

Key messages

# Dealing with offending by young people

Performance update



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

# Key messages

## Introduction

**1.** This is an update to the *Dealing with offending by young people* reports published, by Audit Scotland on behalf of the Auditor General for Scotland and the Accounts Commission, in December 2002 and November 2003.

**2.** The study reports on the progress made against the key recommendations from the previous reports and identifies where further progress is needed by relevant organisations.

**3.** The study takes account of recent policy changes, for example, the 2004 antisocial behaviour legislation and the Scottish Executive's *Getting it right for every child* agenda stemming from the review of the children's hearings system.

**4.** The study does not cover performance of the adult criminal justice system.

**5.** In conducting this study, we:

- reviewed documentation, such as academic research, parliamentary enquiry reports and national performance reporting data
- evaluated evidence provided by the Scottish Executive, Scottish Children's Reporter Administration (SCRA), Association of Chief Police Officers in Scotland (ACPOS), Association of Directors of Social Work (ADSW) and Crown Office and Procurator Fiscal Service (COPFS)

- interviewed the Scottish Executive, ADSW, ACPOS and SCRA
- visited eight local authority areas<sup>1</sup> between October and December 2006
- examined funding and costing data.

## Key messages

**1** The Scottish Executive has increased funding for youth justice services from £235 million in 2000/01 to £336 million in 2005/06, but the extent to which the new investment offers value for money and makes effective use of resources cannot be demonstrated.

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

**7.** However, the impact of this activity on services and outcomes is not yet demonstrated. Limited outcome measures are available and there are weaknesses in performance management arrangements. Therefore, it is not possible to assess the effectiveness of the additional expenditure in reducing offending and improving the quality of life of local communities.

**8.** The fact that the current youth justice improvement programme echoes earlier Audit Scotland recommendations, and earlier commitments made by the Scottish Executive, reflects the limited progress made to date in securing effective implementation of policy in this area.

**9.** It is important that the significant issues outstanding as a result of the mixed progress made against 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.

**2** The introduction of national standards has provided a valuable focus for service improvement, but comprehensive reporting on performance against the national standards cannot yet take place because of weaknesses in performance management arrangements.

**10.** National standards for youth justice services were designed in consultation with the Executive's partners in response to acknowledged weaknesses within the youth justice system and were introduced in 2002. They have acted as an important driver in improving service performance, particularly in timeliness of reporting and inter-agency working via youth justice strategy groups.

**11.** It was agreed that annual performance information would be published at a local level by youth justice teams. There has been no comprehensive national reporting on progress against the standards, which would strengthen accountability and performance management in this area.

**3** The Scottish Executive's commitment to developing more rounded measures of the impact of support and interventions on offending behaviour by young people as a replacement for the persistent young offender target is welcomed.

**12.** The Scottish Executive gave high priority to its target to reduce the number of persistent young offenders (PYOs) by ten per cent by March 2006. However, the number of PYOs rose from 1,201 to 1,429 (an increase of 19 per cent) between 2003/04 and 2006/07 (Exhibit 1).

**13.** 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.

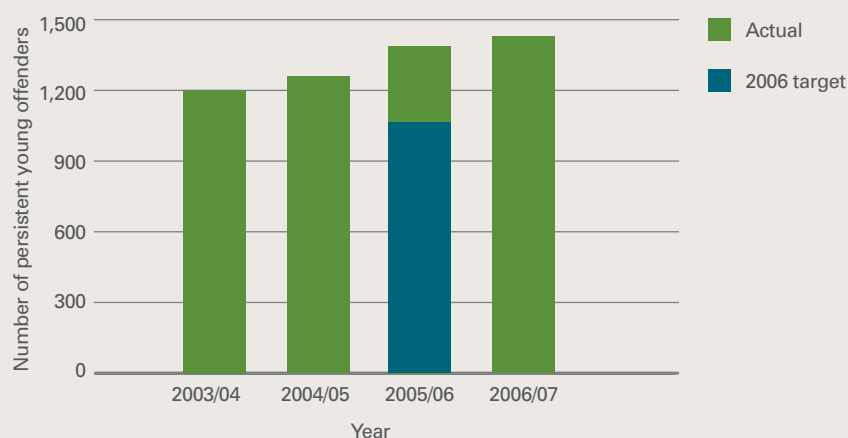
**14.** Discussions are currently taking place with ministers of the incoming Scottish administration on the Youth Justice Improvement Programme, to ensure that it reflects new ministerial priorities. It is likely that a refreshed strategy will be published later in 2007.

**4** The Scottish Executive introduced antisocial behaviour orders (ASBOs) for 12 to 15-year-olds as a measure to contain antisocial behaviour in the community, but this has created tensions with other approaches to dealing with offending by young people through the children's hearings system.

