

Alternatives to Secure Care and Custody

Guidance for Local Authorities, Community Planning Partnerships and Service Providers

Young People Who Offend
(Managing High Risk and Transitions)

June 2011

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Executive Summary

A whole system approach involves putting in place a streamlined and consistent planning, assessment and decision making process for young people involved in offending to ensure they receive the right help at the right time. This approach works across all systems and agencies. It brings together Government key policy frameworks into one holistic approach to deal with young people who offend.

As part of the whole system approach, this guidance highlights good practice in relation to alternatives to secure care and custody and the need to promote these wherever possible. The evidence to support the good practice principles is highlighted as well as 'testing' various different approaches in practice through various pilot schemes and examples of effective services currently available.

The ethos behind this guidance, is not that one approach fits all, but that services should be developed to meet the needs of the child and by following a GIRFEC approach that all agencies should be working in partnership. No young person should be placed in secure care or custody due to local authorities not having appropriate alternative services.

The guidance highlights the core principles that should be included in effective alternative services; the information that should be given to decision makers regardless of what system the young person is in or who is making the decision; and also the requirements of workers involved within these services to be as effective as possible.

By following these recommendations, young people will be better supported by local authorities and community planning partners providing robust alternative services to secure care and custody where appropriate.

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Scottish Government

The Scottish Government would like to thank all those who contributed to this guidance/working group. Names are listed at Appendix 1

1. Introduction

This guidance is intended to provide an overview of ‘good practice’ for Local Authorities and community planning partners in relation to alternatives to secure care and custody. Examples of some alternative services are in appendix 2 and pilot sites to test different alternative services in appendix 3. Throughout the document, links will be provided to associated guidance.

Scotland is internationally renowned for its welfare based response to children and young people who offend, but stands alone as the only western European country to routinely deal with 16 and 17 year olds in the adult criminal justice system and imprison this age group at a higher rate than elsewhere in Europe, contrary to the United Nations Convention on the Rights of the Child¹. The Council of Europe have also ratified recommendations in the European Rules for Juvenile Offenders subject to Community Sanctions or Measures (June 2008)². These recommendations further reinforce the UN Conventions but currently do not bind the courts in Scotland.

The Scottish Government is committed to giving children the best start in life and to improve the life chances of children, young people and families at risk. Tackling the causes and effects of offending by young people is key to building safe and strong communities, within which Scotland’s future generation can fulfil its enormous potential.

The Reducing Reoffending Programme³ was established following the publication of *Protecting Scotland’s Communities: Fair, Fast and Flexible Justice* in December 2008⁴. The programme aims to reduce offending and reoffending and enhance public safety as well as reducing Scotland’s prison population.

The Young People Who Offend strand of the programme is reviewing the current systems, processes and practices in place for dealing with the offending behaviour of 16 and 17 year olds and those presenting a risk of serious harm. The aim of the project is to reduce the number of young people (under 18) being dealt with in the criminal justice system and receiving custodial sentences. To achieve this, the project has worked with all stakeholders to:

- develop integrated processes and services across children’s and adults systems;
- increase opportunities for diversion from formal measures targeted at young people;
- increase opportunities for community alternatives to secure care and custody
- develop a consistent approach to risk assessment & risk management
- better support young people who attend Court/Court processes; and
- improve services for young people in custody and reintegration to the community.

Scottish Ministers and the Convention Of Scottish Local Authorities (COSLA) commissioned a short life working group tasked with finding sustainable solutions to capacity issues within the secure estate, termed the Securing our Future Initiative (SOFI)⁵. The group’s vision was to have no children in secure care whilst recognising that for the foreseeable future, some young people can only be managed in the controlled setting of secure care. The group made nine recommendations which were accepted in full by Scottish Ministers and COSLA.

¹ <http://www2.ohchr.org/english/law/crc.htm>

² <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1367113&Site=CM>

³ <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management>

⁴ <http://www.scotland.gov.uk/Publications/2008/12/16132605/0>

⁵ <http://www.sircc.org.uk/publications/documents/sofi>

Recommendation 9 states:

'We recommend that the current good practice in retaining vulnerable young people in the Children's Hearing System and ensuring access to services appropriate to their age and stage of development, should be promoted amongst local authorities, children's hearings prosecutors and courts. We also recommend a particular focus on the development and use of community based responses to young people who are prosecuted by the courts'.

The Scottish Government is clear, that where it is possible to meet the needs and risks of high-risk young people safely and cost effectively in their communities then these opportunities should be maximised. The Scottish Government is committed to promoting and supporting community based alternatives to secure care and custody; to work constructively with the courts; to work with partners to develop robust interventions to reduce reoffending and are committed to developing, supporting and evaluating robust responses to the needs and risks posed by high-risk young people.

For those young people whose risk cannot be managed in the community, secure care offers definite benefits by providing a secure environment, much needed 'breathing space' and facilitates assessment and care planning processes. This includes young people involved in offending behaviour and those with welfare concerns. Notwithstanding such recognised benefits, it is known that many young people passing through the secure system experience very poor outcomes. SOFI found that only a minority of young people fared well after leaving secure care and that girls had especially poor experiences of secure care. Secure care performs poorly in terms of reducing offending and around a half of young people leaving secure care return within a year.

Poor outcomes are also associated with young people in custody. Each year approximately 10,000 16 and 17 year olds end up in the adult criminal justice system with limited consideration given either to diversionary opportunities suited to their age and stage of development or the appropriateness of judicial procedures and whether young people can fully engage in the process⁶.

- a total of 120 16 and 17 year olds were in custody on 13th May 20117;
- 2 of these young people were female; 118 were male;
- currently, approximately 88% of 16 to 20 year olds released from custody are reconvicted within two years with 45% receiving further custodial sentences.

For under 16s, an extensive range of care and support services are provided to address offending behaviour but their availability and utilisation are inconsistent. For young people age 16 and 17 the services diminish further⁸. Too many people who have been through the care system end up in the criminal justice system and prison:

- prisoners are 13 times more likely to have been in care as a child;
- 63% of young people have substance misuse issues on admission to prison;
- of all prisoners 80% writing, 65% numeracy; and 50% reading skills of an 11 year old;
- 25% of these young people have clinically significant communication impairment⁹.

A Scottish Executive study into secure care and community alternatives in 2006 concluded that high risk young people could be helped with the provision of appropriate intensive

⁶ Scotland's Choice: <http://www.scotland.gov.uk/Publications/2008/06/30162955/0>

⁷ SPS – a snapshot of one day

⁸ SWIA 2006; Extraordinary Lives - www.scotland.gov.uk/Resource/Doc/140731/0034643.pdf

⁹ <http://www.scotland.gov.uk/Publications/2008/06/30162955/0>

community support services¹⁰, to address their problems within the community. The potential benefits of community-based services to divert high risk young people from secure care and custody have positive impacts not only on the young person him/herself and their family but also on the local authority in terms of significant financial savings.

The challenges associated with delivering robust community based measures that effectively and efficiently meet the needs of this group of young people are considerable. This guidance aims to offer local authorities and community planning partners credible alternatives and ways of working that are evidence based and designed to meet Government recommendations. It should be noted however, that the risk some young people present to themselves and others is such that secure care or custody may be the only option available to manage the risk.

¹⁰[Secure Accommodation in Scotland:](#)

2. Definitions

In Scotland, a child is defined differently in different legal contexts.

- Section 93(2)(a) and (b) of the Children (Scotland) Act 1995 define a child in relation to the powers and duties of the Local Authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing are viewed as children. This reflects the fact that young people over the age of 16 may still require intervention to protect them.
- Part 5 of the Criminal Procedure (Scotland) Act 1995 (as amended) deals with the definition of 'child' for the purposes of the criminal process.
- with the introduction of the Adult Support and Protection (Scotland) Act 2007, an adult is defined as someone over the age of the 16.
- at the same time, the United Nations Convention on the Rights of the Child applies to anyone under the age of 18.

Although these differing legal definitions can be confusing, the priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection. The individual young person's circumstances and age will dictate what legal measures can be applied to protect that young person should they need it. It is essential to ensure that local areas have very clear links between their Child and Adult Protection Committees and clear guidelines in place for the transition from child to adult services. Those between 16 and 18 are potentially vulnerable to falling between the gaps and local services must ensure that staff offer ongoing support and protection, as required, via continuous single planning for the young person.

For the purposes of this guidance, a 'young person' is taken to mean anyone under age 18. A young person described as being a 'looked after child' is defined as a young person who is looked after and accommodated by the local authority.

3. Legal Requirements

Where a young person (under 18) is subject to a supervision requirement through the Children's Hearings System and pleads or is found guilty in a sheriff court, the sheriff is required to request advice from the Children's Hearing. The Judge may request this advice if the young person is found or pleads guilty in the High Court.¹¹

If a young person appearing on Indictment, who is subject to a supervision requirement through the Children's Hearing System, receives a custodial sentence, secure care can be considered as an option, and should be included within the social work court report.¹²

If a young person is not subject to a supervision requirement but is under 17 years and 6 months, advice from and disposal by the Children's Hearing System remains an option to courts¹³. This could also include a secure order as an alternative to custody, if the requirements within section 70 of the Children (Scotland) Act 1995 are met¹⁴.

