance Report 2003/04 to 2005/06*, July 2006 and *Scottish Youth Justice Performance Update Report 2006/07*, July 2007

Since our last report there have been significant improvements in the timeliness of police reporting and reporter decision-making. In 2006/07, the police reporting timeliness standard was exceeded for the second year in a row and the reporter decision-making standard was almost met.

50. There are a number of stages in the process of dealing with young people who offend in the children's hearings and criminal justice systems involving the police, local authority social work departments and the children's reporter. One of the key findings in our 2002 report was that it takes too long for young people to proceed through these systems.

51. In 2006/07, 85 per cent of offence-based police reports were received by the reporter within the time standard of 14 calendar days (target is 80 per cent) (Exhibit 10). This was the second year in a row that the target was met nationally and continues the trend of improvement since 2000/01 when only one of the eight forces met the standard. In 2000/01 this data was only reported at local authority level and of the 24

councils who submitted returns, ten reported performance of below 50 per cent.

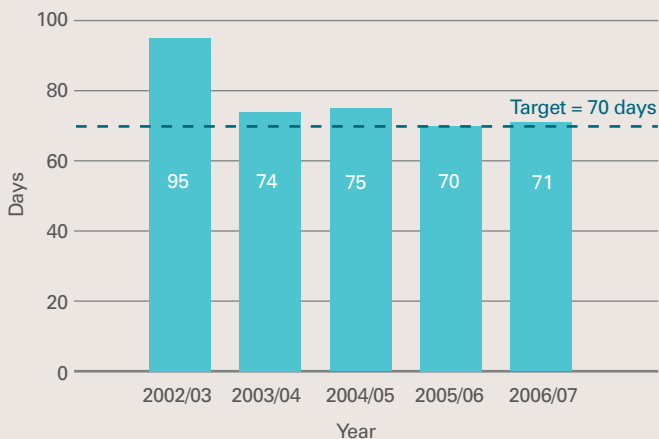
52. Since 2002/03, the average time taken from receipt of an offence-based referral by the reporter to a decision being reached by a children's hearing has fallen from 95 to 71 days (target is 70 days) (Exhibit 11, overleaf). The major activities included within this timescale include:

- the submission of social work and other reports (to be submitted to the reporter within 20 working days of request)
- reporter decision-making (decisions to be made within 50 working days of receipt of referral)
- convening a children's hearing (to take place within 15 working days of the reporter's decision)
- decision-making by children's panel members at the children's hearing.

53. Given the previous poor performance in this area and the evidence that suggested a link

Exhibit 11

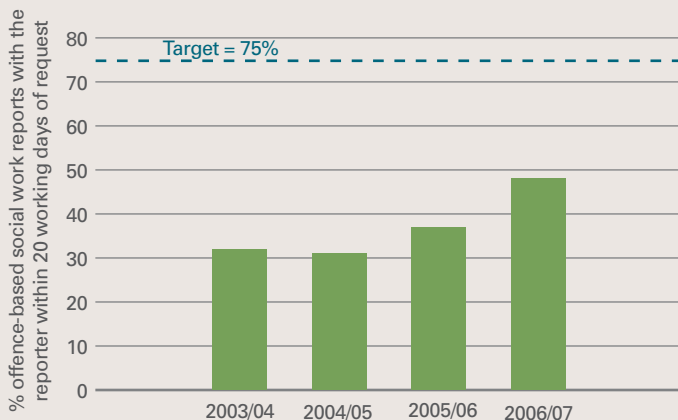
Average time taken from receipt of an offence-based referral by the reporter to a decision being reached by a children's hearing, 2002/03 to 2006/07



Source: SCRA annual reports and Scottish Youth Justice Performance Update Report 2006/07, July 2007

Exhibit 12

Timeliness of offence-based social work reporting in the children's hearings system, 2003/04 to 2006/07



Source: Scottish Youth Justice Performance Report 2003/04 to 2005/06, July 2006 and Scottish Youth Justice Performance Update Report 2006/07, July 2007

between timeliness and improved outcomes,²⁶ fast track children's hearings for persistent offenders aged under 16 were piloted between February 2003 and September 2005. Six local authority areas took part in the pilot to investigate the effectiveness of a faster response and targeted services to persistent offenders within the children's hearings system. However, evaluation of the pilot indicated that it had not

been any more effective than in three comparison local authority areas which were not included in the pilot²⁷ and all other non-pilot local authority areas. As a result ministers took the decision to redistribute fast track funding to all 32 local authority areas to aid implementation of the national standards by March 2006, and the fast track experiment has not been continued.

The time taken for social work reporting remains unacceptably long. At 38 days in 2006/07, the average time taken for an offence-based social work report to be submitted to the reporter is still almost twice as long as the time standard

54. The social work reporting time standard requires that 75 per cent of offence-based social work reports should be with the reporter within 20 working days of request. Historically, performance against this target has been poor and in 2006/07, only 48 per cent of these reports were submitted to the reporter within the time standard (Exhibit 12). This reflects an improvement of 16 per cent since the baseline data was collected in 2003/04. This small improvement has taken place at a time of increased referral activity. However, performance still falls short of the target. At 38 days in 2006/07,²⁸ the average time taken for an offence-based social work report to be submitted to the reporter is still almost twice as long as the time standard.

