

PERFORMANCE AUDIT

Dealing with offending by young people

MAIN REPORT

Dealing with offending by young people

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

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

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

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

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Acronyms

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

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DEALING WITH OFFENDING BY YOUNG PEOPLE



TWO SYSTEMS

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

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

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

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

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

THE STUDY

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

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

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

FINDINGS

1

TIME TAKEN

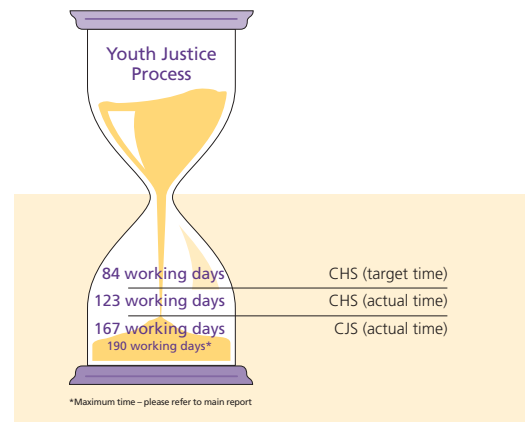
IT TAKES TOO LONG FOR YOUNG PEOPLE TO PROCEED THROUGH THE CHS AND CJS.

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

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

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

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



A month equals 22 working days

2

VARIATION IN DECISION MAKING

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

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

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

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

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

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

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

3

VARIATION IN SERVICE PROVISION

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

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

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

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

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

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

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

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

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

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

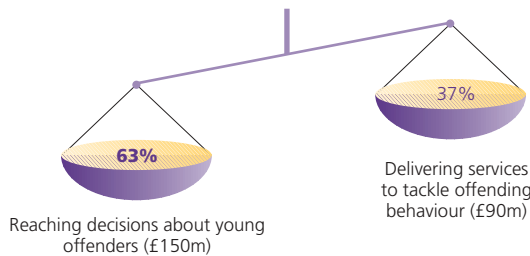
At present:

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

4 SPEND ON YOUTH JUSTICE

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

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



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

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

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

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

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

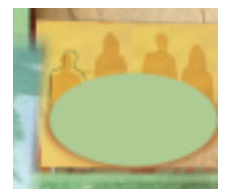
5 STAFFING IN CHILDREN'S SERVICES

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

In October 2001, there was a vacancy rate of 13% among children's services social workers – this equates to 183 whole time staff. The shortages are getting worse.

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

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



SUMMARY OF RECOMMENDATIONS

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



TIME TAKEN

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

DECISION MAKING

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

SERVICE PROVISION

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

SPEND ON YOUTH JUSTICE

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

STAFFING IN CHILDREN’S SERVICES

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

Introduction

1. In June 2001, Audit Scotland, on behalf of the Auditor General and the Accounts Commission, published the report *Youth Justice in Scotland*. This was an initial review of what is known about children and young people who offend, their offences and how their behaviour is dealt with in Scotland. The report proposed that a performance audit be undertaken to review the extent to which services meet accepted good practice and make recommendations as to how these services may be improved. This is the report of that audit.
2. This report examines how young offenders, up to the age of 21, are dealt with in Scotland through the Children's Hearings System (CHS) and the adult Criminal Justice System (CJS). It looks at the processes for reaching decisions about offending by young people, what those decisions are, and what services are provided to try to stop further offending. The report also considers the effectiveness and efficiency with which human and financial resources are used in the CHS and CJS.
3. The study has not looked at activities to prevent crime occurring or at services for young people who have not yet offended but who are at risk of doing so.
4. The report makes 38 recommendations to the Scottish Executive (SE) and to other national and local agencies. These identify action to improve services and Audit Scotland will monitor progress in implementing the required changes on behalf of the Auditor General and the Accounts Commission.
5. There will be two follow up stages. Local audit work will take place in the first half of 2003 to establish current performance in a number of critical risk areas. A national report will be published in summer 2003. Details of this study are given in Appendix 4.
6. The second stage of follow-up work will assess progress in implementing this report's recommendations and will take place in two to three years.
7. In carrying out this study, we have considered relevant literature and documents, analysed data, visited services and interviewed people working in the two systems. We studied over 300 case files and met young offenders in residential schools and Young Offenders Institutions (YOIs). The methodology used to conduct the study is outlined in Appendix 1.

Background

8. In 2000/01 there were 418,000 recorded crimes and 520,000¹ offences in Scotland. Motor vehicle matters and incidents such as minor assault and breach of the peace are classified as offences, not as crimes. An estimated 44% of reported crime is cleared up by the police. Young people commit a large proportion of offences, and less of the more serious crimes. The number of crimes has been falling steadily for some years and the number of offences has been rising. Not all crime is reported – the Scottish Crime Survey estimates that only 50% of incidents are reported to the police
9. Young people are responsible for a high level of offending – anything between 40% and 66% according to different estimates². Young men commit much more crime than young women. The peak age for offending is 18 for males and 15 for females.
10. Young offenders are dealt with by two separate systems, the CHS and the CJS. The systems have different objectives, scope and processes:
 - For children up to the age of 16 (and sometimes up to 18), the system involves the Scottish Children’s Reporters Administration (SCRA) and Children’s Hearings (comprising panels of lay people). Children and family social workers play a key role. The main aim is to provide supervision and support to ensure the young person’s welfare. A Hearing can determine that a child lives away from home in a variety of settings, including secure accommodation. A small number of young people under the age of 16 who have committed very serious offences (eg murder) are dealt with by the CJS.
 - Young people aged 16 and over are dealt with in court settings (District, Sheriff or High Court depending on the seriousness of the offence), supported by criminal justice social workers. The Crown Office and Procurator Fiscal Service (COPFS) is responsible for prosecution. Information is provided to the court in the form of social enquiry reports provided by criminal justice social workers, and the young person may be admonished, receive a fine, a probation or community service order, a deferred sentence or a custodial sentence. The aim of sentencers is to deliver justice by finding a balance between punishing the offender, protecting the community and preventing further offending. Scotland is unusual in dealing with 16 year olds as adults; most jurisdictions have some form of juvenile or young person’s court usually dealing with people up to the age of 18.

¹ Recorded Crime in Scotland, Scottish Executive Statistical Bulletin CrJ/2000/1.

² “Youth Justice in Scotland: a Baseline Report” Audit Scotland, June 2001.

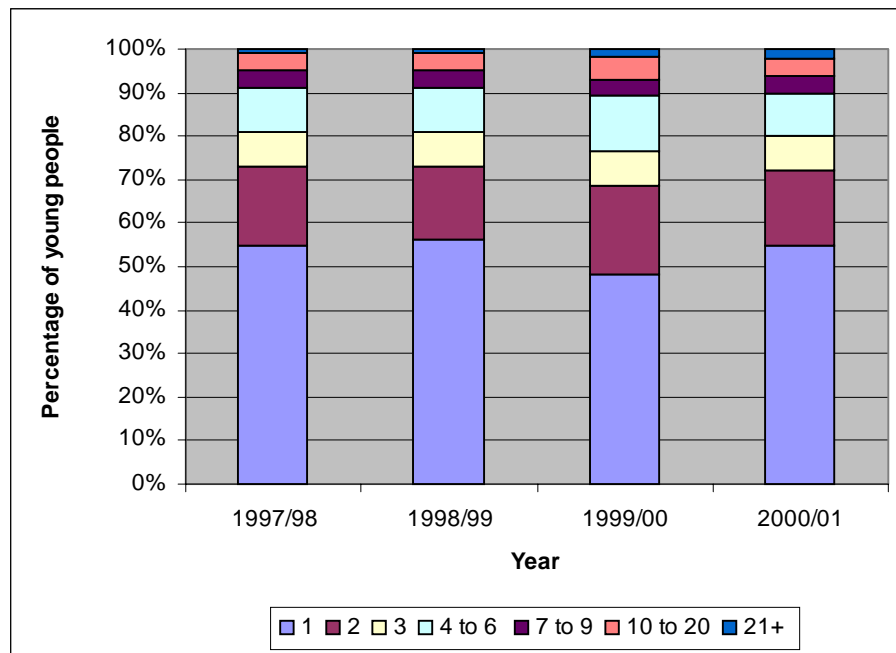
11. Neither system deals solely with young offenders. The CHS addresses the needs of all children and the majority of its work is with children in need of care and protection where offending is not an issue. The CJS is concerned with all offenders over the age of 16, only a third of whom are under 21.
12. In 2000/01, over 14,000 children were referred to the Children's Reporter for 42,000 offences. There were about 18,000 children referred on non-offence grounds³. Over the last 10 years, the number of offence referral grounds has increased by 8%, whereas the number of non-offence grounds has risen by 93%. So current efforts to address offending behaviour more directly must be seen in the context of a service where the number of non-offence concerns has been growing much more quickly.
13. The number of children referred each year for offending remained fairly steady in the late 1990s, but fell by 5% in 2000/01 from the previous year. Most young people who offend, around 55%, are not referred more than once. The distress and financial loss caused to other people is therefore largely the result of the behaviour of a relatively small number of young people. The average number of offences per young person referred to the Children's Reporter in a year has risen slightly in recent years to nearly three. The small number of repeat offenders referred for over 10 offences in a year increased gradually through the 1990s to reach 890 in 1999/2000. This is about 6% of the total number of children referred in a year. That figure fell by 12% in 2000/01. The numbers of children referred for offending in the year to March 2001 decreased in all categories except first time offenders.
14. The trends in the adult system are down. In 2000, 27,000 people under 21 had charges proved in court⁴, a decline of 37% over 10 years. Our survey of 100 cases reported to the Procurator Fiscal found 9% who had 4 or more previous convictions and 4% with more than 10. The number of offenders under 21 with more than 10 charges proved in court in 2000 was 790, showing no change from the previous year; and the numbers with 6-10 charges proved dropped from around 2,900 to 2,400.
15. It is clear from the data that a small number of young people are responsible for a lot of crime. There is no conclusive evidence as to whether the number of persistent young offenders in either the CHS or the CJS is increasing at present.

³ SCRA statistics for 2000/01, run for Audit Scotland June 2002.

⁴ Criminal Proceedings in Scottish Courts, CrJ/2001/7, Scottish Executive, November 2001
Dealing with offending by young people

Exhibit 1: Young people referred to the Reporter on offence grounds by number of offence referrals, 2000/01

Approximately 55% of young people referred on offence grounds were referred only once.



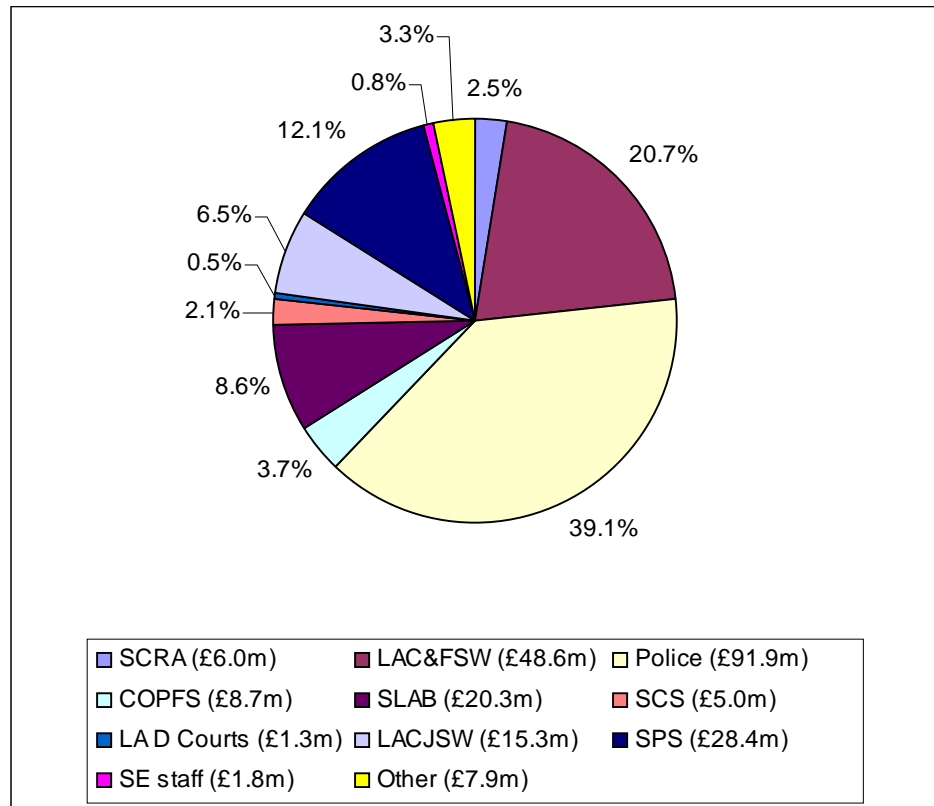
Source: SCRA Statistical Bulletin no. 25, March 2002.

16. Most young people “grow out” of offending behaviour, often with the help of action by police, social work and other services who work to prevent further offending. The main challenge is to reduce the number of young people who go on to become persistent offenders.
17. Young people who offend – particularly those who do so more than once - need to be dealt with effectively, to stop them committing more crimes and to help them lead constructive lives in future. This work needs to take account of the fact that they are less mature than adult offenders and frequently have serious personal and family problems. Often offending behaviour is one of many difficulties that might include family disruption, truancy, learning difficulties, low educational attainment, mental health problems, substance misuse and inconsistent parental supervision.
18. Young people who are first arrested before the age of 12 and who come from disrupted families are at particular risk of becoming persistent offenders.

19. The evidence from the literature and our discussions with practitioners suggests that dealing effectively with young people who offend means:
- taking prompt action;
 - tackling their offending behaviour together with their needs in areas such as health and education;
 - diverting them away from formal judicial processes for as long as this is appropriate; and
 - ensuring that suitable programmes and services are widely available, adequately resourced and targeted at those most at risk of further offending.
20. There are 10 main budgets that fund the systems for dealing with offending by young people, plus smaller sums of money from other agencies. The complexity of processes involved in youth justice is illustrated by the flowchart in Appendix 2. The data about expenditure are complicated to assemble and analyse. We have estimated that, out of total budgets for these agencies of £1.68 billion, £230-£240 million was spent on dealing with offending by young people in 2000/01. This estimate depends upon a large number of assumptions and these are explained in Appendix 3. Our estimates of how this figure is made up from the different budgets are illustrated in Exhibit 2. The figures have to be treated with caution; but they provide an insight, which has not been available before, into the distribution of significant sums of money for services of high public importance

Exhibit 2: Allocation of expenditure on dealing with youth offending by the agencies involved

The police and local authority social work services (C&F) contribute 60% of the total spend on youth justice.



Source: Audit Scotland

- Of this sum, we estimate that £140-£150 million is spent on activity up to the point of disposal; and £80-£90 million spent looking after young offenders, trying to change their behaviour and improve their chances of not offending in the future. Appendix 3, Table 3, describes how this estimate was reached.

22. Data on young people who offend is difficult to access and to interpret. A number of different agencies are involved, and they have made limited progress so far in implementing good, integrated information systems. SCRA has recently introduced the Referral Administration Database (RAD); and an integrated coding system, Integration of the Scottish Criminal Justice Information System (ISCJIS), is being set up, with many agencies taking on board the common data definitions recommended by this integration. However, the fact remains that the agencies involved in tackling youth crime do not have good baseline statistics detailing the age, gender, ethnicity and persistency of offenders under the age of 21. This lack of good quality information makes it difficult to monitor progress in tackling youth crime and reducing offending by young people.
23. Over the last few years, the Scottish Executive has given increasing attention to youth crime. In June 2000, an advisory group published the report “It’s a Criminal Waste”. In response, the Scottish Executive published an Action Programme to Reduce Youth Crime in January 2002. This set out a list of priorities to reduce offending including:
- more programmes targeting persistent offenders;
 - more attention to victims and the use of restorative justice projects;
 - easing the transition between the children’s and adult system, including pilots to deal with 16/17 year old minor offenders in the Hearings system;
 - more early intervention; and
 - a key role for multi agency youth justice teams in each local authority.
24. This was supported by £25.5 million additional funding over the years 2000-2004. A further one off amount of £15 million was announced in June 2002.
25. In June 2002, an ad hoc Ministerial Group announced a 10-point action plan that identifies some new priorities, including pilot specialist Children’s Hearings and youth courts, and the introduction of a national system of police warnings. The plan also highlights particular aspects of earlier reviews, e.g. reconfiguration of secure accommodation and national standards for work with young offenders. Further additional funding for local authorities was announced to support these initiatives and to increase community based services. This amounts to £8 million in 2003/04, a further £16 million in 2004/05 and £9 million more in the following year, so that by 2005/06 an additional £33 million will be available compared with 2002/03. Funding for criminal justice social work services covering all adult offenders increased by 52% over the 3 years to 2002/03 and is earmarked to increase further over the next 3 years.

26. There are other policy initiatives that bear on youth justice. A major reorganisation of COPFS has taken place recently and a change programme is being implemented to improve efficiency and effectiveness. A review of summary justice is considering how improvements can be made to the efficiency of the courts. This is due to report in 2003. In April 2002, criminal justice social work services were reorganised into 11 groupings of local authorities to achieve better resourced specialist services. Also, in April 2002, the Scottish Executive announced a 12 point action plan to improve the recruitment and retention of staff in the social work services workforce. In addition, Ministers have commissioned a study to review the proposals for the integration of the aims, objectives and targets of the principal agencies which make up the CJS in Scotland. This is to ensure the more effective and joined-up operation of the system and to secure delivery of criminal justice priorities.
27. Thus there is a significant set of proposals to tackle youth crime and offending by children and young adults. This has been supported by the commitment of substantial resources. Our report provides evidence and analysis to inform the development of these proposals. It also provides a framework to assess over time the progress made by the Scottish Executive and other national and local bodies in dealing effectively with young people who have offended.

Police action

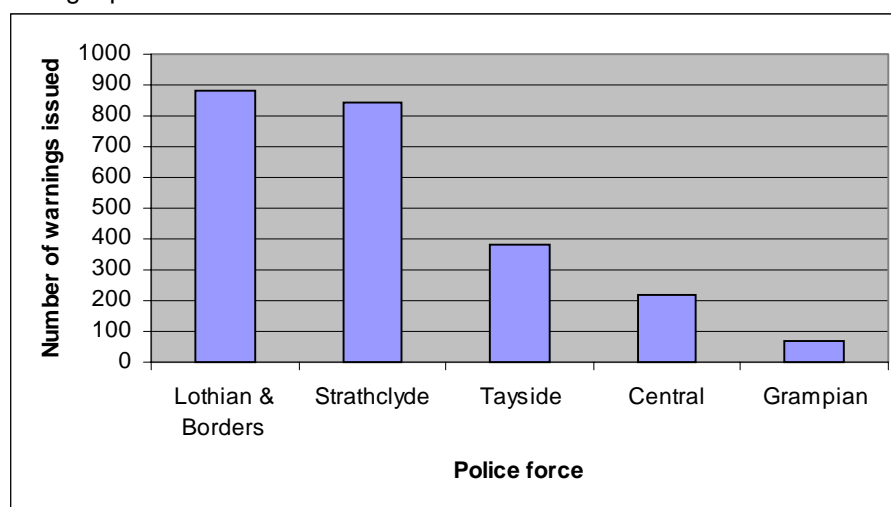
28. The police are the first (and for many, the only) point of contact for young people who offend. This study is concerned with those under 21 for whom the offence is serious enough to warrant the young person being cautioned and charged. But there are many cases where a police officer deals with a matter informally. Informal warnings can be issued for minor infractions and rely on police discretion to determine whether the young person will respond to “a telling off” rather than a formal warning. Informal warnings, should, as a matter of good practice, be recorded in the officer’s notebook. There may be no other retrievable record of the matter and no official conviction is recorded.
29. In cases where a young person is cautioned and charged, the police have a range of options to choose from, depending on the crime and what they know about the young person and their circumstances. They can:
 - issue a formal warning;
 - refer to the Reporter; or
 - refer to the PF.
30. In all forces a formal warning can be given by a senior police officer to juveniles, defined by the police as under 16. Certain criteria must exist for a formal warning to be given.⁵ These are:
 - only a minor crime or offence has been committed;
 - the young person has no previous offending record or referrals to the Reporter (although some police force areas do allow young people that have previously been warned once to be warned a second time);
 - there are no welfare concerns regarding the young person (the police officer should liaise with the Reporter to check whether the child or his family are known and whether a referral might be more appropriate);
 - the young person must admit the offence;
 - the parents of the young person must accept the admission of guilt; and
 - the parents must consent to the warning.
31. Despite these criteria, our fieldwork identified differences between police forces as to what constitutes informal and formal warnings and how and whether these are recorded at force level.

⁵ Source: Joint protocol documents issued by police forces, discussions with police.
Dealing with offending by young people

32. In the past, some warnings have been issued following a referral to the Reporter. The Reporter may dispose of a case by returning it to the police for a Senior Police Officer's Warning (SPOW). The use of this practice varies across Reporter and police force areas and it was not possible to obtain reliable comparative data to reach any conclusions about the amount of use of this or its effectiveness.
33. Only five of the eight police forces were able to provide annual figures of warnings issued, and only one of the eight, Tayside, provided comparable data over three years⁶.

Exhibit 3: Number of senior police officer warnings April 2001 – March 2002 (Note – Grampian data are 2000/01)

Consistent and comparable data on warnings were collected from only five of the eight police forces in Scotland.



Source: Individual police force response to Audit Scotland request

Exhibit 4: Senior police officer warnings issued in Tayside

We were impressed that the systems in Tayside could provide trend data.

	1998/99	1999/00	2000/01
Number of SPOWs administered	269	396	382

Source: Tayside Police Force

34. The ad hoc Ministerial group on youth crime recommended a Scottish wide system of police warnings, building on best practice identified through a feasibility study. This will need to define the different types of warning, ie, informal/formal, the circumstances in which it is appropriate to use each type, the procedures for issuing a warning and guidelines for good practice.

⁶ One of the remaining forces (Dumfries and Galloway) did provide data but these data were not annual figures and did not cover the entire police force area.

35. In England warnings are considered an effective measure for reducing youth crime. The Youth Justice Board Review 2001/2002 stated that *“using police Final Warnings to intervene with youngsters and their families does nip offending in the bud and halts the drift into further crime for many youngsters.”*
36. All the agencies we consulted during this study agreed that formal and informal warnings by police officers are an effective way to divert young people from entering the CHS, provided that:
- they are issued quickly and within 14 days of the incident; and
 - that the young person being warned is a first time offender with no significant welfare needs.
37. Evidence on the effectiveness of warnings is not easy to obtain. Reoffending rates are often quoted and one force gave a re-offending rate of 15%, but this only covered a three month period and was at sub-force level.

Recommendation 1. Police forces, ACPOS and the Scottish Executive should establish a system for collecting data on warnings. This should provide information about the use of different types of warnings given to young people; and about reoffending rates by young people who have been warned.

Recommendation 2. The Scottish Executive and ACPOS should establish a national system of warnings. It should set out standards and guidance on procedures and good practice. Police officers involved in the identification of young people suitable for warnings, and all those delivering warnings, must be trained.

