

# **Evaluation of the Whole System Approach to Young People who Offend in Scotland**

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## Contents

List of Acronyms .....	5
EXECUTIVE SUMMARY .....	6
1. Introduction.....	10
1.2 Methodological Approach and Access to Data .....	12
1.3 Generalisability.....	13
1.4 Report structure .....	13
2. Trends in Crime and Youth Referrals.....	14
2.1 Crime, deprivation and population in the three local authorities .....	14
2.2 Patterns and trends in youth crime .....	17
2.3 Referrals to the Children’s Reporter .....	18
2.4 Joint referrals to the Procurator Fiscal and Children’s Reporter .....	21
2.5 Summary.....	23
3. Implementation of the Whole System Approach to Youth Offending.....	24
3.1 Early and Effective Intervention.....	24
3.2 Pre-referral screening: charges and referrals .....	26
3.3 PRS Outcomes .....	32
3.4 Diversion from Prosecution: 2005/6 to 2013/14.....	33
3.4.1 Diversion and gender.....	37
3.5 Fiscal fines and warnings .....	38
3.6 Diversion from prosecution .....	39
3.7 Court Support.....	40
3.8 Alternatives to custody and secure care .....	41
3.9 Police Fines and Warnings .....	42
3.10 Role of Partnership Working in Meeting Short/Medium Term Goals .....	43
3.11 Summary.....	45
4. The Wider Institutional Context within which WSA operates.....	46
4.1 Police Discretion/EEI Gatekeeping.....	46
4.2 Community Safety Initiatives and Youth Tasking and Coordination.....	48
4.3 Getting it right for every child (GIRFEC) .....	50
4.4 Local Contexts and Variation in Response.....	51
4.5 Achieving Better Welfare Outcomes for Young People.....	52

4.6 Summary.....	54
5. Opportunities and Challenges for the Sustainability of the WSA.....	54
5.1 Sustaining the WSA ethos .....	55
5.2 Shared Learning .....	55
5.3 Resources and Funding .....	56
5.4 Championing .....	57
5.5 Collaboration through Co-location .....	60
5.6 Expanding the WSA?.....	61
5.7 Summary.....	62
6. Conclusions.....	62
6.1 Taking account of difference.....	62
6.2 Implementation of Work Stream Activities.....	63
6.2.1 EEI/PRS.....	63
6.2.2 Diversion from Prosecution.....	63
6.2.3 Court Support.....	64
6.2.4 Fixed penalties.....	64
6.3 Partnership Working.....	64
6.4 Outcomes for young people.....	64
6.5 Lessons for Sustainability.....	65
6.6 Research Gaps/Future Research .....	65
Appendices.....	67
A. Evaluative Framework: recommended data collection requirements .....	67
B. Crime and offending data.....	69
C. No. of cases diverted from prosecution by age-group: 2005/6 to 2012/13.....	71
D. Diversion Programmes Available to Young People.....	72
References.....	73

## List of Acronyms

CAMHS	<b>Child and Adolescent Mental Health Services</b>
COPFS	<b>Crown Office and Procurator Fiscal Service</b> The independent public prosecution service in Scotland. It is responsible for the investigation and prosecution of crime in Scotland.
E EI	<b>Early and Effective Intervention</b> EEI aims to prevent future offending or antisocial behaviour by providing timely and proportionate interventions, and alerting other agencies to concerns about the child or young person’s behaviour and well-being. Also see PRS below.
JLO	<b>Juvenile Liaison Officer</b> This is not necessarily a national term but describes a role within Police Scotland that co-ordinates offence and concern referrals involving young people. They cross reference information and make decisions about police direct measures and cases to be discussed at multi-agency screening meetings.
PF	<b>Procurator Fiscal</b> Legally qualified prosecutors who receive reports about crimes from the police and other agencies and make decisions on what action to take in the public interest and where appropriate prosecute cases.
PRS	<b>Pre-referral screening</b> Initial screening and decision making process for young people who have been charged by the police. PRS operates on either a multi-agency group basis or led by a single agency (usually the police) in consultation with other agencies. In some parts of Scotland, PRS is referred to as EEI.
TAC	<b>Tasking and Co-ordination</b> (e.g Neighbourhood or youth TAC Groups) Following the move to a single police service, Neighbourhood TAC groups were relaunched as Community Improvement Partnerships (CIPs). For the purposes of this evaluation, we retain the older TAC terminology which is still used by many practitioners.
WSA	<b>Whole System Approach</b> to offending by young people. The WSA aims to divert young people who offend from statutory measures, prosecution and custody through the use of early intervention and robust community alternatives.

## EXECUTIVE SUMMARY

### Introduction

1. The Scottish Government Whole System Approach for Children and Young People who Offend (WSA) aims to prevent unnecessary use of custody and secure accommodation wherever possible, through the availability and use of services, and; to seek opportunities to engage such young people, by putting in place a more streamlined and consistent response that works across all systems and agencies (a 'whole system' approach) to achieve better outcomes for young people and their communities.
2. The WSA encompasses three main policy strands: Early and Effective Intervention (EEI), which aims to reduce referrals to the Children's Reporter via pre-referral screening (PRS); Diversion from Prosecution which aims to keep young people away from the criminal justice process, and; Reintegration and Transition supporting young people in secure care and custody, and planning for their reintegration into the community.
3. An aim of the WSA is to try to ensure that only those under 18 who really need formal measures – such as compulsory supervision by the Children's Hearings System, prosecution, secure care or custody – are taken through the process.

### Aims and Scope

4. The Scottish Government commissioned research to evaluate the process of implementing the WSA in three case study areas, and identify progress towards the intended outcomes of WSA.
5. The evaluation combined scrutiny of WSA policy documentation and guidance notes, with a set of 33 qualitative interviews with WSA practitioners and stakeholders, observations of WSA meetings in each case study area, and quantitative analysis of relevant management data.
6. The evaluation examines the operation of the WSA in three Scottish local authorities, each with a very different geographical, demographic and organisational backdrop. The small-scale nature of the evaluation means that the findings should be read with caution, and are not necessarily generalisable to the wider population or to all local authorities in Scotland.
7. Where applicable, we have sought to draw out common themes and findings that were evident in all three authorities, and which may reflect the implementation of the WSA more widely. In other places, we comment on differences in policy and practice, which cannot be generalised although they may be reflective of activities in other parts of Scotland. A wider analysis of all local authorities would be necessary to determine how representative these findings are of WSA across Scotland.
8. Overall, the findings in the evaluation may be used to share learning about how to adopt a WSA approach in responding and dealing with offending by young people, and how to promote the sustainability of this approach.