Since our 2002 report, public reporting on timeliness has improved greatly

55. In 2002, we recommended that the Scottish Executive should publish information about performance against standards at regular intervals. SCRA now produces time interval information on a monthly, quarterly and annual basis. The annual and quarterly reports are published on SCRA's website and the monthly reports are distributed to local youth justice practitioners. In addition, the Scottish Executive in conjunction with SCRA, COSLA and ACPOS published a Scottish Youth Justice Baseline report in November 2004 to provide local youth justice areas with a baseline from which to deliver measurable performance improvement.²⁹

²⁶ *Dealing with offending by young people*, Audit Scotland, December 2002.

²⁷ *Final Report of the Evaluation of the Fast Track Children's Hearings Pilot*, Scottish Executive, July 2005.

²⁸ *Scottish Youth Justice Performance Update Report 2006-07*, July 2007.

²⁹ *Scottish Youth Justice Baseline*, Scottish Executive, November 2004.

56. The Scottish Youth Justice Performance Reports published by SCRA and the Scottish Executive in July 2006 and 2007 provided information on progress against five specific time interval standards as well as overall numbers of offence-based referrals and specific data analyses (eg, re-qualifying persistent young offenders). This is a significant step forward in terms of public reporting on timeliness.

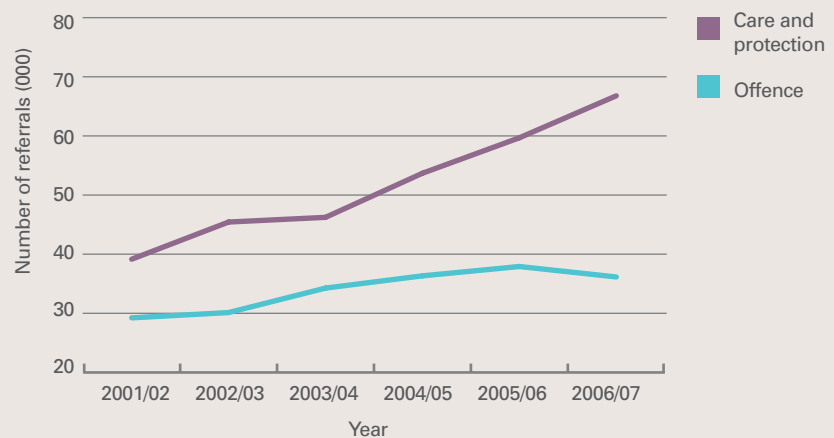
57. There have also been improvements in information-sharing between SCRA and local partners. SCRA's monthly reports to local youth justice practitioners include a list of children who have been referred to the reporter on offence grounds three or more times within the last six months (ie, those who are at risk of triggering the persistent young offender definition). This information is useful when considering the best means of targeting resources and interventions.

The number of referrals to the reporter on offence grounds is 24 per cent higher than 2001/02 although it fell by five per cent in the last year³⁰

58. The improvement in overall performance in relation to timeliness of reporting should be viewed in the context of a significantly increased level of activity. Since the Scottish Executive's baseline year in 2003/04, the number of referrals on offence, and care and protection grounds increased by five per cent and 44 per cent respectively. Since we last reported (2001/02 data) referral rates on offence, and care and protection grounds have increased by 24 per cent and 70 per cent respectively (Exhibit 13).

Exhibit 13

Number of referrals (offence and care and protection-related) 2001/02 to 2005/06



Source: SCRA

59. The number of children and young people referred on offence grounds between 2005/06 and 2006/07 decreased from 17,624 to 16,490 (a six per cent reduction), a similar number to those referred in 2003/04.

Police referral levels vary widely between forces

60. Decisions on what should happen to young people who offend should be based on good quality information and reflect good practice. Our 2002 report found that there were significant variations in the decisions reached on young people.

61. Variation in decision-making can occur at all stages in the youth justice system: by the police (through their referral practice), by social workers (in their assessments and reports), by reporters and by members of the children's panel.

62. In 2005/06, 87 per cent of all referrals to the reporter (on both offence and care and protection grounds) were made by the police.³¹ There is evidence that differing police practices are impacting on referral activity. This variation can occur:

- between forces, eg due to structural differences such as the existence of juvenile liaison officers within some force areas, or the extent to which each force has rolled out police restorative warnings, both of which can reduce the number of referrals made to the children's reporter
- between operational divisions within a force, eg over a short period of time a local force manager may choose to focus resources on reducing drunk and disorderly behaviour, targeting the possession of knives, or focusing on low-level antisocial behaviour in a specific location, leading to a greatly increased number of referrals.

³⁰ The basis on which the number of referrals are reported changed in 2003/04 and figures recorded prior to this may be underestimated.

³¹ SCRA Annual Report, 2005/06.

63. As the persistent young offender definition is based upon frequency of referral, variations in referral rates on offence grounds may impact on the number of young people classified as persistent young offenders.

64. Exhibit 14 highlights the range in the number of offence referrals per 1,000 population (8 to 16-year-olds) by police force area in 2006/07. The reasons for this are complex and are likely to be influenced by factors such as demographics, differing thresholds for referral and the factors already highlighted in paragraph 62.