Alternatives to secure care and custody should always be considered and assessed as required under section 97 of the Children's Hearing (Scotland) Act 2011. The majority of young people can be managed within a community based setting and this should be a priority. Alternatives to consider include Intensive Support and Monitoring (ISMS).¹⁵

The report writer and court social worker should ensure that they are aware of what alternatives to custody are available to their local authority/the local authority for which they are writing the report. These options should always be explored and assessed as a priority within all reports.

If a young person who is subject to a supervision requirement through the Children's Hearings System is sentenced to or remanded in custody, either to a Young Offenders establishment or secure care, an emergency 72 hour Looked After Review should be held.¹⁶

Supervision requirements should not automatically be terminated when a young person is sentenced in court. Remaining on a supervision requirement allows for the young person's care needs to continue to be met, family work to continue and could also result in any further offences (especially if committed whilst in secure care/custody) being dealt with through the Children's Hearings System.

¹¹ section 49(3) of the Criminal Procedures (Scotland) Act 1995

¹² Section 208 of the Criminal Procedures (Scotland) Act 1995

¹³ section 49(6) of the Criminal Procedure (Scotland) Act 1995

¹⁴ Section 70 (10) that the child— (a)having previously absconded, is likely to abscond unless kept in secure accommodation, and, if he absconds, it is likely that his physical, mental or moral welfare will be at risk; or (b)is likely to injure himself or some other person unless he is kept in such accommodation should be assessed for an alternative service.

¹⁵ <http://www.scotland.gov.uk/Publications/2008/08/05131241/0>

¹⁶ Guidance on Looked After Children's (Scotland) Regulations 38(2) and 41(2)

4. Literature Review

Youth crime (covering those under the age of 21 years) accounts for more than a third (43%) of all recorded offences in Scotland. Official statistics show that it is boys who are responsible for the greater proportion of such crimes (approximately 87%).¹⁷

There is a consensus within the literature that a certain level of involvement in trivial offending behaviour by youths can be considered a normal part of the process of growing up. Mclvor¹⁸ argues that adolescent offending is often 'linked to a range of other risk taking behaviours which in turn are associated with the search for identity in the transition from adolescence to adulthood'.

Key messages from the 'what works?' literature in relation to preventing a range of poor outcomes for children and young people (including offending) focus on providing early and effective intervention and a strategic approach to provision of services tiered according to levels of need and the age and stage of development of the young person. The criminological literature indicates that trends in antisocial and offending behaviour tend to be age-related which suggests that different forms of intervention will be required at different stages of the life-course¹⁹. In addition, it is unlikely that tackling offending itself will be successful without a range of measures aimed at addressing wider 'psychosocial disorders' that generally accompany offending (including substance misuse, mental health problems, eating disorders, self harming, etc)²⁰.

Andrews et al²¹ incorporated findings from 150 research studies in their meta-analysis and concluded that reviews of recidivism rates revealed on average that appropriate intervention 'cut recidivism rates by about 50%.²² This analysis, along with others, suggests that the most effective forms of intervention aimed specifically at offending behaviour are likely to reflect a series of broad practice principles known as the RNR approach. The first directing principle is that efforts should be made to match the level of service provided, as appropriate, to the assessed level of need and risk (**the risk principle**). A second directing principle is that a priority for intervention should be to alleviate those factors that are judged to sustain and support criminality (**criminogenic need principle**). In other words, intervention should be appropriately offence-focused for those involved in prolific or serious offending. A third directing principle relates to learning styles (**responsivity principle**). Young people change and learn in different ways and not surprisingly there is evidence to support the importance of matching the delivery of programmes and practitioner skills to the characteristics of the individual young person and their needs, including communication or learning disabilities and more complex needs.

RNR has produced evidence to suggest that effectiveness is likely to be greatest where there is:

- a focus on the nature and consequences of the offending behaviour;
- an emphasis on problem solving and behaviour change, cognitive development, personal or social skills;
- a diversity of methods of intervention;
- use of positive authority;
- an emphasis on community integration.

¹⁷ <http://www.scotland.gov.uk/Publications/2005/03/31141334/13357>

¹⁸ Mclvor (1998)

¹⁹ Sampson and Laub, 1993; 2004

²⁰ Rutter and Smith, 1995

²¹ Andrews et al, 1990

²² Andrews et al, 1990, p.385

To do this in practice, a community-based wraparound approach can be seen as being the most effective. This approach, brings together, where this is possible, the efforts of significant individuals in the young person's life, where they exist, to provide a comprehensive plan for supervision. In a graduated system 'natural' resources may be supplemented by trained volunteers and as required by trained and specialist professionals as required. The approach aims to identify and build on the strengths of the young person and their family and to encourage behaviours that will reduce the likelihood of any further involvement with the youth justice system.²³

Wraparound Milwaukee²⁴ was developed as a coordinated system of community-based care and resources, initially for families and children with severe emotional, behavioural and mental health problems. The features of this care management model are the establishment of a 'provider network' that delivers a wide range of services and supervision. This model includes an individualised plan of care; a management system to ensure that services are coordinated, monitored and evaluated; a mobile urgent response team to provide crisis intervention services; a managed care approach including pre-authorisation of services based on contingency planning and service monitoring.

Outcomes for young people involved in criminal activity improved significantly, measured by the Child and Adolescent Functional Assessment Scale²⁵, showing changes in the young person's functioning at home, at school and in the community. Reductions in re-offending rates were also encouraging²⁶.

The research findings suggest that young people with complex difficulties, and in particular mental health problems, who are involved in offending, and then experience integrated and individualised wraparound planning within a system of care, are less likely to re-offend and spend less time in detention or other institutional provision. The model is based on the evidence that young people who are supported to stay in school, who do not run away from home, assault other people, or are not picked up by the police are likely to fare better in the long run. It attempts to address the multiple determinants of offending in a comprehensive and holistic way often lacking in traditional supervision practice.

The Wraparound Milwaukee model relies on 'core tasks' that provide a useful directing framework for all intensive supervision in the community:

- identify key 'players' in the lives of the young person and family;
- adopt a strong non-judgmental family-centred approach;
- organise a wraparound 'team' or 'network group' and facilitate a meeting (group or family conference) to produce a creative service plan and meaningful action plan;
- identify existing multidisciplinary services, assessing their usefulness to the needs of the young person and family;
- prepare a services plan with outcome indicators and resource cost as appropriate;
- assess the training needs and arrange for training of key individuals;
- prepare a crisis plan and set expectations for unconditional care;
- identify gaps and arrange to implement needed services that do not presently exist or deal with contingencies;
- manage funds flexibly and work with staff responsible for finance;
- deliver direct services as needed;
- evaluate the progress of services, quarterly reviews, modifying service plans as needed;
- prepare transition plans and long-term follow-up;
- summarise outcome data for use in programme improvement.

²³ Bruns et al, 1995

²⁴ The Community Resources Cooperative, 1993

²⁵ Hodges, 1994

²⁶ Carney and Buttell, 2003

Gender differences

In a meta-analysis of studies exploring the criminogenic risk factors associated with adolescent offending, Simourd and Andrews²⁷ found that the same criminogenic risk factors apply equally to both boys and girls. The main risk factors identified are; anti-social attitudes, associating with anti-social peers, low parental supervision, a lack of constructive leisure activities, educational difficulties, moral beliefs, victimisation and high levels of impulsivity and risk taking.

A longitudinal survey conducted for the Home Office²⁸ compared gender differences in risk factors for offending. Across a cohort of 397 families in Cambridge, they found that factors that predicted offending more strongly for girls were related to socio-economic and child rearing factors such as; low social class and income, poor housing, poor parental supervision, lack of praise, erratic discipline, parental conflict and a general lack of interest in the child's development. In contrast factors predicting offending more strongly for boys were related to actual parental characteristics, including having nervous and poorly educated parents. Overall the study found that sisters had shorter criminal careers than brothers, an average of 4.4 years for girls compared to 6.6 years for boys and in adulthood the prevalence of offending was found to be much higher for brothers (44%) compared to only 12% for sisters.

Explanations for why girls offend less than boys point to situational factors. It is argued that in comparison with boys, girls have less exposure to risk factors. Girls tend to be more closely supervised by parents, have less unstructured leisure time and therefore less opportunity to associate with anti-social peers²⁹.

Research also shows that girls and boys respond differently to risk factors. Whilst girls tend to 'internalise' emotional problems and display their distress via depression and self-harm, it is argued that boys are much more likely to respond to problems by 'overtly acting out' behaviours, including various manifestations of delinquency. It is well established that there is a lack of suitable resources for vulnerable young people, and in particular for girls, who have complex emotional, behavioural and mental health issues. As will be seen, too many of these young people end up in secure care because of a lack of suitable alternative community-based provision.

Assessment prior to secure admission needs to be holistic and focused on the needs of the young person as specified in the GIRFEC framework. Consistency in assessment prior to admission has also been identified as a key measure to improve the quality of secure accommodation decision making³⁰.

As girls have different pathways into offending than boys, a more detailed analysis on the different approaches to working with girls to meet their specific needs will be addressed in more detail within this guidance.