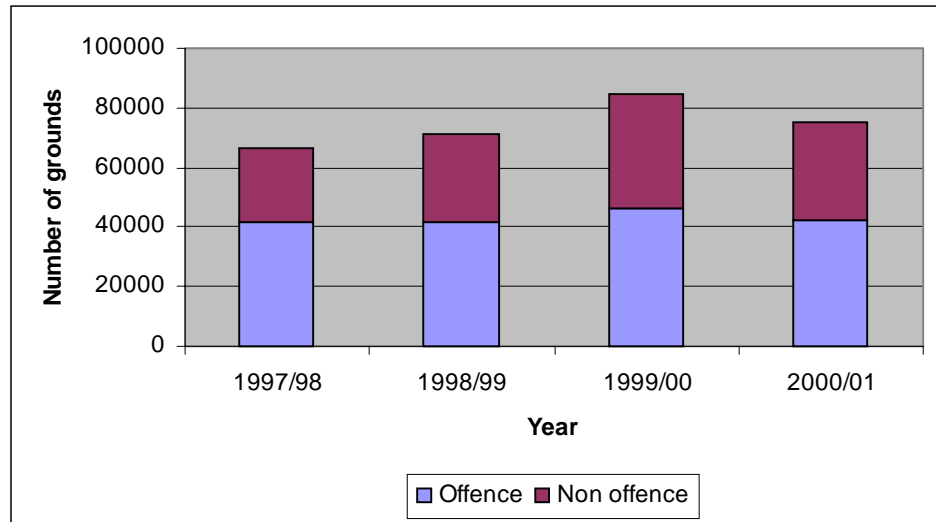
38. The second option open to the police is to refer a case to the Children’s Reporter. The police made 42,000 referrals involving 14,000 children on offence grounds to the Reporter in 2000/01. This is down from 46,000 in 1999/00⁷. Approximately 33,000 grounds for referral were received for welfare or care and protection concerns⁸. These involved some 18,000 children.

⁷ SCRA statistics run for Audit Scotland.

⁸ SCRA Statistical Bulletin, no.25, March 2002.

Exhibit 5: Number and type of grounds for referrals received by the Reporter

The percentage of offence related referral grounds has increased in recent years.

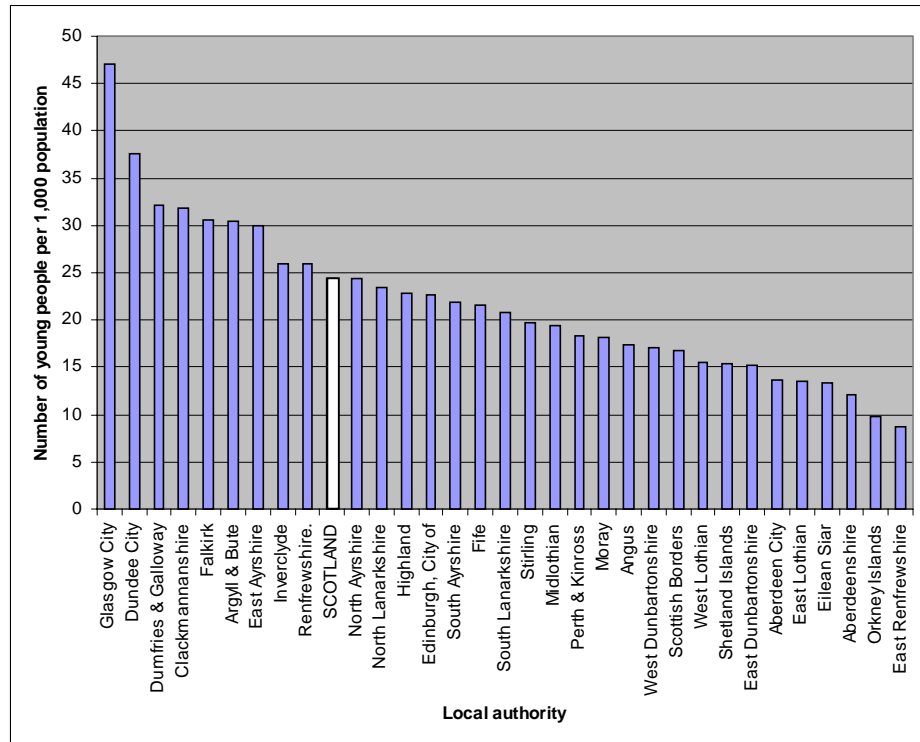


Source: SCRA Statistics

39. The number of children referred to Reporters on offence grounds was over 14,000 in 2000/01. This equates to a rate of 24 in every 1,000 children aged between 8 and 16. Many children referred on offence grounds will previously and/or concurrently be referred on non-offence grounds. Reporters and panel members therefore have to take into consideration both the child's needs (welfare) and deeds (offence) in reaching decisions. Referral rates are generally, but not always, higher in deprived urban areas.

Exhibit 6: Number of young people referred to the Reporter per 1000 population (aged 8-16), 2000/01

The rate of referral varies between 8 and 47 per 1000 population (aged 8-16)



Source: Unpublished SCRA data run for Audit Scotland and GRO population estimates, 2001

40. The average number of offence referrals received per young person referred is 2.9 across Scotland⁹. The rate ranges from a high of 5 referrals per young person in Orkney, ie, a number of prolific offenders, to a low of 1.5 referrals per young person in East Renfrewshire, ie, the majority of offenders are likely to be one-off referrals.
41. The reasons for this variation will include:
 - varying patterns of crime by young people across the country;
 - differing levels of persistency evident in different areas;
 - the use of police discretion in terms of what to refer to a Reporter; and
 - the use of police warning schemes as an alternative to referral.
42. The third option open to the police is to refer a young person to the PF. There are no available data on the number of under-21s referred to the PF by the police on an age basis.
43. Based on sample data from COPFS, Audit Scotland has estimated that roughly 45,000 police reports involving an accused aged under 21 were received by the PFs in 2001/02¹⁰. This represents 17% of the total of all reports.

⁹ Audit Scotland based on SCRA and GRO data

¹⁰ Estimate prepared by Audit Scotland on the basis of sample data received from the Crown Office.

44. Data on the number of young people committing offences, being warned, referred to the CHS or the PFs, are poor. A number of agencies are involved in the process, each with their own data systems and performance targets. An efficient approach to tackling youth offending and developing appropriate and well resourced options to change behaviour will require a comprehensive data set detailing the numbers currently in either the CHS or the CJS. New systems have recently been introduced, notably the RAD operated by SCRA, and ISCJIS in the CJS, and further work is required to ensure that meaningful and comparable data sets exist in the future.

The Children's Hearings System

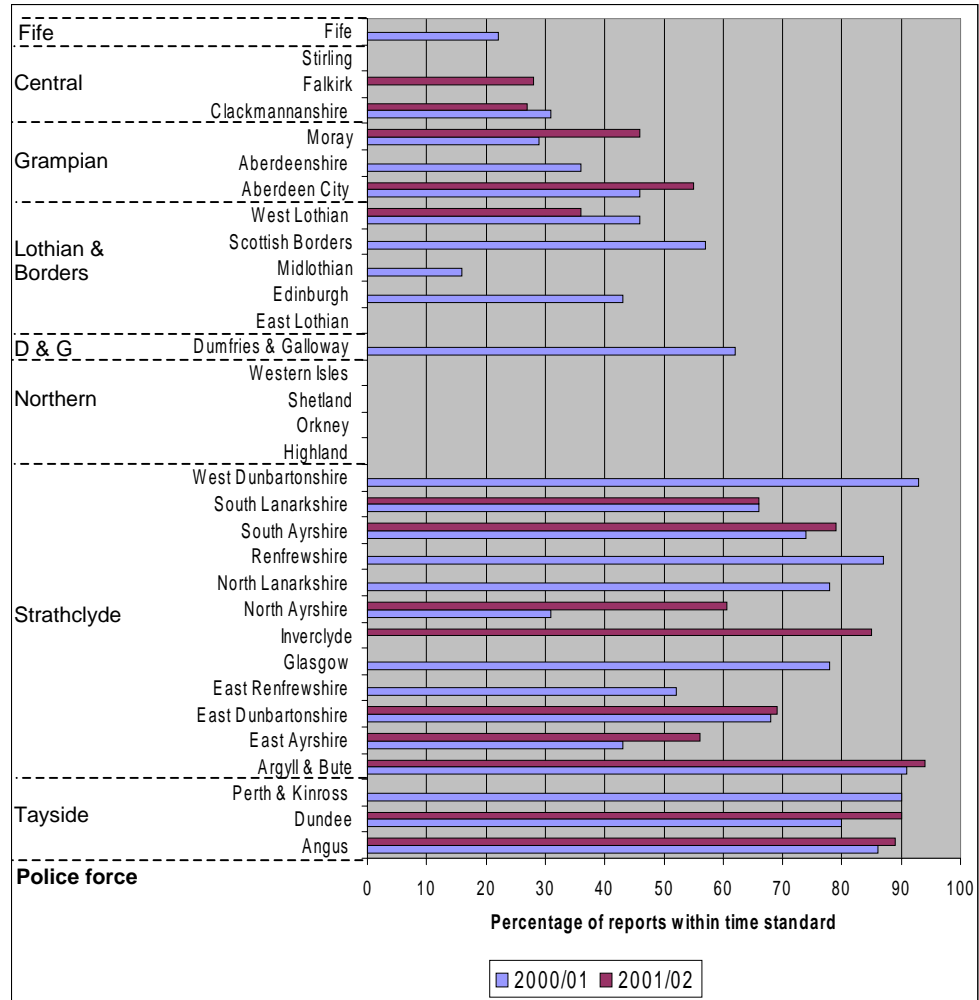
45. When the Children's Hearings were set up over 30 years ago, the majority of referrals concerned children who had offended. This has changed significantly and the balance between care and protection and offence referrals continues to change in favour of the former. In the context of fast increasing referrals combined with strong public anxiety about child abuse it has not been easy for the CHS to hold the focus on offending children that was there when it was set up.
46. The Reporter is the key decision maker in the CHS and needs good information, quickly, to make a decision. Information on the child and their family circumstances, together with their offending behaviour, is received from the police, social workers, education professionals and care workers. On the basis of this information, the Reporter decides whether to refer the child to a Children's Hearing, to seek voluntary measures from the local authority (i.e. the young person and their family agree to receive support from a social worker), or not to take formal proceedings.

Time

47. It is good practice to reach decisions about young offenders quickly. There are time standards for the different stages in this process, but performance against them is poor. For example:
 - The police should make 80% of referrals to the Reporter within 14 days; only Tayside police force came close to meeting this standard across all their areas in both 2000/01 and 2001/02. From analysis of a sample of Reporter case files, the average time taken is 33 days.

Exhibit 7: Percentage of police reports received by the Reporter within the time standard

Only Tayside met the time standard in 2000/01. No force met the standard in 2001/02.

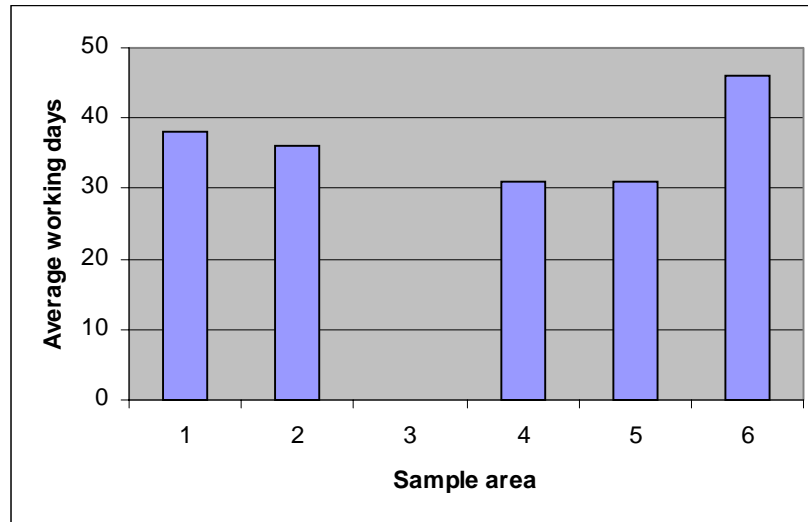


Source: TIMG data (October 2001 & September 2002). Responses listed as zero are non responses.

- 75% of social work reports should be with the Reporter within 20 working days of request. Only Angus met this standard in 2000/01. No authority met the standard in 2001/02.
- From analysis of Reporter case files for this study social work reports took an average of 37 working days from request to receipt, with only 41% being received within the target of 20 days. In one sample area, no date information was available from the files and therefore the total elapsed time from request to receipt is unknown.

Exhibit 8: Receipt of social work reports by Reporters in six sample areas

The average time taken in the sample areas was 37 days



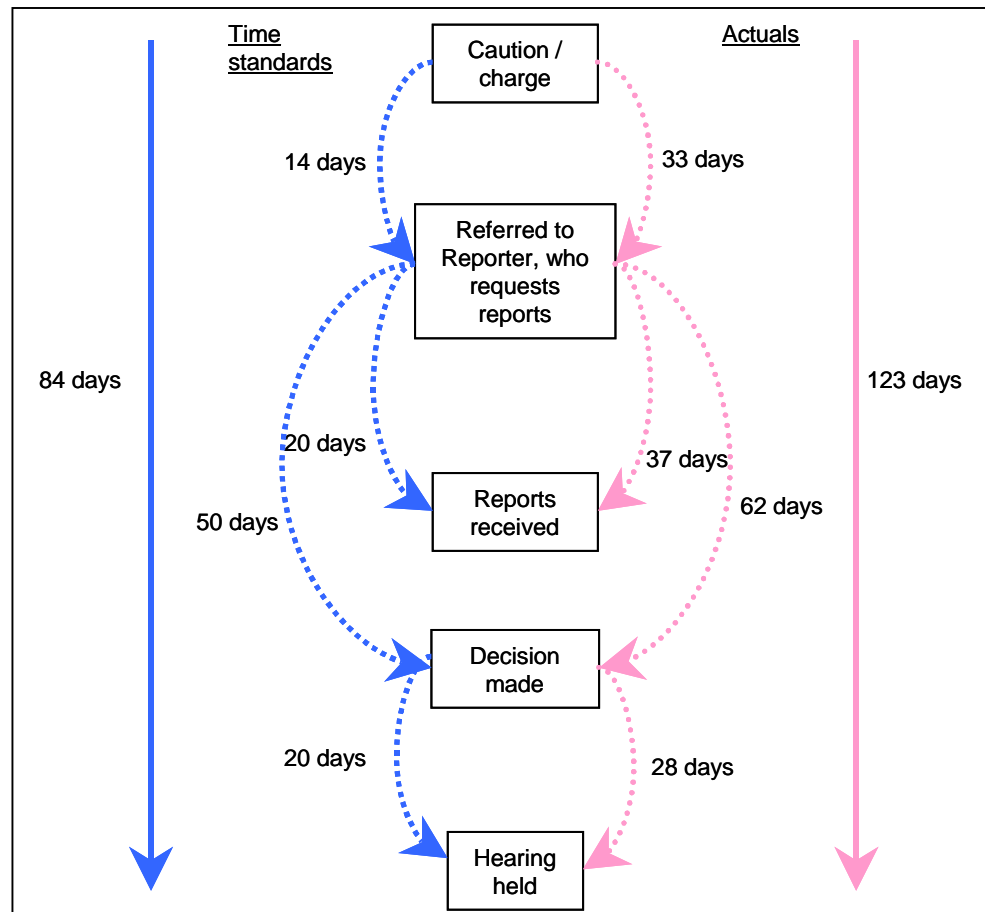
Source: Audit Scotland case file analysis, July 2002

48. If all time standards are met, the overall elapsed time for a referral to be dealt with in the CHS will range from 64 to 84 working days, assuming a Hearing is not continued. Comparing actual times taken from SCRA data and reviews of case files, the average elapsed time for cases to proceed from initial report to final disposal was 123 working days, or 5 ½ months.¹¹ Even though this is far slower than the standard, it is still shorter than the average time taken to deal with cases in the adult system.

¹¹ A month has been taken as equalling 22 working days.

Exhibit 9: Time taken within the Children’s Hearings System

Cases take an average of 123 working days from caution/charge to final decision.



Source: Data taken from SCRA and Audit Scotland case file reviews, July 2002

49. A number of local areas do not collect and monitor time information reflecting the lack of priority that time targets are given by many of the agencies involved. Returns for the second round of Time Intervals Monitoring Group (TIMG) data (published September 2002) were received from fewer areas than for the first round (published October 2001). This lack of data means agencies cannot identify delays and take action to tackle them. It also means that the young people going through the system do not have a clear idea of the length of time that decisions might take and, as has been suggested in England, the longer decisions take, the more likely the young person is to reoffend, thinking he has nothing to lose as he is already in the system.¹²
50. In a report in September 2002 on the progress of the Time Intervals approach, the Scottish Executive stated that the “*time intervals approach to interagency working and reporting processes should be critically reviewed*”. Local authorities and police cited ongoing problems with data collection due to systems’ difficulties and the unrealistic nature of some targets. Standards and targets have to be credible and there may be room for some amendment to those in current use. But the fact that there may be good reasons, such as staff

¹² North Youth Offending Team, Liverpool – Annual Report.

shortages, for failure to reach targets does not justify abandoning standards that set a benchmark of good practice. There is considerable variation in performance and some areas perform well, which suggests that the standards and targets are not wholly unrealistic.

51. The Accounts Commission is proposing to introduce new statutory performance indicators that will measure performance of local authorities against standards for submission of Social Background Reports (SBRs) to the Reporter and the time taken for a child placed on a supervision requirement to be seen by a supervising officer.

Recommendation 3. All agencies should meet and report time standards set by the TIMG. The Scottish Executive should publish information about performance against targets at regular intervals.

Recommendation 4. The Scottish Executive should ensure that the TIMG continually reviews targets, and works towards reducing the time allowed for each activity within the process.

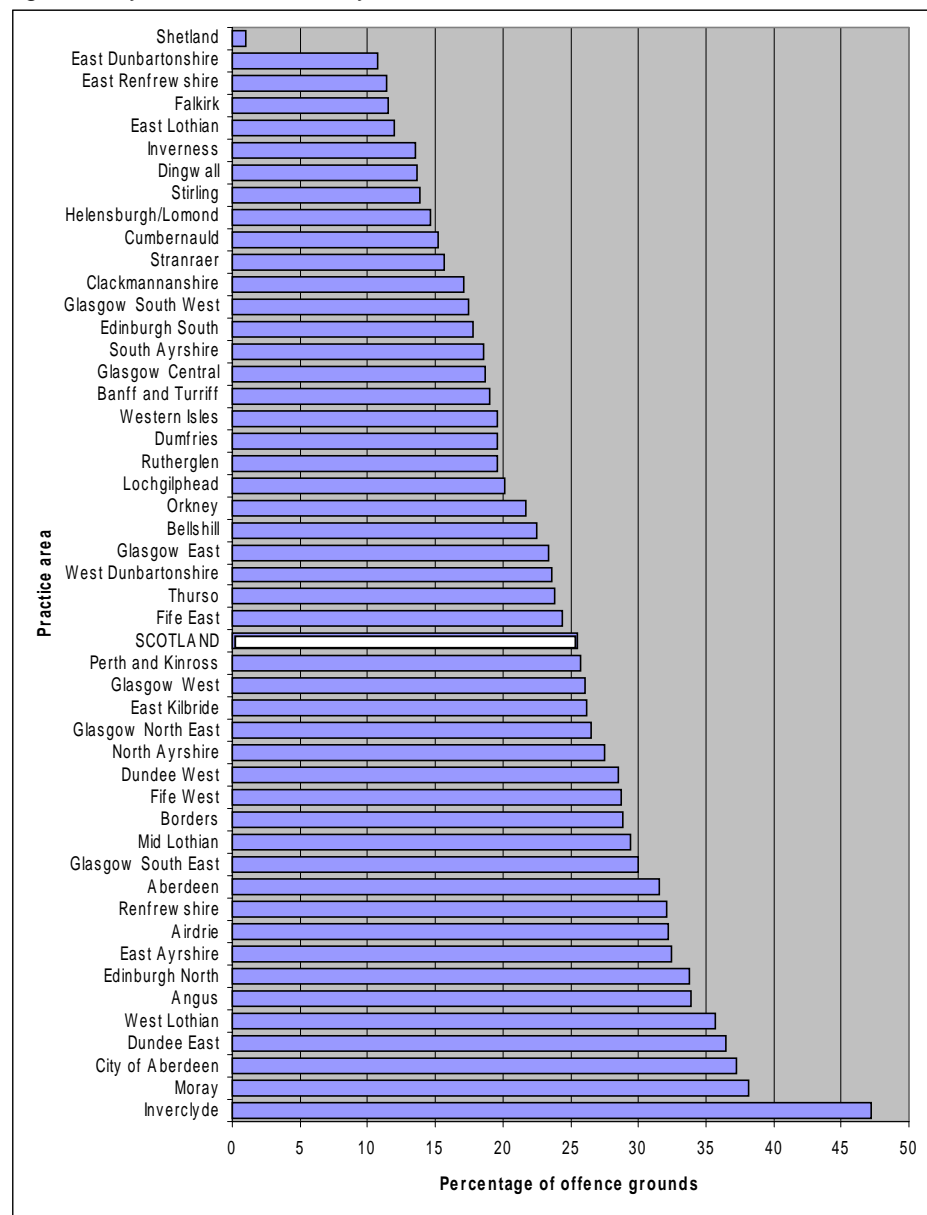
Reporters' decisions

52. Upon receipt of a referral, the Reporter is required to make a decision as to how to proceed. This decision should be based on whether there is:
- evidence of an offence having been committed by the young person; and
 - a need for formal intervention in the interests of the child's welfare.
53. Factors considered by Reporters in making a decision include:
- first and foremost, the young person's needs and whether compulsory measures of supervision are in the best interest of the young person. This will be determined through:
 - o seriousness of the offence;
 - o child's response/parent's response (gauged through the police report);
 - o social work and/or other assessment reports such as reports from special programmes which the child attends; and
 - o school report (if available)
 - if a young person is currently under a supervision requirement, the Reporter will consider the new referral within the context of the existing requirement. If it is believed that the existing requirement will appropriately address the new referral then no further proceedings will be taken; and
 - any other information available to the Reporter, e.g. previous knowledge of the young person, knowledge of the family or siblings etc.

54. There is no standard assessment tool that Reporters use to guide their decision making process. Reporters are reliant on factual and timely information being received from the police regarding the offence, and, if requested, assessment reports from various professionals commenting on the young person’s needs and risk factors. The “test of compulsion”, ie, whether a child needs to be referred to a Hearing, appears very much an individual decision and these vary considerably across the country. The proportion of offence-related referrals that are sent to a Hearing by Reporter practice area varies between 10% and 47%¹³.