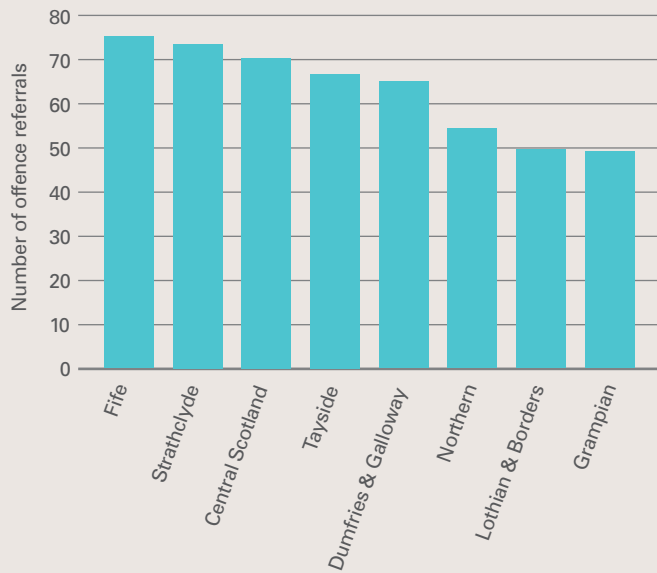
65. There is also wide variation in the ratio of care and protection to offence referrals by police force area (Exhibit 15). Across Scotland, in 2006/07, 1.8 times as many referrals were made to the reporter on care and protection grounds as on offence grounds. In Fife and Tayside, more offence referrals than care and protection referrals were made while conversely in Central Scotland, Lothian and Borders and Strathclyde force areas more than twice as many care and protection referrals were made in comparison with offence referrals. The reasons for these variations are unclear.

The principles underpinning the children’s hearings system have been put under pressure by recent increases in referral activity

66. In 2004, the Scottish Executive decided to review the operation of the children’s hearings system as a result of the significant changes in its workload. In 1976, 16 per cent of its cases related to care and protection compared with 60 per cent in 2004.³² This review evolved into the *Getting it right for every child* agenda. One of the aims of this agenda is to focus the resources of the children’s hearings system on the children who most need them. *It’s everyone’s job to make sure I’m alright: The audit and review of child protection* (Scottish Executive, 2002) found evidence that

Exhibit 14

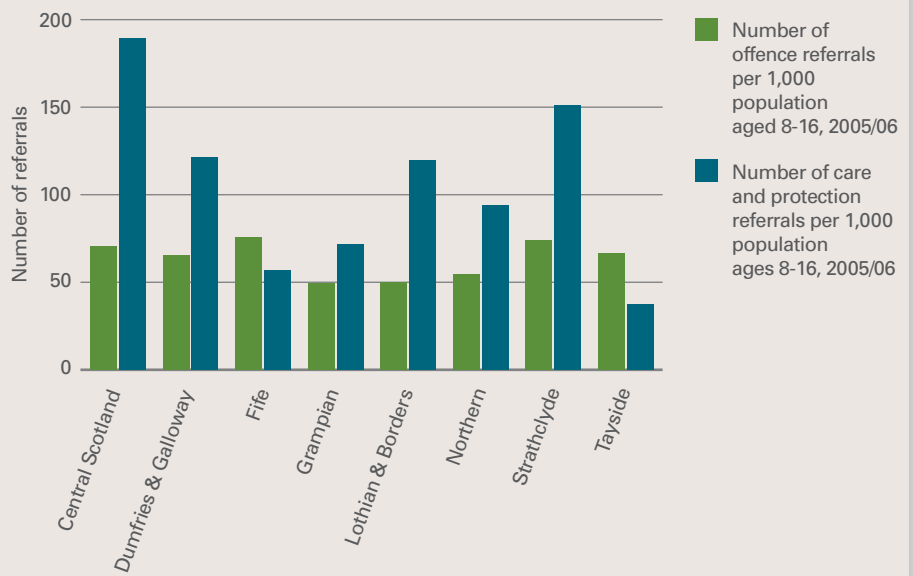
Number of offence referrals per 1,000 population (8 to 16-year-olds) by police force area, 2006/07



Source: Derived from figures from the *Scottish Youth Justice Performance Update Report 2006/07* and data provided by SCRA, and from the General Register Office for Scotland, mid-2006 population estimates

Exhibit 15

Number of care and protection and offence referrals per 1,000 population (8 to 16-year-olds) by police force area, 2006/07



Source: Derived from figures from the *Scottish Youth Justice Performance Update Report 2006/07* and data provided by SCRA, and from the General Register Office for Scotland, mid-2006 population estimates

children are being referred to the children's hearings system when they would be better served by agencies taking action themselves, and that the original principles underpinning the children's hearings system had, to some extent, become diluted by the routine referral of particular types of case and by its use as a perceived alternative route to services.³³

67. Inappropriate referrals are a drain on the system as they result in additional processes being activated which require separate reports and bureaucracy, but lead to no action being taken. The Draft Children's Services (Scotland) Bill proposes that the grounds for referral are tightened.³⁴

68. There are examples of agencies working together at a local level to ensure that appropriate service responses are being made in relation to offending by young people and to ensure that referrals are only made to the children's reporter when necessary (Exhibit 16).

SCRA has put processes in place to improve the consistency of its decision-making

69. Our 2002 report recommended that action should be taken by SCRA to improve consistency of reporter decision-making.

70. SCRA has made progress in addressing variation in decision-making by reporters through the development of its framework for decision-making for reporters, supported by training and subsequent audits of practice.