## Findings

9. Patterns of recorded crime show a distinct fall over time in all three case study areas which pre-date either EEI or WSA; however, there is evidence to suggest that there have been significant falls in youth offending since the mid-2000s which ties in with the early implementation of GIRFEC and the *Preventing Offending by Young People: A Framework for Action* on youth offending.
10. There have been significant falls in referral to the Children's Reporter on both offence and non-offence grounds in all three areas, with the fall in offence referrals being most pronounced. The impact of EEI or WSA on patterns of joint referral to the Procurator Fiscal and Children's Reporter is not entirely clear; however, there are encouraging signs of some increase for 16 and 17 year olds.
11. Consistent with an early evaluation of the WSA in 2012 (MacQueen and McVie, 2013), practitioners expressed a clear commitment to the principles, goals and values of the WSA.
12. Improvements in partnership working, and in particular information-sharing and shared learning across agencies was reported in all three local authority areas and it is evident that the WSA has been a galvanising factor in driving this change in relationships.
13. The case study areas demonstrate some key differences in their baseline conditions, notably in relation to youth offending rates and referrals to PRS. These differences within local authorities help to explain the different approaches and processes adopted by the authorities in implementing the WSA and some of the differences in observed outcomes.
14. Flexibility in implementing WSA across local authority areas may be necessary to adapt to different contextual conditions and local demands.
15. Notwithstanding the need for flexibility, there are some areas which may benefit from greater consistency across areas, including eligibility criteria for the WSA (for example, whether young people on supervision may be referred). This may be a matter of clarifying existing rules, or providing further guidance.
16. There is strong evidence that the three work stream activities are fully implemented in each case study area, although there are differences across each area which are related to, and which reflect, the variations in local authority size, scale and structure.
17. Practitioners believe that the WSA facilitates improved outcomes for young people through closer multi-agency working, closer information sharing and the strong incorporation of welfarist values in decision-making and practice, although systematic evidence of individual outcomes was difficult to obtain.

18. There is widespread support for PRS, and it has brought together a wider range of partners. The role of the police in facilitating the WSA is well established and promotes good working relationships, with Juvenile Liaison Officers (JLO)<sup>1</sup> in particular acting as drivers for change within Police Scotland.
19. The PRS process, in terms of allocating actions to partner agencies, functions well in each authority. Cases identified as suitable for early diversion are discussed at multi-agency meetings, and the diversity of expertise allows the group to respond in a swift and informed fashion.
20. PRS is a vital component in promoting information sharing between partners, and the face to face nature of the PRS process develops trust and professional understanding.
21. PRS outcomes vary by authority, for example, there are different provisions in terms of the balance of statutory services and third sector organisations. This influences the ability to share information and make collective decisions, and leads to differential access to resources.
22. Diversion from prosecution provides a good example of marked variation by authority, both in terms of extent of use and trends over time. Overall there has been an increase in diversion, although the percentage age-distribution of diversion cases varies across the three local authorities.
23. Diversion from prosecution may function more effectively if the *default* position is diversion; and the onus is placed on the Procurator Fiscal to justify prosecution for 16 and 17 year olds, rather than vice versa.
24. The use of other alternatives to prosecution, such as fiscal and police fines and warnings, has decreased in recent years for 16 and 17 year olds, although it is not clear if this is due to a reduction in offending or a shift in the use of such disposals.
25. The structure of court support services varied across local authorities. Some commissioned court services, whilst others undertook the work in-house, which allowed control of the process and culture as well as the allocation of skilled staff to more demanding cases. This is another example of how flexibility allows teams to respond to fit local needs and means.
26. The WSA operates within a broader landscape – in both policing and social work – where working practice and arrangements may differ from the WSA ethos. There can be a difficult balance for practitioners between responding to young people's needs, as per the WSA, and reacting to offending behaviour.

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<sup>1</sup> Juvenile Liaison Officer (JLO) is not necessarily a national term but describes a role within Police Scotland that co-ordinates offence and concern referrals involving young people.

27. The long term sustainability of WSA in any given authority is predicated upon staff expertise and their dedication to the WSA ethos, as well as diversifying its sources of influence. Champions are important resources in this context.
28. 'Buy-in' to WSA policy and practice cannot be assumed; ongoing work is required to sustain WSA values across and within partner agencies, particularly if WSA resources and responsibilities are allocated to different agencies or partners.

## 1. Introduction

The Whole System Approach (WSA) to responding and dealing with offending by young people in Scotland advocates the maximum use of diversion and early intervention, and represents a shift away from more punitive measures. Research evidence shows that young people's contact with formal criminal justice agencies can increase the likelihood of their reoffending; conversely, diversion from statutory measures, prosecution and custody, together with early intervention and robust community alternatives are more likely to result in positive outcomes for young people involved in offending (McAra and McVie, 2007).

Against this background, one of the key aims of the WSA is to try to keep 16 and 17 year-olds out of the criminal justice system. The approach is designed to provide police officers and staff with a range of options to ensure that offending by young people is dealt with quickly, appropriately and without referral to the Children's Reporter, unless compulsory measures are required.

The Scottish Government *Whole System Approach* for Children and Young People who Offend (WSA) was launched in September 2011. The WSA is based on strong evidence which shows that the long term outcomes for young people involved in offending behaviour could be better served by diverting them away from statutory measures, prosecution and custody, and implementing early intervention and robust community alternatives (McAra and McVie, 2007). Research also shows that persistent serious offending is strongly associated with victimisation and social adversity, which should be addressed alongside offending behaviours (McAra and McVie, 2010). Thus, the aim of the WSA is to achieve positive outcomes for some of the most vulnerable young people in Scotland. These outcomes are to be achieved through:

- Integrated processes and services across child and adult services;
- Streamlined and consistent planning, assessment and decision making processes for young people who offend, ensuring they receive the right help at the right time;
- Effective ways of working with high risk young people involved in offending;
- Diversion of young people from statutory measures, prosecution and custody;
- Increased opportunities for community alternatives to secure care and custodial sentences;
- A consistent approach to risk assessment and risk management;
- Improved support for young people attending court;
- Improved services for young people in custody and reintegrating into the community.

The WSA encompasses three main policy strands. First, **Early and Effective Intervention** (EEI), which was initially rolled out in 2008. EEI aims to reduce referrals to the reporter via **pre-referral screening** (PRS). The police have the primary role in co-ordinating and leading the pre-referral groups, both in relation to offending, and care and protection. In practice, this means that a higher proportion of those who are referred to the Children's Reporter should be in need of

compulsory supervision measures and therefore will be referred to a Children's Hearing.

Second, **Diversion from Prosecution**. This is a formal decision by the Procurator Fiscal which aims to keep young people away from the criminal justice process. On receipt of a police report, the Procurator Fiscal can choose to divert the young person to a local social work team or other service provider. The young person will undertake a programme and/or will be directed to services tailored to their individual needs.

Third, through **Reintegration and Transitions** local authorities aim to support all young people under 18 years in secure care and custody, and plan for their reintegration into the community. The provision of court support services for young people who offend is closely aligned to this policy stream.

This evaluation was commissioned by the Scottish Government in October 2014. The aim was to evaluate the process of implementing the WSA in three case study areas in Scotland and identify their initial progress towards the intended outcomes of WSA. Six broad objectives for the research were set out as follows:

1. To assess the extent to which WSA work stream activities have been implemented to date and whether there has been progress towards the short and medium term outcomes of WSA;
2. To establish what is working well and less well towards self-sustainability in the case study areas, and why;
3. To examine the mechanism of partnership working in the case study areas as well as understanding the differing methodology and flexibility used in partnership areas;
4. To assess whether there has been a change or realignment in how resources are used, and what are the drivers of change;
5. To demonstrate whether the WSA, in conjunction with other policy streams such as GIRFEC and Curriculum for Excellence, delivers better individual outcomes for young people;
6. To establish the lessons learnt for informed sustainability of the WSA and to share these more widely.