²⁷ Simourd and Andrews, 1994

²⁸ Farrington and Painter, 2004

²⁹ Jamieson et al, 1999

³⁰ Walker et al. 2006; Sinclair and Geraghty; Roesch-Marsh 2010

5. Core Principles

The principles underpinning effective alternatives to secure care and custody are summarised as:

Service	
1	GIRFEC—including lead professional and consistent risk assessment/management
2	Partnership working
3	Corporate parenting
4	Family work
5	Accommodation options/supports
6	Immediacy
7	Intensive support – and crisis support
8	Monitoring/surveillance
9	Development of community opportunities
10	Exit strategies/continued support or different support arranged – if needed

Workers	
1	Positive relationship between worker and young person
2	Consistency, flexibility and responsiveness
3	Persistence/commitment of worker
4	Knowledge of the needs of young people
5	Ability to focus on the future
6	Positive relationship with decision makers to ensure they are fully informed of services to increase their use

Decision Makers	
1	Confidence in the service/provision
2	Presence of workers within the Court
3	Knowledge of services available

5.1 Service

Getting it right for every child (GIRFEC) places the child at the centre and promises much in terms of tackling the repetition and lack of coherency in working with young people and their families through use of the single shared assessment, and a joined up planning and record system. Along with the 19 actions contained in We Can and Must do Better (2007) GIRFEC addresses all of the key points contained in a decade of research and reports since the Children Scotland Act 1995, concerning –

- the role of the corporate parent;
- partnership and clarity of responsibility;
- education within a Lifelong learning agenda; and
- flexible support before during and after placement

To manage effective change, GIRFEC highlights; the importance of using a holistic human service approach; enabling a single plan to be implemented and led by one professional where key stages are mapped on an end-to-end process; bound together by a case manager into a meaningful and coherent whole; enabling different resources and styles to be matched to different cases; and developing variable forms of teamwork and organisational support for multidisciplinary contributions to the core process of case management.

GIRFEC has a number of key components:³¹

- a focus on improving outcomes for children, young people and their families based on a shared understanding of well-being;
- a common approach to gaining consent and to sharing information where appropriate;
- an integral role for children, young people and families in assessment, planning and intervention;
- a co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the Well-being Indicators;
- streamlined planning, assessment and decision-making processes that lead to the right help at the right time;
- consistent high standards of co-operation, joint working and communication where more than one agency needs to be involved, locally and across Scotland;
- a lead professional to co-ordinate and monitor multi-agency activity where necessary;
- maximising the skilled workforce within universal services to address needs and risks at the earliest possible time;
- a confident and competent workforce across all services for children, young people and their families; and
- the capacity to share demographic, assessment and planning information electronically within and across agency boundaries.

Lead Professional

Under the GIRFEC approach, when two or more agencies need to work together to provide help to a child or young person and family, there will be a lead professional to co-ordinate that help. Where those working with the young person and their family have evidence that suggests a co-ordinated plan involving two or more agencies will be necessary, then a single plan should be drawn up.

The role of the lead professional is to:

- usually be the point of contact with the young person and their family for the purpose of discussing the plan and how it is working, as well as any changes in circumstances that may affect the plan;
- be a main point of contact for all practitioners who are delivering help to the child to feedback progress on the plan or raise any issues;
- make sure that the help provided is consistent with the Child's Plan, that services are not duplicated;
- work with the child and family and the practitioner network to make sure that the child and family's views and wishes are heard and properly taken into account and, when necessary, link the child and family with specialist advocacy; support the child and family to make use of help from practitioners and agencies;
- monitor how well the Single Plan is working and whether it is improving the young person's situation;
- co-ordinate the provision of other help or specialist assessments which may be needed, with advice from other practitioners where necessary, and make arrangements for these to take place;
- arrange for the agencies to review together their involvement and amend the Single Plan when necessary; and

³¹ <http://www.scotland.gov.uk/Publications/2010/07/19145422/2>

- make sure the young person is supported through key transition points and ensure a careful and planned transfer of responsibility for these roles when another practitioner becomes the lead professional.

The lead professional will be responsible for ensuring the production of an agreed multi-agency Single Plan. The plan will be based on an assessment of needs and will incorporate any current single agency plans. The plan will identify when a review is needed and the lead professional will arrange for materials to be circulated to everyone involved, especially the young person and their family where appropriate. In many occasions this will involve both adult and child care systems working together and sharing information to ensure a smooth transition.

Assessment and risk management

GIRFEC highlights the importance of the assessment process³², which is crucial in identifying the needs and risks of young people involved in offending. This allows for individualised plans to effectively address risk and need, to manage risk effectively within the community as opposed to secure care or custody.

Assessments³³ need to be holistic and analytical, with actions highlighted in the plan to meet risk and need and improve outcomes for young people. Offending behaviour and criminogenic factors need to be measured and included in the plan as areas to be addressed. In Scotland, the Risk Management Authority's (RMA) rated document³⁴ highlights the different risk assessment tools available, and GIRFEC details three tools to make sense of the information collected. Professional judgement should also be used when undertaking assessment and plans to inform risk management. Guidance in relation to child and adult protection should be followed where appropriate.

Once a decision has been made about risk management arrangements, it is for the lead professional to coordinate, monitor and review these arrangements and, through liaison with the other professionals working with the child or young person, identify any changes in behaviour which would necessitate a review of the risk management arrangements. The lead professional's primary task is to make sure that all the support provided is working well, fits with involvement of other practitioners and agencies and is achieving the goals of the child's plan.

Multi agency working is fundamental to the risk management and planning process. Positive multi agency working relies as much on formal agreements as on good working relationships between practitioners. However, it is important to ensure a consistent approach across agencies so that everyone involved in the management of young people has a clear understanding of their role and responsibilities.

Risk management meetings should be included in child planning meetings at intervals as set within the Children (Scotland) Act 1995 regulations and guidance³⁵, or on a more frequent basis as risk dictates.

³² <http://www.scotland.gov.uk/Publications/2010/07/19145422/2>

³³ <http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending>

³⁴ <http://www.rmascotland.gov.uk/try/rated/>

³⁵ <http://www.scotland.gov.uk/Publications/2004/10/20067/44723>

Partnership working

'No single organisation can hope to reduce the incidence of crime and tackle the underlying causes of criminal and anti-social behaviour. Local organisations need to work together to develop comprehensive solutions which achieve a permanent improvement to the communities' quality of life'³⁶.

To ensure a GIRFEC approach is used, all agencies and professionals need to work together to meet the needs of the child. One plan should be used by everyone involved with the young person with agreed actions to meet risk and need. Partnership working underpins the principles of the Children (Scotland) Act 1995 – 'working in partnership to support and protect children'.

Partnership working needs to include the young person, their family where appropriate and any relevant or significant people for that young person. Professionals should support the young person and their family, who are central to any plan devised.

The Youth Justice Board for England and Wales states that partnership working is key to keeping young people out of prison. They state that 'good partnership between the youth offending service and the Courts can make a difference at a local level'³⁷. This is not a new concept as collective responsibility to prevent young people offending, shared by a range of public and voluntary services is essential. Evidence suggests that the more joined up 'multi-agency' teams are, the better the outcomes for young people³⁸.

All local authorities and community partners should be working in partnership wherever possible to meet the needs of all young people. This partnership approach should be included within a young person's single plan, to ensure all risks and needs are being met to reduce involvement in offending behaviour and keeping more young people within their local communities.

Corporate parenting

'Corporate parenting means the formal and local partnerships needed between all local authority departments and services, and associated agencies, who are responsible for working together to meet the needs of looked after children (this includes looked after children at home) and young people, and care leavers.'³⁹

Being a good corporate parent means that local authorities should:

- accept responsibility for the council's Looked After children and young people;
- make their needs a priority;
- seek for them the same outcomes any good parent would want for their own children;
- consider pathways planning and transitions to independent living.⁴⁰

Local authorities will want to:

- know how many children and young people are Looked After by your council, why they are Looked After, that they are safe at all times and how well they are doing;

³⁶ Audit Commission in the Nacro guide to Partnership Working

³⁷ Youth Justice Board www.yjb.gov.uk/en-gb/News/Partnershipworkingiskeytokeepingyoungpeopleoutofprison

³⁸ Crime Concern, 'Keeping Young People Safe and Out Of Trouble', Nacro.

³⁹ <http://www.lookedafterchildrenscotland.org.uk/corporateparenting/index.asp>

⁴⁰ <http://www.scotland.gov.uk/Publications/2004/03/19113/34732>

- make sure that your schools are inclusive, aspirational for all children and young people, including those who are Looked After, and have in place strategies to ensure that Looked After children and young people are not disproportionately represented in poor attendance, exclusions, bullying and underachievement;
- actively promote and support high standards of care for children and young people, and care leavers, taking account of their cultural needs;
- actively seek high quality outcomes for your Looked After children and young people and care leavers and take responsibility for those outcomes;
- remove barriers, where possible, which prevent your Looked After children and young people and care leavers achieving the desired outcomes;
- challenge professionals to work in new ways which always promote inclusion;
- make sure that the physical, mental and emotional well-being of your Looked After children and young people and care leavers are being addressed at the earliest opportunity;
- make sure that your Looked After children and young people are given the same opportunities that any good parents would provide for their child and that you have the same expectations and aspirations as you would for your own children. Champion the needs of, and be aspirational for, your Looked After children and young people and care leavers;
- know who your care leavers are and make sure that there is appropriate support available to them;
- be certain that the services your council provides or commissions for your Looked After children and young people and care leavers are meeting their needs to the highest possible standard, including when the child is placed outwith your own services or geographical area;
- make sure that you have effective scrutiny mechanisms in place to hold officers to account for local outcomes;
- consider making a reference to improving outcomes for Looked After children and young people and care leavers in your Single Outcome Agreement, or at least make sure that their needs are recognised in your broader local outcomes and indicators and performance management system;
- work with local health board members and other key partners to make sure that services are scrutinised across the community planning partnerships and this includes monitoring, integrated working, setting shared goals and values and continuous improvement;
- make sure that all services in your authority are able to protect, support and encourage Looked After children and young people and care leavers, individually and collectively.
- promote a positive view of Looked After children and young people and care leavers, and help to raise public awareness about the care system;
- recognise and show pride in children or young person's achievements, build their confidence and defend them against unfair criticism;
- make sure that the views of children and young people and care leavers are heard and listened to, and when decisions are being made that their views are being taken into account.