71. SCRA's framework for decision-making by reporters was developed as a direct response to the recommendation made in Audit

Scotland's 2002 report and it was rolled out to reporters in 2005. Its aims include:

- to assist reporters in making initial decisions regarding the level of investigation, and final decision regarding the need for compulsory measures of supervision
- to provide principles and guidance to reporters on the issues that are to be considered in coming to a decision
- to provide for transparency of decision-making by promoting consistent and structured recording of reasons for decision.³⁵

72. The roll-out of the framework involved training all reporters in its use. During our fieldwork we found that all reporters interviewed were aware of the framework and reported using it when making decisions.

73. SCRA's internal audit looked at the effectiveness of the roll-out of the decision-making framework and found that there was high awareness of the framework and changes to the Referrals Administration Database (RAD) were well known. Progress was still required in relation to recording in full the reasons for reported decisions; while staff could provide the information required, this was not always logged in the system.

74. The introduction of youth justice reporters (ie, children's reporters who focus on youth justice) in eight areas has been driven by individual youth justice strategy groups to generate specialist knowledge and consistency of practice in the children's hearings system. Remits tend to vary and the overall impact of these new posts has not yet been evaluated. Youth justice reporters may not be suitable for all areas and local circumstances will be important in determining whether such a role is needed.

Exhibit 16

Pre-referral screening practices operating in Dundee

The Dundee Pre-Referral Screening Group is a partnership between Tayside Police and its partner agencies within Dundee youth justice strategy group, including Dundee City Council (social work, education, housing – antisocial behaviour team, leisure and communities), the youth justice coordinator, SACRO, SCRA and Victim Support's Victims of Youth Crime (VOYCE) project.

Through an agreed protocol, the screening group meets weekly to consider cases where the child has committed an offence and where they typically have already had a police restorative warning. Through sharing information about risks and needs on a multi-agency basis, the screening group aims to provide direct access to services that will address offending behaviour and its associated risk factors, as an alternative to referring the child to the reporter. Its key strength is that there is a strong commitment from all the agencies to attend the meeting and thereafter to provide a speedy service to the child and their family.

This group provides a quicker service for children while reducing the demand on statutory services. In the first six months of the operation of the police restorative warning scheme and group's operation, there was a reduction of 40 per cent in offence referrals to the children's reporter compared with the previous year.

Source: Audit Scotland fieldwork and Dundee Youth Justice Strategy Group

33 Regulatory Impact Assessment of the Draft Children's Services (Scotland) Bill Consultation, December 2006.

34 *ibid.*

35 *Framework for Decision Making by Reporters*, SCRA, revised November 2006.

Part 5. Social work practice and staffing

Progress has been made in recruiting additional social workers but little data is available on the level and quality of social work support for young people who offend.

Key findings

- The available evidence suggests that only limited progress has been made in improving assessment and case management practices within children and families social work services. However, the level and quality of social work support for young people who offend is poorly understood because there is a lack of performance data and youth justice services receive only limited coverage within current social work inspection activity.
- Progress has been made in recruiting additional social workers but challenges remain in supporting the large number of newly qualified practitioners.

The available evidence suggests that only limited progress has been made in improving assessment and case management practices within children and families social work services. However, there is a lack of performance data in this area, and youth justice services receive only limited coverage within current social work inspection activity

75. Since our last report, the way in which service providers engage with young people has changed quite significantly. As well as social workers, a range of other professional groups are now responsible for delivering services for young people who offend or are at risk of offending, eg police officers, teachers, sports coaches, youth workers and psychologists. Staff without a specific qualification are also involved in the delivery of services, eg mentors, care workers, specialist foster carers, general support staff and staff working in electronic tagging and monitoring.

76. In 2002 and 2003, we made a number of recommendations about the need to improve the level and quality of social work services for children who offend. This section of the report follows up on these recommendations.

77. For our 2003 report we carried out a detailed case file review in all 32 local authorities because at that time no social work inspection arrangements existed. SWIA was established in 2005 and this report draws on inspection data gathered by SWIA as part of their social work performance inspections.

78. SWIA staff survey and case file review data (relating to children and families social work services as a whole rather than youth justice specifically) gathered from performance inspections in ten councils indicates that the number of unallocated cases has reduced and the extent to which assessments (90 per cent) and care plans (79 per cent) were on file has improved.

79. However, SWIA's data also suggests limited progress in children and families social work services:

- eight per cent of assessments were deemed to be unsatisfactory or weak, with a further 21 per cent deemed only adequate
- only 29 per cent of care plans addressed needs and risks identified in the most recent assessment
- in only a third of case files was there evidence of regular scrutiny by an immediate line manager
- a chronology of key events was contained in only three out of five case files reviewed.

Progress has been made in recruiting additional social workers but challenges remain in supporting the large number of newly qualified practitioners

80. In our 2002 report, concern was expressed over staffing issues in children and families social work, particularly with regard to vacancy levels. In April 2002, an action plan to address recruitment and retention difficulties was launched. Since then, many national and local initiatives

have been conducted to recruit and retain social workers in Scotland.

81. In June 2004, Scottish ministers initiated a fundamental review of social work in light of the increasing complexity and demand for services. The review aimed to make best use of social work resources and strengthen the contribution of social work to the delivery of integrated services. In 2006, *Changing Lives*, the report of the 21st Century Review of Social Work reported that:

- increasing demand, complexity and expectations are putting pressure on social work services
- social work services need to work closely with other service providers across all sectors to find new ways of providing effective support to service users
- social work services need to refocus on the core values of social work, allowing social workers to make the best use of their skills and find new ways of managing risk.