In addition to exploring these six main objectives about the implementation and outcomes of the WSA in the three case study areas, the research sought to provide a more overarching set of recommendations reflecting all Scottish local authorities in terms of:

- Examining the extent to which the WSA is working and why;
- Demonstrating the impact and likely future gains of the WSA for stakeholders;
- Considering the benefits of fully committing to the WSA on a mainstreamed basis;
- And sharing lessons with Scottish Government beyond the WSA development and delivery model.

## 1.2 Methodological Approach and Access to Data

Three case study areas were identified by Scottish Government for the evaluation of the WSA; these are referred to throughout the report as Areas A, B, and C.

The research team adopted a multi-method approach, combining scrutiny of WSA policy documentation and guidance notes for practitioners; a set of qualitative interviews; observation of WSA meetings in all three areas, and; quantitative analysis of relevant management data to inform the evaluation.

Semi-structured interviews were conducted with 33 key practitioners and stakeholders in the relevant local authorities. Interviews were digitally recorded, with the permission of interviewees. The aim of the interviews was to gain understanding of the experiences and views of local partners in relation to the strategic management, operation and impact of the WSA, with particular focus on the perceived effectiveness of the WSA and lessons for future practice.

Collation and analysis of quantitative information on overall trends in crime within the three local authority areas was undertaken using publically available data, from Scottish Children's Reporter Administration (SCRA), Police Recorded Crime in Scotland, and Criminal Justice Social Work Statistics.

Management information on the operational and organisational elements of the WSA was also sought in each case study area. It was initially hoped that this would include detailed data on the development and implementation of WSA activities, communication mechanisms and partnership working between local partners, and the management structures in place to oversee and review the operation of the WSA. However, the available WSA monitoring data is limited.

As a complex multi-agency approach, the breadth and volume of quantitative data generated in relation to WSA is extensive, and it quickly became evident during the course of the evaluation that data management presented a challenge for practitioners. In terms of the evaluation, the following issues should be highlighted as factors which limited the scope of the enquiry and hindered it in meeting some of its objectives:

- There was no consistent approach in the data management systems used to collect data on WSA or in the methods by which data could be extracted to explore either process or outcomes. In particular, existing systems lack the functionality to systematically track individuals through the various different routes they might take from initial referral to case conclusion.
- There is variation between authorities in relation to the types of data that are subject to collection and monitoring. For example, one local authority actively monitored the duration between an offence and the date of the PRS, whilst others did not.
- Some data were either unavailable, or difficult to access, including recorded crime data, disaggregated by age. Overall, the data available was piecemeal. This means that the constituent parts of the WSA can be assessed individually, but not as a part of a 'whole' system.

- Data collection sometimes depended on individual members of staff and their experience, skills and decision-making as to which data to collect. This means that staff changes could (and did) affect existing and ongoing data collection arrangements.
- Data issues also limited the scope of the evaluation. For example, it was not possible to draw robust quantitative comparisons between the authorities on some WSA processes or outcomes.

### 1.3 Generalisability

This evaluation examines the operation of the WSA in three Scottish local authorities, each with a very different geographical, demographic and organisational backdrop. The small-scale nature of the evaluation means that the findings should be read with caution, and are not necessarily generalizable to the wider population or to all local authorities in Scotland. Where applicable, we have sought to draw out common themes and findings that were evident in all three authorities, and which may reflect the implementation of the WSA more widely. In other places, we comment on differences in policy and practice, which cannot be generalized although they may be reflective of activities in other parts of Scotland. A wider analysis of all local authorities would be necessary to determine how representative these findings are of WSA country-wide.

### 1.4 Report structure

The report structure reflects the six broad objectives presented in Section 1.1.

**Section 2** provides an overview of youth crime in Scotland, and provides the wider context within which the WSA operates. By identifying trends and patterns in youth crime, and the extent to which there have been apparent changes in youth offending behaviour within, we draw some conclusions as to the effect of the WSA within Scotland. Focusing down on the three local authorities selected as case studies, we describe the changes in these areas with regards to referrals to the Children's Reporter on both offence and non-offence grounds from 2003/4 onwards and changes in joint referrals to the Procurator Fiscal and Children's Reporter from 2008/9 onwards.

**Section 3** describes the implementation of the WSA in each of the three selected local authorities, and comments on the challenges and successes on the WSA's main work stream activities, namely Early and Effective Intervention, Diversion from Prosecution, and other components, including Court Support, Alternatives to Custody and Secure Accommodation. Responding to Objectives 1 and 3 this section discusses how the short and medium term outcomes of WSA have been achieved in each local authority, how the methods and practices in each area differ, and the reasons for these differences, with an emphasis on mechanisms of partnership working.

**Section 4**, responding to Objectives 2, 4, 5 and 6, identifies some lessons learned across the three local authorities for the purposes of promoting the sustainability of WSA. This section addresses the wider institutional context in which the WSA operates, and the role played by cultural and resource considerations outwith the WSA process, that nonetheless impact upon its operation and effectiveness. Consideration is given to how practitioner uptake of the WSA ethos is influenced by

the role of Police Scotland as gatekeepers to the EEI process, of the ancillary effect of Community Safety initiatives, and the importance that Getting It Right For Every Child (GIRFEC) plays in affecting cultural change across partner organisations.

**Section 5** focuses on the opportunities that are available to prospective WSA adopters, as evidenced from how practitioners have overcome some of the challenges outlined in Section 4. In particular, the effect of partner co-location and the development of dedicated WSA roles are discussed as mechanisms through which to promote WSA efficacy. This section concludes with a discussion of how these factors help sustain WSA practices, as well as their capacity to facilitate any possible expansion in the scope of WSA.

**Section 6** provides a summary of the main findings derived from the evaluation, presented as recommendations so as to better inform future development of the WSA.

## **2. Trends in Crime and Youth Referrals**

This section of the report examines overall trends in crime within the three local authority areas and explores how this relates to patterns of deprivation and population size within the areas. It then examines patterns of youth crime as measured through administrative data and looks at how these trends fit broadly within periods of youth justice policy development. Trends in referral to the Children's Reporter are reported and compared pre- and post- implementation of the WSA, as are trends in joint referrals to the Procurator Fiscal and Children's Reporter. The section concludes with an overview of how crime trends and youth referral patterns correspond to the implementation of EEI and WSA. The findings of this section suggest that local offending patterns may be affected by both national and local level factors, and that flexibility in implementing WSA within and across local authority areas may be necessary to address different contextual conditions.

Two key structural changes have taken place since the roll-out of EEI in 2008 and WSA in 2011. In 2012, the Crown Office and Procurator Fiscal Service (COPFS) moved from an area-based structure, to a Federation structure, comprised of three regional Federations, each led by a Procurator Fiscal, and one National Federation. On 1 April 2013, the Police and Fire Reform (Scotland) Act, 2012 established the Police Service of Scotland (known as Police Scotland), amalgamating the eight legacy police forces. The single service is structured into three regions (East, West, and North), and 14 local policing divisions, each covering one or more local authorities. Local police Divisions are broken down further into the 353 multi-member wards, which are aligned with local government electoral wards. It was not possible from this small-scale study to determine whether these changes had impacted widely on the operation of EEI or the WSA; however, some study participants noted potential local impact during interviews.