Exhibit 10: Percentage of offence grounds referred to a Hearing, 2000/01

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

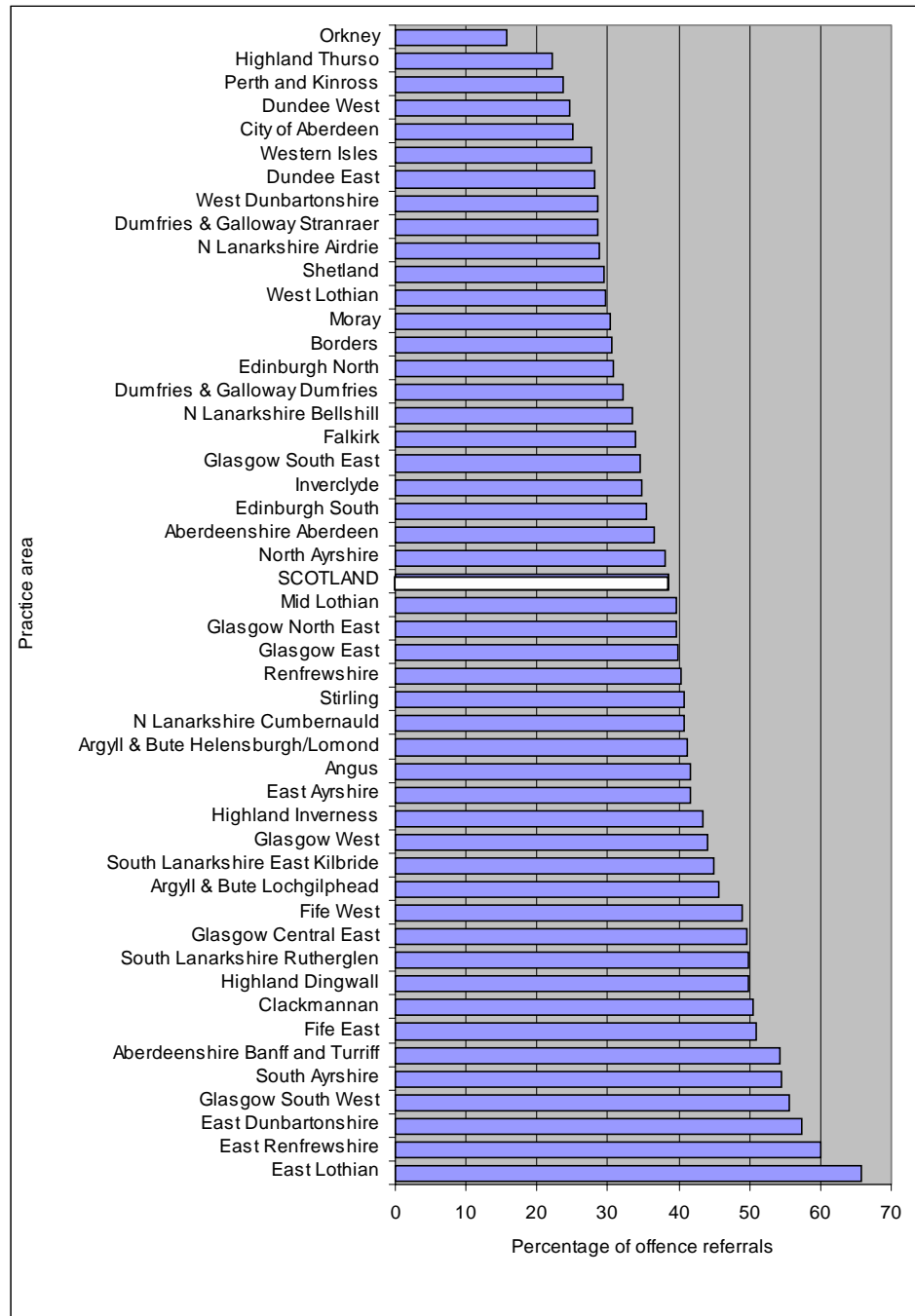


Source: Unpublished SCRA data run for Audit Scotland.

¹³ Excluding one area at 1%

55. The reasons for this variation will reflect variable patterns of crime, the level of offence referrals made by the police, levels of persistency and the Reporter's perception as to whether compulsory measures of supervision (which can only be implemented via a Hearing) are necessary. Given the importance of the Reporter's decision, this highlights the need for good quality, timely information and assessments from the police, social workers and education and health professionals.
56. Reporters interviewed during our fieldwork said that their decisions are sometimes affected by the ability to schedule a Hearing within a reasonable time frame (the standard is 20 working days from decision) given pressure on the Hearings diary.
57. The use of voluntary measures is consistently low across Scotland and has been low for the past four years. Only 6% of all offence grounds are referred for voluntary measures. Reporters told us that they were reluctant to refer for voluntary measures given the lack of available resources. Some Reporters commented that only those young people on compulsory orders (i.e. those that come through a Hearing) would be allocated either social work time and/or a place on a programme.
58. The data, as currently recorded, do not indicate the numbers of cases where the Reporter's decision is influenced by the non availability of resources, but it is likely that there are significant numbers of young people who could benefit from a voluntary service who do not receive it; or who are referred to Hearings even though a voluntary approach would be more suitable were it available.
59. The level of community-based services and programmes available to tackle offending behaviour will affect the use of voluntary measures. The extent to which appropriate programmes exist to match area demand is unknown. More resources have been made available to provide programmes/services, but it is too early to judge the impact that the existence of these programmes will have on decisions made by Reporters.
60. In 2001/02, 39% of all offence grounds referred to the Reporter did not require formal proceedings. Again, there was significant variation around the country, with the proportions ranging from 16% to 66%.

Exhibit 11: Proportion of offence referrals that did not require formal proceedings, 2000/01



Source: Unpublished SCRA data run for Audit Scotland.

Recommendation 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.

Information and assessment

61. Reporters receive basic information about an offence from the police referral form. This is used by Reporters to “screen” the referrals and determine which ones may require compulsory measures of supervision. The police reports in the cases that we reviewed were generally satisfactory, and Reporters considered those with additional comments, such as the attitude of the parents, particularly useful.
62. During their investigation of the referral, Reporters can request reports from social workers, education professionals and staff in special services and programmes. These reports vary in terms of their purpose, content and quality. There is no order in which reports should be requested, although SCRA and Association of Directors of Social Work (ADSW) have issued joint guidance on the use and content of social work reports.
63. Social work reports prepared for young people under the age of 16 should assess their needs, including housing, educational and health issues (e.g. drug and alcohol misuse). Joint guidance issued by SCRA and ADSW defines the different reports available. In summary, these are:
 - Initial Enquiry Report (IER) – A brief report discussing whether the young person has previously come into contact with social work services and/or whether their parents / family circumstances give any cause for concern.
 - Initial Assessment Report (IAR) – A more detailed assessment than an IER, focusing specifically on the needs of the young person. A home visit should be undertaken and contact made with the school if educational needs are evident.
 - Social Background Report (SBR) – The most thorough assessment, it should include an interview with the young person and visit to the family home. All issues regarding the young person’s circumstances should be covered. The report should include a clear action plan based on identified need and should identify timescales and outcomes for tackling these needs.
64. SBRs reviewed by Audit Scotland were variable in quality. Many were comprehensive and reflected the social worker’s extensive knowledge of the young person. Generally, the reports were of a good standard when written by a social worker who had had continuous involvement with the young person over a period of time. Standards were lower with new cases or where there was a change of social worker. Some reports did not address the young person’s offending behaviour in sufficient detail to inform the Reporter’s and Hearing’s decision. Social workers do not get the police report on the offence and rely on information from the Reporter and the young person’s description. If the young person does not accept the grounds of referral or will not discuss the incident, the social worker is constrained in assessing the offending behaviour.

65. Despite this apparent difficulty faced by social workers in appropriately addressing young people's needs regarding their offending and the risk to society posed by persistent offenders, there is no national guidance or local transfer of good practice on the use of risk assessment tools and tackling offending behaviour within the under 16 population. There are a number of risk assessment models in use in Scotland, and there is a need for these to be validated and for guidance on preferred options.
66. Reporters and panel members interviewed consistently said that the overall quality of social work reports was declining. They generally feel that this is due to a lack of social work staff available to prepare reports, a lack of training for these staff and the limited quality control achieved within social work services. For example, we were told about one social work team which had 80% of its posts unfilled. Both Reporters and panel members in this area commented that reports are rarely received on time from this area and a number of Hearings have been delayed as a result.
67. The delays in receiving social work reports and the variable quality were highlighted by Reporters and social workers. Some social workers believed that Reporters sometimes set Hearings to push through assessment reports and that this could lead to reports being prepared hastily and quality suffering.
68. The contrast with the adult system is striking. Whereas Sheriffs receive over 90% of reports on time and rate reports of generally high quality, Reporters and Hearings say that they cannot rely on reports on children being produced as requested, and that the quality of reports is variable. Thus children's needs are in effect receiving less attention in the Hearings system overall than young adults' needs receive in the courts system.
69. A good assessment report should lead to the most appropriate disposal being made regarding that young person. Consequently, a poor or incomplete assessment may lead to an inappropriate disposal being made and the young person's behaviour not being appropriately addressed. It is important to ensure that assessment reports are requested in appropriate circumstances, that they are completed in a timely manner and that they provide good quality information on the young person's needs.

<p>Recommendation 6. Councils and SCRA should review current guidance on reports, including the use of risk assessment tools. Further training and support should be given to social workers to improve the quality of SBRs.</p>

70. Education reports can be requested from the young person's school and should cover educational attainment and attendance. As schools generally see the young person every day, and often know the family through teaching siblings or even the parents, teachers are well placed to comment on the young person's circumstances. Educational reports do not assess the young person's needs in the same way as a social work report, but may still provide useful family background information as well as information about the school pupil.

71. Educational reports reviewed for this study were found to provide coverage of educational attainment and attendance. Given the delays which often occur in receiving social work reports, many Reporters stated that they are increasingly seeking educational reports first to identify issues of concern and, at a later stage, requesting a more detailed social work assessment report if necessary.

Decision making at Hearings

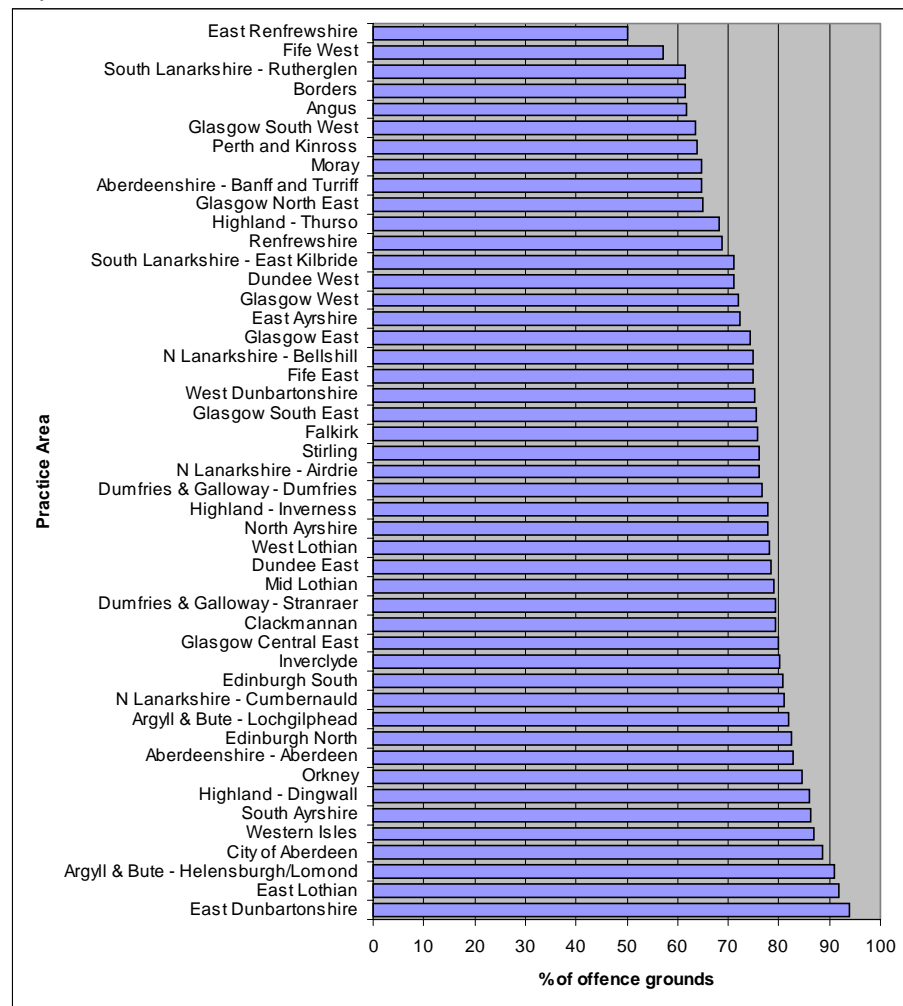
72. Reporters can refer young people to a Children's Hearing if they believe that:
- (a) compulsory measures of supervision are necessary; and
 - (b) at least one of the grounds specified in Section 52 of the Children (Scotland) Act 1995 is established.
73. A panel of three lay people conducts Hearings. As with referrals to the Reporter, referrals to a Hearing are on offending and/or welfare grounds (e.g. child protection issues). It is important that panel members can deal effectively with offending behaviour, and, in particular, persistent offending, as well as with associated welfare needs. To do this, they need good information and training.
74. A total of 5,787 young people were referred to a Hearing in 2000/01 on all grounds. This is down by 9% from the previous year¹⁴. At the outset of the hearing all grounds (i.e. offence and welfare) to be discussed are put to the young person. In order for a Hearing to proceed, the young person must accept the grounds (ie, for offence grounds they must accept that they committed the offence) to the satisfaction of the panel members. If they are not accepted, then the Hearing will either:
- discharge the grounds; or
 - make an application to the Sheriff to establish the grounds (a proof hearing).
75. Hearings vary in their use of different disposals. Of all offence grounds initially referred to a Hearing nationally, some 67% are actually considered by the Hearing in determining a disposal. The remaining 33% are discharged, abandoned at the proof stage or not established by a court. The majority of these, 25% of total grounds referred, are not accepted by the young person and discharged by the Hearing without going to proof.

¹⁴ SCRA Statistical Bulletin no. 25, March 2002.

76. In many of these cases it is likely that the child will have been referred on multiple grounds, often offence and non-offence combined. Depending on the seriousness of the grounds, panel members may discharge less serious grounds that are in dispute in order to ensure that the more serious grounds are the focus for the discussion. Often it may be the case that in addressing the needs posed by serious grounds, less serious grounds may also be tackled.
77. At the local level, the proportion of offence grounds discharged varies around the country, ranging from 9% to 55%.

Exhibit 12: Proportion of offence grounds considered in disposal 2000/01

In 12 Reporter areas more than 30% of all offence grounds referred to a Hearing are discharged by the panel, i.e. less than 70% are considered in disposal



Source: Unpublished SCRA data run for Audit Scotland.

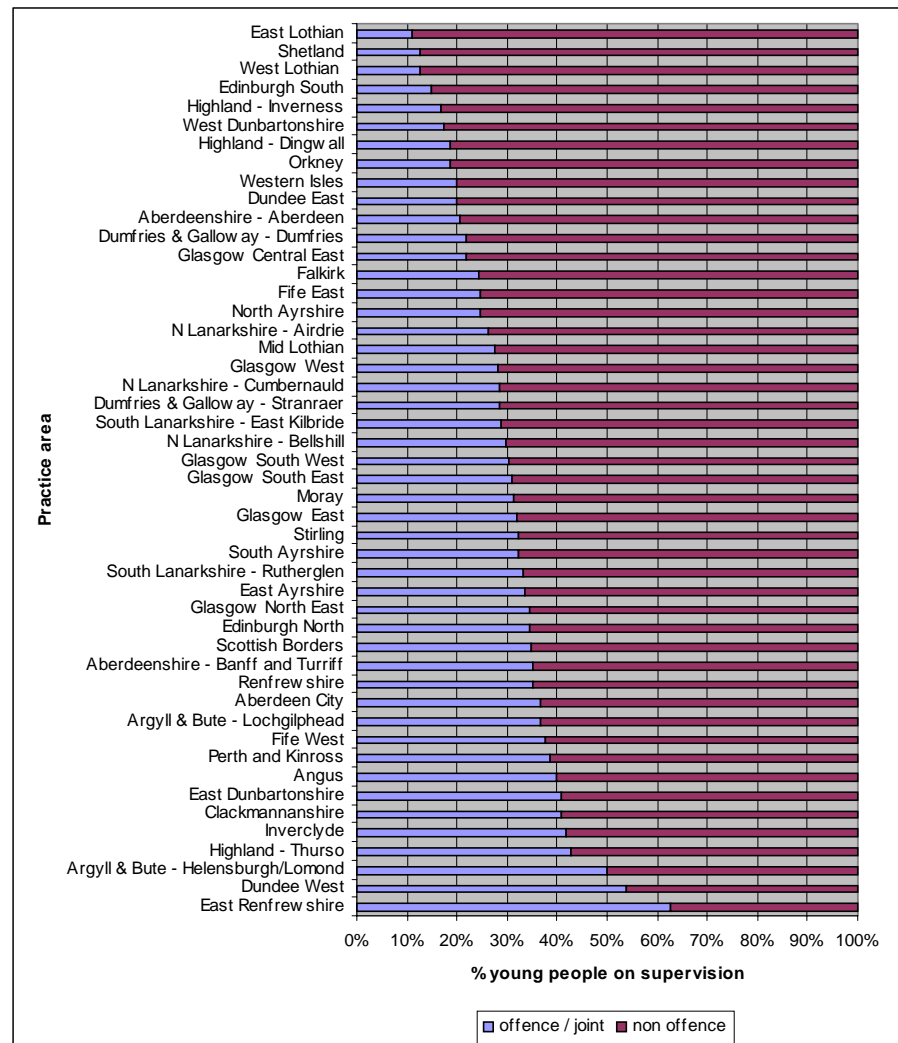
78. In 2000/01, 673 young people had a supervision requirement made or varied on offence grounds only. A further 270 had a supervision requirement made or varied on joint offence and non-offence grounds¹⁵.

¹⁵ Source: SCRA statistics run for Audit Scotland. This is not the total number of supervision requirements made in a year as it does not include requirements that are continued at the review stage.

79. This compares to 2,329 young people placed on supervision for non-offence grounds. In other words, 29% of young people in Scotland placed on a supervision requirement in 2000/01, or roughly one in every three placed on supervision, demonstrated offending behaviour. There is significant variation in the use of supervision for offending behaviour at the local level, ranging from 11% to over 60% of young people in an area on supervision demonstrating offending behaviour.

Exhibit 13: The use of supervision requirements for offending behaviour

The proportion of young people on supervision for offending behaviour ranges from 11% to over 60%.



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

80. This variation in the use of supervision requirements for offending behaviour will reflect, in part, variable patterns of offending. However, the extreme range is unlikely to be wholly explained by offending patterns and may reflect panel members' assessments on the appropriateness of a supervision requirement to tackle offending behaviour (i.e. the extent to which social work services have access to effective local programmes to tackle offending behaviour in young people).

81. Some panel members and Reporters expressed reservations about the capability of the Hearings to deal with persistent offenders. This is due to three main factors:
- A lack of suitable resources – panel members are limited in the extent to which they can change behaviour if there are limited options. While Reporters and panel members interviewed commented that new programmes are coming on stream and these should address youth offending, many still expressed reservations on the availability and effectiveness of programmes to tackle offenders needs. As one Reporter commented, “*the whole system fails if there are not enough options to do any good*”.
 - Variable local authority input – the responsibility for tackling young people’s needs, rests with the local authority, and Reporters and panel members commented that often the responsibility was left with social work with little or no input from other services.
 - Some panel members lack knowledge in dealing with persistent young offenders – although panel members are given training, many Reporters, and panel members themselves, said that more training is required to address this issue.
82. Panel members and Reporters told us that many persistent offenders exhausted the options available to the Hearings system, and that they might reach a point where the CHS could no longer offer constructive intervention. The recent action plan to tackle youth offending announced by the Scottish Executive aims to prioritise and fast track persistent offenders through the use of specialist Hearings and youth courts. These initiatives will address those young people already identified as persistent. Panel members (and Reporters) will still require training and resources to ensure that non-persistent offenders’ behaviour is appropriately addressed to ensure that more young people do not become persistent offenders.

<p>Recommendation 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.</p>
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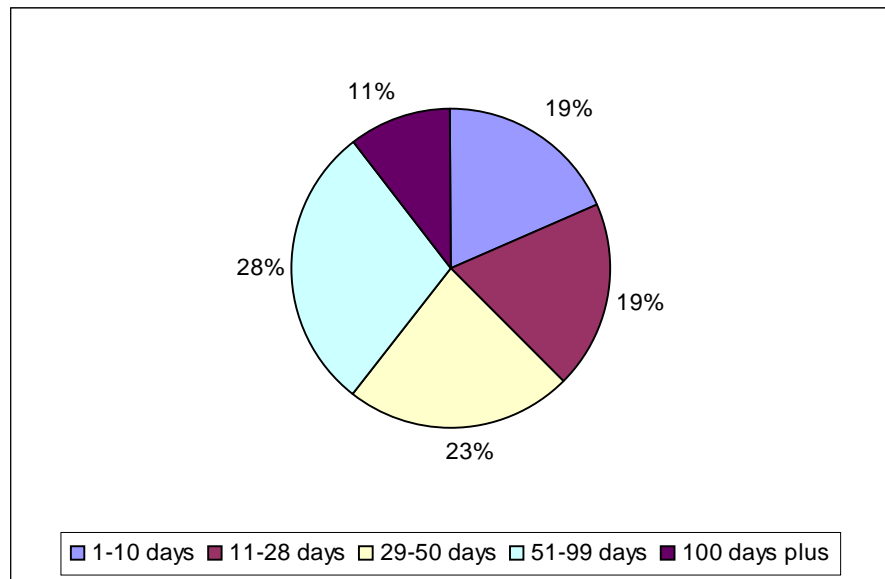
Procurators Fiscal and the courts

Time taken

83. There is no comprehensive set of national time standards in the adult system as there is for children. There are some targets for the timely processing of cases in the CJS, but performance is mixed. Accepted good practice¹⁶ between the police and PFs dictates that when the accused is not in custody, police reports should be with the Fiscal within 28 days of caution. This was achieved in only 38% of sample cases¹⁷ reviewed for this study.

Exhibit 14: Submission of police reports to the Procurator Fiscal, January 2001

Only 38% of reports to the PF involving an accused under 21 are received within 28 days of caution.



Source: COPFS sample data for Audit Scotland

84. COPFS has a target of taking and implementing decisions in 80% of cases in seven weeks. From a review of sample data, this target was easily exceeded, in relation to reports for under 21s, with 80% of all reports marked within 20 working days of receipt¹⁸.

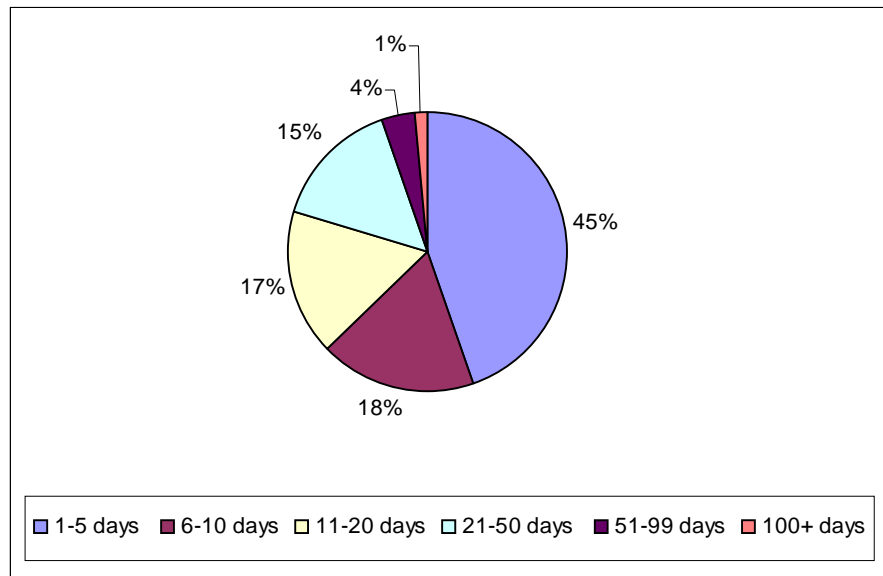
¹⁶ Based on discussions with the Crown Office.

¹⁷ Based on sample data from the COPFS.

¹⁸ *ibid*

Exhibit 15: Number of working days between receipt and marking, January 2001

80% of all cases involving an accused under 21 are marked within 20 working days of receipt.



Source: Crown Office sample data for Audit Scotland

85. Many of those we spoke to expressed frustration at the time it takes for cases to progress through the courts. It was not possible to gather accurate national data about this. No agency was able to provide average time taken for a case, involving someone under 21 years of age, to proceed through each stage of the court process (first appearance, deferral, assessment reports, sentence). From analysis of a limited sample of cases provided by the COPFS, the average time taken from PF decision to sentence is 149 working days, or 6 ½ months from beginning to end.
86. Social Enquiry Reports (SERs) requested by the court are required to be submitted within 20 days of request. Nationally, performance against this target is very good, with 95% submitted on time¹⁹. Our analysis of a sample of 150 case files confirmed this high level of performance.
87. From analysis of two separate samples as well as study of the case files sample, we estimate that the total elapsed time for young people to progress through the CJS, from caution (not necessarily the date of offence) to sentence, is between 7½ to 8 ½ months²⁰. During this time, a young person can expect to appear in court an average of three times for the offence²¹.