Duties of local authorities ⁴¹

There is a statutory duty (set out in Part II of the Children (Scotland) Act 1995) on all parts of a local authority to ensure that they safeguard and promote the welfare of children and young people who are looked after by them, which includes those in secure care. There is also a duty on other agencies to cooperate with councils in order to help them fulfil that duty.

However, as highlighted in *These Are Our Bairns*⁴², being a good corporate parent is not only a responsibility but an opportunity to improve the futures of looked after children and

⁴¹ www.sircc.org.uk/publications/documents/sofi

young people and care leavers. Local authorities have a duty to prepare young people for ceasing to be looked after (“throughcare”), with transitions⁴³ and to provide advice, guidance and assistance for young people who have ceased to be looked after over school age (“aftercare”). Regulations and guidance on services for young people ceasing to be looked after came into force in April 2004. Central to this legislation is the duty to carry out an assessment of the needs of these young people. Guidance materials have been developed to support this process⁴⁴.

Family work

Current literature on risk factors for youth offending often highlights the impact of family relationships on young people in both positive and negative ways. The key issue is that young people have a context, and that context should direct the approach taken with those young people and their families.

Issues particularly likely to encourage ‘problem behaviour’ include poor parental supervision and discipline, family conflict, a family history of problem behaviour, and parental involvement in or attitudes that condone problem behaviour⁴⁵.

Family work is appropriate when offending behaviour has some origins in family relationships and difficulties, and when the family can be actively engaged in strategies to prevent further offending. *Support and Services for Parents: A Review of the Literature in Engaging and Supporting Parents* concluded that⁴⁶:

- direct child development work, parent training and school based provision is most effective for primary school children;
- structured family work alongside community programmes is most effective for adolescents;
- multi-system approaches work best with older adolescents.

The research also suggests that children who are physically abused or neglected are more likely to become offenders later in life and to be arrested for juvenile violence⁴⁷. Given this, young people identified as having been abused or neglected would benefit from targeted interventions to combat the likely effects of abuse. Parental abuse and neglect, while directly relevant as a risk factor for offending behaviour, may initially require intervention through a child protection route if concerns are raised that the child or young person is at risk of significant harm⁴⁸. Similarly, there is a strong correlation between truancy and future offending. Preventive and early intervention practices should focus on addressing the issues which underpin non attendance, and work with families, education, other relevant professionals and the community to ensure needs are met. It should be emphasised that the complex and interrelated nature of parental neglect and abuse, and the risks associated with offending behaviour by young people, should be addressed in a holistic and integrated way. GIRFEC provides a holistic assessment of the young person’s needs and strengths but on its own does not focus in depth on offending behaviour. The challenge therefore is to address the multiple needs of young people while retaining the focus on the offending behaviour by integrating GIRFEC with other specialist approaches.

⁴² <http://www.scotland.gov.uk/Publications/2008/08/29115839/0>

⁴³ <http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending>

⁴⁴ <http://www.scotland.gov.uk/Publications/2004/05/19357/37092>

⁴⁵ Joseph Rowntree Foundation, 2002

⁴⁶ *Support and Services for Parents : A Review of the Literature in Engaging and Supporting Parents 2008*

⁴⁷ Farrington, 2002; Spatz Widom, 1989; Rivera and Spatz Widom, 1990

⁴⁸ <http://www.scotland.gov.uk/Publications/2010/05/27095252/11>

Family experiences play a critical role in promoting or reinforcing criminal behaviour by young people. Family work can be difficult to define and can range from general family and youth approaches through to specialist structured family work. Four broad categories of family-based interventions are associated with effective outcomes with children and young people: pre-school education programmes, home visitation provision, parent training and structured family work. Reviews of direct family work and parent training with adolescents show promising outcomes.

Families can equally have a positive influence, however, particularly as young people mature. Identification and involvement of positive family influences (or indeed positive supports outside the biological family), can increase the individual's stake in conformity, increase the cost of offending and be the trigger to prompt a moving away from crime. This investment in 'social capital' and 'human capital' is a critical factor in desistance from offending for young people⁴⁹. Similarly, Laub et al⁵⁰ suggested that gradually increasing positive bonds linked to work and family would over time lead to a reduction in criminal activity.

Involvement of the families of young people can have further beneficial effects in terms of support for the families themselves. Young people's offending can often have an impact on families as well, in terms of worry for the young person's safety; concern about how to keep them out of trouble; targeting or stigma from neighbours and the wider community; or through victimisation of the young person. Engagement with families must recognise the fact that families will have needs in their own and should not therefore focus solely on the needs of the young person.

As family work should be included in all work with young people, service providers should:

- adopt the GIRFEC model, bearing in mind that 'Getting It Right for Every Child' may be better approached as 'Getting It Right for Every Family';
- directly address criminogenic needs as identified by the assessment process;
- ensure enough time to build relationships with the young person and their family;
- work flexibly in supporting families to develop individualised plans, ensuring partners are involved when appropriate;
- provide services in a way that can reach out to children and families, should they choose not to engage;
- ensure a variety of services are accessible to address multiple needs, and different needs at different times;
- value families believing in their fundamental ability to cope and make a difference in their lives;
- show an understanding of the challenges and be sensitive, honest, and trustworthy;
- endeavour to create equal relationship and using the family's strengths, views and knowledge alongside your own at every stage of the process.

Accommodation options/supports

Research has found that young people are often remanded in custody due to homelessness or unsuitable accommodation situation. Community alternative services may need to look at having accommodation or tenancy support to prevent this situation. Young people should not be remand or sentenced to custody due to inappropriate accommodation. Local authorities need to provide suitable accommodation to meet the individual needs of the

⁴⁹ McNeill, Fergus and Weaver, Beth , 2010

⁵⁰ Laub, Nagin & Sampson, 1998

young person⁵¹. This may include services like intensive fostering or supported accommodation to further support the young person.

Research shows that inadequate accommodation is likely to have a significant negative impact on reoffending. There is a documented link between severe accommodation problems or homelessness and rates of recidivism⁵².

Immediacy

It is beneficial for a worker to be present in court when a young person who is assessed as suitable for a community alternative is being sentenced, so that support is immediate and visible for the young person and the sentencing court. More information in relation to this can be found in guidance for court staff⁵³ and the National Standards for Criminal Justice Social Work⁵⁴. Disposals also need to be made as quickly as possible to allow the young person to have clear understanding of the link between their offending and the outcome.

Intensive Support

For some vulnerable and troubled young people, the appropriate and proportionate help that they require is an intensive package of support. The intensive nature of that support will require that it be provided by a number of agencies working together.

For some of those young people, that intensive package of support may require to be supplemented by a condition of a supervision requirement that restricts their movements and electronically monitors whether that restriction is adhered to. This can be achieved using a movement restriction condition as part of a supervision requirement with intensive support, that is ISMS⁵⁵.

ISMS good practice guidance highlights the requirements needed for a successful intensive service⁵⁶. An example in practice can be seen in appendix 2.

Monitoring/surveillance

To be effective, alternatives to secure care and custody should involve some form of monitoring and surveillance. Evidence suggests services require rigorous and consistent response to non-compliance. Such responses need to ensure community safety whilst allowing for some flexibility around breaches. Non-compliance can be an opportunity for young people to learn and grow in terms of self control and keeping to commitments, and should not automatically result in secure care or custody. These approaches combine intense levels of community-based professional supervision and surveillance with a sustained focus on personal change, tackling the factors that contribute to the young person's offending behaviour, family work and bringing these together with education and training for employment, drug and accommodation services, mental health provision, life skills, leisure and voluntary sector services.

⁵¹ <http://www.scotland.gov.uk/Publications/2004/03/19113/34721>

⁵² Hagan and McCarthy, 1997;

⁵³ <http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending>

⁵⁴ <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards>

⁵⁵ <http://www.scotland.gov.uk/Publications/2008/08/05131241/0>

⁵⁶ <http://www.scotland.gov.uk/Publications/2009/03/11105146/0>

The guidance on ISMS includes a legal means of monitoring through a Movement Restriction Condition (MRC)⁵⁷. Not all intensive supports include an MRC as other forms of monitoring may be identified. The lead worker therefore needs to ensure the plan and risk assessment are up-to-date and everyone involved, especially the young person and their family, knows what is expected. This should involve a contingency/back up plan, outlining that if for example, the young person does not return home on time or make set appointments what the course of action will be. This will ensure consistency, whilst keeping the young person and the community safe.