82. Since our last report:

- 567 new whole-time equivalent posts were created for social workers in children's services between 2000 and 2006 (an increase of 41 per cent).³⁶
- In relation to adequate support and supervision of staff:
 - The Scottish Executive and ADSW launched the document *Improving Front Line Services: A Framework for Supporting Front Line Staff* in 2005 which urged employers to focus on induction of new staff; ADSW are working to mainstream this within the context of *Changing Lives* implementation.
 - *Changing Lives* made recommendations for adequate support to be provided for social work professionals

to fulfil their role, and to ensure that more support is available for newly qualified social workers. The Scottish Executive's *Changing Lives* implementation plan includes a workforce change programme to progress these recommendations.

- From April 2006, new social workers were required to undertake at least 24 days of training within the first year of qualifying as a condition of their registration with the Scottish Social Services Council (SSSC).

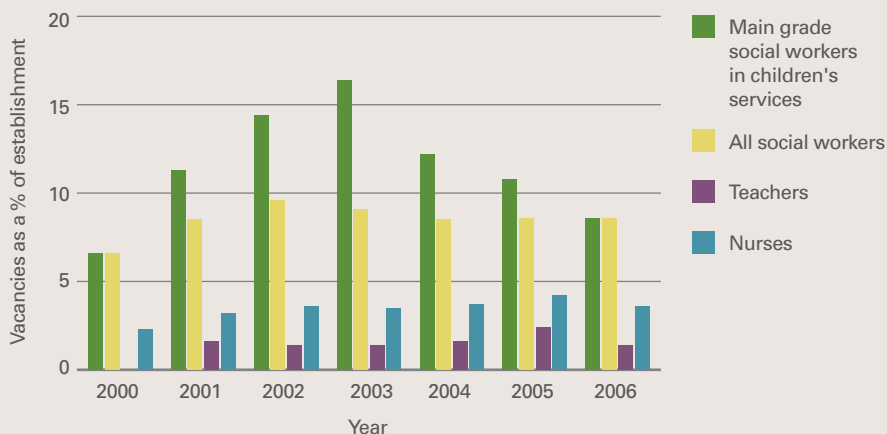
83. The Scottish Executive collects data on vacancies and absence of local authority social work staff and plans to report turnover rates from 2008 but it has not yet implemented our recommendation to gather vacancy, absence and staff turnover data for social workers employed in other sectors (eg, the voluntary sector or the NHS).

84. Vacancy rates for main grade social workers in children's services reached a peak of 16 per cent in 2003 and have since decreased to nine per cent (equivalent to 167 social workers). The vacancy rate for these staff is equal to that for all social workers, although it is considerably higher than that for similar professions such as teaching (one per cent) or nursing (four per cent) (*Exhibit 17*).

85. Although the vacancy rate in 2006 is higher than the rate of seven per cent reported in 2000, this is in the context of a 41 per cent increase in establishment (from 1,386 to 1,953). Reasons for this increase in establishment include the creation of new posts in response to new policy requirements.³⁷ The number of filled posts has increased by 38 per cent since 2000, equivalent to over 490 full-time social workers. However, over the same period activity levels

Exhibit 17

National vacancy rates for social workers, teachers and nurses (2000 to 2006)

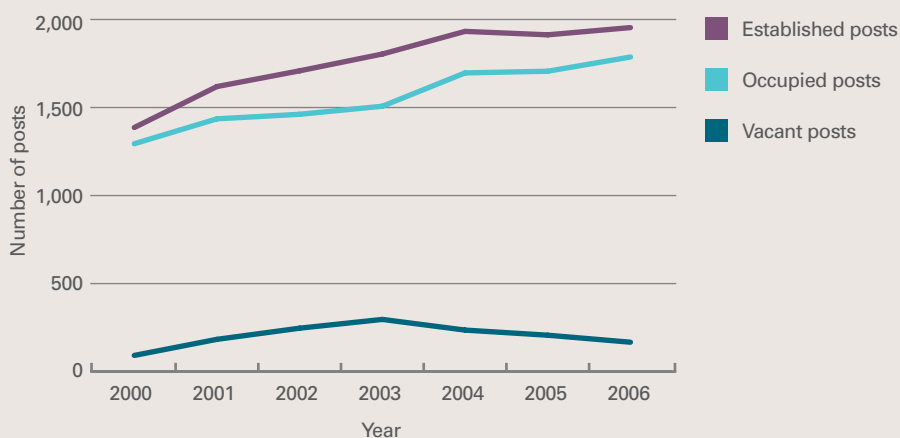


Note: Vacancy rates for teachers were not collected in 2000.

Source: Scottish Executive and ISD Scotland

Exhibit 18

Number of main grade children's services social worker posts (established and occupied) and vacancies (2000 to 2006)



Source: Scottish Executive

and demands made on social work departments have also risen.³⁸ *Exhibit 18* illustrates the numbers of established posts, occupied posts and vacancies between 2000 and 2006.

86. Most local authorities visited during our fieldwork reported that recruitment of social workers has improved since 2002 when our original report was published, although a small number reported that absence

and staff turnover are still a problem. Some areas have used new youth justice funding to secure new posts in support of front-line social work staff, allowing them more face-to-face time with clients. More effective targeting of recruitment campaigns, a greater emphasis on career structure and ongoing training for social workers were all cited as having been helpful in addressing vacancy levels during our fieldwork visits.

36 Data provided by the Scottish Executive, 2007.

37 *Evaluation of the Social Work Incentive Scheme*, Summary Report, Scottish Executive Education Department: Children, Young People and Social Care Research Team, April 2005.