### **2.1 Crime, deprivation and population in the three local authorities**

The three local authorities which constitute the three case study areas vary considerably in terms of geography, population size and crime density. Authority A is a predominantly rural local authority, with a sparse population and comparatively low crime levels. Authority B is city-based, with a large population and more

moderate crime levels. Authority C is semi-rural, with a moderate sized population and slightly higher crime levels on average. In terms of population demands, there is negligible variation in the proportion of young people in each authority. In Authorities A and C, 12-15 year olds accounted for five per cent of the total population. In Authority B, this figure was slightly lower, at four per cent. In each authority, 16 and 17 year olds respectively accounted for only one per cent of the overall population.

Overall, trends in recorded crime in Scotland show a significant fall since the early 1990s (Scottish Government, 2014) and this tends to have been reflected across most of the local authorities in Scotland. **Table 2.1** compares the three local authorities using crime indicator data from the Scottish Index of Multiple Deprivation (SIMD). The SIMD<sup>2</sup> is a multi-dimensional indicator of overall relative deprivation, which is measured in terms of seven different domains (employment, income, health, education, geographic access, police recorded crime and housing). Data for each individual domain are also available, as shown below. The SIMD crime domain is constructed from a subset of recorded crimes that are most likely to impact on the local neighbourhood. These are violent crime, sexual offences, domestic house breaking, vandalism, drug offences and minor assault. Whilst partial, this provides a useful comparator between the three local authorities.

**Table 2.1** *Scottish Index of Multiple Deprivation, crime domain data, 2012*

Crime domain	Local Authority		
	A	B	C
No. of zones in the 15% most deprived datazones	18	85	40
National share of 15% most deprived datazones	1.8%	8.7%	4.1%
Local share of 15% most deprived datazones	9.3%	15.5%	18.7%
Total number of datazones	193	549	214

**Table 2.1** shows that Authority B had both the largest number of zones in the 15 per cent most deprived datazones and the highest percentage of the national share, whereas Authority A had the lowest number and percentage share of deprived datazones. However, the key measure in **Table 2.1** is the 'local share' of deprived datazones, which show the proportion of datazones within each authority which fall into the most deprived 15 per cent datazones in Scotland. These data show that Authority A has a relatively low proportion of zones in the 15 per cent most deprived datazones in terms of crime (9.3%) and a low population.

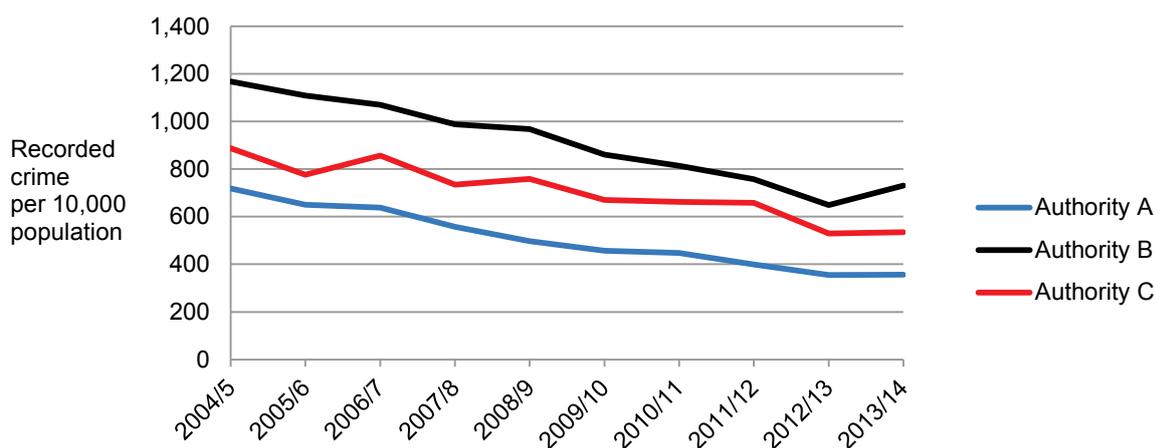
<sup>2</sup>Deprivation scores are calculated at the 'data zone' level (which have a median population of 769), and are ranked from 'most deprived' (1), to 'least deprived' (6505). Deprivation is most commonly framed in terms of a 15% cut-off point (equivalent to 976 zones), which describes the 15% 'most deprived' areas in Scotland.

Authorities B and C are broadly similar, with a 15.5 per cent and 18.7 per cent share of datazones respectively, although the population of Authority B is more than double that of Authority C.

If we look more broadly at overall SIMD deprivation (local share) in the three authorities, 6.7 per cent of datazones in Authority A were found in the 15 per cent most deprived data zones in Scotland. In Authority B, 9.8 per cent of data zones fell into the 15 per cent most deprived data zones, and in Authority C, 22.4 per cent of data zones were found in the 15 per cent most deprived data zones. To put these data in context, the (mainland) authority with the largest local share of the 15 per cent most deprived datazones in 2012 was Glasgow City (29.5%), and the authority with the lowest local share of datazones in the 15 per cent most deprived was Aberdeenshire (5%). This places Authorities A and B towards the lowest end of the deprivation scale, and Authority C towards the upper end.

Police recorded crime data provides a more direct measure of crime in the three local authorities. **Figure 2.1** below shows the trends in recorded crime rate per 10,000 people (all ages) in the three authorities between 2004/5 and 2013/14. These data show distinct differences in the rate of crime between the three areas; however, there has been a steady decline in the crime rate in all three authorities over the last 10 years. This fluctuates slightly more in Authority C than the other two, although this is largely due to the much smaller population size in that local authority. Effectively, however, the crime drop in all three authorities pre-dates both the roll-out of EEI Intervention in 2008 and the WSA in 2011. We must be cautious, therefore, about making any claims about the impact of WSA and EEI on overall crime rates within local authorities. Indeed, the most recent year of data shows that the falling crime trend has stalled in Authorities A and C, and reversed in B.

**Figure 2.1** Crimes recorded per 10,000 people 2005/6 to 2012/13 (all ages)



Source: Scottish Government (2014a) Recorded Crime in Scotland 2013/14 (Table 8)

These data provide some wider insights into the demands placed on local authorities, and show that the variation in overall SIMD deprivation between the three authorities is more marked than the variation in SIMD crime. Unpacking the data further, deprivation in Authority A was most pronounced in terms of geographic

access (cost, time and inconvenience to access basic services). In Authority B, deprivation was most pronounced in terms of housing (overcrowding, lack of central heating). By contrast, in Authority C, deprivation was pronounced across all seven domains (income, employment, health, education, housing, access and crime). This observation is important and suggests that the demands placed on Authority C in terms of crime need to be viewed against a broader, multi-faceted backdrop of welfare and material disadvantage.

## 2.2 Patterns and trends in youth crime

Patterns and trends in youth crime in Scotland can only be measured by administrative data as there is no objective measure of offending over time. Against the backdrop of a fall in recorded crime nationally, analysis of data from the Scottish Offenders Index shows that the number of young people convicted in Scottish courts has also fallen dramatically (Matthews, 2014). The rate of convictions for men aged 16-20 years fell from 9,500 convictions per 100,000 men in 1989, to just over 2,700 convictions per 100,000 in 2012, whilst the average age of conviction for men rose from 18 to 23). Rates of conviction have also fallen for young women aged 16-20 years, although not to the same extent as for young men.