Development of community opportunities

For young people remaining in the community, all opportunities to meet identified need should be explored. As corporate parents, all community partners have a role and responsibility to meet the needs of children and young people. This should include working in partnership to address all risk factors present as highlighted in the young person's single plan, and to ensure young people have access to:

- safe environment/accommodation;
- education/employment/training;
- social inclusion;
- supportive professionals;
- positive activities/role models;
- programmes/interventions to address offending behaviour and need;
- leisure and sport; and
- positive and nurturing relationships.

Mentoring programmes provide a promising approach to supporting a reduction in youth offending. Mentoring is a more commonly-used intervention with young people to prevent, divert, and deal with involvement in or at risk of offending and antisocial behaviour than with adults. These programmes tend to focus more on social modelling rather than on reciprocal assistance or shared experience.

Tolan et al's meta-analytic review⁵⁸ of 39 studies published between 1970 and 2005 found a moderately positive effect of mentoring programmes in combating offending and aggression. Positive effects were stronger for programmes in which emotional support was a key component of the mentoring process, and where 'professional' development was a motivator for the mentor's participation. As a caveat to these findings, the authors note, however, that even rigorous studies lacked specific information about what constitutes mentoring activity.

Transitions and exit strategies

Following the 'what works' research, intervention should meet the risk presented. As the risk decreases so too should the level of intervention. Since many young people involved in offending behaviour, who require alternatives to secure care and custody, have experienced poor relationships with adults reducing contact/leaving a service needs to be undertaken in a planned way. Exit strategies need to be included within the child's plan to ensure a positive ending of involvement in services, at a time that is appropriate.

Existing Scottish Government guidance⁵⁹ highlights the need to plan for continuity of support beyond the duration of the immediate alternative to secure/custody sentence to ensure that the foundations laid are built upon. This should include a relapse prevention period. Relapse

⁵⁷ <http://www.scotland.gov.uk/Publications/2008/08/05131241/0>

⁵⁸ Tolan et al, 2008

⁵⁹ <http://www.scotland.gov.uk/Publications/2009/03/11105146/0>

prevention support consolidates and sustains the progress already made and allows for a tapered exit strategy to empower young people to make the transition to independence, to take responsibility for improving their lives and reduce the likelihood of reoffending.

As part of an exit strategy a young person's support should be tapered consistently to reflect their progression and reduced needs/risks, and to aid successful transition to independence.

Integral to the successful exit of a young person is the amount and availability of support networks open to them. It is therefore extremely beneficial to the young person if their support networks are accessed and their link with external agencies is incorporated into their ongoing support planning in order for their social capital to be increased and so that relationships of conviviality can be developed and maintained⁶⁰. Support planning should also look at family work, in order to ensure an increased availability of support for the young person within their extended family.

The exit process should review the achievements of the young person, possible ongoing risks and their current support networks. The young person should work with their support worker on their dis-engagement plan, to have ownership of their plan for the future, after completion of the service.

If a young person is moving from a child care service to an adult one, partnership working is essential to ensure a smooth exit from one system into the next. Currently, the requirements of services do differ and young people can struggle with expectations placed upon them. Support should be offered to overcome any issues that arise.

The Children (Scotland) Act 1995 Regulations and Guidance⁶¹, identify good practice that is still applicable when dealing with young people who are being managed within the Children's Hearings System and also in the adult courts. The guidance and Regulations state that where necessary children's and criminal justice services should be co-ordinated and agreements reached about who is the best person to complete court reports and supervise any probation/community payback orders. It may be that youth justice and criminal justice staff work together with the young people to allow a continuity of support and resources. This will also ensure critical information is shared between workers providing a greater understanding of the complexities of both systems and a smoother transition between services⁶². Joint arrangements, where necessary, can continue until a young person reaches 18 years of age.

5.2 Workers

Effective interventions are strongly influenced by effective workers who use their personal influence through quality interaction with young people (*relational principle*). Effective practitioners require skills in change management, and the policy and practice agenda needs to move towards the development of better integrated community justice and welfare provision, reflecting the importance of shared responsibility and social justice.

The 'core' conditions for effective social interventions relate to the ability of practitioners to convey accurate empathy, respect, warmth and genuineness; to establish a working alliance based on mutual understanding and explicit (written) agreement about the nature and purpose of the intervention; and to develop an approach that, as far as possible, is person-

⁶⁰ Fergus and Whyte (2008)

⁶¹ <http://www.scotland.gov.uk/Publications/2004/10/20067/44723>

⁶² <http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending>.

centred or collaborative. This needs to take into account the individual needs of the young person and any disabilities they may have.

Core practices identified in the effectiveness literature with adults involved in offending⁶³ suggest that the qualities of practitioners are associated with positive outcomes in reducing re-offending. These include the quality of the interpersonal relationship, the effective use of authority, anti-criminal (or *pro-social*) modelling and reinforcement, problem solving and accessing community resources. Empirical studies of supervision have found that the use of pro-social modelling consistently correlated with lower re-offending and tended to be most effective with young, high-risk, violent and drug-using offenders.

Research into secure accommodation has shown that it is crucial for social workers and staff in secure units to work together to understand and support children and that really listening to children is crucial to building understanding and relationships⁶⁴. In fact a wide range of research has highlighted the importance of relationships to successful social care, residential care and social work. A recent review of this literature base by the Social Care Institute for Excellence highlights the clear finding that the staff best able to work with children who demonstrate challenging behaviour are those 'who are able to demonstrate a clear commitment to children, listen to them and understand and respect them'⁶⁵.

To evaluate effectiveness, workers should be able to self-evaluate their work and services evaluate their interventions. This allows workers and services to know what they are doing well and also to identify areas for improvement. Encouraging self awareness, the ability to build on capacity to do better and to recognise strengths have been identified as positive outcomes from this process⁶⁶.

5.3 Decision Makers

Emerging evidence from the early evaluation of the pilot of the GIRFEC approach suggests that decision making is improved by a two-fold process of strengthening individual professional values and aims, to ensure a focus around the needs of the child, and strengthening inter-professional working cultures to support multi-agency working⁶⁷. Opportunities for joint training, regular supervision and a culture that encourages reflective practice, could all help to develop these positive multi-agency working relationships⁶⁸.

Variation throughout Scotland in decision making practice in relation to secure care has been of concern to policy makers for a long time. Walker et al⁶⁹ undertook a study to provide, 'a framework to assist the decision-making process on the use of secure accommodation by children's hearings and social work departments'.

This focus on Children's Hearings and social work departments meant that Walker et al.'s study only examined the welfare route into secure accommodation. Their interviews with a focus on decision making included social work managers, children's panel chairs, and senior staff at secure units across eight different local authorities but did not include children. They found that the process of decision making usually involved two stages:

⁶³ Dowden and Andrews, 2004

⁶⁴ Walker et al. 2006; Mooney et al. 2007; Sinclair and Geraghty 2008

⁶⁵ Kilpatrick et al. 2008: 9

⁶⁶ Framework for Action – self-evaluation tool

⁶⁷ Scottish Government 2009

⁶⁸ SCIE 2004

⁶⁹ Walker et al 2006

- stage One: Social work staff would make a decision about the need for a secure place and then ask a children's hearing for authorisation;
- stage Two: The secure units would then decide if a young person should be prioritised and offered a place in their unit.

At the first stage of decision making three out of the eight local authorities took a pro-active approach, attempting to avoid the use of secure accommodation by using more general screening groups to allocate various community based resources to children whose situations were beginning to deteriorate. Other local authorities saw secure accommodation as a more potentially useful part of the care plan and were less pro-active in their attempts to divert children from secure placement. This suggests that the perceived role of secure accommodation has an impact on the process of decision making.

Walker et al highlight that there are huge regional differences at stage two of the secure accommodation decision making process, for instance, local authorities out-with the central belt have much greater difficulty accessing secure places. The three local authorities with access to their own secure units make much more use of the provision than other authorities. Members of staff working in secure units in these authorities were also much more positive in their descriptions of secure accommodation and in their views of its role as part of an overall care plan. SCRA⁷⁰ have recently found that only 5% of children on secure authorisations had not been placed six months after authorisation. This suggests that despite the regional differences in access to secure places most children who are recommended for a secure placement now receive one.

This study concludes that decision making about secure accommodation varies greatly between local authorities and that much of this has to do with the range of other service provision that has been developed in the area and the ease of accessing secure placements. Gender has also been shown to play a significant role in decision making⁷¹. It is important to ensure that decisions about secure care are not 'resource-led' rather than needs led.

Present guidance on the use of secure care does not address the issue of evidence in relation to the level of risks presented by a young person. However recent research suggests that greater clarity and guidance are needed on the issue of evidencing risk and the secure criteria⁷². Evidence could include: written testimonies from relevant agencies, clearly dated logs relating to patterns of absconding and offending, detail relating to the physical and mental state of the young person and their prior history, and assessment reports. Referrals to secure care should also detail all effort to find suitable community based alternatives to secure accommodation, as stated in the Children's Hearing (Scotland) Act 2011⁷³.

The Children's Hearing (Scotland) Act 2011 provides powers for new regulations to be made about placing a young person in secure care, including the role of the Chief Social Work Officer. It is therefore important for Chief Executives and Chief Social Work Officers to be aware of guidance about secure decision making and alternatives to secure care and custody.