38 *Changing lives: Report of the 21st Century Social Work Review*, Scottish Executive, February 2006.

87. Although staffing levels have improved with the creation of 567 whole-time equivalent social worker posts in children's services between 2000 and 2006, this has led to challenges in supporting the large number of newly qualified practitioners. In their response to the report of the Youth Justice Improvement Group, the Scottish Executive made a commitment to support the initiation of a national pool of experts to support social work practitioners on an ad hoc basis. Although it was planned that this national resource would be available from December 2006, at the time of publication it remained unclear when it would be introduced.

Part 6. Recommendations

A number of significant and long-standing service challenges remain for the Scottish Executive, local authorities and other delivery agencies.

88. The youth justice system has been subject to a demanding programme of change since devolution and this is set to continue with the roll-out of the Scottish Executive's ambitious Youth Justice Improvement Programme up until 2008. Many of the issues are long standing and addressing them will require concerted action over several years.

89. Managing these changes looks increasingly complex given the impact that the *Getting it right for every child* agenda (the Scottish Executive's programme for change for children's services in Scotland) will have on all of the main youth justice service providers.

90. Ensuring there are clear lines of accountability and effective performance management arrangements, backed up by commitment and support from agencies, will help to secure sustainable improvements in performance.

Recommended actions for youth justice services in Scotland

91. To deliver the outstanding recommendations from our earlier reports and address the challenges of the *Getting it right for every child* agenda we make the following recommendations:

Performance management and improvement

- The Scottish Executive should develop measures that capture performance and outcomes across the whole youth justice system.
- The Scottish Executive should strengthen performance management arrangements so that it can be demonstrated that investments are:

- reducing levels of offending (through prevention and diversion) and improving the life chances of young people
- addressing community concerns about antisocial behaviour
- securing efficient and effective use of resources
- delivering sustained continuous service improvement.
- Local authorities and other agencies should work to deliver on the local improvements required to successfully implement the agenda set out in the Youth Justice Improvement Programme.

Service delivery and use of resources

- Needs assessment activity should be strengthened at local authority level so that agencies are able to demonstrate that services are addressing local needs and reducing levels of offending behaviour.
- The Scottish Executive should implement its commitment to the evaluation, dissemination and 'approval' of services for dealing with offending behaviour by young people.
- The Scottish Executive should work with agencies to address the balance of spending between services for persistent offenders and preventative services, to secure a shift towards more cost-effective preventative strategies.
- The NHS in Scotland should address the long-standing problem of access to child

and adolescent mental health services, caused at least in part by problems of shortages of suitably qualified staff.

Joint working

- The Scottish Executive should work with the local authorities and delivery agencies to address the increased cost of secure accommodation and achieve improved value for money from these services.
- Local authorities and their partners should develop coherent and integrated approaches to services for children and young people not in education, employment or training, in particular for those excluded or not attending school.
- Local authorities should ensure that the key departments, such as education, are engaged more effectively with the youth justice strategy agenda.
- The NHS in Scotland should contribute more effectively to local planning for youth justice services.

92. These recommendations include issues identified in our earlier reports where the Scottish Executive and its partners have made slow progress. They also reflect the changing youth justice policy landscape, eg the implementation of *Getting it right for every child* and the community safety and antisocial behaviour agendas. The challenge for the Executive is to maintain a consistent policy line, monitor implementation of that policy (with its partners) and take action to ensure that progress is sustained.

Appendix 1.

Members of the Study Advisory Group

Member	Organisation
Chief Inspector Fiona Barker	Association of Chief Police Officers in Scotland
Donna Bell	Care and Justice Division, Scottish Executive
Alistair Gaw	Social Work Inspection Agency
Marian Martin	Her Majesty's Inspectorate of Education
Sandra Paterson	Association of Directors of Social Work
Tom Philliben	Scottish Children's Reporter Administration
Bill Whyte	Criminal Justice Social Work Development Centre, University of Edinburgh

Appendix 2.

Recommendations made in previous *Dealing with offending by young people* reports

Recommendations from original report (December 2002)	
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.
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 all those delivering warnings, must be trained.
3	All agencies should meet and report time standards by Time Intervals Monitoring Group (TIMG). The Scottish Executive should publish information about performance against standards at regular intervals.
4	The Scottish Executive should ensure that the TIMG continually reviews targets, and works towards reducing the time allowed for each activity within the process.
5	SCRA should review variation in decision-making by reporters and the reasons for this variation. SCRA should review their guidance to reporters to ensure decision-making is in accordance with good practice.
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 social background reports (SBRs).
7	The Scottish Executive, in consultation with SCRA, should review the training of Children's Panel members to equip them to tackle all offending behaviour appropriately.
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.
9	The Scottish Executive and criminal justice agencies should develop appropriate systems to ensure that key information is stored and is transferable between agencies.
10	COPFS should review the degree of variation in decision-making and the reasons for this variation. They should consider the need for review of guidelines in consultation with SCRA and ADSW, so that decisions are made in accordance with good practice and available service options are used appropriately.
11	SCRA, ACPOS and COPFS should review arrangements for jointly reported cases and ensure that good practice and guidance are being followed.
12	Councils should ensure that reports for children's hearings and courts contain good quality risk assessments.
13	The Scottish Executive should consider developing a legislative proposal that would ensure the statutory provision of aftercare for young people leaving prison.
14	The Scottish Executive and COPFS should explore the scope for bringing together outstanding charges, particularly while young people are in custody.
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.
16	Councils should provide consistent case management within the children's hearing system (CHS) and criminal justice system (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.