Recorded crime figures show a particularly significant fall in crime from around the mid-2000s, and Matthews' work indicates that the largest drop in convictions amongst young people occurred from around the same period (Matthews, 2014). Indeed, police data shows that offending by young people aged under 18 years has fallen by almost half (45%) (Scottish Government, 2014) since 2008/09. This apparent fall in youth offending coincides with a significant shift in youth justice ethos and practice (mainly driven by a shift in political administration), away from a performance indicator culture focused on tackling youth crime through targeting 'persistent offenders', towards a less politicised environment that recognised the weaknesses of the previous system and the crude definition of 'persistent offenders' (Scottish Government, 2007).

The new SNP Government heralded a set of policies including *Getting it Right for Every Child* (Scottish Government 2008a) and *Preventing Offending by Young People: A Framework for Action* (Scottish Government 2008b) which paved the way for increased diversion from both the youth and adult justice systems for under 18s. Thus, the apparent falls in youth crime since the mid-2000s may be largely reflective of shifts in youth justice policy and practice rather than any underlying change in young people's behaviour.

Nevertheless, the extent of the decline indicates that the gap in recorded offending between young people and older people has significantly narrowed when compared to previous eras, so whatever factors have led to the decline for young people have not had the same impact on older members of the population. In this respect, there may be value in drawing on the WSA, and its theoretical underpinning, to inform other areas of criminal justice policy.

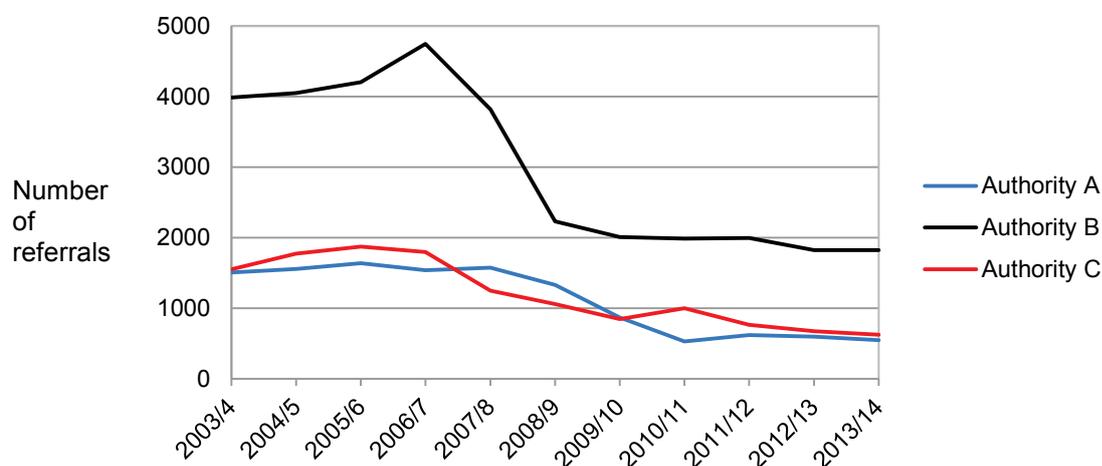
### 2.3 Referrals to the Children's Reporter

One of the key aims of the WSA is to reduce the number of referrals to the Scottish Children's Reporter Administration<sup>3</sup> (SCRA) on offence grounds. Diverting less serious cases at an early stage also means that a higher proportion of the young people who are referred to the Reporter should require compulsory measures (i.e. they will represent the more serious cases and, in the case of offence referrals, the most 'persistent offenders'). SCRA data can provide important insights in the direction of youth offending and justice in Scotland; however, it needs to read with caution. For example, changes in referrals to SCRA may reflect shifts in youth justice policy or the actions of practitioners and others who make referrals, rather than necessarily indicating that youth offending is going up or down.

**Figure 2.2** shows the total number of referrals to the Children's Reporter based on offence and non-offence (care and protection) grounds between 2003/4 and 2013/14 in the three case study areas. It shows that, coinciding with the overall trends in crime described above, referrals to the Reporter fell from around the mid-2000s onwards in all three local authorities.

The local authorities did, however, vary in the number of referrals to the Reporter. Authority B had by far the greatest number overall, while Authorities A and C were much lower, but similar in both number and trends. Nevertheless, the extent of the decrease in referrals between 2003/4 and 2012/13 was broadly similar across the three authorities; over the ten year period, referrals fell by 61 per cent in Authority A; 54 per cent in Authority B; and by 57 per cent in Authority C.

**Figure 2.2** Referrals to the Children's Reporter, 2003/4 to 2013/14

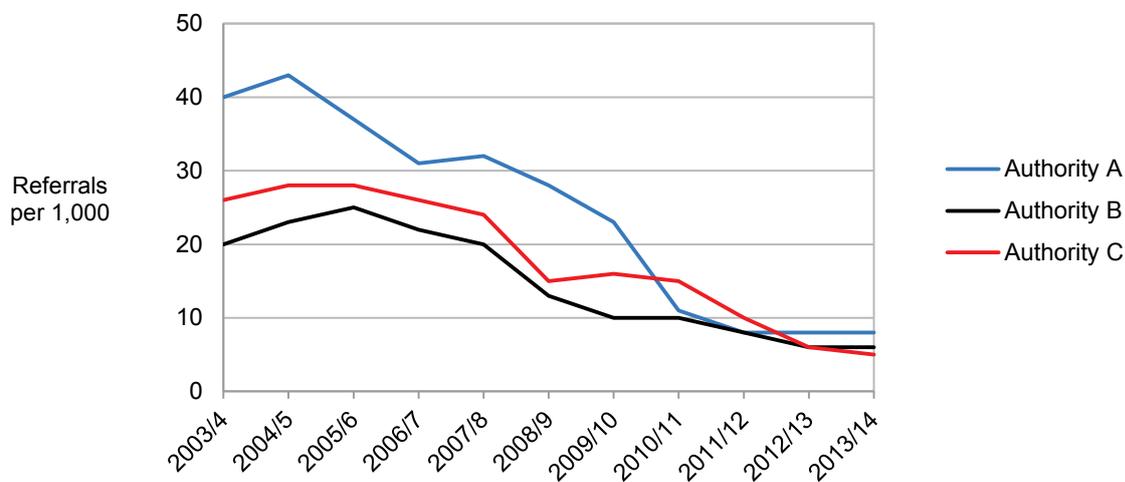


Source: Scottish Children's Reporter Administration

<sup>3</sup> The Children's Hearing System is the first formal system that young people involved in offending are likely to encounter. Children may be referred from birth to 16 years under the Children's Hearing's (Scotland) Act 2011, if it is believed that a compulsory supervision order is necessary for the 'protection, guidance, treatment or control' of the child. A small number of young people aged 16 and 17 years are referred each year. These are young people with Compulsory Supervision Orders continued from when they were 15 years, or who are referred from the Sheriff Court.

**Figures 2.3 and 2.4** show the rate of referrals per 1,000 young people in Scotland to the Reporter on offence and non-offence grounds separately between 2003/4 and 2013/14 (i.e. these charts adjust for population size and allow us to compare change over time within the three authorities more directly). **Figure 2.3** shows that the rate of referrals on offence grounds dropped sharply from 2004/5 in Authority A; and fell more steadily from 2005/6 in Authorities B and C. The overall fall in the rate of offence referrals over the period was 80 per cent in Authority A, 70 per cent in Authority B and 81 per cent in Authority C. Using standardized data, it is evident that the rate of referrals was much higher in Authority A than in B or C in the early part of the decade, but this difference had all but disappeared by 2011/12 and the three local authorities had almost identical (and much lower) rates of referral on offence grounds by 2013/14.