Making sure that robust community alternatives are known to decision makers in court is important in influencing the decisions made about young people. Sheriffs need to know what is available, what such services entail, and how risk will be managed. Report authors need to ensure that all information is based on a full risk and need assessment.

⁷⁰ [Secure authorisations in Scotland's Children's Hearings System](#)

⁷¹ Dennington and Pitts 1991; O'Neill 2001; Goldson 2002; Jane Held Consulting Ltd. 2006

⁷² Roesch-Marsh 2010

⁷³ <http://www.legislation.gov.uk/asp/2011/1/contents/enacted>

6. Working effectively with girls

For youth offending the same model of criminogenic risk factors apply to both boys and girls (anti-social attitudes, pro-criminal associates and peers, lack of parental supervision and unconstructive leisure time). Whilst gender is not found to be a risk factor on its own certain factors have stronger correlations for girls. These include: victimisation (which includes physical, emotional and sexual abuse), weak support networks (includes school and low parental supervision), peer influence of boys involved in offending, unsupervised leisure time, low self esteem and material deprivation.

The majority of available provisions to address offending behaviours are based on the principles of 'what works' which are derived from theories about male offending and do not necessarily meet the needs of females. To date there is a limited evidence base about 'What Works' for girls, much of the research evidence is based on anecdotal evidence⁷⁴.

The emphasis on risk assessment means that girls are often considered to have a high level of need and subsequently assessed as 'high risk'. In addition a 'welfare'-based approach to female offending also means that girls are often considered to be in need of greater protection than boys. Due to the emphasis on females' domestic responsibilities and enhanced levels of vulnerability, young women are often pushed higher up the sentencing tariff. Thus official Prison Statistics for Scotland indicate that the use of custody for female offenders has risen. Young women (16-17 years old) are five times more likely to receive a custodial sentence as opposed to a community sentence, compared to young males who are only twice as likely to receive a custodial sentence in place of a community sentence⁷⁵.

Under the auspices of 'What Works' and assessment of risk, girls are often subject to the same intensive cognitive behavioural programming as boys. However a body of literature argues that this approach is divisive for girls because it assumes that cognitive deficits are the root to a young person's decision to offend (i.e. the problem is in their thought processes and not their social circumstances). Such interventions, usually based on male experiences take it for granted that females will be afforded the same opportunities to change. In reality, however females have fewer legitimate options in society and 'as important as enhanced thinking skills are, they can only be, at best, a prerequisite to empowering women to make better choices if the choices genuinely exist'.⁷⁶

The literature argues that it is not appropriate to simplify girls' needs to discrete criminogenic factors as some of these needs are not necessarily 'treatable' dynamic factors. Interventions therefore are required that reflect the distinctiveness of female experiences. For instance generic anger management programmes are insufficient to address female needs as research shows that what prompts aggression is different between girls and boys. Girls' aggression is often tied up in gendered expectations about female sexuality. Evidence on the backgrounds of young women in custody show that for many young women feelings of unresolved grief and anger in response to experiences of abuse and neglect are triggers for the onset of offending. For many young women exposure to violence is an everyday reality and rather than being an irrational response to intimidated harms, is a reasoned response and often a 'necessary means to establish respect, to protect against and pre-empt victimisation and preserve self-integrity'.⁷⁷

Evidence also suggests that girls display higher rates of mental health problems with a prevalence of post traumatic stress disorder, depression and low self-esteem. Girls display

⁷⁴ Lisa Merone; 2009

⁷⁵ <http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/snsg-04334.pdf>

⁷⁶ Worrall A, (2001)

⁷⁷ Batchelor S, (2005)

different coping mechanisms through negative emotional behaviours such as self blame, self harm and risky sexual behaviour. Girls require a more individualised assessment process as risk factors related to recidivism are different with poor parenting, dysfunctional family environment and absconding being the greater influences.⁷⁸

The consensus within the 'What Works' literature is that interventions need to become increasingly gender specific with age and should be matched to developmentally appropriate risk factors⁷⁹. This would reduce the risk of girls disengaging from services which were not seen as meeting their specific needs.

- girls require a more individualised assessment process. Assessment tools and screening processes need to reflect the needs of girls and actuarial risk assessment tools need to be supplemented by other measures which explore the reasons behind problematic behaviour, particularly in their relation to mental and emotional health and self esteem. In-depth interviews should be undertaken to explore needs and strengths in order to create an individualised and effective plan and gain access to appropriate services.
- interventions for girls should be based on an approach that addresses multiple problems (physical, emotional, mental and sexual health, self-esteem/self-worth, substance abuse, victimisation and trauma) in a holistic way. This requires a particular focus on addressing behaviour problems within an interpersonal context, which is an informal, female only safe environment, that allows girls time for reflection and which will meet their learning needs.
- family and individual interventions that include a social skills training component are evidenced to be particularly effective for girls
- contact with sympathetic and understanding pro-social workers is crucial in the engagement of girls, highlighting the need for specific training for workers in areas such as gender identity and female development.
- there is mixed evidence for the use of single sex education. Numerous studies, however, have pointed to the positive benefits of single sex education for girls, although literature recommends that gender differences can be sufficiently accommodated within the mixed gender classroom setting via implementation of gender-inclusive strategies⁸⁰.

⁷⁸ From Glasgow City Council – Effective Interventions for Girls

⁷⁹ www.CJSW.ac.uk

⁸⁰ From Glasgow City Council – Effective Interventions for Girls

7. Nothing Works?

Should a young person not engage with an alternative service to secure care and custody, everything possible should be done to ensure that they do engage. The views of the young person should be taken into account but services also need to be persistent in engaging them.

If however, they are sent/sentenced to such an establishment, planning should start immediately for their return to the community. As desistance literature suggests, there are a variety of reasons why young people stop offending, and commitment to that young person should not change because of their lack of engagement. Professionals should remain involved and supportive and plan appropriately for them, following the principles of GIRFEC.

Length of sentence may influence professionals' involvement, but, initially, community based social workers should be in contact with the secure provider or the Scottish Prison Service to share information and contribute to the young person's GIRFEC plan.

If a young person is subject to a supervision requirement, this should not be terminated because they have been given a custodial sentence. Termination should be the result of full a need and risk assessment. A 72 hour looked after review should be arranged for those young people subject to a supervision requirement though the Children's Hearings System or post sentence meeting for those who are not. Remaining on supervision allows a young person to be fully supported when they return to the community.

If the young person is returning to their family home, work should be undertaken, where possible, to ensure that the family/carers can provide for their needs and reduce any future risks of re-offending. If the young person is unable to return home or is homeless, plans should be put in place to ensure adequate accommodation is available for them on release.

During their time in secure care or custody, work should be undertaken to meet their needs, as identified by their plan. Work should also be undertaken to address their offending behaviour and any criminogenic needs, as highlighted by the risk assessment. This work should continue when a young person returns to the community or if they move within the secure or prison estate.

Further information can be found in the Reintegration and Transitions Guidance⁸¹.

⁸¹ <http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending>

8. Finances

Currently residential establishments average **£3,000 - £5,000 per week** and secure care costs approximately **£5,500 per week**.⁸²

There are also increases in ancillary costs for the fieldwork support for young people placed in residential settings, with estimates of up to £250 per week.⁸³

Over a one year period, it can cost Local Authorities approximately £260,000 for one young person to be placed in secure care, and £31, 703 for custody.⁸⁴

Alternatives to secure and custody demonstrate significant cost savings:

- ISMS costs approximately **£2,000 per week**⁸⁵
- Intensive Fostering is approximately **£1,400 per week**⁸⁶
- Intensive Support Services average package is approximately **£600 per week**

The Howard League recently reported that: a child in the criminal justice system costs taxpayers over £200, 000 by age 16, whereas a young person given support to stay out costs less than £50, 000. Sending one person to prison for one year costs £45,000, where a one year community sentence costs £3,265.⁸⁷

As can be seen from these costings, alternative services to secure care and custody are not only shown to be in the best interest of the young person, but also to local authorities and society at large by the financial savings which can be made and the more positive outcomes for young people that can be achieved as a result.

⁸² Scottish Government statistics 2010

⁸³ Personal Social Services Unit at the University of Kent

⁸⁴ SPS annual report 2009/10

⁸⁵ Glasgow City Council

⁸⁶ Audit Scotland Report 2002

⁸⁷ Howard league

9. Conclusion

This guidance is designed to demonstrate what robust alternatives to custody services should include, drawing on available evidence. It focuses on the need for all young people to be assessed for community alternatives as opposed to secure care and custody.

The services requirements for such schemes have been outlined, with specific focus on the different approaches needed for girls. The intensity of 'wrap round' has been shown to be effective – especially when you start working with a young person or during crisis – and the cost benefits of such schemes have been demonstrated.

The literature has shown the disadvantages some young people face, through their life histories, and how this can continue if they are placed in secure care or custody. To break this cycle, we need to offer young people a service that meets their needs, following the principles of GIRFEC, and give decision makers a robust credible alternative service, that shows positive outcomes in reducing offending.

Local authorities and community planning partnerships should start to tailor services, based on the above principles and evidence, by working in partnership, to offer young people the best possible outcomes; by protecting them and the communities in which they live; by making financial savings and ultimately meeting the Scottish Government's National priorities. If tendering for further services, criteria should be based on the best interests of the child.