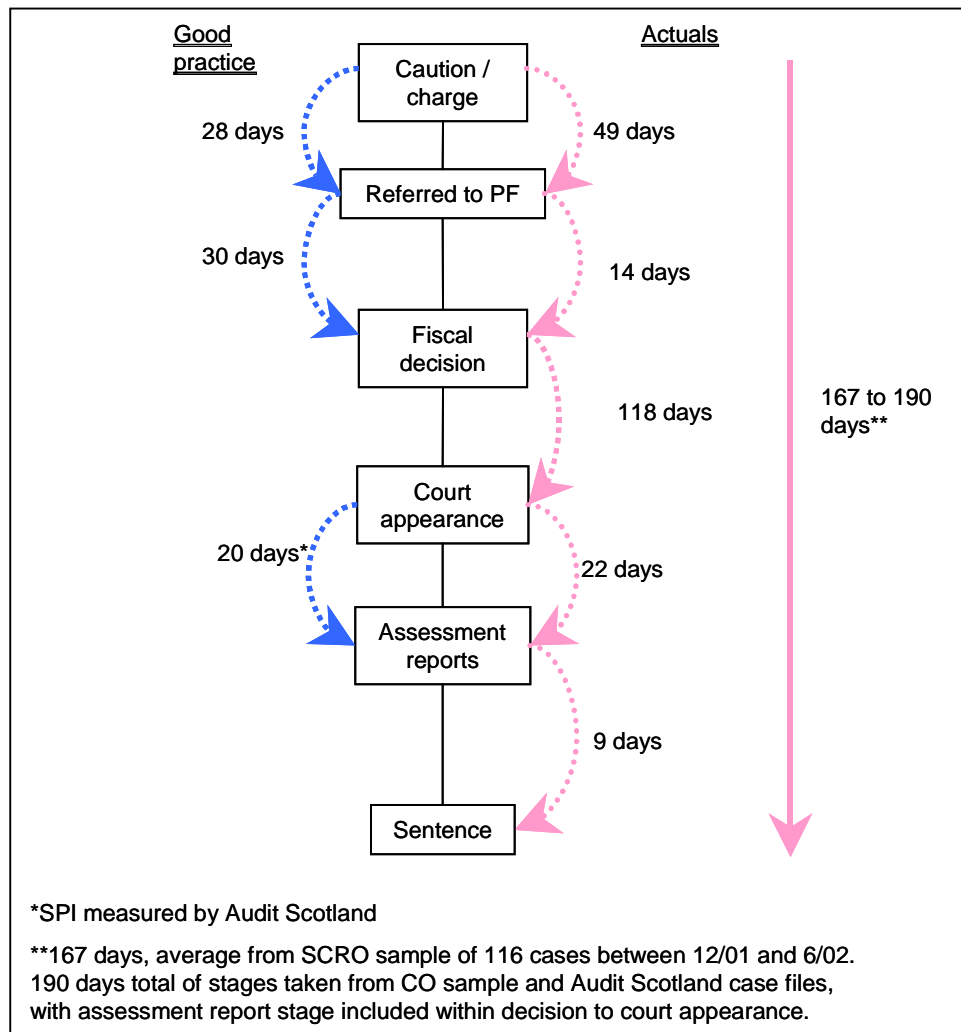
¹⁹ As measured by Audit Scotland through the statutory performance indicators, 2000/01.

²⁰ Based on a sample of 200 cases from SCRO analysed by Audit Scotland, COPFS sample data and Audit Scotland case file reviews.

²¹ Scottish Court Service data.

Exhibit 16: Time taken in the adult system

It takes 7½ - 8½ months from caution/charge to sentence in the CJS.



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

88. The Scottish Executive's 10 point action plan announced in June 2002 includes a commitment to develop measures to increase the speed of referral of persistent offenders to the courts.

Recommendation 8. In consultation with criminal justice agencies the Scottish Executive should review the time taken for cases to be dealt with and establish inter-agency time standards covering key stages in the process. The Scottish Executive should monitor performance against these standards.

Recommendation 9. The Scottish Executive and criminal justice agencies should develop appropriate systems to ensure that key information is stored and is transferable between agencies.

Procurators Fiscal decisions

89. PFs need to consider the information received from the police about the accused and the offence committed, and judge the risk to society posed by that individual.
90. The decisions²² open to a PF are:
- no proceedings – used when the PF decides not to take the case forward;
 - refer to the Reporter (if the person in question is under 16, or under 18 and on supervision);
 - issue a fiscal warning – either verbal or written;
 - impose a fiscal fine – between £25 and £100;
 - fiscal diversion – either to a social work scheme; psychiatric or psychological intervention, or a mediation and reparation scheme; or
 - proceed against the person and take them to court.
91. At the time of our research, it was not possible to obtain national level data from the COPFS detailing decisions made by PFs on cases involving an accused under 21²³. We obtained sample data to provide an indication of the types of decisions that are made. This was not a representative sample:
- only 20 out of 48 PF offices are included, less than half the total number of offices in Scotland. COPFS confirmed that these 20 offices handled 25% of the national case load;
 - for some of these 20 offices only a small number of cases were received. When we have looked at performance at individual office level, we have excluded those offices with less than 20 cases involving an accused aged under 21, but have included them in the total sample analysis;
 - no central belt offices (e.g. Glasgow, Edinburgh, Dundee, North/ South Lanarkshire) are included within the sample;
 - data were received on the last court date but not for other earlier court dates; therefore we could not look at elapsed time between first and last court date;
 - data on the disposals used at each court date, eg, deferred sentence, were not available; and
 - the data are for one month only – January 2001.

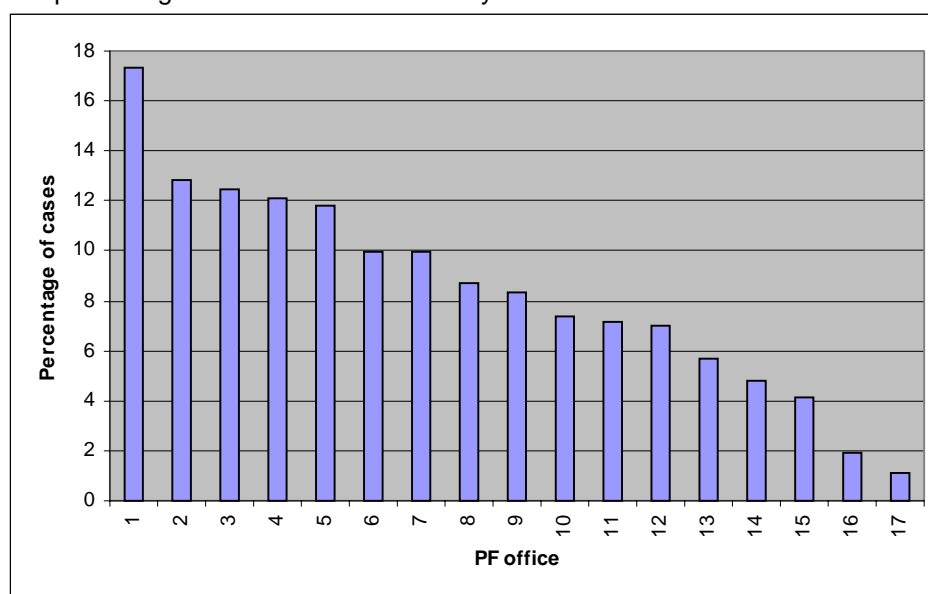
²² PFs can also make conditional offers that are applicable for motor vehicle offences and have not been considered as part of this report.

²³ We understand that COPFS has since upgraded their system and could now provide detailed data for analysis.

92. The data show that under 21s are:²⁴:
- more likely to go to court (61% vs. 44% of all cases);
 - more likely to receive a fiscal fine (9% vs. 6% of all cases); and
 - less likely to have proceedings dropped (9% vs. 16% of all cases).
93. As well as variation by age, there is also variation in decision making by PF office. For example, out of a sample of 17 offices, the number of cases involving an accused aged under 21 on which no proceedings were taken ranged from 1% to 17%. At either end of the spectrum are two largely similar areas, each with a high level of deprivation, which suggests that numbers and types of crime are unlikely to explain the variation.

Exhibit 17: Percentage of cases involving an accused aged under 21 marked “no proceedings”, January 2001

The percentage varies around the country



Source: Crown Office sample data for Audit Scotland

94. The variation in decision-making reflects different patterns of offending and differing choices made by Fiscals. However, the limitations of the data, in terms of sample size, should be borne in mind (see paragraph 91). This variation will also reflect differences in police reporting patterns, but there is a lack of national data on young people entering the system that would enable this factor to be analysed.

Recommendation 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 that available service options are used appropriately.

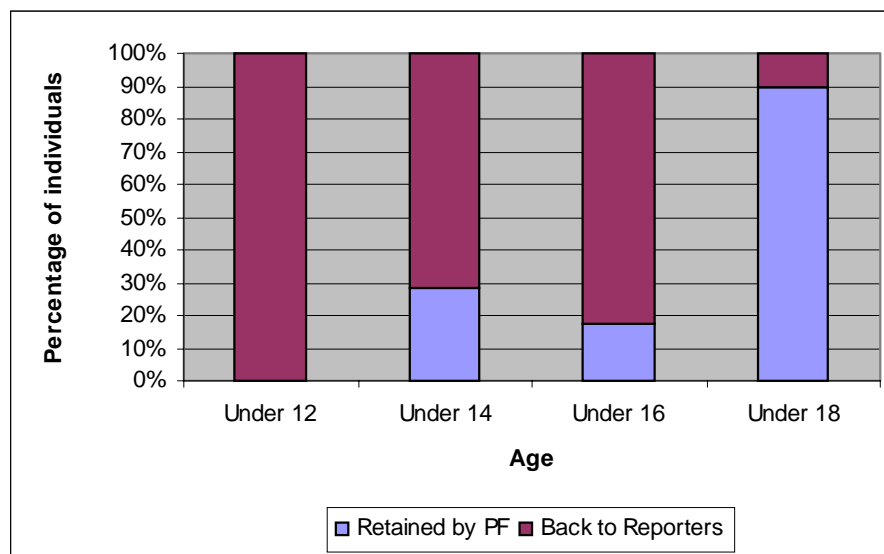
²⁴ Based on sample data of cases involving an accused under 21 from the Crown Office & Crown Office Annual Report 2000/01.

Jointly Reported Cases

95. Young people aged 16 or 17 and on supervision, and those young people under 16 who are charged with serious crimes or road traffic offences which attract disqualification, are jointly reported by the police to the PF and the Reporter. Based on COPFS sample data, 25% of those under 18 that were reported to the PFs were referred back to the Reporter.²⁵ For those under 16, 81% were referred back to the Reporters.

Exhibit 18: Under 18s referred to the Procurator Fiscal, January 2001

The majority of under 16s that are jointly referred are referred back to the Reporter – but only a small number of 16/17 year olds are.



Source: Crown Office Sample Data

96. Previous research shows that the rate of retention of those jointly referred to the PF varies significantly around the country, from a low of 15% to a high of 66% of individuals²⁶. Our analysis of the sample data from the 20 PF offices confirms this variation, with percentages ranging from 45% retained by the PF to less than 15% of individuals aged 17 or under who are reported to the PF.²⁷
97. Systems for bringing cases together are not always efficient. The Reporter and PF receive reports independently and it is not always immediately apparent that the case has been jointly reported. In the days before police reports were e-mailed, some forces used different coloured paper for jointly reported cases, thereby immediately alerting both the PF and Reporter that this case required joint consideration. Now with the electronic transfer of data it is not possible to distinguish the cases in this way. A number of Reporters and PFs mentioned that it is sometimes only when they meet to discuss cases that they realise what information the other has and have to go back and find the paperwork. After

²⁵ It is not possible to tell from the sample data whether all those under 18 were jointly reported. Some may have only been reported to the PF and therefore it would not be expected that they be referred to the Reporter.

²⁶ The Evaluation of Children's Hearings in Scotland - Deciding in Children's Interests University of Stirling 1998.

²⁷ COPFS sample data.

reviewing the case, the PF and Reporter will make a decision as to which of them should see the matter through.

98. Each area has developed its own arrangements between the PF and the Reporters to discuss jointly reported cases. These arrangements vary in terms of the frequency of meetings, participation and attendance, and method (face to face, telephone, faxes, e-mails). In general, the feedback received indicates that the liaison mechanisms work well and, in the majority of cases, agreement is reached easily on who will take responsibility for individual cases. Legally, the final decision rests with the PF.
99. However, a number of difficulties were mentioned by PFs and Reporters, e.g. easily identifying cases that have been jointly reported; and, from reviewing the procedures in each area, a number of elements of good practice emerge. These are:
- police “flag” jointly reported cases and ensure that the reports are sent on the same day to both the Reporter and PF;
 - if the alleged offence involves more than one accused, the co-accused are listed on the jointly reported sheet; and
 - the PF and Reporter exchange lists of cases to be discussed prior to meetings to enable both sides to have the relevant paperwork.

<p>Recommendation 11. SCRA, ACPOS and COPFS should review arrangements for jointly reported cases and ensure that good practice and guidance are being followed.</p>

Information and assessments

100. PFs receive information regarding the alleged offence from the police. Sentencers can call for assessment reports from social workers, health professionals and staff in special services or programmes to assist in sentencing.
101. SERs provide sentencers with information on young offenders and their circumstances. The National Standards for Social Work Services in the Criminal Justice System(1991) cover the content and delivery of these reports. Risk to society from the offender re-offending and the potential seriousness of the likely offences are key factors in decision-making in the CJS. Since amendments to the standards in 1998, SERs must also include a risk assessment.
102. Overall, sentencers spoke well of these reports and said they provided the required information. Our analysis of 160 case files showed that some areas had consistently clear, easy to read reports with systematic risk assessments, while others were variable. This seemed to reflect the skills and expertise of the individual social worker. As in the children’s files, there was little evidence in the adult social work files of systematic quality control to ensure a reasonable degree of consistency in the quality of reports.

103. The national standards do not prescribe the use of a particular assessment tool, nor is guidance provided on the advantages of different tools and their appropriateness for assessments of young adults.
104. In two of the six case study areas, the majority of SERs (84% and 54%) did not include a risk assessment. In one further area, 44% of SERs included minimal or no information on risk.
105. Risk assessments were included in 107 of the 160 files which we examined, with 61 of these explicitly recording a risk level (as high, medium or low).

Exhibit 19: Use of risk assessment in case files

Only minimal information on risk was included within many SERs.

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Assessment included but level not explicit	14	6	3	11	2	10
Assessment included with risk level identified		10	1	12	23	15
Minimal information	10					
No risk assessment included	1	19	21	2		
<i>Named assessment tool used LSI-R (included in numbers above)</i>		4		12		
Total	25	35	25	25	25	25

Source: Audit Scotland

Recommendation 12. Councils should ensure that reports for Children’s Hearings and courts contain good quality risk assessments.

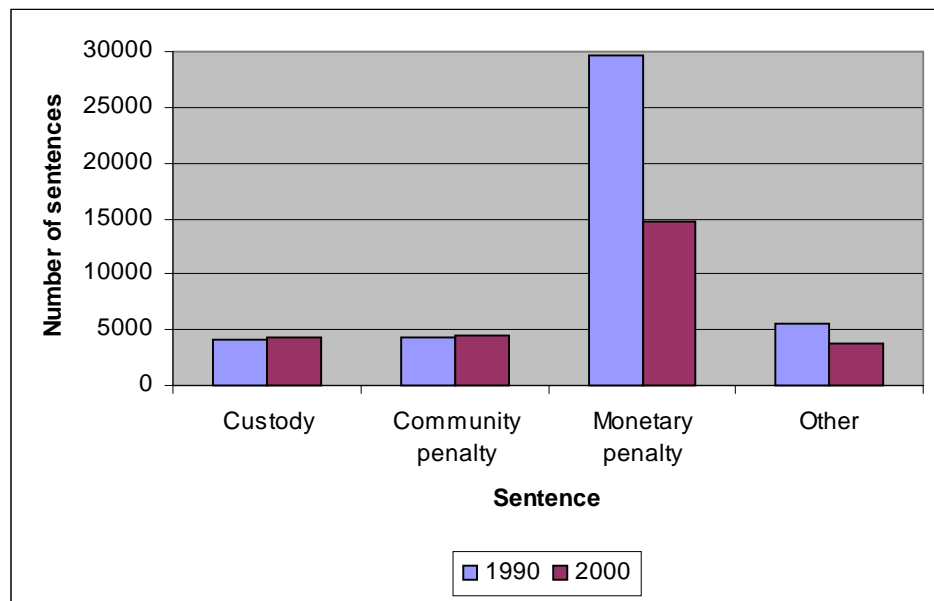
Court decisions

106. Between 1990 and 2000 the number of people under 21 proceeded against in court fell by 36% to just under 33,000. This has been matched by a similar decline in the number of under-21 year olds with charges proved in court in a year. This declined between 1990 and 2000 from almost 44,000 to 27,500. This represents a 37% decline since 1990 and a 16% fall since 1995.²⁸

²⁸ Criminal Proceedings in Scottish Courts, CrJ/2001/7, Scottish Executive, November 2001.
Dealing with offending by young people

Exhibit 20: Under 21s with a charge proved by main penalty 1990-2000

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

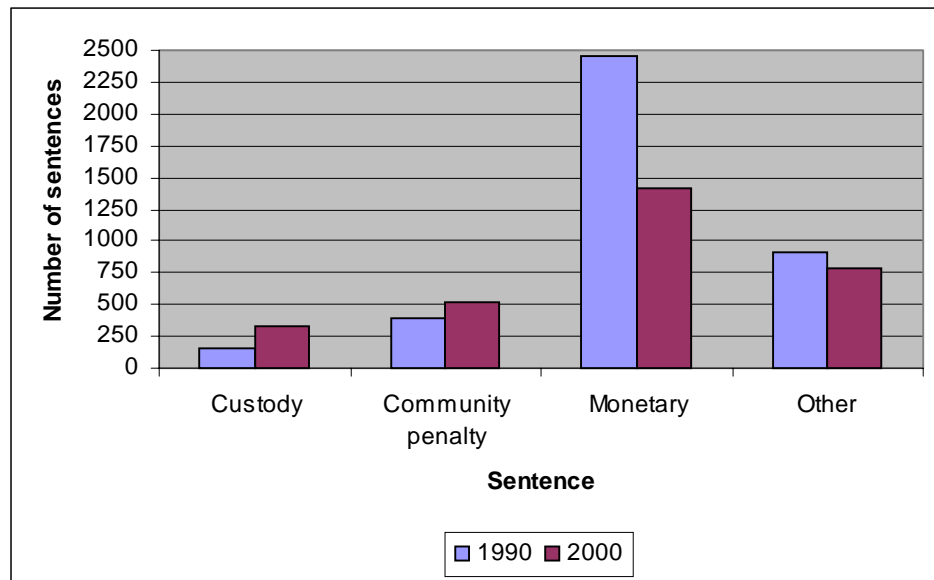


Source: Scottish Executive Statistical Bulletin, CrJ/2001/7, November 2001

107. Exhibit 20 shows that the absolute number of custodial sentences and community penalties has remained steady over the 10-year period, despite a fall in the numbers entering the CJS. The numbers receiving custodial sentences rose slightly from 4,173 to 4,329, and the numbers receiving community penalties from 4,375 to 4,572. The overall decline is accounted for by the decrease of over 50% in the number receiving monetary penalties. These have fallen from 29,682 to 14,771. The main reasons for this are the increased use of police warnings and police “conditional offers”, and PFs taking less people to court and using more fiscal warnings, Fiscal fines and diversion schemes.
108. There is little helpful data to support a deeper analysis of the reduction in cases but the available data suggests that significant efforts to reduce the number of less serious cases coming to court have been made. This pattern is different from that for over 21s and does seem, overall, to reflect increasing confidence in diversion from prosecution and avoiding court appearances.
109. However the number of Probation Orders made for people over 21 years of age rose significantly between 1990 and 2000 whereas the number made for under-21s stayed steady. This suggests that there may be further scope, if resources were available, to increase use of community disposals like probation as alternatives to custody for young adults.
110. In the last 5 years custodial sentences for under 21 males have fallen by 15% to around 4,000 and this fall is largely accounted for in the 16/17 age category. Sentencing trends for 18-20 year olds seem steady, but the numbers of custodial sentences given to females under 21 over this period has risen markedly from 110 to 336.

Exhibit 21: Females under 21 with a charge proved by main penalty 1990-2000

The number of custodial penalties for female young offenders has risen considerably in the last 10 years.



Source: Scottish Executive statistics run for Audit Scotland

111. The pattern of court decisions is different for female offenders under 21. The overall numbers taken to court have declined, but not by so much as for males. Females now constitute 11.1% of the total sentenced population compared with 9% in 1990. Exhibit 21 shows that the numbers receiving monetary penalties have declined considerably but not as much in percentage terms as for males; that community disposals have risen significantly; and that custodial sentences have also increased significantly.
112. The sentences received by under-21 year olds differ from other offenders. Young offenders are:
 - less likely to be fined (54% of under 21s fined in 2000 vs. 65% for all sentences passed) – 14,771 young people in 2000;
 - more likely to receive community sentences (17% vs. 11%) – 4,572 young people in 2000; and
 - more likely to receive a custodial sentence (16% vs. 13%) – 4,329 young people in 2000.²⁹

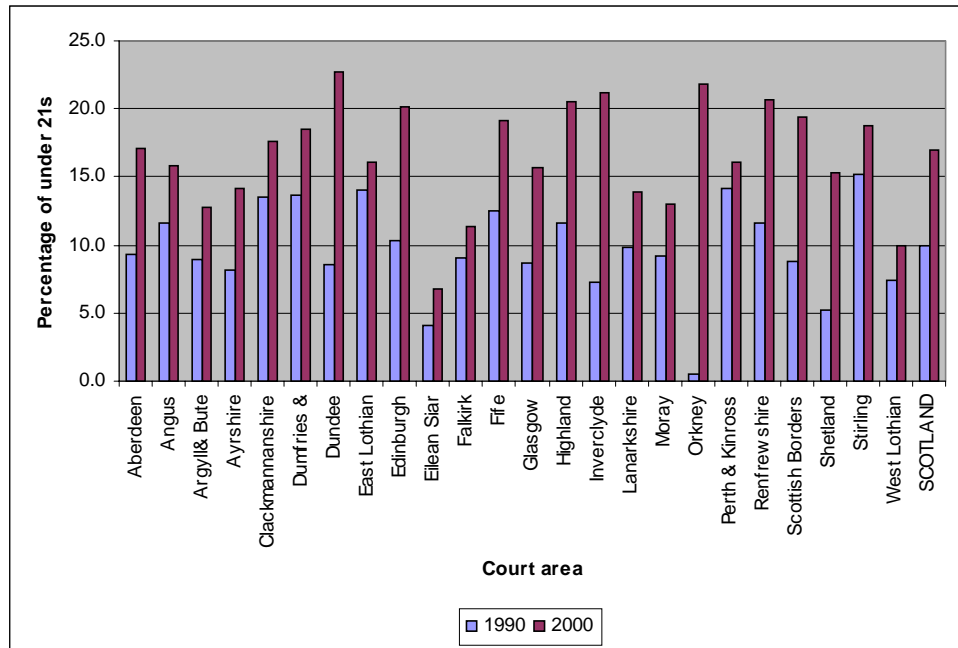
²⁹ Criminal Proceedings in Scottish Courts, CrJ/2001/7, November 2001.
Dealing with offending by young people

113. Community disposals include:
- probation orders (POs);
 - community service orders (CSOs);
 - deferred sentences;
 - supervised attendance orders (SAOs);³⁰
 - restriction of liberty orders (RLOs); and
 - drug treatment and testing orders (DTTOs).