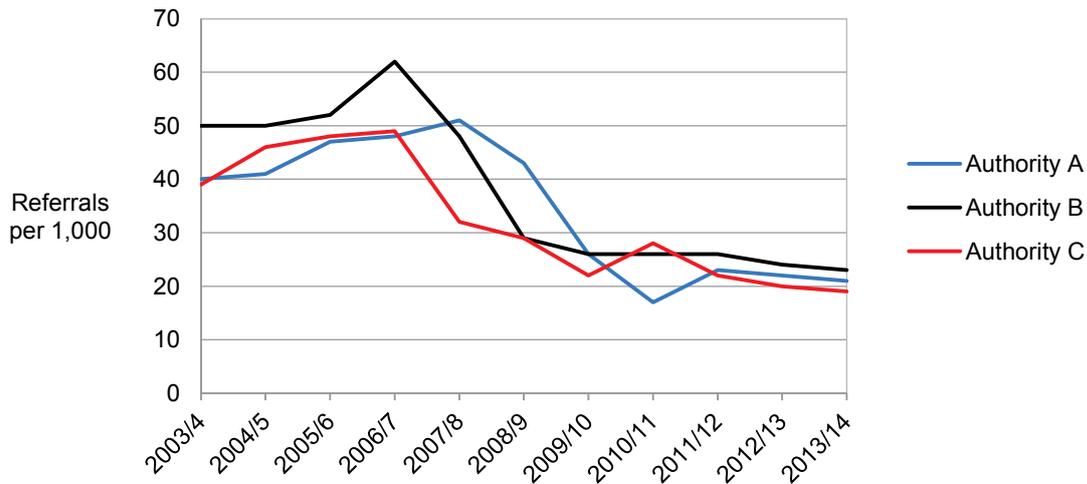
**Figure 2.3** Children referred to the reporter on offence grounds per 1,000 population, 2003/4 to 2013/14



Source: Scottish Children's Reporter Administration

By way of comparison, **Figure 2.4** shows that there was no one area with a much larger rate of referral to the Reporter on non-offence grounds, and that the three areas showed a very similar trend and pattern over the 10 year period. The drop in non-offence referrals started slightly later from 2007/8 in Authority A compared to Authorities B and C, which started from 2006/7. However, as with **Figure 2.3**, by 2013/14 the three areas were barely distinguishable from each other in terms of rate of non-offence referrals, and all were significantly lower than in 2003/4. The overall fall in the rate of referrals on non-offence grounds was much smaller than for offence referrals, at 51 per cent in Authority A, 54 per cent in Authority B and 48 per cent in Authority C. These figures both suggest a shift towards greater consistency in approach to referrals across the three local authorities.

**Figure 2.4** Children referred to the reporter on non-offence grounds per 1,000 population, 2003/4 to 2013/14



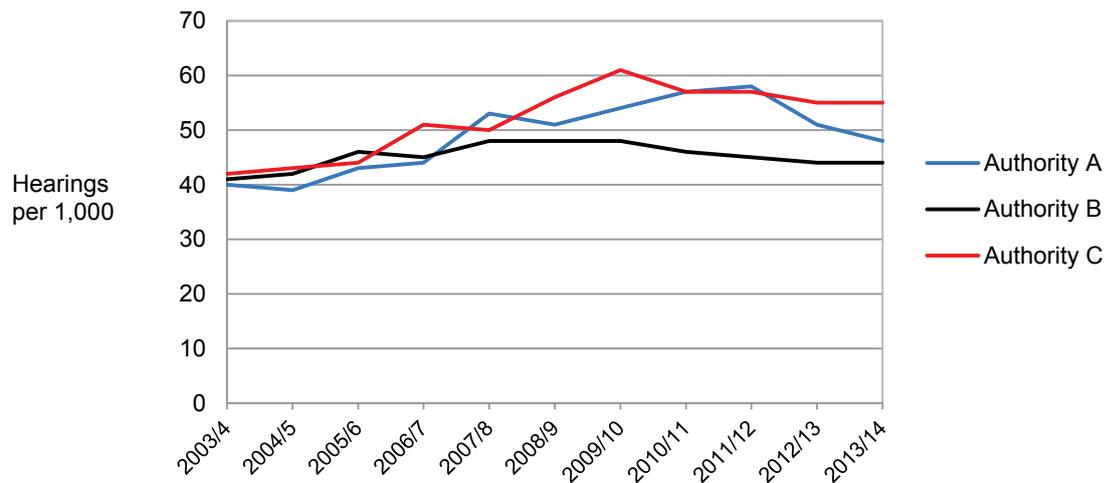
Source: Scottish Children’s Reporter Administration

It is clear looking at Figures 2.3 and 2.4 that the rate of referral on both offence and non-offence grounds stabilised at its lowest point at precisely the time of the roll-out of the WSA in 2011. In other words, the largest declines in referrals had already occurred before WSA was formally implemented, and are most likely to have been influenced by the GIRFEC and *Preventing Offending by Young People: A Framework for Action* policies which preceded WSA, although this does tie in with the more general approach to EEI which began in 2008.

Coinciding with the fall in referrals to the Children’s Reporter over this 10 year period, **Figure 2.5** shows an increase in the number of hearings per 1,000 population of young people. So as the number of referrals reduced, the relative number of hearings per person referred increased over the same time period, peaking at around 2008/10 in Authorities B and C, and in 2011/12 in Authority A. Looking across the entire period, the number of hearings per 1,000 population increased from 40 to 48 in Authority A; from 41 to 44 in Authority B; and from 42 to 55 in Authority C.

This suggests that those who are still receiving hearings, although smaller in number, are receiving a higher number of hearings on average than previously. This fits with the hypothesis that those who continue to be referred to the Children’s Hearing System are those at the most serious end of the spectrum who are likely to be more in need of compulsory measures of care. Nevertheless, unlike the change in referrals, there appears to be slightly less consistency of approach over time across the three areas.

**Figure 2.5** Children's Hearings per 1,000 population, 2003/4 to 2013/14



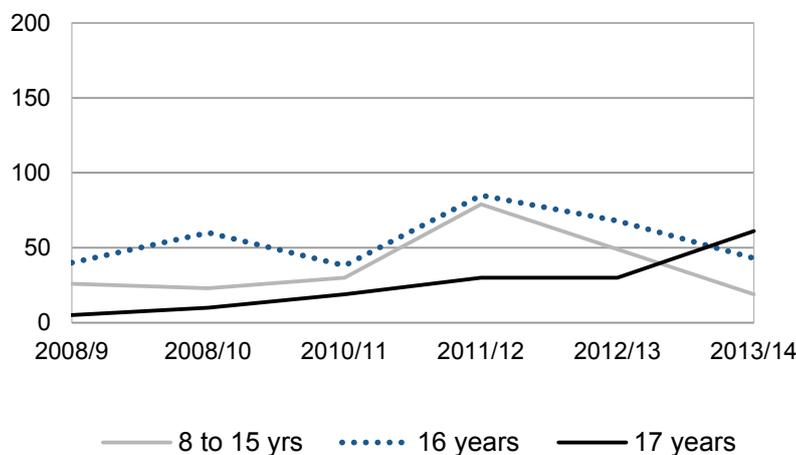
Source: Scottish Children's Reporter Administration

#### 2.4 Joint referrals to the Procurator Fiscal and Children's Reporter

**Figures 2.6 to 2.8** show the number of joint reports from the police to the Procurator Fiscal and Children's Reporter between 2008/9 and 2013/14 for the three local authority areas. This represents the number of cases that were considered serious enough for potential criminal justice disposal (although in reality, most of these cases prior to WSA would have involved children approaching their 16<sup>th</sup> birthday). Post 2011, these figures indicate those cases that were referred on offence grounds but not diverted for PRS. These trends appear to paint a less clear picture of the direction of youth justice. Note also that children may be referred more than once.