Appendix 1

Working Group Membership

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Appendix 2

Alternative Services

Intensive Specialist Fostering

An intensive specialist foster care placement can be a direct alternative to secure accommodation for a young person as part of a wrap round service⁸⁸. A foster placement can offer a nurturing, safe environment where a young person can experience family life, positive role models and unconditional positive regard. The important factors are trusting, reliable relationships with consistent adults, who can offer personal acceptance and stability. To enable this the foster carer requires a good support structure with a 24/ 7 dedicated support system, security and training to understand and manage challenging behaviour.

Within a trusting relationship a young person can talk through and start to make sense of traumatic events in the past, they can have an understanding of what a family can be like and realise that the neglect, abuse or trauma was not their fault. This can assist emotional and personal development and help them develop more secure attachment patterns.

Research has shown that a foster placement has a greater chance of being successful if a young person wants to be there⁸⁹. This is important to remember in the matching process, and it is also important that foster carers are skilled in welcoming and engaging with young people during the introduction period.

Young people will make their own choices but it is important that they make informed choices; a foster placement is an opportunity to support a young person to develop skills in self control within a community setting. Life lessons can be used in real life situations to support a young person to understand consequential thinking and problem solving, whilst learning about socially acceptable behaviour. In this way the young person can feel worthwhile and that they can make a positive contribution to society.

Within a family setting a foster carer can respond to a young person's emotional age, they can offer opportunity for a young person to experience elements of their childhood that they have missed in a safe and accepting environment. This gives opportunity for the carer to nurture the young person and build their resilience. Young people with attachment difficulties may feel that the only way they can keep themselves safe is by being in control. A family placement offers the opportunities for young people to take control of their lives within safe boundaries. Carers need to be able to manage behaviours without making the young person feel rejected or controlled.

A specialised fostering service for young people with serious difficulties including offending - Community Alternative Placement Scheme (CAPS) – was evaluated with positive results. 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 accommodation⁹⁰.

⁸⁸ Walker M, Hill M, Triseliotis (2005) Fostering and secure care: An evaluation of the community alternative Placement Scheme.

⁸⁹ Sinclair I, Wilson K, Gibbs I (2004) Foster placements: Why they succeed and why they fail. Jessica Kingsley Publishers

⁹⁰ Audit Scotland Report, 2002 - http://www.audit-scotland.gov.uk/work/central_national.php?year=2002

When making the decision about placing a young person in a foster placement consideration has to be given to the support network required. If the young person has education or mental health needs, appropriate resources need to be in place to support the foster placement as foster carers cannot work in isolation.

Intensive Support and Monitoring Service (ISMS)

As an alternative to secure care, Intensive Support and Monitoring (ISMS)⁹¹ was introduced in Scotland in 2008. The use of such a service varies across the country, with some Local Authorities not using the service.

Data from SERCO shows that between April 2009 – March 2010 12 Local Authorities had at least one young person subject to an ISMS with a MRC. This involved 30 young people. Although other Local Authorities may also have an ISMS service in place, this data demonstrates the need to increase the use of alternatives services throughout Scotland.

Intensive Support and Monitoring Service (ISMS) is part of a disposal for Children's Hearings to use as a direct community alternative to secure accommodation. Young persons aged 12 or over, receive an intensive, tailored, multi-agency support package. Where necessary a young person can also be subject to Movement Restriction Condition, requiring the young person to remain at home or some other specified location for up to 12 hours per day, monitored by an electronic tag.

Glasgow ISMS service

The programme, lasting approximately 3-6 months, tends to involve around 20-25 hours of multi-agency service input per week, including one-to-one community intensive support, provided by Includem, Education, Social Work and specialist support e.g. addictions and mental health services.

ISMS has been comprehensively evaluated and has been proven as an effective way of working with high-risk young people. Here is a summary of key findings:

- ISMS is effective at reducing frequency and seriousness offending for the vast majority of young people. An evaluation of the ISMS service in Glasgow showed that offending levels reduced by more than half during an ISMS Order and that these positive outcomes are sustained 2 years after leaving the service.
- ISMS slightly reduces indicators of risk of re-offending. But residual risk levels suggest that appropriate post-ISMS support is crucial in maintaining positive outcomes. Within Glasgow, ISMS reduced offending by 50%.
- ISMS helps to reduce use of secure accommodation for young people admitted through the Children's Hearing system. In Glasgow 2008/9 secure admissions were 45% lower than before the service commenced.

ISMS as an alternative to remand

In response to the significant numbers of young people aged under 18 being remanded for often short periods of time, Glasgow looked at developing a new service to offer ISMS (without the electronic monitoring element) as an alternative option to Sheriff's through Glasgow Sheriff Court. As ISMS in Glasgow positively impacted on the numbers of young people accessing Secure Care via the Children's Hearing system, the increased availability of beds meant that this was a viable option increasingly being used by Sheriffs for remands.

⁹¹ <http://www.scotland.gov.uk/Publications/2008/08/05131241/0>

The service targets young people under the age of 18 for whom the Procurator Fiscal is opposing Bail and is heavily based on the standard ISMS model of service. This is irrespective of their legal status within the Children's Hearing system although those subject to compulsory measures of care (Section 70, Children's (Scotland) Act 1995) are in the priority group.

In most cases the risk assessment (Youth Level of Service/Case Management Inventory) rates the young person as lower risk than those engaged with ISMS via the Children's Hearing system thus the intensity of the intervention reflects this. The main partners are Includem, Re-generation Agencies, the Forensic Child and Adolescent Mental Health service, Community Addiction Teams and Strathclyde Police.

Following a small scale pilot, the ISMS as an Alternative to Remand Service (hereafter referred to as ATR) began in September 2009 and was evaluated after 6 months. The key findings were as follows:

1. the ISMS ATR service has made a promising start and there is sufficient evidence of effectiveness for ISMS ATR to continue.
2. offending was reduced by 46% whilst on the order, with a large number of charges accrued while on ISMS relating to administrative offences only (breach of bail / curfew etc.). Young people on Standard Bail, or Bail with other conditions did not reduce their offending to the same extent (26%).
3. the estimated net savings of ISMS ATR for this evaluation period were £420,671, projected to around £1 million or more per annum by the second year of operation.
4. despite this demonstrable progress, too many young people on ISMS ATR still end up being remanded at some point or receive a custodial sentence at the end of their order.

The service is aimed at all young people aged under 18 for whom Bail is being opposed. The scheme only works with young people for whom bail is being opposed to ensure that resources are directed at the young people who need the most support. This applies to Summary and Petition Hearings in the Sheriff Court only.

Aims and objectives of this model includes:

- to reduce the proportions of young people admitted to secure on remand
- to reduce the frequency and seriousness of offending by young people under 18 who are dealt with by the adult Criminal Justice System
- to ensure that young people at risk of remand are involved in some form of education, training or employment
- to improve outcomes for young people in relation to other needs and risks, such as substance misuse, mental health and accommodation

Bail Packages For Young People At Risk Of Remand

For a bail package to be successful in ensuring the successful completion of bail, the available options should be a tiered approach that is aimed the assessed level of need.

The different tiers would be as follows:

1. Standard Bail
2. Bail with conditions (i.e. curfew or no contact conditions);
3. Bail Supervision (current programme in place with the requirement to attend up to three weekly appointments);
4. Bail with package looking at different levels of contact (i.e. number of hours per week that they attend either programmes or individual work with support services);
5. Bail with package and other conditions;

Community Payback Orders

Provision has been included in the Criminal Justice and Licensing (Scotland) Act 2011 for the Court to impose a Community Payback Order (CPO)⁹² on a young person, who has committed an offence, which would otherwise be punishable by imprisonment. Where such an Order is made for a young person under 18 years of age a supervision requirement must be imposed, subject to the Court being satisfied that the local authority will be in a position to support and rehabilitate the young person.

Where 16/17 year olds (who are on supervision through the children's hearing system) are dealt with in the adult justice system, the effectiveness of Community Payback Orders should be supported by effective interventions which meet their needs as defined by GIRFEC in line with the principles and research highlighted in these guidelines. The objective is to mitigate against breach of order due to failure to meet needs and increased likelihood of imprisonment. This may require the development of new systems and protocols between adult justice and children and families/youth justice services.

Intensive Probation Unit, Inverclyde

Encouraging findings on the use of intensive interventions, without electronic monitoring, within Scotland are reported by Jamieson (2000) in relation to the Intensive Probation Unit (IPU) delivered by NCH in Inverclyde. The IPU is described as a community-based alternative to custody, aimed at 16 to 21 year-olds who are at a high risk of receiving a custodial sentence based on their seriousness and history of offending. The intervention was delivered through modular groupwork following the recommendations of effective practice. The interventions were aimed at addressing criminogenic needs such as violence and substance use. After a follow-up period, of around 18 months on average, it was found that there was a 24% reduction in convictions in the IPU group compared with the group that received custody. On the basis of these findings, it appears that the provision of intensive support with a group of high risk offenders was successful in reducing recidivism in comparison to a similar group who were given custodial terms⁹³.