114. The use of community sentences across Scotland has increased proportionately, from 10% of all disposals made on accused under 21 in 1990 to over 15% in 2000. However, there is significant variation in their use between court areas reflecting geographic variation, and in some instances, such as Orkney and Shetland, small court populations.

Exhibit 22: Use of community sentences for under 21s across Scotland 1990-2000

As with other sentences, the use of community sentences varies significantly across court areas in Scotland.



Source: Scottish Executive, June 2001

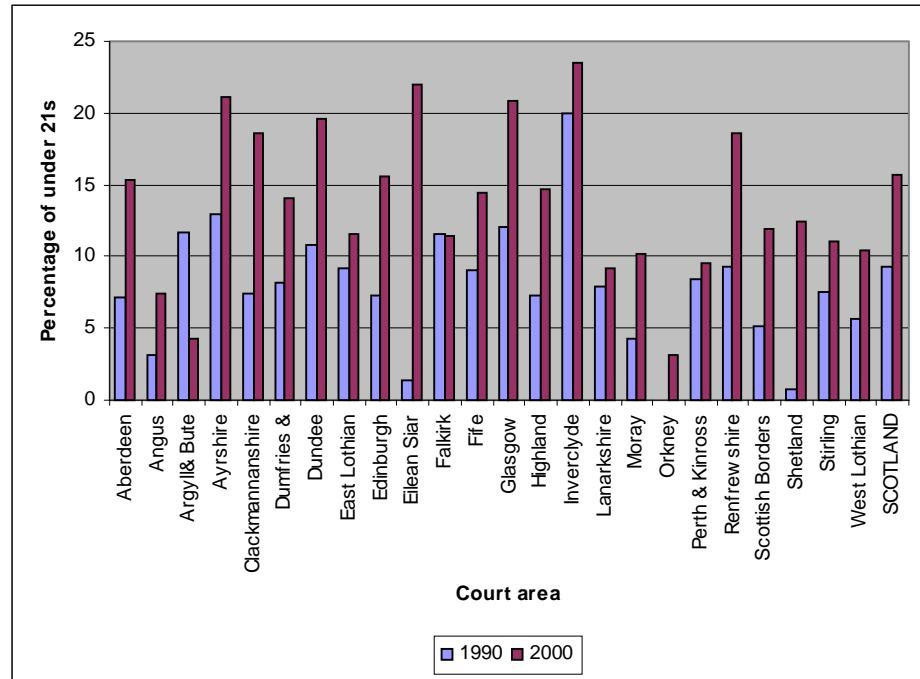
115. The numbers of SAOs, RLOs and DTTOs are small but growing. In 2000, there were 142 of these sentences for under-21s: SAOs (28), RLOs (108) and DTTOs (6). A further 700 SAOs were made for people under 21 as a result of fine default in 2000/01.

³⁰ SAOs are available for fine defaulters aged 18 and over throughout Scotland.

116. The use of custody as a disposal for under 21s in 1990 and 2000 is shown in Exhibit 23. The proportion of under 21s with a charge proved in court receiving a custodial sentence has risen from just under 10% to just over 15%, against a backdrop of a decline in the absolute number of under 21s having a charged proved. As with the use of other sentences, there is significant geographic variation in the use of custody across Scotland.

Exhibit 23: Proportionate use of custodial sentences for under 21s across Scotland 1990-2000

The use of custody as a disposal has increased relative to other sentences passed over the past 10 years.



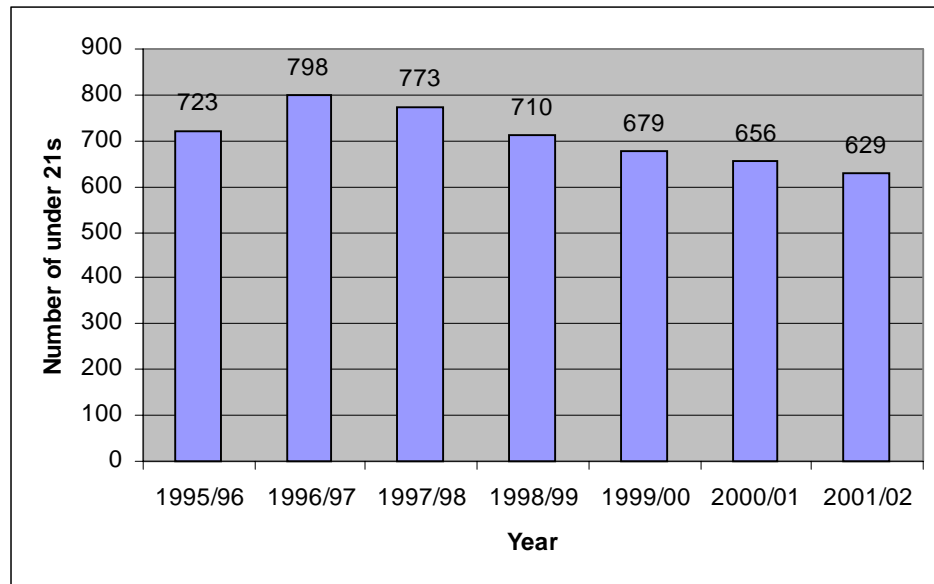
Source: Scottish Executive, June 2001

Custody

117. The data about court decisions to impose custodial penalties are not directly comparable with statistics about reception (or admission) to penal establishments. The reception figures show that the average daily population of young offenders serving custodial sentences declined by 21% from 798 to 629 over the past five years. The fall is accounted for entirely in sentences of fewer than four years. The number serving longer sentences is steady. The average daily number remanded in custody has also fallen from 331 to 242. The number of directly sentenced young offenders admitted to penal establishments in the course of a year has fallen over the last five years by 18%, from 2,829 to 2,311 in 2001/02. The number of receptions into prison for fine default is also down sharply during this period from 1,604 to 1,110.

Exhibit 24: Average daily population of sentenced under 21s in custody 1995/96-2001/02

The average daily number of sentenced young people in custody has declined over the past five years.



Source: Scottish Prison Service Annual Reports

118. Only 5% of young offenders in prison are female. The average daily population was 44 in 2000, of whom 30 were directly sentenced and 14 on remand. The number of directly sentenced receptions of females under 21 over the five years to 2001 rose markedly from 65 to 137. The rise in custodial sentences for younger women is striking given that the figures for young men are falling. In February 2002. The Scottish Executive's Ministerial Group on Women Offenders concluded that "*young women offenders should be targeted for special measures to reduce the present prison numbers and halt a future increase... there is the potential to reduce the number of young women in custody by up to 45 receptions per year,*"³¹ which would translate into a reduction of up to three people in the average daily population.
119. The Executive has identified the need for special efforts to reduce the numbers of young women in custody. Sustained work is required by all the agencies involved to achieve this objective.
120. While young people in the CJS are awaiting trial, they may be held on remand or placed on bail. The average daily population of young people remanded in custody in 2001 was 242, compared with 331 in 1996. Around a quarter of these are likely to be under 18, whereas among convicted young offenders only 15% are under 18. This suggests that there is a need to hold more of the younger population to ensure that they appear in court, or because they do not have a settled address, or because their behaviour is in some way out of control; but after a period of remand they are less likely than 18-21 year old offenders to receive a custodial sentence.

³¹ A Better Way: The Report of the Ministerial Group on Women's Offending, Scottish Executive, 2002
Dealing with offending by young people

121. Little constructive work is usually done with young people on remand in custody. Bail is nearly always preferable if it is appropriate. Conditions can be applied to a bail sentence, such as residential conditions or monetary payments. The Scottish Consortium on Crime and Criminal Justice recommended further use of bail supervision projects throughout Scotland³². And the Report of the Advisory Group on Youth Crime recommended that “*bail information and supervision schemes to all 16/17 year olds should be expanded*”.³³ There is no readily available national data on the progress made in doing this.

Costs

122. The costs for processing a case are on average lower in the children’s system. We estimate that a case that goes to a Children’s Hearing costs around £645 for the Reporter’s work and the arrangements for the Hearing, including training and expenses of Panel members. Panel members are volunteers and there is no cost for their time.
123. A case heard in court can vary considerably in cost according to the type of case and number of appearances. We estimate that the costs of the court and of the PF preparing and prosecuting the most straightforward cases are around the same as the costs of taking a case to a children’s hearing. Many cases – as many as half of all those that are heard in sheriff courts - cost significantly more when allowance is made for legal aid, the costs of the judiciary and the costs of trials involving juries. The judicial process that is used in the CJS and which is expected by the public explains why these costs are higher. However it seems clear that the CHS deals with cases at significantly lower cost than the CJS, and it is reasonable to assume that this has provided Scotland for many years with a lower cost system for children than the court based systems used for young people in many other countries.

³² Rethinking Criminal Justice in Scotland, Scottish Consortium on Crime and Criminal Justice.

³³ It’s a Criminal Waste, Stop Youth Crime Now – Report of Advisory Group on Youth Crime, 2000.

Exhibit 25: Costs of Processing a Case through the CHS and CJS

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

CHS	Cost	CJS	Cost
Arrest and Charge by the Police	£125	Arrest and Charge by the Police	£125
Reporter decision making	£405	PF decision making	£200
Reports / Assessments	£175	Reports / Assessments	£175
Hearing	£240	Court*	£900 - 12,000
Total cost	£945		£1,400 - 12,500

Note:* This figure refers to cases that have received legal aid.
Figures do not allow for costs of the judiciary

Source: Audit Scotland estimates. Appendix 3 in the main report explains financial assumptions.

Changing behaviour

124. The courts and Children’s Hearings make disposals designed to reduce offending behaviour and rehabilitate the offender. In doing so, they seek to take into account the impact of the individual’s behaviour on the community. In recent years, there has emerged increasing knowledge of “what works” in reducing the likelihood of reoffending. Most of this work has been done in relation to adult offenders. Less attention has been given to younger offenders who require different approaches on account of their lesser maturity, shorter attention spans and greater susceptibility to peer influence.
125. The services available in Scotland to deal with offenders include:
- action by social workers, working individually with the young person as part of a supervision or probation order; sometimes this work includes other family members;
 - formal programmes such as community service or supervised attendance orders, or attendance at community projects; and
 - specific offender focused programmes on aspects of behaviour, e.g. anger management, thinking skills, addictions, victim awareness.
126. All of these options can be provided for young people living in the community or in residential schools or YOIs.
127. The literature review that we commissioned³⁴ suggests that there is no convincing evidence that the disposal itself affects reoffending; what matters is that the intervention is appropriate and that the service delivered conforms to standards of good practice. There is no evidence that punishment as such reduces reoffending, and there is no positive relationship between levels of custody and crime levels. There is promising research evidence that programmes and services provided for young people while living at home can be effective in reducing the criminal behaviour of persistent offenders. The critical influence is what is done with young offenders to change their behaviour. The evidence suggests that effective programmes for young people:
- require participants to attend regularly and frequently over a reasonable length of time;
 - are targeted on those at the highest risk of reoffending;
 - use cognitive and behavioural methods focused on the individual’s criminal behaviour;
 - address the individual’s personal and family relationships;
 - focus on education and employment skills;
 - are tailored to individual needs as much as possible, not “one size fits all”; and
 - are delivered by knowledgeable, skilled individuals, appropriately educated and experienced, who are warm, optimistic and enthusiastic and use their personal influence through the quality of interaction directly with young people.

³⁴ Criminal Justice Social Work Development Centre, Edinburgh University.
Dealing with offending by young people

128. There is an emerging body of research on “desistance”, which has yet to make a major impact on practice. This suggests that key factors in ceasing to offend are finding something of value such as a job, a life partner or a family. The implications for work with young people are that there should be an emphasis on building opportunities to gain and keep employment, and strengthening the capacity for positive personal relationships.
129. To be effective, programmes must be delivered as planned and conform to these principles. One study for the Home Office of 196 programmes claiming to be based on “what works” principles found that only a sixth had the required features in practice, ie, actually did what they claimed to do.³⁵ It is important therefore that services and programmes for addressing offending have staff with the right skills supported by effective first line managers and appropriate training and development.
130. In 2003, the Executive is introducing arrangements to accredit specific programmes for adult offenders that meet the principles set out above. This should help to ensure that effective programmes are increasingly used in place of less effective options. This goes alongside the development of standards and assessment tools in work with adult offenders. Such a focused approach has not yet been developed for work with children’s offending behaviour, although the Scottish Executive has recently announced that it will set national standards for work with children who offend and will arrange for accreditation of programmes for children as well as for adults.

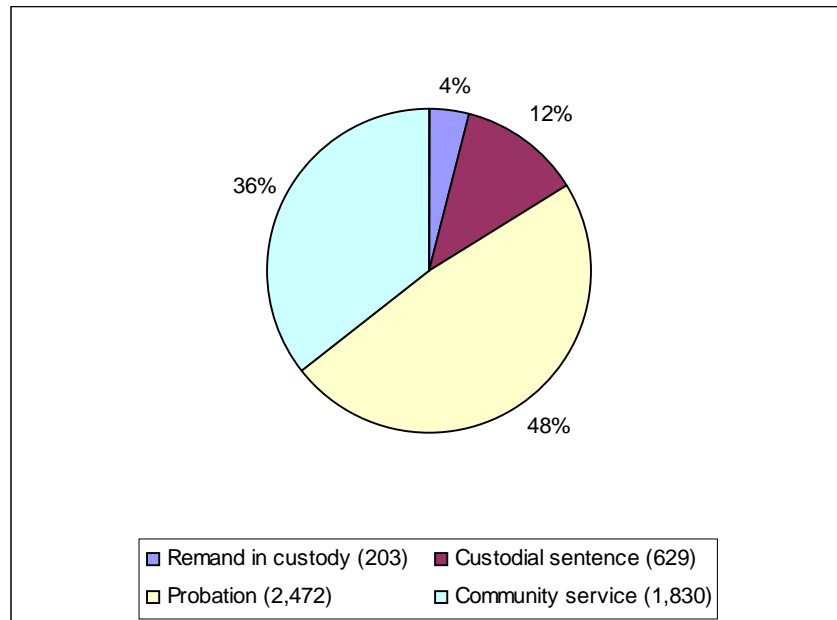
³⁵ quoted by Dr James Maguire at conference on ‘Young People and Crime’, Liverpool University, June 2002.

Services in the Criminal Justice System

131. The proportion of offenders in the CJS using the main service options other than monetary penalties are shown in Exhibit 26.

Exhibit 26: Percentage of young adult offenders receiving custodial and main community penalties

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



Source: Criminal Proceedings in Scottish Courts; Scottish Prison Service Annual Report 2001/02; Criminal Justice Social Work Statistics 2000 analysed by Audit Scotland.

132. These figures are based on final sentences. They do not reflect the numbers of deferred sentences that the courts regard as a useful community disposal. The absence of complete data on deferred sentences hinders the analysis of the balance between community and other disposals.
133. Sentencers whom we interviewed said that probation supervision for over 16s worked well. Our fieldwork showed:
- over 90% of our sample of young people on probation were continuously allocated a social worker;
 - sentencers were confident that the service would be delivered;
 - social work staff teams were generally stable and experienced
 - 40% of offenders attend a special programme as a condition of their PO and a further 20% attend a community service scheme;
 - agencies are clear about national standards and overall these are being observed;
 - POs often carry conditions tailored to individual circumstances;
 - action is taken on non-compliance with court orders; little drift occurs

but...

- 24% of case files did not contain good care plans;
- only 61% of new probationers were seen by a supervising officer within one week – a quick contact is good practice; and
- evidence about outcomes is not readily available.

This picture of services is consistent with the generally positive conclusions from research published in 1998.³⁶

134. There is a well established system for POs that are “breached”. Some 18% of orders for all ages were breached in 2000/01. Under-21s are more likely to breach orders than older offenders.
135. Research on Supervised Attendance Orders for people who have failed to pay fines has reported positive results, although young offenders are more likely to breach these orders than older offenders.

Custody

136. The average daily population of young people serving prison sentences was around 600 in 2001/2002. A further 200-250 were being held on remand in prison at any one time. They are placed in 12 different prison establishments. 71% of convicted prisoners (and 81% of those under 18) are placed in the YOI at HMP Polmont., Most of the remaining convicted are in HMP Dumfries and HMP Glenochil. Young offenders on remand are dispersed widely through the prison estate, with the majority not placed in a YOI.
137. 60% of young offenders are reconvicted within two years of release compared with 44% of adult offenders. A number of factors influence whether a prisoner is likely to reoffend – education, employment, training, financial support, accommodation, offending behaviour programmes, family networks, throughcare support. There are constructive schemes within prisons to address these needs, but they are not sufficiently available and, even when they are, they are not usually backed up by aftercare and support after release. The Social Exclusion Unit has recently concluded from a study in England that: *“prison sentences are not succeeding in turning the majority of offenders away from crime”*.³⁷ The Chief Inspector of Prisons said in his annual report for 2001/02 that more priority for young offenders is required from the Scottish Prison Service (SPS). He has noted excellent work done in prisons with young offenders, but he told us that he thought that the ethos of rehabilitation could be stronger and that better use could be made of the time spent by young offenders in prison, e.g. work, education, and physical exercise.

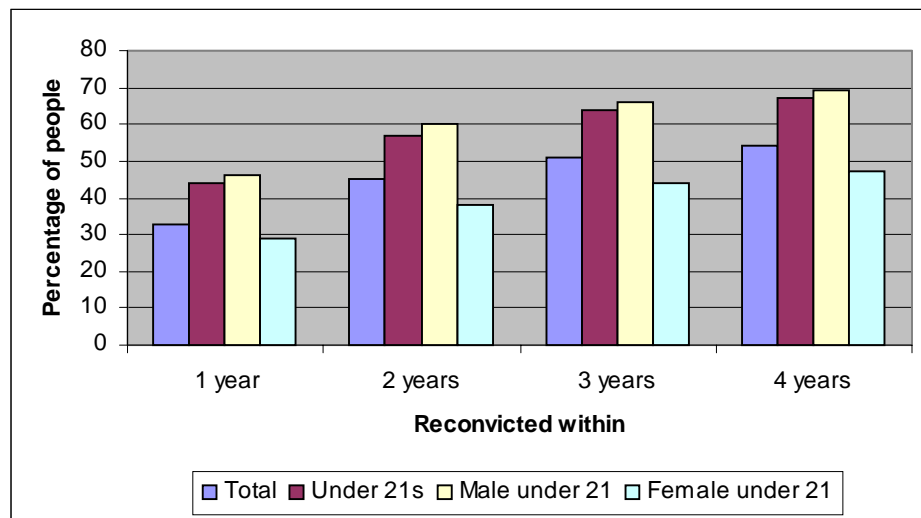
³⁶ McIvor and Barry 1998

³⁷ Reducing reoffending by ex-prisoners: Report by the Social Exclusion Unit 2002

Dealing with offending by young people

Exhibit 27: Percentage of those released from custody or receiving a non-custodial sentence in 1995 who have been reconvicted

60% of young offenders are reconvicted within 2 years of release



Source: Scottish Executive Statistics bulletin - CrJ/2001/1 - February 2001

138. The SPS has increased its use of programmes within YOIs to prevent reoffending, but there could be further improvements. Prisoners with short sentences are generally excluded because programmes are designed for longer periods. Pressures on staff limit the time available to run programmes, which restricts the volume of programmes delivered. These pressures also limit the amount of time staff can give to one-to-one contact with prisoners which can provide valuable support in helping them to prepare for return to the community.
139. A serious problem is the lack of throughcare and aftercare. Prisoners serving less than four years are not subject to statutory aftercare and may receive no support after leaving prison. This may undermine the work done in preparation for release while in custody. The risks for released prisoners are well established. Lack of employment or accommodation and financial hardship increase the risks of reoffending. Many ex-prisoners find it difficult to avoid returning to criminal social networks. Managing these risks would be assisted by the support of statutory aftercare programmes. In December 2002 Scottish Ministers are expected to announce a new throughcare policy which identifies young offenders as one of three priority groups for voluntary aftercare.
140. It is worth noting that the main custodial order now in use in England and Wales for under 18s is the Detention and Training Order, which is based on the concept of serving 50% of a sentence in custody and the remaining 50% on community supervision. This approach reflects well-established evidence that support after release is essential to successful outcomes.

Recommendation 13. The Scottish Executive should consider developing a legislative proposal that would ensure the statutory provision of aftercare for young people leaving prison.

141. Another difficulty in sustaining credible rehabilitation programmes is the enforcement of warrants issued for offences committed prior to the custodial sentence. A young person may get arrested soon after release from custody and find himself serving another sentence. This can undermine efforts by offenders to rehabilitate and avoid reoffending. Considerable effort may go in to helping such a process while the young person is in custody. We were told that this is not an uncommon occurrence and that COPFS will be exploring means of pulling together outstanding charges to avoid this, as, for example, happens in the two pilot drug courts in Scotland. But it is complicated and often charges are dealt with separately because the accused person and their defence agent will seek to defer dealing with outstanding matters. Young offenders often do not look far ahead and see the potential benefits of getting ‘a clean slate’.
142. An advantage of the different approach in the CHS is that the Reporter can bring together several referrals in a way that is not possible currently in the adult system.

Recommendation 14. The Scottish Executive and the Crown Office should explore the scope for bringing together outstanding charges, particularly while young people are in custody.

143. The average weekly costs of the key disposals made in the CJS system are as follows:
- £40 for a PO;
 - £70-£120 for enhanced probation ie, with additional programme;
 - £35 for a community service order;
 - £15-£320 for specialist community programmes; and
 - £540- £700 for YOI place.

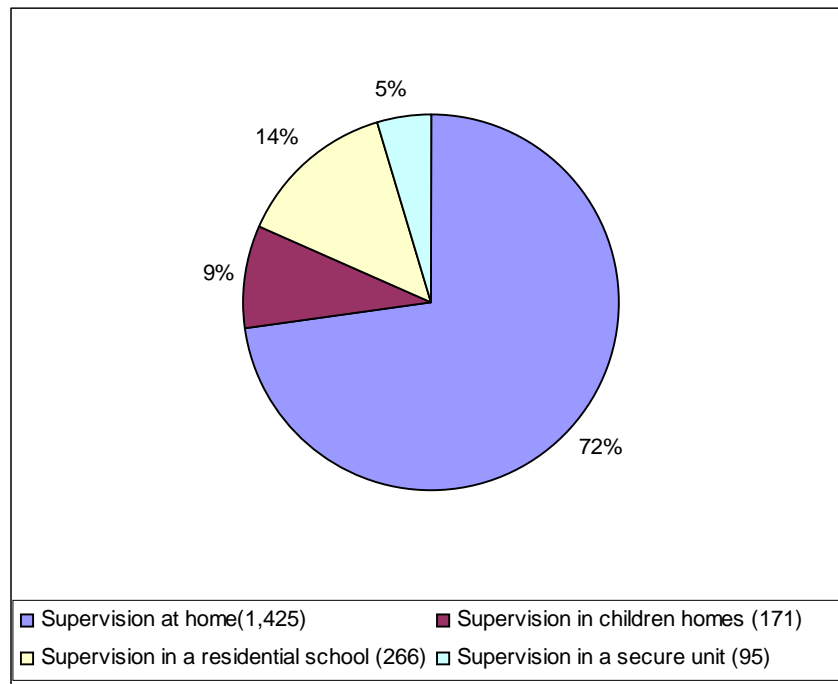
Financial assumptions are explained in Appendix 3.

Services for children who offend in the Children's Hearings System

144. The numbers of children with offending behaviour receiving the main children's services are set out in Exhibit 28.

Exhibit 28: Residence of under 18s on supervision requirements

Only 19% of children with offending problems are in residential schools and secure care.



Source: SCRA Statistical Bulletins 2000/01

145. The number of children who are on supervision following a referral on offence grounds declined over the 5 years to 2001. The numbers in residential care have declined in proportion so that the percentage in residential care has not changed significantly.