In contrast to the steady fall in referrals to the Reporter on offending and non-offending grounds (see **Figures 2.3** and **2.4**), the data in **Figures 2.6 to 2.8** are more variable.

**Figure 2.6** Number of Joint Reports to PF and Reporter (by age at receipt): Authority A

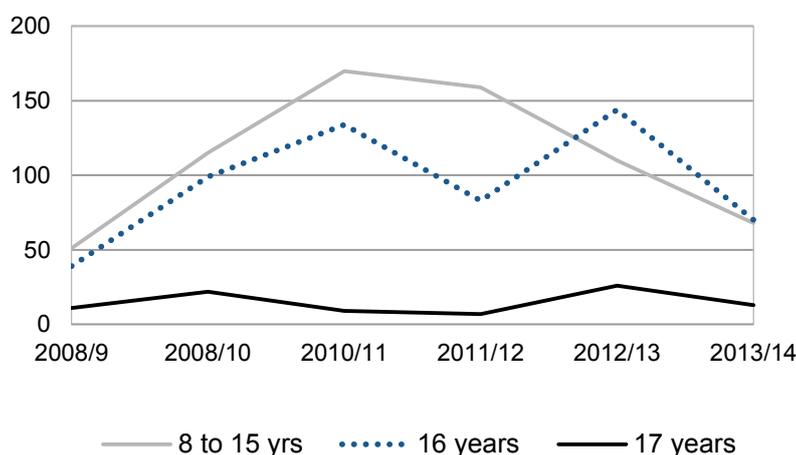


Source: Scottish Children's Reporter Administration

**Figure 2.6** shows that in Authority A, the number of joint reports for under-16s were relatively stable other than a sharp spike in 2011/12; the number of joint reports for 16 year olds was a bit more variable, but this also spiked in 2011/12; whilst the number of joint reports for 17 year olds was very low in 2008/9 but gradually increased across the period, showing a particular increase in 2013/14. Overall, the number of joint reports in Authority A was small, and the trends difficult to detect.

**Figure 2.7** shows that in Authority B, the number of joint reports for under-16s grew three-fold between 2008/9 and 2010/11, but fell steadily thereafter; for 16 year olds, there was a similar three-fold increase in joint referrals between 2008/9 and 2010/11, but the pattern then varied year on year to 2013/14; whilst the number of joint reports for 17 year olds was very low and remained largely unchanged over the period. Most joint reports in Authority B were made in relation to under-17s, thus suggesting that 17 year olds were more likely to be referred directly to the Fiscal.

**Figure 2.7** *Number of Joint Reports to PF and Reporter (by age at receipt): Authority B*



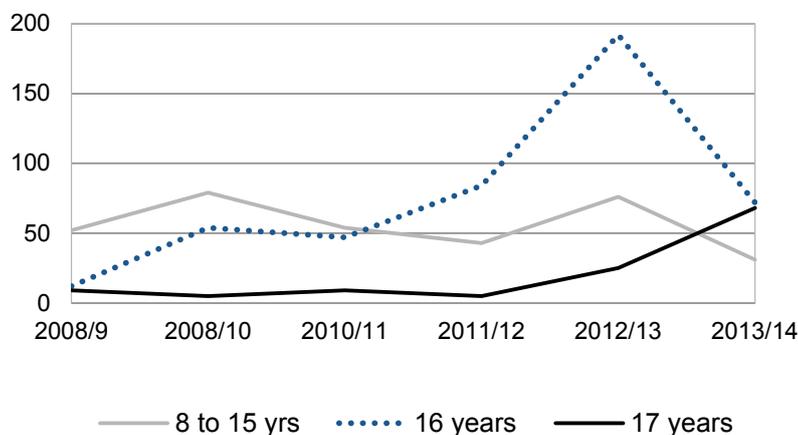
Source: Scottish Children's Reporter Administration

**Figure 2.8** shows that in Authority C, the number of joint reports for under 16 year olds varied year to year but was largely stable over time and showed no clear change in direction; for 16 year olds, the number of joint reports increased slightly between 2008/9 and 2011/12 but then spiked sharply in 2012/13 and fell thereafter, suggesting either a very short term change of policy or a surge in offence reports; whilst the number of joint reports for 17 year olds was very low and stable until 2011/12, but rose considerably in the two years after that. Overall, the use of joint reports was very low until the most recent two years, when there was evidence of some change for 16 and 17 year olds, but more data would be required to detect whether there was a clear pattern.

Taking an overview of the six year period covered, the number of joint reports in Authority A increased from 71 to 123 (76%); from 101 to 151 (46%) in Authority B; and from 73 to 170 (133%) in Authority C. Clear trends in these data are difficult to detect as the numbers are relatively small; however, there does seem to be some increase across the three areas combined since WSA was implemented in joint

referrals for 16 and 17 year olds. This fits well with the ethos of maximum diversion and minimal intervention for under 18 year olds

**Figure 2.8** Number of Joint Reports to PF and Reporter (by age at receipt): Authority C



Source: Scottish Children’s Reporter Administration

Note that for children under 16 “there is a presumption that the child will be referred to the Children’s Reporter in relation to the jointly reported offence”, whereas for children over 16 years, “there is a presumption that the PF (Procurator Fiscal) will deal with the jointly reported offence” (COPFS/SCRA, 2014). The overarching principle directing COPFS decision-making is ‘whether it is in the public interest to prosecute the child’. It has been suggested that if children under the age of 18 were referred to the Children’s Reporter, this would constitute a progressive step, ensuring that the majority of young offenders are dealt with in a non-adversarial system (CYCJ, 2014: 18).

## 2.5 Summary

Taking an overview, this section has shown that there is marked variation in offending levels, geography and urbanisation across the three local authorities. Patterns of recorded crime show a distinct fall over time in all three areas which pre-date either EEI or WSA; however, there is some evidence to suggest that there have been significant falls in youth offending (or at least recording of youth offending) since the mid-2000s which ties in with the development and early implementation of GIRFEC and the *Preventing Offending by Young People: A Framework for Action* on youth offending. There have been significant falls in referral to the Children’s Reporter on both offence and non-offence grounds in all three areas, with the fall in offence referrals being most pronounced. The impact of EEI or WSA on patterns of joint referral to the Procurator Fiscal and Children’s Reporter is not entirely clear; however, there are encouraging signs of some increase for 16 and 17 year olds.

Differences in baseline conditions within local authorities are important, and may help to explain the different methodologies and processes adopted by the authorities in implementing WSA and differences in observed outcomes. These preliminary observations also support the need for flexibility within the WSA, rather than a fixed-framework, which allows authorities to adapt to local conditions and demands.

However, it is also clear that there have been some changes at national level that appear to have impacted similarly across local authorities. Further work on the national and local impact of specific factors would be of value in this regard.