17	Because custody per se is not effective in reducing reoffending, the Scottish Executive and councils are encouraged to increase community programmes for young people designed around 'what works' principles.
18	The Scottish Executive should provide guidance on a standard set of required services based on programmes for young people that have proved effective. These should include services in every area accessible to persistent offenders.
19	The Scottish Executive should create a national system for the accreditation of specialist programmes to address the offending behaviour of children and young people, as is starting in 2003 for adults.
20	The Scottish Executive should collect data on specialist programmes aimed at tackling young people's 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.
21	The Scottish Executive should ensure that services and programmes to tackle offending behaviour by young people are evaluated and the results disseminated widely.
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 young offender institutions (YOIs).
23	The Scottish Executive should evaluate the cost effectiveness of residential schools, secure accommodation and YOIs.
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.
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 Scottish Prison Service (SPS) and the specialist voluntary agencies – to work together on staff training, exchange of staff, programme development and evaluation and procurement of programmes.
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.
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 regular information about the quality of these services.
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 key agencies in local youth justice teams.
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.
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.
31	The Scottish Executive and councils should review whether is scope to shift resources from custodial and residential services to community-based programmes.
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.
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.

Recommendations from original report (December 2002)

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.
35	The Scottish Executive and local authorities should examine together the staffing requirements in different parts of the country and increase the availability of social workers in children's services.
36	The Scottish Executive and local authorities should agree standards for supervision and support particularly for new/probationary staff in social work services.
37	The Scottish Executive and Scottish Social Services Council should review coverage of adults' and children's offending issues in professional social work training.
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. Absence and sickness rates should be monitored.

Recommendations from follow-up report (November 2003)

39	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.
40	The Scottish Executive should consider setting standards for the frequency of contact with children on supervision (as exist for adults on probation).
41	Councils should ensure that all young adults on probation have action plans.
42	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.
43	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.
44	Councils should review the quality of current records for children on supervision.
45	Councils should ensure that contacts with children on supervision and their families are recorded in case files.
46	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.
47	The Scottish Executive and councils should review the membership and seniority of representatives in strategic youth justice teams.
48	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.
49	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.
50	The Scottish Executive should publish annual reports on the performance of youth justice teams against national standards.

Appendix 3.

Summary of progress against Audit Scotland recommendations, highlighting action planned through the Youth Justice Improvement Programme linked to outstanding recommendations

Many of the planned actions in the final column of this table are critically dependent on the development and implementation of a performance framework for youth justice services which underpins the Youth Justice Improvement Programme. Discussions are currently taking place with ministers of the incoming Scottish administration on the content of the draft performance framework, to make sure that it, and the broader Youth Justice Improvement Programme, reflect their commitment to streamlining bureaucracy and reducing the accountability burden on public bodies. It is intended that a refreshed strategy for youth justice improvement will be published later in 2007.

Theme	Recommendations from our 2002 and 2003 <i>Dealing with offending by young people</i> reports	Progress	Actions planned by the Scottish Executive through its Youth Justice Improvement Programme that are linked to outstanding recommendations
To improve the range, quality, availability and value for money of programmes to stop youth offending.	1-2, 17-23, 26, 30-34. Note: recommendations 26 and 32 were not accepted by the Scottish Executive.	<p>More programmes are now available for young people who offend, but it is not yet possible to demonstrate whether these services offer value for money.</p> <p>Guidance on a national system of police restorative warnings was published in June 2004, with police restorative warnings to be rolled out across Scotland by April 2006.</p> <p>The Scottish Executive has increased funding for youth justice services (from £235m in 2000/01 to £336m in 2005/06). This is in line with general trends in Scottish public expenditure which has seen an increase of 47% over the same period.</p>	<p>The Scottish Executive plans to work with agencies to develop a toolkit for auditing local need. The target completion date for this was March 2007 but development has not yet begun.</p> <p>The Scottish Executive intends to establish approval mechanisms for assessments, programmes and methods of working with all young offenders where formal procedures are judged necessary by March 2008.</p>

Theme	Recommendations from our 2002 and 2003 <i>Dealing with offending by young people</i> reports	Progress	Actions planned by the Scottish Executive through its Youth Justice Improvement Programme that are linked to outstanding recommendations
<p>Improving quality and consistency of practice by social work and other agencies, eg SCRA.</p>	<p>3- 6, 12, 15-16, 24, 27, 29, 39-45, 48-50.</p>	<p>There have been significant improvements in the timeliness of police reporting and reporter decision-making, but the time taken for social work reporting remains unacceptably long. The average time for an offence-based social work report to be submitted to the reporter is almost twice as long as the time standard.</p> <p>The available evidence suggests that only limited progress has been made in improving assessment and case management practices within children and families social work services. However, the level and quality of social work support for young people who offend is poorly understood because there is a lack of performance data and youth justice services receive only limited coverage within current social work inspection activity (SWIA Performance and Criminal Justice inspections).</p> <p>SCRA has put processes in place to improve the consistency of its decision-making.</p> <p>The introduction of national objectives and standards for Scotland's youth justice services has provided a valuable focus for inter-agency working based on local performance data, but weaknesses in performance management arrangements mean that progress against important elements of the national standards cannot yet be demonstrated.</p>	<p>The Scottish Executive plans to develop a set of outcome indicators.</p> <p>In partnership with agencies it plans to develop a full performance framework (see introductory note to this table) which will include national standards, inspections (SWIA leading a multi-agency inspection beginning in Spring 2007), and the update of the Children's Services Quality Improvement Framework, inter-agency self-assessment tools and templates for public reporting. The target completion date for this piece of work was March 2007.</p>