**15.** An ASBO is an order made by a court to protect victims and the wider community from antisocial behaviour

### Exhibit 1

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

(behaviour that causes alarm or distress). From October 2004, it has been possible to obtain ASBOs for 12 to 15-year-olds and 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.

**16.** It is not clear how far the Scottish Executive considered the impact of the antisocial behaviour legislation on existing arrangements for dealing with offending by young people prior to its introduction.

**17.** Most councils have found it difficult, both strategically and operationally, to overcome the differences between the child-centred focus of the children's hearings system and the community-focused design of the antisocial behaviour legislation.

**5** The principles underpinning the children's hearings system have been put under pressure by recent increases in referral activity.

**18.** Pressures on the children's hearings system have continued to increase. In the last five years the number of referrals to the children's reporter for offences has risen by 24 per cent<sup>2</sup> and the number on care and protection grounds by 70 per cent (Exhibit 2).

**19.** There is some evidence that differing police practices have contributed to this increase and that some children who are referred may be better served by agencies taking action themselves.

**20.** Routine referral of particular types of cases and underuse of alternative services have led to concerns that the original principles underpinning the children's hearings system are being diluted. As a result, the Executive has set out proposals in *Getting it right for every child* to focus the resources of the children's hearings system on the children who most need them and the Draft Children's Services (Scotland) Bill contains proposals to tighten the grounds for referral.

**6** There have been significant improvements in the timeliness of police reporting and reporter decision-making.

**21.** 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 reduced from 95 to 71 days (target is 70 days). This is in the context of a significantly increased level of activity.

**22.** In 2006/07, 85 per cent of police reports were received by the reporter within the time standard of 14 calendar days (target is 80 per cent). This was the second year the target was met nationally and continues the trend of improvement since 2000/01 when only one of the eight forces met the standard.

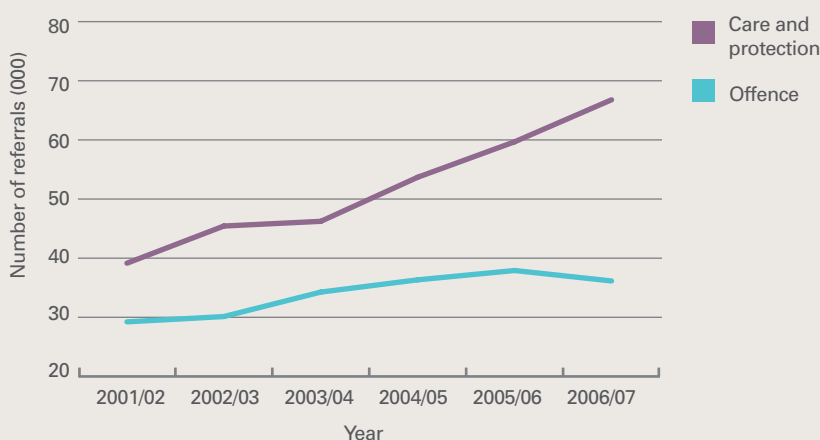
**7** Despite a small improvement, the time taken for social work reporting remains unacceptably long.

**23.** The social work reporting time standard requires that 75 per cent of 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, 48 per cent of offence-based social work reports were submitted to the reporter within the time standard (an improvement of 16 per cent since the baseline data was collected in 2003/04).

**24.** This small improvement has taken place at a time of significant increases in the number of social work reports requested by the children's reporter. However, 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.

## Exhibit 2

Number of referrals (offence and care and protection-related)  
2000/01 to 2005/06



Source: SCRA

**8** Through effective partnership working, youth justice strategy groups are starting to shape strategy and to deliver operational change. But there remains too much variation in the standard of performance, and in some parts of the country education and health are still under-represented.

**25.** The national standards, antisocial behaviour legislation and initiatives such as intensive support and monitoring services and fast track children's hearings have all helped to improve communication and working between partners.

**26.** We found evidence of extensive partnership-working taking place across Scotland, leading in some areas to changes in operational practices, for example routine meetings of youth justice professionals to systematically discuss specific children and ensure the most appropriate response to their needs.

**27.** In many local authority areas, education and health are still not fully represented or engaged in youth justice strategy activities. Given the extensive range of activities within education and health focusing on young people, many of which overlap with the youth justice agenda, opportunities may be being missed to coordinate activity more effectively.

**28.** Addressing these issues will be fundamental to the success of the *Getting it right for every child* agenda.

## Recommended actions

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.

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Audit Scotland, 110 George Street, Edinburgh EH2 4LH  
T: 0845 146 1010 F: 0845 146 1009  
[www.audit-scotland.gov.uk](http://www.audit-scotland.gov.uk)

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