146. Our study of case files and fieldwork visits found:
- committed and intensive work delivered by social workers in many cases – often going beyond the 'call of duty';
 - prompt allocation of new cases in most areas;
 - 22% of our sample of 45 cases attended a special programme addressing offending behaviour; and
 - in some areas, children's and adults' social workers combining to form specialist 'youth justice' fieldwork teams.

147. But there are also serious shortcomings in the supervision of children referred by Hearings and these must be addressed urgently. Findings show:
- a fifth of cases did not have a social worker allocated continuously to the young person – if repeated nationwide, this means that around 400 children at any one time have not received the service they need and to which they are legally entitled; the number affected in a year will be even greater;
 - in just under a third of cases there was no care plan in the file;
 - in nearly a third of cases there was no evidence that the offending behaviour was being tackled in a focused way; and
 - cases in our sample referred for voluntary measures were unlikely to receive a service – this means that several hundred children considered by the Reporter to need assistance probably do not receive it.
148. There was widespread agreement among police, Sheriffs, Reporters, panel members and Fiscals – as well as social workers - that the children’s social work service is in serious difficulty and that this is worse than it has been at any time since the system was established some 30 years ago. These difficulties are attributed to staff shortages, and to the fact that many cases are dealt with by social workers with limited knowledge and experience of offending behaviour. Some of those we interviewed said that there was insufficient support for front line social workers and that quality control needed to be more effective to ensure that satisfactory minimum standards were observed. The evidence from our literature review suggests that skilled, effective social workers are essential to the success of services for these children, but it is clear that significant numbers of young people who are deemed by the Reporter and Children’s Hearings to need this sort of support to tackle their offending behaviour are not getting it.
149. Every young person placed on supervision by a Children’s Hearing should receive the continuous service of a social worker. This is a legal requirement. Nearly all over 16s placed on orders by the courts receive the service that the law has determined should be provided. This does not happen as it should for, it appears, hundreds of children.

Recommendation 15. The Scottish Executive and councils must give urgent attention to the level and quality of social work services for children who offend. Councils and the Scottish Executive should collect data on unallocated and unimplemented cases of children on statutory supervision.

Recommendation 16. Councils need to provide consistent case management within the CHS and CJS to ensure that care plans are in place and implemented. This requires good quality first line management working within a framework of standards and guidelines which should be agreed between councils and the Scottish Executive.

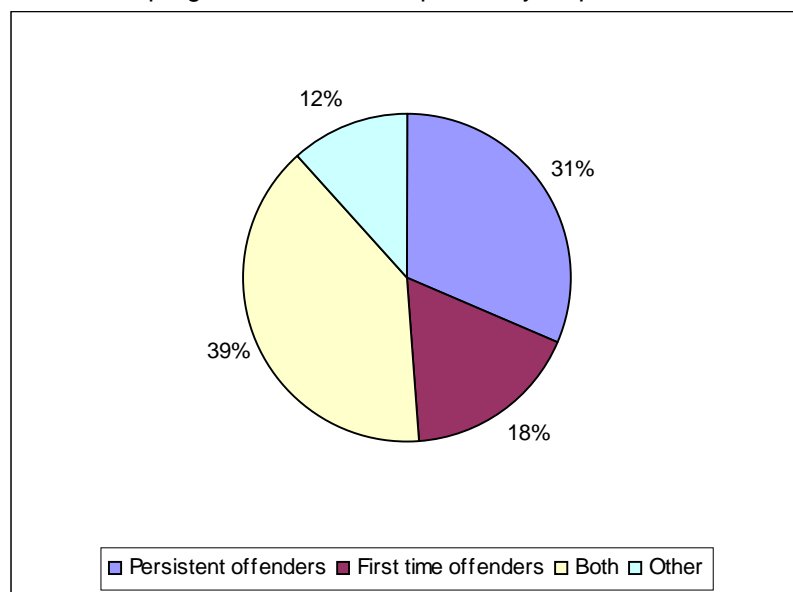
Special programmes for offending behaviour

150. There has been a growth in special programmes to tackle offending by young people, but there is no comprehensive national data about these services. These projects have traditionally been more focused on young adult offenders but increasingly are targeting under 16s. We asked local authorities and voluntary organisations to provide information about projects and programmes that address offending behaviour and accepted young people up to age 21. We received information about 122 such services in 29 local authority areas. Many were part of mainstream field or residential services, or did not focus on offending behaviour as such. Based on the description of services provided, we judged that 51 could be classed as programmes which specifically address offending behaviour. Some were focused only on such behaviour; others included offending programmes within a wider set of services. This is consistent with evidence that young people need to have a wider range of needs met if offending behaviour is to be successfully tackled. Many projects therefore include young people at risk of offending as well as those who have offended. We excluded from our analysis programmes which did not claim to address offending behaviour directly and which were focused only on prevention of offending.
151. Around 2,200 young people were reported as having used these projects in 2001/02. Of these, 74% were referred for offence reasons, i.e. approximately 1,600 young people. Others were referred because they were at risk of offending or would benefit in some other way from attending. From our sample cases, 22% (of the 45) under 16s and 40% (of the 60) young offenders aged 16-21 were attending special projects. This suggests that there is plenty of scope to increase coverage of these projects.
152. Practitioners in both the adult and children's system interviewed for this study stated that there was a shortage of community based programmes available for under 21s. There were special programmes in 24 of the 29 local authority areas that responded to our questionnaire. 15 authorities had three or more programmes. In some areas, programmes are developing well, but in many areas they are barely off the ground.
153. The age range covered by programmes is wide. Nearly all cover children aged 15/16. 22 of the 51 included under 12s along with older children. Only one was focused exclusively on young offenders under 12. One US study found that the risk of becoming a serious persistent offender was two to three times higher for children who offend first under the age of 12. There is scope therefore to develop more specialist programmes for children of primary school age. The evaluation of the Matrix project in central Scotland for younger children starting to offend is positive and this service should be replicated.
154. Only a small number of the projects we surveyed extended to young people over the age of 18. Many focus particularly on the transition stage from the children's to adult system.

- 155. Programmes are quite widely spread across the country with concentration in urban areas, but a number in rural settings. The availability of programmes is vulnerable to changes in staffing when key individuals move on. Those that are funded as special initiatives also lack financial security.
- 156. There are a number of intensive programmes available; a third saw young people at least twice a week; 22 operated at weekends.
- 157. Only 16 programmes (31%) were said to focus exclusively on persistent offenders. A further 20 included persistent with other offenders (See Exhibit 29). The Scottish Executive attaches priority to this group and this suggests that there is a case for increasing the numbers of projects targeting this group.

Exhibit 29: Target group of specialist community based programmes

A third of all programmes focused specifically on persistent offenders.

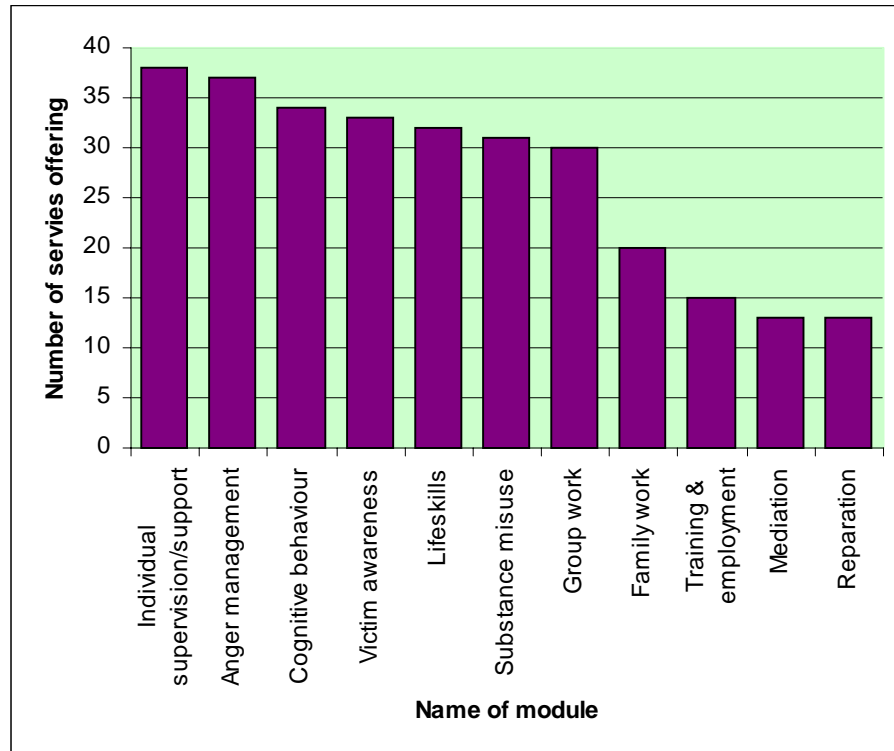


Source: Audit Scotland survey, April 2002

- 158. Most of the programmes surveyed base their work on the “what works” evidence (see Exhibit 30). They provide individual support and supervision, use cognitive behaviour approaches and do specific work on subjects such as anger management. The Scottish Executive allocated specific monies to programmes involving mediation and reparation modules, but at the time of our survey only 13 reported that they provided such a service, although most programmes did seek to enhance victim awareness. A relatively low number of programmes address family work, yet our literature review identifies this as a key aspect of effective interventions with young persistent offenders. The evaluation of the Freagarrach project confirmed the importance of direct work with young offenders’ families.

Exhibit 30: Activities/ modules available from programmes

Many programmes offer modules based on “what works”.



Source: Audit Scotland survey, April 2002

159. To date, evaluation of programmes has been piecemeal. We examined 13 innovative programmes that should contain lessons for wider dissemination. Objective evaluations were available on seven programmes but not on the remaining six. The most effective programmes should be identified, their qualities described and similar services promoted across Scotland through mainstream funding.
160. Our field visits provided a varying picture of these programmes. Some were established, well staffed and regarded highly in their locality. Others were less settled and needed to build credibility with local agencies and professional staff. We were told of some projects that had been set up but were not receiving referrals. This demonstrates the importance of setting up projects as part of a multi-agency approach that wins the backing of staff at different levels in each agency.

Recommendation 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.

Recommendation 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.

Recommendation 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.

Recommendation 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.

Recommendation 21. The Scottish Executive should ensure that services and programmes to tackle offending behaviour by young people are evaluated and the results disseminated widely.

161. The average weekly costs of children’s services are:
- £50 for social work supervision;
 - £15-320 for specialist services and programmes in community settings;
 - £830-£1,400 for specialist foster care;
 - £1,200 for supervision of child in children’s home;
 - £1,200-1,700 for a residential school; and
 - £2,200-£2,900 secure residential care.

Financial assumptions are set out in Appendix 3.

162. There are also significant ancillary costs for the fieldwork support for young people placed in residential settings. The Personal Social Services Unit at the University of Kent estimate these as up to £250 per week.³⁸ Much of the discussion about costs of services overlooks these costs and we could not easily obtain information about the real costs of different service packages.

Children looked after and accommodated away from home

163. Children who require care away from home can be placed in residential schools. There are 35 of these in Scotland. Many do not admit children with offending problems, but several specialise in work with young people in trouble. Most of these young people have a range of personal and family difficulties. There is no national information about the numbers of young people in residential schools where offending is one of the difficulties that needs to be tackled. We estimate that there are around 270 on an average day, some 45% of the total population in residential schools who are subject to supervision requirements.

³⁸ Unit Costs of Health and Social Care: Personal Social Services Research Unit, University of Kent
Dealing with offending by young people

164. Children with serious difficulties whose behaviour is a risk to themselves or other people may be placed in residential schools with secure accommodation. There are 96 secure places in Scotland, and four providers provide over 90% of the places. About a quarter of those in secure accommodation were sentenced by the courts for serious offences that will often involve stays of a number of years, initially in secure care and sometimes moving on at 16 or 17 years of age to a YOI. Another quarter are held on warrants for very short periods while decisions about placement are made. Others spend several months in secure care on order of a Children’s Hearing, generally to stabilise the young person and address the behaviour that has caused the admission. The varied reasons for admission and the different characteristics of the young people create a complex management task for secure units in providing programmes and care tailored to individual needs. The Scottish Executive is supporting initiatives to develop services for females, and for specialised needs such as sexually aggressive behaviour.
165. A specialised fostering service for young people with serious difficulties including offending - Community Alternative Placement Scheme (CAPS) – has recently been evaluated with positive results.³⁹ The scheme is for children deemed to be “close to secure care” to be looked after by specialist foster carers. The evaluation found that, over two years, 20 young people with CAPS were “on average doing no better and no worse” than a comparative sample of 20 others who had been admitted to secure accommodation. CAPS was costed at around £1,400 per week, which compares well with secure care costs. The evaluation concluded that CAPS merits retention and replication.

³⁹ Fostering and Secure Care: An Evaluation of the Community Alternative Placement Scheme (CAPS) (Maira Walker and Malcolm Hill), Centre for the Child and Society, University of Glasgow, John Triseliotis (University of Strathclyde). Scottish Executive Interchange 72.

166. Recent research for the Youth Justice Board suggests that a significant number of young people in residential and secure units and YOIs have mental health difficulties, and the treatment available for them is insufficient. Health and social work staff we interviewed for this study said that specialised services for young people were not consistently available across Scotland. The case files we examined indicated that a number of young people had contact with the specialist mental health services, but the treatment they received did not appear, from the file records, to be integrated as part of an overall package of care alongside other services. It is well known that child and adolescent mental health services, generally, are not sufficient to meet the needs that exist, and that waiting lists are long. The Scottish Executive is currently reviewing these services. Secure units, residential schools and YOIs are looking after children and young people with the most complex problems and, accordingly, their needs should receive a high priority in attracting scarce mental health services.

Recommendation 22. The Scottish Executive and the NHS should ensure that specialist mental health services are part of the core service in residential schools, secure units and YOIs.

167. There is no doubt that secure accommodation is an essential and important resource and that it provides the community and the young people admitted to secure care with protection and respite from the consequences of their behaviour. We heard varied views on the quality of these services. It is clear that these schools manage young people with complex difficulties and handle challenging behaviour that is often dangerous and distressing for staff. We were told of notable successes in working with these young people. We were also told about the arbitrary nature of finding places and difficulties in linking these services with services in the young person's own community. We were told also that there are difficulties in secure units and residential schools (as in other social work services) in finding and holding on to sufficient high quality staff.
168. Secure units are regularly inspected by Her Majesty's Inspectorate of Education (HMIE) and the Social Work Services Inspectorate (SWSI). The key issues which have been identified are more focus on education; systematic individual care planning and programmes; developing staff skills; strengthened links with community services; and more consistent and integrated provision of specialist psychiatric and psychological services.
169. Nearly everyone we spoke to said that more secure places are needed. The Executive has now announced proposals to increase the number of places by around 24 and to develop more specialist provision, e.g. for girls. There is a concern that no matter how many places are provided they will all be filled and that what is more urgently needed is investment in services in the community which could provide intensive support to help prevent admissions to secure care or enable young people to be discharged sooner.

170. In recent years, there has been some development in the provision of offender focused programmes in residential schools and secure units. There would be benefits in sharing experience of “what works”, and networks of learning could be set up involving residential schools, secure units and the SPS, which has also developed expertise in these areas of practice.
171. Secure care is expensive as it provides high staff levels to look after and work constructively with young people with complex needs, often displaying dangerous behaviour either to themselves or to other people. The average cost of a place in a secure unit in 2001/02 was £133,137 per annum. This is an increase of 46% since 1997/98. The price per week for an individual staying at one of the three larger units is set out in Exhibit 31.

Exhibit 31: The price of a place in a secure unit for one week (£)

The price varies between secure units

Unit	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002
Kerelaw	1,680	1,866	1,872	2,044	2,215
Rossie School	1,747	2,097	2,240	2,415	2,597
Kenmure St Mary's	1,819	2,182	2,584	2,749	2,869

Source: Scottish Executive

172. Units fix their own prices and have no difficulty in filling places. The main reasons for recent price increases are:
- the effects of regulation, inspection and raised standards, e.g. in numbers and quality of staff;
 - providing more focused programmes to address offending behaviour (and other specialised needs); and
 - paying for capital developments.
173. Private finance was used to fund a large proportion of the new build secure unit at Kenmure St Mary's and for the education block at Rossie Farm School. This has had a considerable impact on prices, although, over time, as the debt is repaid, the relative price should fall.
174. The high costs of secure care and residential schools are particularly problematic for smaller local authorities where the impact of only one or two placements on budgets can be severe. In all six areas we visited, we were told that these high costs influenced decisions about children.
175. We were not able to find evidence about the effectiveness of secure units and residential schools in preventing reoffending and improving young people's life chances. There is virtually no data available to monitor the progress of young people using these services.

176. An estimated £30 million per year is spent on residential school and secure unit places for children with offending difficulties (and a further £20 million at least on other children). There is no recent research on the cost effectiveness of these services. Studies have been carried out in recent years on supervision at home and probation, services which together cost some £9 million, much less than that spent on residential schools. There is an urgent need for this gap in knowledge to be addressed by The Scottish Executive so that decisions about the development of these services in future are based on more reliable evidence than hitherto.
177. There is a strong case for taking a more coordinated approach to commissioning of residential school and secure care places. At present, a free market operates where three main providers of secure care sell places to up to 32 local authority purchasers (although many rarely use the services) and the Scottish Executive. Up to 250 transactions take place in a year. A more collective approach to procurement should be considered as a means of obtaining the best standards of service for the small number of young people who require this form of care. This would facilitate the negotiation of prices between purchaser and provider; the linking of purchasing to delivery of defined services; economies of scale for expensive specialist services; cost effective training and development work; and, the collection of information about performance and outcomes for young people using the services.

Recommendation 23. The Scottish Executive should evaluate the cost effectiveness of residential schools, secure accommodation and YOIs.

Recommendation 24. The Scottish Executive should create a data set for tracking progress of young people with offending behaviour who have been in residential or custodial settings. This should cover reconviction, subsequent disposals and education, employment and accommodation outcomes. This should form part of the performance information covered in Recommendation 29 and should be published at regular intervals.

Recommendation 25. In order to develop the overall effectiveness of programmes tackling offending behaviour, the Scottish Executive should take the initiative in drawing together those involved in providing programmes - the secure units, the residential schools, the SPS and the specialist voluntary agencies – to work together on staff training, exchange of staff, programme development and evaluation and procurement of programmes.

Recommendation 26. The Scottish Executive and local authorities should review how secure care and residential school places are commissioned and identify if there are opportunities to increase value for money.

Strategic issues

178. Although there is much attention paid to young offenders in the CHS and the CJS, there is a risk that their interests become marginalized – that the adult system does not allow sufficiently for their needs as young people; and that the children’s system does not sustain attention to their offending behaviour as they get nearer in age to the adult system. Both systems have other priorities also which command significant public interest - care and protection of children in the CHS, and a range of criminal justice issues in the CJS
179. Dealing with offending by young people only attracts a minority proportion of the resources managed by each of the 10 services that contribute significantly to youth justice. We have estimated that the youth justice portion of expenditure only exceeds 20% in 2 out of the 10 budgets; local authority criminal justice social work services, about a third; and SCRA, 44%.⁴⁰ So keeping a focus on youth justice is not straightforward for any of the agencies involved. This is mirrored in the fact that different Ministers are responsible in the Executive for the two systems. Each has other commitments, often involving larger amounts of expenditure, competing for attention with youth justice.

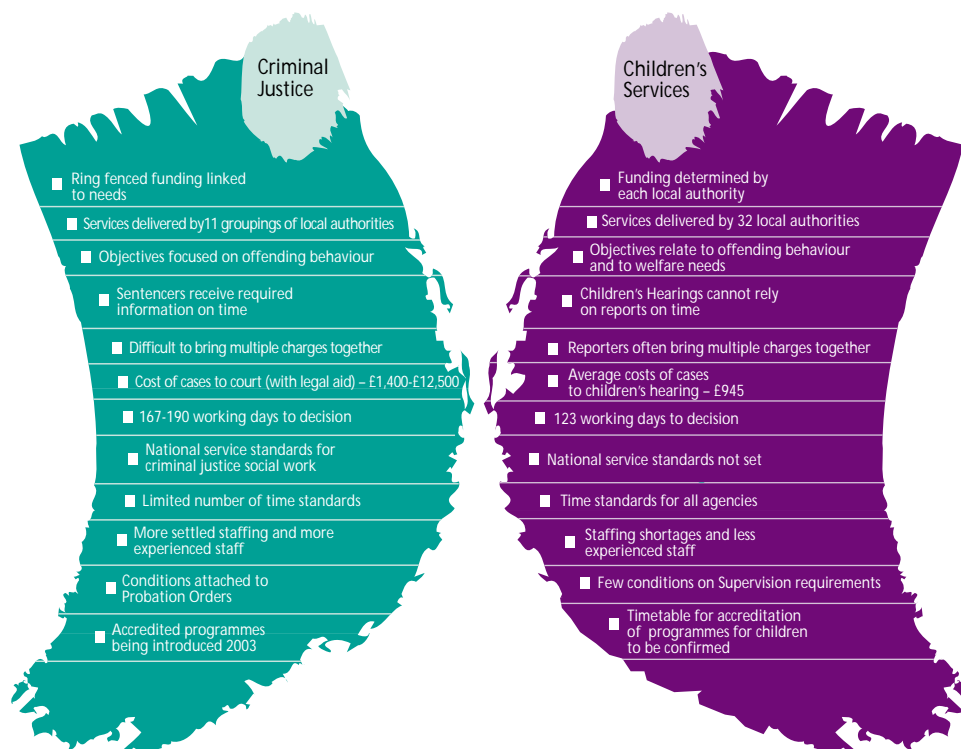
Organisation and structure

180. There are striking differences between the systems for children and adults and they are illustrated in Exhibit 32.

⁴⁰ Please refer to Appendix 3 for financial assumptions.

Exhibit 32: Differences between children's and adults' systems

A strong framework for CJS: complex objectives in the CHS.



Source: Audit Scotland

181. The CJS has strengths – secure funding, national standards, evidence base, accreditation of programmes, reliable service to the courts. The children's system has more complex objectives, but is generally quicker and cheaper at reaching decisions about offending behaviour. There is little evidence available about the effectiveness of either the adult or children's systems as measured by the outcomes for the young people whose offending behaviour is being addressed.
182. There are many good developments, e.g. a number of local authorities have set up specialist social work teams to work with young people at the transition between the two systems. There are examples of joint training and exchange of practitioners, and development of standards for youth justice work. However, the new structural arrangements for adult criminal justice social work set up by the Executive are perceived in some quarters as threatening such collaboration. This is an example of how initiatives in the interest of the wider system – in this case the CJS – may not be compatible with the interests of youth justice, which is a minority part of that system.

183. A number of initiatives are underway to import some of the strengths of the adult system into the children's system, e.g. standards, accreditation of programmes. These should improve the arrangements for dealing with children. There are other proposals, e.g. specialist Children's Hearings and youth courts that will explore new ways of reaching decisions about young offenders. These are designed to address some of the weaknesses of the children's system in dealing with persistent young offenders.
184. The case for continuing investment and support in the children's system is strong. Most persistent offenders start offending at a young age, commonly under 12; and it is increasingly difficult to reform their behaviour as they get older. Early intervention to tackle offending behaviour has to be pursued in order to prevent persistent offending from developing. And, when persistent offending is occurring, there needs to be ready access to programmes specialising in tackling that behaviour and other urgent needs of the young people involved. This will require more community programmes provided by good quality staff, and the Executive has announced additional funding to address this.
185. The criminal justice social work services are more stable than those for children because of the funding arrangements and national standards. These services have recently been grouped into 11 partnership units to provide more efficient delivery of services. In the absence of similar arrangements to concentrate specialist services the Scottish Executive needs to find ways to promote and support good practice across all 32 local authority areas for children's services. This needs to be based on better information about current services and progress in developing new ones. At present, there are difficulties in obtaining information about what is happening. There is no means by which the public and Ministers receive regular, up to date, objective reports about the quality of the full range of services and the system's capacity to deliver the outcomes for which the services are set up.
186. Most public services are subject to independent inspection on a regular basis. This happens with education, police and fire services. It will soon be introduced for COPFS. Residential services for young offenders are inspected by the Scottish Commission for the Regulation of Care and YOIs by HMIP. But services provided in community settings by local authorities and voluntary organisations are not subject to routine independent inspection, and this creates a gap in the information available for the public about the quality of these services. The Scottish Executive's SWSI has some responsibilities in relation to these services, but does not have a rolling programme to cover services in a systematic way.