Theme	Recommendations from our 2002 and 2003 <i>Dealing with offending by young people</i> reports	Progress	Actions planned by the Scottish Executive through its Youth Justice Improvement Programme that are linked to outstanding recommendations
To improve the strategic direction and coordination of youth justice services by local youth justice strategy groups.	28, 46-47, 50.	<p>Through effective partnership working, youth justice strategy groups are starting to shape strategy and to deliver operational change. But education and health are still under-represented in this activity.</p> <p>Information sharing has improved but barriers still exist.</p> <p>Local audits of need are still under developed.</p>	<p>The Scottish Executive plans to work with agencies to develop a toolkit for auditing local need as mentioned above.</p> <p>Agencies should identify the extent of young people's offending and antisocial behaviour and its impact on communities; identify the needs of young people; plan to meet the needs and manage the risks; and realign resources to these ends. The target completion date for this was March 2007. Our evidence suggests this has not been conducted across Scotland.</p>
Developing and supporting the workforce.	7, 25, 35-38.	<p>Progress has been made in recruiting additional social workers but challenges still remain in supporting the large number of newly qualified practitioners.</p> <p>The Scottish Executive provided £45,000 in 2005/06 to develop local joint training for panel members, children's reporters and partner agencies in meeting the national standards for Scotland's youth justice services.</p> <p>The Workforce Skills sub-group of the Secure Accommodation Forum met several times in 2005 and 2006 to discuss the possibility of creating a shared model for recruitment, a framework for induction and continuous professional development for staff in secure units. However, we have no evidence to suggest this was completed, or whether it will be rolled out to include staff of residential schools, the SPS and voluntary agencies.</p>	Future actions planned by the Scottish Executive include providing a training framework, supporting the running of a Post Qualifying Award in Youth Justice, and supporting the start up of a national resource of experts who can be consulted on an ad hoc basis by practitioners.

Theme	Recommendations from our 2002 and 2003 <i>Dealing with offending by young people</i> reports	Progress	Actions planned by the Scottish Executive through its Youth Justice Improvement Programme that are linked to outstanding recommendations
Easing the transition between the youth justice and adult criminal justice systems and improving performance management information in this area.	8-11, 13-14.	<p>Progress at a national level in improving transition between the children's hearings system and the criminal justice system has been slow but this issue is included in the Scottish Executive's Youth Justice Improvement Programme.</p> <p>Inter-agency targets relating to young people who offend in the criminal justice system have not been introduced.</p>	<p>The Scottish Executive plans to publish guidance on ensuring that risks are managed between and across the youth and criminal justice systems and that appropriate mechanisms exist to manage that risk. This piece of work is still in development (as at August 2007).</p> <p>By July 2007 agencies should develop comprehensive transition plans for those young people moving between youth and adult justice systems.</p>

Appendix 4.

Glossary

ACPOS	Association of Chief Police Officers in Scotland
ADSW	Association of Directors of Social Work
Antisocial behaviour legislation	The Antisocial Behaviour etc. (Scotland) Act 2004 which brought in measures such as dispersal orders and the use of antisocial behaviour orders and electronic monitoring for 12 to 15-year-olds.
Antisocial behaviour order (ASBO)	A preventative order made by a court to protect victims of antisocial behaviour and the wider community from further acts of antisocial behaviour (behaviour that causes alarm or distress). Normally the ASBO will set out certain restrictions on the perpetrator, for example, that they cannot go into a certain area or do certain things that are associated with their unacceptable behaviour.
Children's hearings system	Specialised Scottish system responsible for dealing with children and young people under 16, and in some cases up to 18, who have offended or who are in need of care and protection.
Children's reporter	Reporter to children's panels. He or she investigates the background of children who are referred to the children's hearing system and decides whether the referral should progress to a children's hearing.
COPFS	Crown Office and Procurator Fiscal Services
GAE (Grant aided expenditure) system	The system used by the Scottish Executive to distribute resources among councils. The aim of the GAE system is to distribute a fixed sum of money among councils using a hypothetical indication of how much each council should spend on a range of services.
<i>Getting it right for every child</i>	The Scottish Executive's programme for change for children's services in Scotland. It is a long-term agenda of at least five to ten years and seeks to improve the outcomes and experience of children who need help. The intention is to deliver improved outcomes for individual children, with resultant reductions in bureaucracy and process for the agencies involved.
Integrated children's services plans	Statutory reporting documents produced by local authorities, intended to meet local and other planning requirements. These documents replace the separate plans for Statement of Education Improvement Objectives, Children's Services Plan for children in need, Youth Justice Strategy and child health elements of Local Health Plans/NHS priority implementation statements.
ISMS	Intensive support and monitoring services – introduced by the Antisocial Behaviour (Scotland) etc. Act 2004 – an alternative to secure care where an intensive package of care (usually around 25 hours per week) is put in place to help the young person address their offending behaviour on the condition that they are electronically monitored.
NEET	Young people not in education, employment or training.
Persistent young offender	A young person who has had five or more offending episodes within a six-month period.

Dealing with offending by young people

Performance update

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