Third Sector Services

Includem

Includem focuses exclusively on the highest risk most difficult to place young people in the Children's Hearing and Court systems. Includem provides Community Intensive Support Services for chaotic young people who have a range of vulnerabilities and complex needs including persistent offending. This service is based upon the same principles applied to the intensive support provided as part of an ISMS package underpinned by a robust research and evidence based practice framework and toolkit "A Better Life". Support levels and additional service input varies depending on the individual young person's needs and risk assessment with the fundamental features of the model being:

- No screening out of referrals on basis of problem behaviours: i.e. violence/alcohol/sexually harmful behaviours
- One to one relationship based support
- Intensive planned and responsive delivery at times of greatest vulnerability and least access to other services

⁹² www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards

⁹³ <http://www.scotland.gov.uk/Publications/2009/03/11105146/0>

- 24/7 crisis response for young people and their carers
- Persistence in engagement
- Transitional support beyond legal requirement

Providing a direct alternative to secure/custody and return from residential placements these services aims to maintain or return young people safely in the community, reducing the use of secure accommodation and custody.

Up-2-Us

Up-2-Us resource Team provides a purchased service to local authorities to support high-risk young person at transition or as a preventive measure. This project offers an intensive support service tailored to individual need and this includes flexible working arrangements and 24/7 service access. The Resource Team also provides registered accommodation in the form of respite and wrap around care packages in a tenancy supplied by the referring authority and developed in collaboration with the referrer. Family and parent liaison is an element of all Up-2-Us services, unless there is a reason not to do so. This is agreed the precise role on the basis of age, need and vulnerability.

Up-2-Us also have the Time For Change project, to support girls leaving secure care and custody or as an alternative to such. This project offers relationship based support within a holistic, strength-based model. The service is on an outreach basis and includes elements of practical support, partnership, one to one focussed work and 24/7 crisis access.

Action for Children

The service supports:

- young people aged between 11 and 17 years who are either looked after at home or accommodated by the Local Authority subject to either S25 or S70 of the Children (Scotland Act) 1995 and whose placement is at risk
- young people returning to area from out of area placements

Each young person is allocated a Key Worker to:

- co-ordinate delivery of detailed arrangements as set out in the Child's Plan
- directly deliver and support learning and therapeutic interventions as set out in the Child's Plan
- contribute to care planning
- be responsible for proactive communication with others with responsibilities for elements of the Child's Plan
- provide the Lead Professional and Core Group with a weekly update of engagement and progress of young person

In Tayside, Action for Children runs an alternative to custody project. The aims of this project include: Offering Courts and the Social Work Departments a constructive alternative to custody for 16-25 years olds. To enable users to challenge their offending behaviour and its consequences in terms of the emotional, financial and physical damage to victims. To enable users to identify problem areas in their lives and to empower them to make better choices and decisions.

Venture Trust

The “Living Wild – Chance for Change” programme helps people (aged 16-30) subject to Community Payback or Probation Orders throughout Scotland to make positive changes in their lives and reduce offending behaviour. The programme consists of a 3-phase personal development programme offering 12-18 months’ support per participant, centred around an intensive wilderness personal development journey in the Northwest Highlands. Participants from any of Scotland’s 32 local authority areas can be referred to the programme by Sheriffs (as a condition of sentence), or criminal/youth justice social work teams and third sector partners (to complement existing orders, but not as a condition of sentence). Although some participants have previously been in the Children’s Hearing System and/or Secure, this programme is not generally a direct alternative to them, because participants must be 16 or older.

Quarriers

Quarriers delivers a range of services targeted at vulnerable children, young people and their families, including young people at risk of becoming looked after or involved with offending behaviours and the criminal justice system and young people who are at immediate risk of secure care and custody. These services include early intervention family support projects, short break fostering and residential care projects, education and school support, residential and residential school care for children and young people, a children’s rights service, a broad range of youth housing projects and a youth justice service.

Barnardo’s Scotland

Barnardo’s Scotland operates a number of services across Scotland offering support and intervention to children, young people and families involved in anti-social or offending behaviour. All services are outcome focused and delivered in partnership with local authorities and other agencies to address risk and need and provide and contribute to a comprehensive Care Plan. Barnardo’s Scotland resources include:

- Early Intervention and Diversion Services - offering individual, parent/carer and family work to reduce risks of offending and improve individual resilience and parenting skills;
- Intensive Intervention and Support Services - offering intensive packages of support and programmes of intervention to young people at risk of secure accommodation or custody as a result of their persistent and/or serious offending behaviour;
- ‘Sexually Harmful Behaviour’ Intervention Services – offering intervention to young people whose sexual behaviour is harmful to others, support and guidance for families and carers and consultancy and tailored training to professionals working with children with sexually harmful behaviour.

Appendix 3

Pilots

Aberdeen

Aberdeen City has developed a partnership approach to provide alternatives to secure accommodation. Voluntary sector agencies have agreed to provide specific components of an intensive support service in collaboration with local authority partners that will be coordinated through child's planning meetings. These meetings will be chaired by the appropriate level of staff depending on the level of risk that the child or young person presents.

At the meeting all agencies will be represented and put together the single plan that can be presented to panel members should a movement restriction condition (MRC) be required. Alternatively, if an MRC is not deemed necessary, an intensive support service can still be provided to prevent the level of risk escalating.

The service has been designed on the basis of evidence gathered across Scotland over the past few years on both ISMS and the wider Youth Justice context.

Dumfries and Galloway

Intensive Fostering Support in Dumfries and Galloway provides community-based alternative to non local authority residential placements for young people 12-18 years who present with challenging behaviour and are at risk.

The objectives of Intensive Fostering Support are:

- provide family placements with highly skilled Foster Carers;
- as a component of intensive support provide a comprehensive support service for Intensive Foster Carers that includes ongoing professional supervision and training;
- promote multi-agency and professional care planning and partnership working in the best interests of young people receiving the service;
- support and enable young people to experience family living;
- encourage young peoples' participation in decision making;
- support appropriate contact between young people and their birth families and communities.

It is envisaged that young people referred for Intensive Fostering Support will be in the 12 – 18 year age range and be identified as presenting challenging behaviour that places them at risk of residential care, continued residential care or in some instances secure care.

East Ayrshire

The East Ayrshire 'Turning the Corner' Project has been created as an Alternatives to Secure Care & Remand service.

Aim of the Project

- to reduce the incidence of admission to secure care and remand for young people aged 17 and under within East Ayrshire

Objectives of the Project

- to enhance the provision of highly intensive support for young people that reduces the likelihood of their being admitted to secure care or remand;
- to provide highly intensive support that enables young people to be discharged earlier from secure care or other forms of provision (for example residential school);
- to develop and implement an Intensive Support & Monitoring Service for East Ayrshire.
- to fulfil the core aim and all of the above objectives, to develop intensive support services that offer 7 day, extended hours, and crisis response provision

North Ayrshire

North Ayrshire are addressing their alternatives to secure care and custody by developing their current services of: court notes at point of a young person's appearance, clear outline of nature of alternatives to remand, representation in the court, presentations to Procurator Fiscal and Faculty of Advocates, cumulating in reduced numbers in the secure estate.

To do this, they have done the following:

- recruitment of 1 Qualified Social Worker to bridge interfaces between Criminal Justice and Youth Justice and the use of mentors/session staff for added support.
- events for Social Services Staff and multi-agency partners to include wider stakeholders e.g. Sheriffs/Advocates to showcase what works, how we can do this and highlight best and less effective practice in terms of young people.
- identify staff within Children and Families and Criminal Justice who would have weighted youth justice case loads and support the delivery of this with a specialised targeted training agenda.
- spot Purchase specialist placement/respice as an alternative to remand.

South Ayrshire

South Ayrshire Council's pilot included increasing the range and type of support available to young people who may become involved in the court system or fit secure criteria due to their risky behaviour. The aim of the pilot was to reduce the number of young people subject to secure care or remand when appearing through the adult Court system, or Children's Hearings System.

South Ayrshire Councils aimed to:

- offer an additional crisis response for young people who are offending;
- offer intensive support monitoring service;
- increase the number of young people assessed of ISMS;
- reduce the number of requests for secure from the Children Hearing System;
- ensure the number young people accessing secure remain low;
- develop relationship with the courts and be able to offer a credible community based support;
- have a positive impact on those particular young people at risk of being remanded in custody or secure care by offering and directly engaging them in community-based support options.

To do this, they appointed 2 additional staff members dedicated to providing support directly to young people to address their risky behaviour and offending.

- they will collate and present known background information regarding existing and available supports and intervention information and presented to Court/solicitors/PFs at point of court appearance for the young person;
- these posts will have the ability to work directly and immediately engage, support and coordinate the community. This will be based on a support plan, in conjunction with key others, by providing direct input and intervention in the short to medium term; ensuring that all available support are engaged and coordinated during the period of engagement;
- the post will assess for ISM and work intensively with the young person and the family across this period;
- the workers will support young people in crisis to reduce the likelihood of young people engaging in risky behaviour by arranging a 7 day a week support package of care where appropriate;

For those young people who cannot remain in the community: South Ayrshire :

- “spot-purchase” emergency crisis care placement with specialist provider to provide emergency accommodation and care, supervised up to 24/7 basis, within or out with the local community, to avert the need for remand/secure provision.
- provide 24 hour support for the ISMS.
- the use of sessional staff to provide additional staff hours to enable bespoke support and care for young people, targeting evening and weekend contact, to ensure adequate levels of contact, support and supervision.

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