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

Recommendation 27. The Scottish Executive should establish independent inspection of the full range of services in community settings for children and young adults who have offended; this will provide Ministers and the public with regular information about the quality of these services.

Multi agency approach

188. Many agencies have to work together in youth justice and we were impressed by the efforts underway around the country to do this. A particularly important role was given to youth justice teams by The Scottish Executive Action Plan to Reduce Crime, announced in January 2002. These teams would draw together the key agencies in the CHS, develop strategic plans and oversee the development of a range of programmes to tackle offending. The strength of the teams varies. Some do not have enough senior officials involved and, in some, key agencies such as PFs and health representatives are not participating. The teams are hampered by the lack of good local data about offending on which to base local plans. And there are other priorities and initiatives competing for attention. Overall, there is some uncertainty about the roles the teams should play....how far should they manage services? should they have budgets? to whom are they accountable?
189. In some areas the youth justice team responsibilities seem to be carried out almost entirely by the social work service. The Executive is clear that it looks to the local authority with its corporate identity– not the social work service – to take this responsibility, and, although that service will have an important role, it is more important that the local authority fully engages the top staff in all its relevant services and uses its corporate influence to engage the leadership of relevant outside bodies.

Recommendation 28. The Scottish Executive should clarify expectations of youth justice teams, including the roles different agencies are expected to play. The Executive should take steps to engage senior managers in key agencies in local youth justice teams.

Data/information

190. Data on the performance of the CHS and CJS systems are limited. COPFS was able to provide data on only a few of its areas, while the data provided by SCRA raised questions as to the ability to track individuals and/or referrals through the whole process.⁴¹ Information about progress of young people under supervision of local authorities is limited.
191. There are important gaps in data such as:
- the total number of under 21s reported to the PFs;
 - reconviction rates by age band, following all types of disposals;
 - the number of people on probation at any one time within each local authority;
 - how long it takes for cases to progress through the adult system;
 - how many cases are not allocated and/or not implemented; and
 - the costs of different packages of service.
192. This information is vital if the problems outlined in this report are to be tackled and the effectiveness of youth justice improved. Initiatives such as the RAD and ISCJIS will help. Both must be rolled out urgently. So far, only two pilot local authority sites are participating in the latter project. It is unclear how far ISCJIS will embrace offending by children that is not referred to the CJS.
193. There have been a number of policy announcements about youth justice and others that have implications for youth justice. There will be more, for example, concerning the courts, prisons and social work resources. Significant additional resources have been allocated and should make an impact over the next few years.
194. There is a need to identify a single set of key indicators to assess the impact of these policy initiatives and expenditure. It is not sufficient for separate agencies to have their own indicators relating to youth justice. A single set of indicators should be used by all the agencies. This is essential as there is no single agency with a lead or main responsibility.

⁴¹ We understand that the RAD system, recently introduced by SCRA, will enable cases to be tracked; until now there has been no mechanism to do this.

195. The Executive should take the initiative in establishing PIs that all agencies will be expected to use. These should cover:
- sentencing and disposal patterns;
 - use of services;
 - service costs;
 - reconvictions following different disposals;
 - custody trends and patterns;
 - availability of special programmes;
 - completion of special programmes;
 - time taken processing cases and making decisions about disposals;
 - outcome data from residential schools (including secure units) and YOIs e.g. accommodation, education and training, employment, aftercare;
 - social worker vacancy rates; and
 - social worker sickness rates.

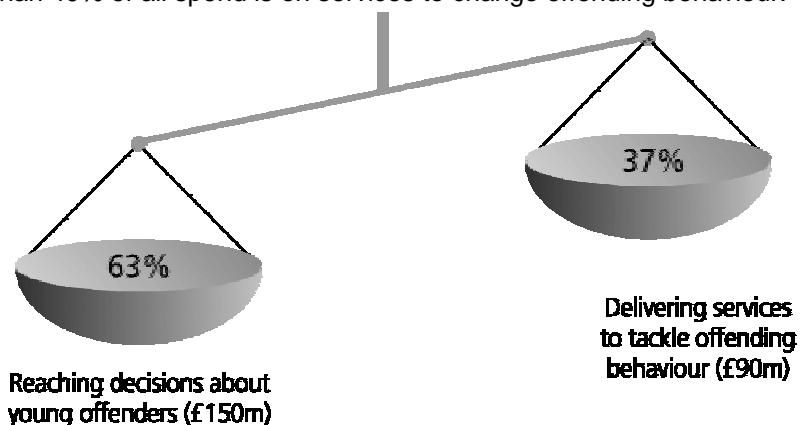
Recommendation 29. The Scottish Executive should urgently create a single set of performance indicators for youth justice that will be adopted by all the key agencies; and will be used to monitor progress in implementing policy and use of financial resources.

Funding

196. Funding for services for young people who offend is currently increasing. This should provide opportunities to review whether the current pattern of expenditure delivers the best combination of services. In 2000/01 an estimated £140-£150 million was spent up to the point of decision by a court or children’s hearing; and £80-£90 million on dealing with offenders’ behaviour and seeking to prevent reoffending.

Exhibit 33: Balance of spend on dealing with young offenders 2000/01

Less than 40% of all spend is on services to change offending behaviour.



Source: Audit Scotland

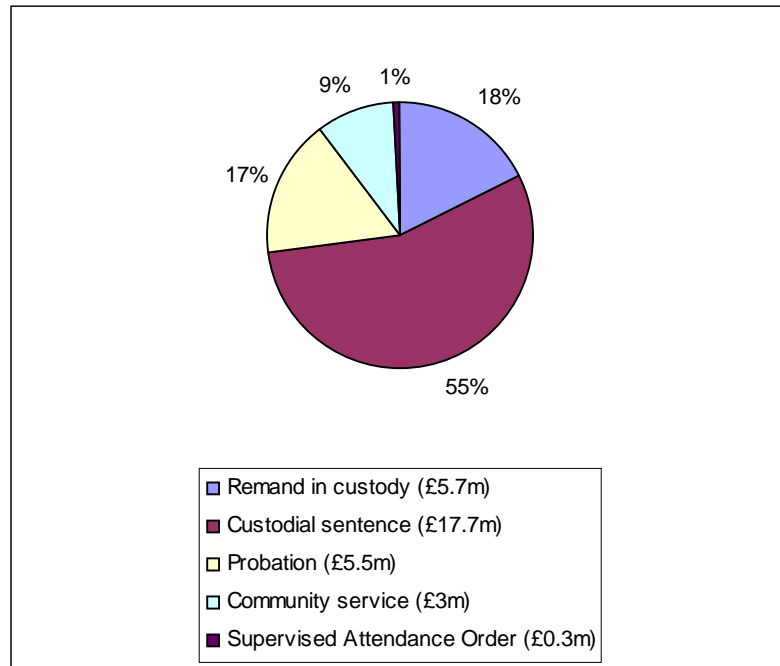
197. Many concerns were expressed to us about the effectiveness with which the £80-£90 million for services and disposals is spent. Although much can be

done to improve the efficiency of decision making – more speed, improved reports, better data, more consistent decision making - the improvements which are most urgently needed are in the numbers, quality and targeting of services to tackle offenders' behaviour. The Executive should review whether the balance of spending can shift in favour of services over coming years.

198. The distribution of expenditure on services and disposals is set out in Exhibits 34 and 35. This illustrates the high relative spend on residential and custodial services.

Exhibit 34: Expenditure on disposals in the CJS

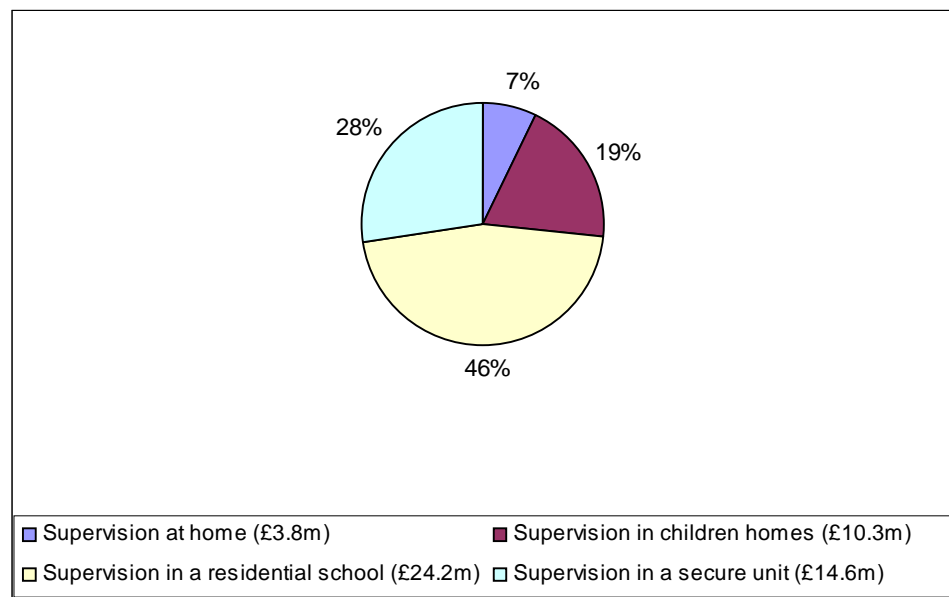
73% spent on custody; 27% on community disposals.



Source: Audit Scotland analysis, September 2002

Exhibit 35: Expenditure on children under supervision

74% on residential schools and secure care; 26% on services in local communities.



Source: Audit Scotland analysis, September 2002

199. Some 73% (£62.2 million) of expenditure on services for offenders is spent on the estimated 1,200 young people in residential schools with offending behaviour, and those in custodial settings. The remaining 27% (£22.9 million) is spent on services for the 6,500 children and young adults on supervision, with offending behaviour, while living in community settings. It is to be expected that the costs of residential care will be high and the nature of the difficulties of the young people they care for requires this. However, the limited evidence about the effectiveness of residential and secure accommodation in reducing offending and the vast differences in the marginal costs suggest that a redistribution of resources to community programmes should be considered. For example, a 10% reduction in the total costs of secure care, residential care and YOIs would release £6 million. This would fund 10 services similar to Freagarrach (widely recognised as an effective services for persistent offenders), catering for around 1000 children each year, shifting funds from more expensive options into intensive community support at an earlier stage, and thereby increasing the overall effectiveness of the system.
200. The important proviso is that the principles and standards behind such programmes must be implemented in practice as they are intended to be. The damage done by failing to provide the treatment needed may be worse than the alternative of a placement in a residential setting and, in the long term, may be more costly.
201. There are some particular problems with the way in which youth justice is funded – the variety of funding sources; the discrepancies between Grant Aided Expenditure (GAE) and budgets; perverse incentives; and the impact of short term funding from a variety of sources.

202. GAE⁴² on children's social work services in 2000/01 was £224 million. Actual spending was £344 million, 54% higher. Although this demonstrates that councils generally make decisions according to local judgement of need and are not constrained by the GAE figures, the figures are still open to the interpretation that too much is being spent on children's services, which is not in fact the Executive's position. While such a big difference exists between GAE and budgets, some authorities may be inclined to use extra funds, such as those allocated for youth crime, to reduce the difference between spending and GAE rather than to create additional services. The uncertainties which can result from this difference contrast with the widespread confidence in the arrangements for ring fenced funding for criminal justice social work services.
203. There has been a great deal of short-term initiative funding recently. In addition to funds made available to local authority children and adult offenders' budgets the Scottish Executive Health, Education and Justice budgets support specific schemes and grant aid voluntary organisations. This has created new services that have been welcomed. We heard about one new service that was drawing on five funding sources with a total budget of less than £300,000. Local authorities complain that there are too many separate funding sources, that they appear uncoordinated and too much time is required to make applications. This can hinder rather than assist the continuing provision of effective programmes.
204. Current financial arrangements contain some perverse incentives. Because the adult offender budget attracts ring fenced funding there is a financial incentive for local authorities to allow children to move into the adult system regardless of whether this provides more effective approaches to changing their behaviour. The costs of custody in YOIs are met by the SPS, and local authorities save money if young people are placed there rather than in secure accommodation (which is five times more expensive). This means that financial incentives and the objective of minimising costs could conflict with the objective of achieving the best results for young people who have offended. It was difficult to gather firm evidence about whether this does occur in practice but we were told by a number of those we interviewed that it did sometimes have an effect on decision making about individual children.

⁴² GAE is a device to share out the total resource across local authorities. GAE figures are widely perceived to be the amount which the Executive assumes should be spent.

205. Many of those we interviewed said that the single most useful change would be to extend ring fenced funding to services for children who have offended. The powers to finance services for 16 and 17 year olds subject to supervision requirements made by Children's Hearings are available but, to date, the Scottish Executive has not used them. The arguments for extending ringfenced funding are strong – more stability for services; resource allocation linked to need; leverage to implement national standards; smoother transition between children's and adult services; and Children's Hearings and Reporters more confident that resources will be available. A particularly strong argument is that without some form of earmarking of resources there will continue to be strong pressure to give more priority to other children's services which may be more popular with the public, such as preschool childcare and child protection.
206. But the counter arguments are also strong. Ringfencing all children's services would be difficult given the size of budgets and the complications of defining boundaries with, for example, education services. Ringfencing only those services for 16 and 17 year old children with offending problems may separate the treatment of offending from the wider needs of children and prematurely propel them towards the adult system. This would be contrary to the lessons from research and the views of most of those working with children who offend. In addition, neither the Executive nor councils are keen, in principle, on extending specific grants that curtail the discretion of local authorities to decide local priorities.
207. There is a good case for seeking to extend ringfenced funding to projects and programmes specifically focused on offending behaviour, and to facilitate the joint work between children's and adult services which is appropriate for many offending children around the ages of 16 to 18.

Recommendation 30. In consultation with other agencies the Scottish Executive should review whether there can be some shift in the balance of resources from the process of reaching decisions to the provision of services for offenders

Recommendation 31. The Scottish Executive and councils should review whether there is scope to shift resources from custodial and residential services to community based programmes.

Recommendation 32. The Scottish Executive should address the inconsistencies between GAE and budgets so that local authorities have a clearer lead on what levels of expenditure are expected on social work services for children.

Recommendation 33. The Scottish Executive should review whether the financial arrangements for supporting criminal justice social work services could be used to assist services for offenders in the children's system.

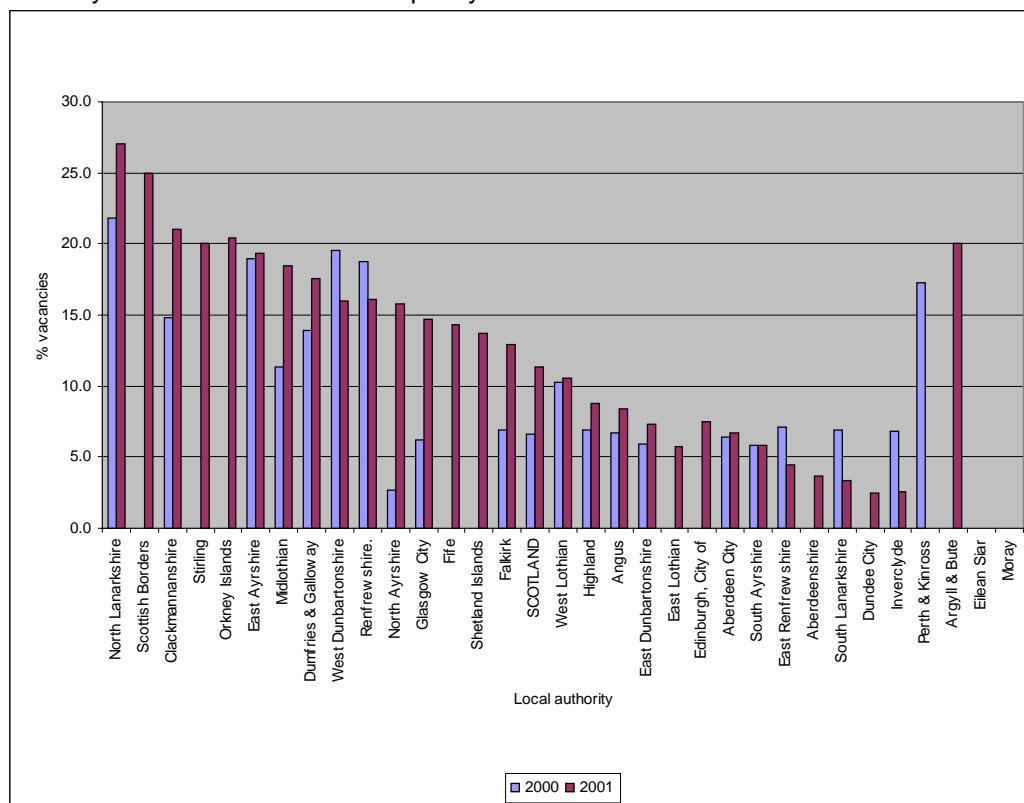
Recommendation 34. The Scottish Executive should ensure coordination of funding initiatives and, with councils, seek to incorporate funding into mainstream provision as quickly as possible to put new services on a stable footing.

Staff resources

208. Social work services have the central role in seeking to change offending behaviour in community and residential settings. They work with other services to do so. The one service for young people who offend where social work has a lesser role is custody of 16-21 year olds, although social work services have a contribution within prisons, particularly in preparing for release and support after release.
209. We have seen that a key criterion for “what works” is that programmes are delivered by knowledgeable, skilled individuals appropriately educated and experienced. There is some confidence that these skills are sufficiently available in the adult system. However, there are serious concerns about the capacity of children and families’ social work teams, and this view was shared by those we interviewed from every agency. It was also evident in the varying quality of social work service provided for the cases we sampled in the six areas we visited.
210. We were told of concerns about vacancy levels, the quality and experience of staff, the number and quality of new applicants for professional social work training, the quality of existing training and the low morale and sickness levels of social workers. These problems are most serious in relation to qualified social workers who make the biggest contribution to staffing programmes for young people with offending problems.
211. The Scottish Executive started to collect vacancy data on local authority social work staff in 2000. This provides a snapshot picture but does not cover average vacancy rates or turnover. The 6.6% vacancy level for qualified social workers in children’s services in 2000 rose sharply to 11.3% in October 2001, equivalent to 183 full time social workers. Similar shortfalls are evident in services for adults, but the vacancy rate in services for adult offenders is not so severe at 8%. In 2000, 12 councils had no vacancies; but in 2001, only three councils reported no vacancies in children’s services. Exhibit 36 illustrates the movement over the last two years.

Exhibit 36: Vacancies among main grade field social workers for children's services 2000-2001

Vacancy rates have risen over the past year.



Source: Scottish Executive, 2002

212. The problems are severe in many areas where there are significant numbers of unallocated cases and there is difficulty in meeting statutory duties. Improving to a 5% vacancy rate would provide over 100 more social workers who could be working with some 1,500-2,000 more cases. Although the vacancy levels for services for adults in the CJS are not so high, they are sufficiently high to give cause for future concern. The figures suggest that staff resources will be harder to come by in the future even though more financial resources are available.
213. There are concerns also that newly trained social work staff are not sufficiently prepared for the complexities of work in children's services and that training courses do not always provide specialist attention to work with offenders. Our study of case files showed surprisingly wide variations in the standards of practice of professional social workers at the same grade and in the same workplaces.
214. We were told that voluntary organisations and specialist projects were attracting staff away from mainstream local authority work. There is no data on the employment of social workers outside local authorities so it is not possible to confirm this impression, and the Scottish Executive should bring these into its collection of staffing data urgently.

215. There are warning signals in the reported recent decline in applicants for social work training, down by 59% between 1990 and 2000. Provisional figures suggest a further 12% drop in the following year. If this trend continues, there could be difficulties in attracting sufficient applicants in future.
216. A number of cases we studied were unallocated because of absence of social workers through long-term sickness. We were told this was an increasing problem and reflected the high levels of stress experienced by social workers in children's services. There is no national data on absence rates among social workers as, for example, exist for the police force.
217. The most hard pressed local authorities expressed frustration at the difficulties. There has been a steadily rising demand for children's social work services over some years, reflected in the increase in care and protection referrals through the Children's Hearings system. This has coincided with the expansion of specialist services that have attracted staff away from mainstream frontline services. Those we spoke to said that an underlying problem is the declining attractiveness of social work as a career.
218. The Executive now recognises the urgency of the situation and, in April 2002, launched an action plan to increase recruitment of social work staff. It will be some years before this can have the desired impact, and a concerted long-term national approach is necessary to attract and retain good calibre staff into the social work roles to which current policies are attaching such importance. It is important that this plan distinguishes the greater problems that seem to apply to recruitment of qualified staff because these staff are at the heart of the development of the highly skilled workforce required for effective community programmes for young people with offending problems.
219. There is an urgency about these staffing difficulties. Substantial new financial resources are available and new policy initiatives are being launched. But achieving the objectives for youth justice cannot be achieved without the availability of the right calibre of staff in sufficient numbers. The urgency of this requires that alternative solutions are considered, e.g. drawing more on retired staff, use of sessional staff, training other professionals to deal with young people who offend. A possibility for local authorities to consider is whether there is scope for redeployment of staff into children's services and they should review whether their current priorities are providing the best overall service.

220. These problems must be addressed to ensure consistently good support for young offenders and their families. Good social work input is the cornerstone of effective intervention, and the Scottish Executive and councils must work together to improve the quality and level of staffing in social work with children.

Recommendation 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.

Recommendation 36. The Scottish Executive and local authorities should agree standards for supervision and support particularly for new/probationary staff in social work services.

Recommendation 37. The Scottish Executive and Scottish Social Services Council should review coverage of adults' and children's offending issues in professional social work training.

Recommendation 38. The Scottish Executive should collect social work staffing data across all sectors, not just local authorities. Data should cover average vacancy rates and turnover rates. Absence and sickness rates should be monitored.

Conclusion

221. This report has described how decisions are reached about youth offending and what is done to try to prevent reoffending. We have identified opportunities to improve the performance of services. This is a challenging task. Youth justice involves 10 agencies, each with its own budget, priorities and accountability arrangements and involving many different professional groups. Dealing with young offenders is not the leading commitment of any of these agencies and does not command as much as 50% of the budget of any agency. Many different funding streams and policy and organisational initiatives, often pulling in different directions, need to be aligned with the key objectives for youth justice.
222. The required changes can be summarised as follows:

Standards

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

Information

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

Time Taken

- Time standards exist in the CHS. Performance against these must be monitored and reported by the Scottish Executive.
- Time standards should be set for all key stages within the CJS.

Decision Making

- A national system of police warnings should be adopted, setting out standards and guidance on procedures and good practice. Information on their use must be collected and reported.
- The Police, SCRA, COPFS and councils should review the guidance issued to staff to ensure decision making is in accordance with good practice.
- Social workers need further training and support to improve the quality of SBRs, particularly regarding the use of risk assessment.

Services

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

Spend on Youth Justice

- The Scottish Executive should review whether the balance of resources can be shifted from the decision making process towards services which tackle offending behaviour. Similarly, the SE should review whether the spend on residential and custodial services can be shifted in favour of community based services.
- The Scottish Executive and local authorities should review how places in secure care and residential school are commissioned and identify if there are opportunities to increase value for money
- The Scottish Executive should address the inconsistencies between GAE and budgets so that local authorities have a clearer lead on the expenditure which is expected on children’s services.

Staffing in Children’s Services

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

Youth Justice Teams

- The role of the youth justice teams within the CHS must be clarified, with expectations clearly defined.
223. The detailed responsibilities for implementing the required changes lie with a range of agencies and services, and are identified in the individual recommendations in the text. The full list of recommendations is set out at the end of this report. The task of coordinating and directing policy lies with Scottish Ministers and the heads of SE Departments and agencies. This includes prisons, courts, the COPFS, SCRA, education and health, as well as social work and police.
224. Over the last year the Executive has announced a series of initiatives to tackle offending by children and young people, and has allocated significant additional funds for this purpose. Successful implementation of these proposals will address many of the difficulties we have identified and should improve services. A sustained programme of action is required over a number of years to address our recommendations. This needs to be led by the Executive and fully supported by all of the other agencies that deal with children and young people who have offended.
225. Audit Scotland will monitor progress in achieving improvements over the coming years on behalf of the Auditor General and the Accounts Commission.

Recommendations

Recommendation 1. Police forces, ACPOS and the Scottish Executive should establish a system for collecting data on warnings. This should provide information about the use of different types of warnings given to young people; and about reoffending rates by young people who have been warned.

Recommendation 2. The Scottish Executive and ACPOS should establish a national system of warnings. It should set out standards and guidance on procedures and good practice. Police officers involved in the identification of young people suitable for warnings, and all those delivering warnings, must be trained.

Recommendation 3. All agencies should meet and report time standards set by TIMG. The Scottish Executive should publish information about performance against targets at regular intervals.

Recommendation 4. The Scottish Executive should ensure that the TIMG continually reviews targets, and works towards reducing the time allowed for each activity within the process.

Recommendation 5. SCRA should review variation in decision making by Reporters and the reasons for this variation. SCRA should review their guidance to Reporters to ensure decision making is in accordance with good practice.

Recommendation 6. Councils and SCRA should review current guidance on reports, including the use of risk assessment tools. Further training and support should be given to social workers to improve the quality of SBRs.

Recommendation 7. The Scottish Executive, in consultation with SCRA, should review the training of Children's Panel members to equip them to tackle all offending behaviour appropriately.

Recommendation 8. In consultation with criminal justice agencies the Scottish Executive should review the time taken for cases to be dealt with and establish inter-agency time standards covering key stages in the process. The Scottish Executive should monitor performance against these standards.

Recommendation 9. The Scottish Executive and criminal justice agencies should develop appropriate systems to ensure that key information is stored and is transferable between agencies.

Recommendation 10. COPFS should review the degree of variation in decision making and the reasons for this variation. They should consider 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.

Recommendation 11. SCRA, ACPOS and COPFS should review arrangements for jointly reported cases and ensure that good practice and guidance are being followed.

Recommendation 12. Councils should ensure that reports for Children's Hearings and courts contain good quality risk assessments.

Recommendation 13. The Scottish Executive should consider developing a legislative proposal that would ensure the statutory provision of aftercare for young people leaving prison.

Recommendation 14. The Scottish Executive and COPFS should explore the scope for bringing together outstanding charges, particularly while young people are in custody.

Recommendation 15. The Scottish Executive and councils must give urgent attention to the level and quality of social work services for children who offend. Councils and the Scottish Executive should collect data on unallocated and unimplemented cases of children on statutory supervision.

Recommendation 16. Councils should provide consistent case management within the CHS and CJS to ensure that care plans are in place and implemented. This requires good quality first line management working within a framework of standards and guidelines which should be agreed between councils and the Scottish Executive.

Recommendation 17. Because custody per se is not effective in reducing reoffending the Scottish Executive and councils are encouraged to increase community programmes for young people designed around 'what works' principles.

Recommendation 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.

Recommendation 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.

Recommendation 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.

Recommendation 21. The Scottish Executive should ensure that services and programmes to tackle offending behaviour by young people are evaluated and the results disseminated widely.

Recommendation 22. The Scottish Executive and the NHS should ensure that specialist mental health services are part of the core service in residential schools, secure units and YOIs.

Recommendation 23. The Scottish Executive should evaluate the cost effectiveness of residential schools, secure accommodation and YOIs.

Recommendation 24. The Scottish Executive should create a data set for tracking progress of young people with offending behaviour who have been in residential or custodial settings. This should cover reconviction, subsequent disposals and education, employment and accommodation outcomes. This should form part of the performance information covered in Recommendation 29 and should be published at regular intervals.

Recommendation 25. In order to develop the overall effectiveness of programmes tackling offending behaviour, the Scottish Executive should take the initiative in drawing together those involved in providing programmes - the secure units, the residential schools, the SPS and the specialist voluntary agencies - to work together on staff training, exchange of staff, programme development and evaluation and procurement of programmes.

Recommendation 26. The Scottish Executive and local authorities should review how secure care and residential school places are commissioned and identify if there are opportunities to increase value for money.

Recommendation 27. The Scottish Executive should establish independent inspection of the full range of services in community settings for children and young adults who have offended; this will provide Ministers and the public with regular information about the quality of these services.

Recommendation 28. The Scottish Executive should clarify expectations of youth justice teams, including the roles different agencies are expected to play. The Executive should take steps to engage senior managers in key agencies in local youth justice teams.

Recommendation 29. The Scottish Executive should urgently create a single set of performance indicators for youth justice that will be adopted by all the key agencies; and will be used to monitor progress in implementing policy and use of financial resources.

Recommendation 30. In consultation with other agencies the Scottish Executive should review whether there can be some shift in the balance of resources from the process of reaching decisions to the provision of services for offenders.

Recommendation 31. The Scottish Executive and councils should review whether there is scope to shift resources from custodial and residential services to community based programmes.

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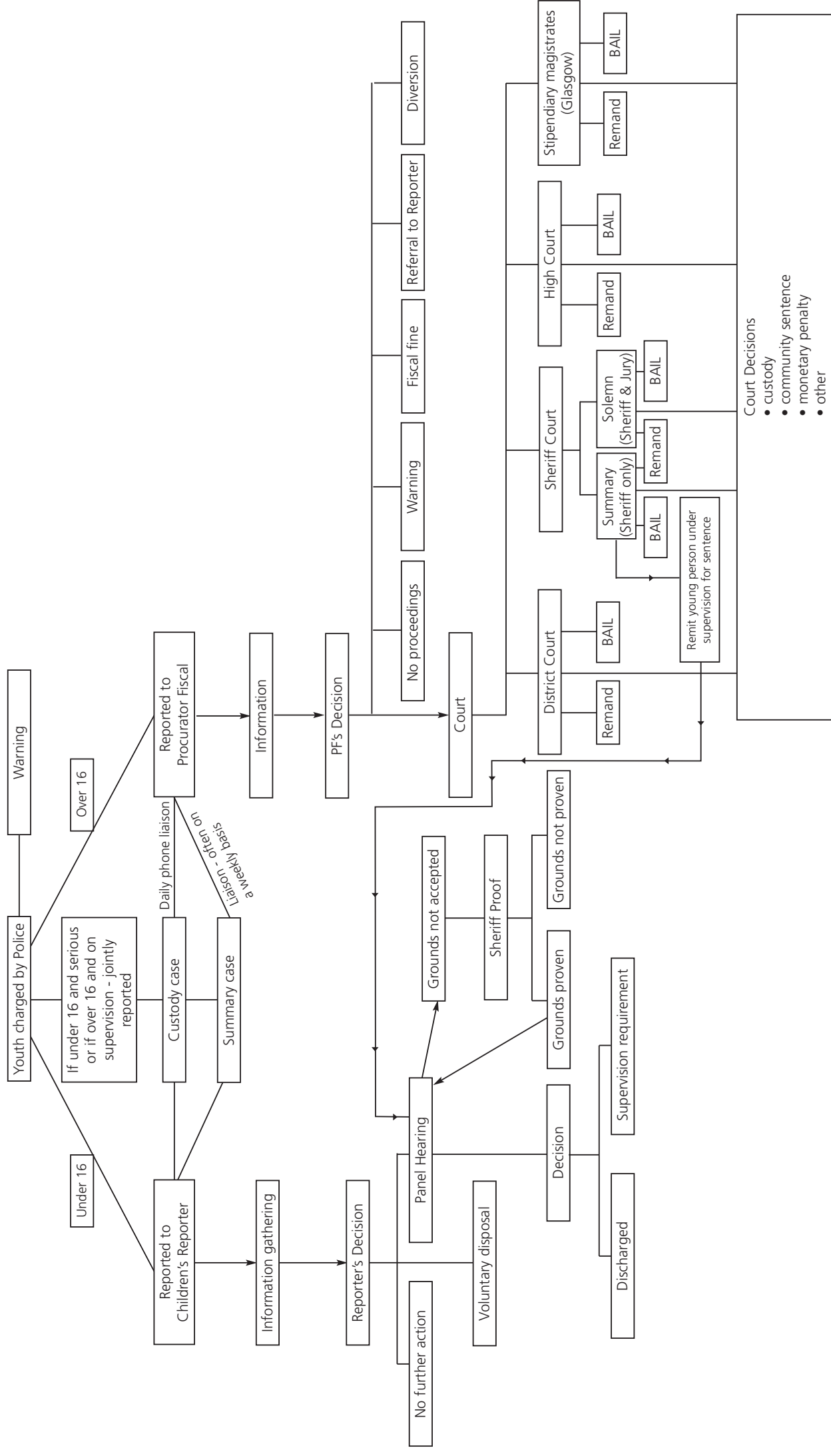
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Appendices

Appendix 1

Dealing with Offending by Young People Methodology	
We analysed national and local data about the CHS and the CJS. We visited six local authority areas for discussion with key agencies and examination of case files. We also commissioned a review of relevant published and unpublished literature from the Criminal Justice Social Work Development Centre run by the Universities of Edinburgh and Stirling.	
Local Level	
We looked at practice in six local authority areas – Dundee, Falkirk, Glasgow, Highland, Midlothian, North Lanarkshire.	
300 Case Files To provide information on time, quality of assessments, social work supervision and the monitoring of outcomes.	In each area professional consultants reviewed: 25 Reporter files on under 16 year olds; and between 5 and 10 corresponding social work files. 25 social work files on over 16 year old.
Interviews To provide qualitative data on: <ul style="list-style-type: none"> ○ assessments and reports; ○ the decision making process; ○ local services and programmes; 	In each area we conducted interviews, focus groups and site visits with: <ul style="list-style-type: none"> ○ Police – operational police officers, senior management and civilian personnel. ○ Social work, children and families services – social workers and senior management. ○ Reporters – local authority Reporter and individual Reporters. ○ Children’s Panel members. ○ Social work, criminal justice services – social workers and senior management. ○ Procurators Fiscal. ○ Sheriffs. ○ JPs/stipendiary magistrates. ○ staff on specialist programmes/projects run by local authorities and voluntary organisations. ○ Health representatives. ○ Education representatives.
National Level Data	
Data sets To provide data on: <ul style="list-style-type: none"> ○ Trends and patterns of offending. ○ Characteristics of offenders ○ costs of processes and services 	We reviewed data from: <ul style="list-style-type: none"> ○ Crown Office and Procurator Fiscal Service ○ Scottish Criminal Records Office ○ Scottish Children’s Reporters Administration ○ Scottish Court Service ○ Scottish Prison Service ○ Survey of specialist programmes and projects
Services providing national coverage To seek information on: <ul style="list-style-type: none"> ○ work with young offenders; ○ young people’s views of processes; ○ income and expenditure. 	We interviewed staff and young people in: <ul style="list-style-type: none"> ○ HM Prisons at Barlinnie, Dumfries ,Polmont, Cornton Vale ○ secure units - Kerelaw, Kenmure St Mary’s, Rossie Farm, Howdenhall and the Elms(Dundee) ○ Residential schools - Wellington, Oakbank, Geilsland and Kibble We met with staff from: <ul style="list-style-type: none"> ○ SCRA ○ SPS ○ SCRO ○ HM Inspectorate of Prisons ○ Scottish Executive ○ COPFS



Appendix 3

Financial Analysis

As part of this study we have attempted to estimate the amount of public money spent on dealing with young people who have offended.

Our calculations suggest that expenditure in Scotland in 2000-2001 was approximately £230-£240 million. This paper explains how we reach this figure.

Relevant expenditure

Relevant expenditure is that which covers:

- the processes to identify offenders under the age of 21;
- the processes to reach decisions about their offending; and
- the services to look after them (where necessary) and try to change their behaviour.

We do not include other costs such as criminal injuries compensation, victim support or the cost impact of crime on victims and other public services.

There are ten branches of the Scottish public sector that have a major financial involvement in youth justice processes and services. These are:

- Scottish Executive (directly employed staff and payments made) (SE)
- Police
- Local Authority Social Work, Criminal Justice (LASWCJ)
- Local Authority Social Work, Children and Families (LASWCF)
- Scottish Children's Reporters Administration (SCRA)
- Scottish Courts Service (SCS)
- Local Authority, District Courts (LADC)
- Scottish Legal Aid Board (SLAB)
- Crown Office and Procurator Fiscal Service (COPFS)
- Scottish Prison Service (SPS)

In all cases, expenditure by these agencies covers more than youth offending and, in only 2 cases, according to our estimates, does relevant expenditure exceed 20% of the total budget. Some services are involved with the care and protection of children who are not offenders and some cover both younger and older offenders. So, calculating what each agency spends on youth justice is complicated because:

- at least 10 different agencies are involved each with different functions;
- it is difficult to disentangle spending on offending; and
- it is difficult to identify the portion of spending on "children and young people".

There are other smaller sources of funding for youth justice, e.g. subsidies from independent sector sources such as Barnardos, NCH etc. and other public sector budgets such as education, community safety and health.

Expenditure Figures

Table 1 presents a breakdown of the total expenditure by each agency and the proportion of this expenditure that we have estimated is spent on dealing with offending by young people.

Table 1					
Spend on Youth Justice					
	Total expenditure 2000/01 £ million	Not related to offending £ million	Youth Justice System £ million	As % of service's total expenditure	Older Offenders £ million
LASW CJ	44.8		15.3	34	29.5
LASW C&F	343.5	296.2	47.3	14	
SCRA	13.4	7.4	6.0	45	
Police	772.6	270.4	91.9	12	410.3
SLAB	139.6	56.9	20.3	15	62.4
SCS	46.8	27.2	5.0	11	14.6
LA DC	6.5		1.3	20	5.2
COPFS	55.0	2.8	8.7	16	43.4
SPS	227.0		28.4	13	198.6
SE staff	9.8		1.8	18	8.0
Other expenditure	8.2		8.2	NA	NA
Totals	1667.2	659.6	234.2	14	772.4

Source: Annual reports, Audit Scotland estimates

Spending on “youth justice” does not constitute the majority of the budgets for any of the agencies involved. In only two budgets – SCRA and LASW CJ - does spending amount to more than 20% of the total.

Deriving the Figures

Most of the estimates have been derived from a “top down” analysis of the total expenditure of the funding sources listed above with a calculation made to derive the proportion spent on youth offending.

We also added “bottom up” calculations of the contributions made by LASWCF and some smaller funding sources.

A large number of assumptions have had to be made. Some are reasonably robust, others are based on data which is, at best, a proxy indicator of how costs might be split between the three different components i.e. not related to alleged offending at all, relating to the youth justice system and relating to older alleged offenders.

Agency Assumptions

LASW CJ Expenditure has been split in proportion to the number of Social Enquiry Reports relating to people under 21 and over 21 prepared.

SCRA Expenditure has been split in proportion to the number of grounds on which referrals are made, i.e. non-offence/offence grounds.

Police This is a complicated area because of the wider range of activities undertaken by the police and because this represents a bigger portion of the total expenditure on youth offending than incurred by any other agency. With the assistance of HMIC information from an activity analysis conducted within police forces in 2000 was examined. This analysis was undertaken to assist in a review of the GAE formula rather than to identify youth justice costs. It was a snapshot analysis so its continued reliability is not assured. The analysis assigned costs to the business headings of crime management, traffic management, call handling, community safety, overheads and public order. 35% of total police spend has been taken as relating to activities not directly related to criminal justice, such as traffic management and public order and community safety. The figures shown in the table have been generated by estimating the proportion of each of these activities which apply to the prevention and investigation of offending and other criminal justice work and splitting the resultant figure between the total population aged 8 to 21 on the one hand and those aged over 21 on the other. There is some spending within the crime management category on crime prevention. It was not possible to

estimate how much this would constitute. Estimates of the criminal justice element of other categories within the police total have been reduced to balance out the effects of including crime prevention expenditure.

SLAB	Non-offence related expenditure includes civil legal aid, the non-criminal advice and assistance, contempt of court costs and expenditure relating to cases referred from children's hearings, the majority of which relate to child protection cases. The remaining costs, which relate to the CJS, have been split in proportion to the number of people under and over 21 proceeded against in each type of court.
SCS	Costs that relate to criminal cases have been split in proportion to the number of people under 21 and over 21 proceeded against in each type of court. The balance is shown as "not related to offending".
LA DC	Costs have been taken as all relating to offending and split in proportion to the number of people under 21 and over 21 proceeded against in District Courts.
COPFS	Costs that relate to prosecutions have been split in proportion to the number of reports which go to the PF which relate to people under 21. Costs relating to the other activities of the service, including investigating sudden deaths and the supervision of charities have been included under "not related to offending".
SPS	Costs have been split in proportion to the prison population aged under 21.
SE	Taken from the staff running costs of the Justice Department which have been split in proportion to the total population aged 8 to 20 on the one hand and over 21 on the other. They have all been taken as relating to criminal or youth justice with no allowance made for the other activities of the Department, e.g. fire, civil law. However, nothing has been included for staff in other departments, e.g. Education and Health.

LASW C&F

A bottom up approach has been taken for expenditure by LASW C&F. The calculation costs the provision of services for children with offending behaviour problems. The services aim to promote and safeguard the child's welfare and this should include addressing their offending behaviour.

Table 2			
Expenditure by LASW C&F on young people who offend 2001/02			
	Average Numbers (2000/01)	Cost per week £	Cost per year £ million
<i>Children on Supervision with Offence Grounds</i>			
Living at home	1,425	50	3.7
Living in children's homes	171	1350	11.6
Living in residential schools	266	1650	22.8
In secure units	60	2860	9
<i>Children not on Supervision</i>			
		Average Cost £	
Preparation of social work reports	1,000	100	0.1
Initial enquiries and children on voluntary measures	500	100	0.05
Total			£47.3
Sources SCRA: Audit Scotland			
Notes: Unit costs are set out in Tables 4 and 5. Costs above include ancillary costs for supporting young people in residential placements			

Other expenditure

Sheriff's salaries: calculated at 120 sheriffs x £100k each, plus 20% on-costs with 26.7% of the total attributed to Youth Justice as being the proportion of people under 21 who appear in a sheriff's court (£3.9m).

LA Education: the time expended by education professionals in preparing reports for Reporters is estimated to cost £0.2m.

SE grants/payments

Secure

Accommodation: costs met directly by the Scottish Executive, relating to placements of children sentenced by the courts; and capital payments. These are taken to be entirely related to offending by young people.

Children's Panel

Training: funded by the Executive, the proportion of this attributed to dealing with youth offending is the same as was applied to SCRA expenditure giving a total spend of £0.2m.

Scottish Executive

Grants: for voluntary organisation services and training of social work staff; and youth justice related initiatives by other public, private and voluntary organisations, is estimated at about £0.7m.

Distribution of costs between decision making and services

We have estimated the breakdown of expenditure in the CHS and CJS for the activity up to the point of decision by a Children's Hearing or court compared with the activity undertaken to implement the decisions made by Hearings and courts (Table 3). The figures have to be handled with care and are broad estimates. We recognise that there is often not a clear distinction between these two stages, particularly in the CHS. This illustration of the balance of spending offers policy makers with a new insight into the overall pattern of expenditure in dealing with offending by young people.

Agency	Reaching Decisions £ million	Services and Disposals £ million
Police	91.9	
SCRA	6.0	
SLAB	20.3	
SCS	5.0	
LA DC	1.3	
COPFS	8.7	
SPS	2.8	25.6
LASW C&F	4.7	42.6
LASW CJ	3.0	12.3
SE Staff	1.3	0.5
Other	4.3	3.9
Totals	149.3	84.9

The activity in SPS and LASW C&F contributing towards 'Reaching Decisions' is assumed to be 10% of the total; for CJSW this is assumed to be 20%.

Unit Costs

We have examined the information available about unit costs in order to compile estimates of the costs of different service packages. This is complicated due to the large number of data sources involved and the difficulties in obtaining consistent information. We have been able to draw on some firm information about costs but have also had to derive our own estimates from global data. As far as possible the costs apply to the year 2001-2002.

Three sets of costs are illustrated:

- services to tackle offending behaviour (Table 4)
- specialist community programmes (Table 5)
- processes to reach decisions by Children's Hearings and courts (Table 6)

Service	Cost per week £	Ancillary costs¹ £	Total costs per week £
Supervision- standard	50		50
Supervision-with specialist fostercare	830-1400		830
Supervision-living in children's home/unit	1,200	150	1,350
Supervision-residential school	1,200-1,700	150	1,650
Supervision-secure unit	2,200-2,900	150	2,350-3,050
Specialist community programmes(see Table 4)	15-320 per week		15-320
Probation-standard	25-50		50
Probation-enhanced	70-120		90-140
Community service order	35		35
Bail supervision	1,200 per order		
Young Offenders Institution	540-700		540-620

Sources: *Audit Scotland estimates; prices charged; service provider figures; research studies; Personal Social Services Research Unit (PSSRU), University of Kent.*

Notes: 1: *Additional costs to support a service e.g. field social work and administrative back up for residential placement*

Name and location	Average Cost per week (£)
Freagarrach, Central Scotland	320
CHOSI, Motherwell	173
Matrix, Central Scotland	276
New Directions, Aberdeen	144
Anger management- various	15
Airborne Initiative, nationwide	350

Sources: *as for Table 4*

Process	Average cost per case (£)
Reporter decision– no Hearing	221
Reporter decision- Hearing called	405
COPFS – PF report	193
Children's Hearing	240
Court hearing: Sheriff Solemn	93-4,213
Sheriff Summary	62-874
Prosecution costs: Sheriff and Jury	1,089-5,901
Sheriff Summary	113-479
District Court	65-304
Legal Aid : Sheriff Solemn	1,641
Sheriff Summary	716
District Court	435

Sources: *Audit Scotland; Scottish Executive (sect 306, 2002); Crown Office*

Appendix 4

Local Audit Work December 2002 – August 2003

This report identifies some critical aspects of performance that need urgent attention. These include non-compliance with national standards and difficulties in meeting statutory requirements. We are proposing an immediate study by local auditors to examine some of these issues in every local authority and police authority. This will provide a comprehensive analysis of the current position against which progress in improving performance can be assessed over the next few years. The local audit will examine:

- The current activities and effectiveness of multi agency youth justice teams and the availability of robust data at local level on offenders and what happens to them.
- The extent to which young people who are subject to social work supervision on offence grounds have not been continuously allocated the services of a social worker.
- The number of young people who are required by statute to have a care plan, who do not have them.
- Information about the times for processing cases, measured against agreed national time standards.
- The timeliness of police reports measured against national standards.
- The issuing and recording of police warnings.

Appendix 5

Study Advisory Group Members

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Sheriffs' Association
Tayside Health Board
Scottish Criminal Record Office
Clackmannanshire Council/SOLACE
SE Social Work Services Inspectorate
SE Justice Department
Scottish Children's Reporters Administration
Renfrewshire Council/Association of Directors of
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Scottish Prison Service
Accounts Commission
SE Education Department
District Court Association
Crown Office and Procurator Fiscal Service
COSLA
HM Inspectorate of Education
Youthlink Scotland
ACPOS
Kerelaw School & Secure Unit
HM Inspectorate of Constabulary
Clackmannanshire Council/Association of
Directors of Social Work
NCH Action for Children Scotland
Accounts Commission
APEX Scotland
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