### **3. Implementation of the Whole System Approach to Youth Offending**

This section of the Report describes the implementation of the WSA in each of the three selected local authorities, and comments on the challenges and successes on the WSA's main work stream activities, namely Early and Effective Intervention, Diversion from Prosecution, and Other Components, including Court Support, Alternatives to Custody and Secure Accommodation.

Responding to Objective 1 (the extent to which WSA work stream activities have been implemented to date) and Objective 3 (addressing the mechanisms of partnership working in the case study areas) this section discusses how the short and medium term outcomes of WSA have been achieved in each local authority, how the methods and practices in each area differ, and the reasons for these differences, with an emphasis on mechanisms of partnership working. Quantitative and qualitative data are used to demonstrate the operation and effectiveness of each work stream, alongside discussions of how the WSA has been implemented in each local authority so as to better inform lessons for sustainable practices in the future.

#### **3.1 Early and Effective Intervention**

Early and Effective Intervention (EEI) aims to deliver a timely, appropriate and proportionate response to young people aged between 8 and 17 years reported for offending. The key objectives are:

- to ensure children are only referred to the Children's Hearing system where it is likely that compulsory measures will be required (to reduce the number of inappropriate referrals);
- to support a faster and more focused response to those reported for offending;
- to promote better information-sharing and more consistent decision-making;
- to reduce anti-social behaviour and re-offending rates;
- to work within the Getting it Right for Every Child (GIRFEC) framework to ensure the young people receive appropriate help from a coordinated multi-agency forum.

EEI operates using the pre-referral screening process (PRS),<sup>4</sup> which diverts young people away from the formal criminal justice system. Young people aged 16 and 17 years became eligible for PRS in September 2013. Prior to this, eligibility was limited to 8 to 15 year olds. In some authorities eligibility is extended to young people on supervision<sup>5</sup> (taking into account the number and type of previous involvements), however this varies across Scotland. The PRS process, as broadly practiced, is

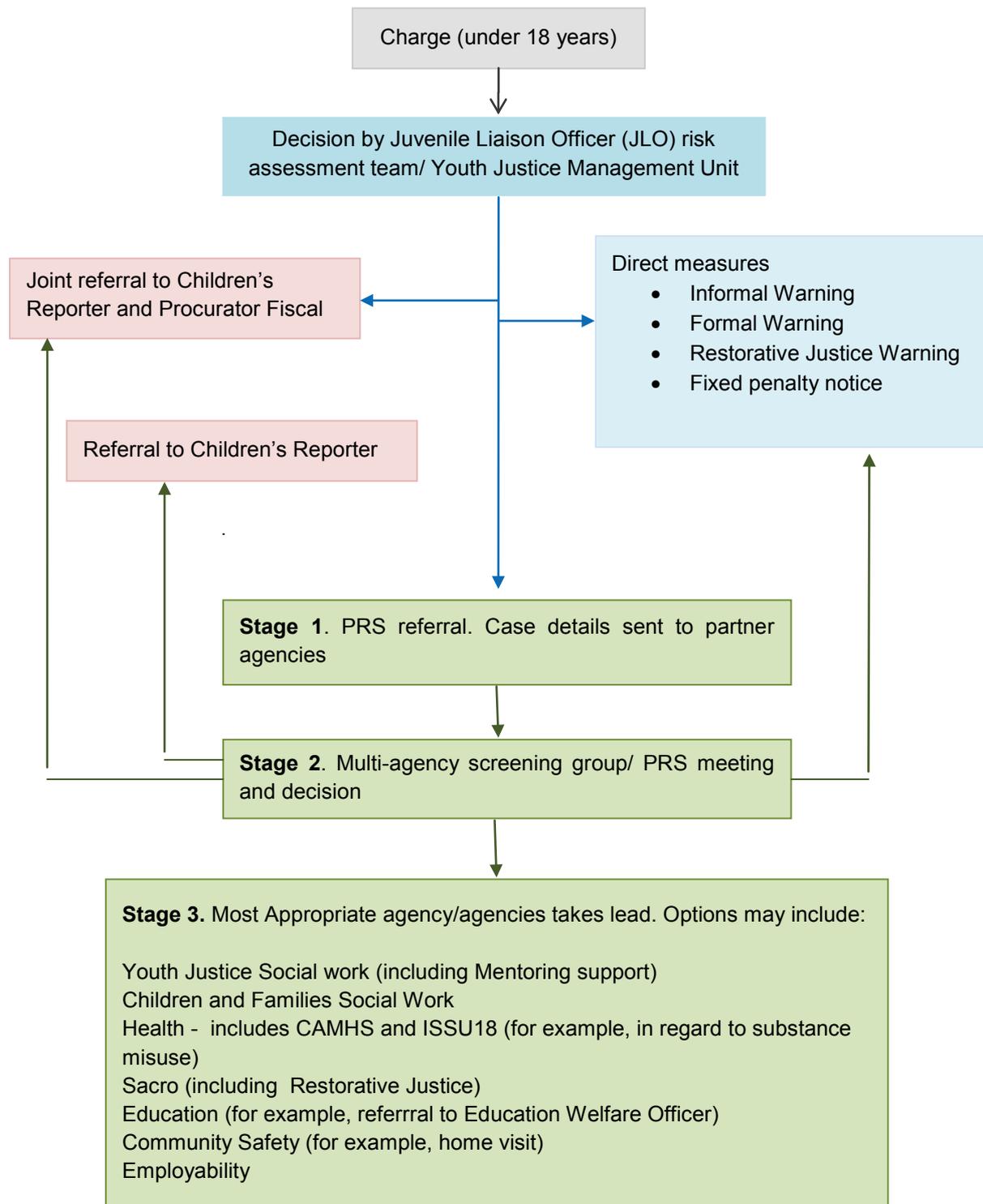
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<sup>4</sup> The term 'PRS' is not used consistently across Scotland. For example, some practitioners refer to this stage as 'EEI'. This report uses the term PRS throughout.

<sup>5</sup> Under Section 70 of the Children (Scotland) Act 1995)

illustrated below in **Figure 3.1**. Note that this structure is not definitive and that there may be some variation between local authorities, in regard to the decision-making process, and the outcomes available to stakeholders.

**Figure 3.1** *Whole Systems Approach*



### 3.2 Pre-referral screening: charges and referrals

The PRS process is triggered by a police charge. Police charges in relation to those aged 17 years and under are referred in the first instance to Police Juvenile Liaison (JLO)<sup>6</sup> staff risk assessment team, who consider whether: a case is suitable for early diversion; should be referred to the Scottish Children's Reporters Administration (SCRA); or should be jointly referred to SCRA and the Procurator Fiscal. If a case is not suitable for early diversion, a full 'Standard Prosecution Report' will be requested from the reporting Police officer and a joint referral made to the Children's Reporter.

In each Authority, the role of the police in directly facilitating the WSA appeared to be well-established and evidenced by good working relationships. JLOs were attuned to the importance of communicating WSA values to their front-line colleagues, and reiterating the message that by reducing the likelihood of prosecution for young people, more police time could be spent addressing serious crime. JLOs acted as WSA 'champions' (see section 5.4) within each organisation, spending considerable time and resource in facilitating face-to-face briefings in order to communicate the WSA's importance. As such, JLOs acted as drivers of change within Police Scotland. The wide scope of the JLO role in one local authority is described below.

"I'm a police officer in the Concern Management Hub at X Police Office. As part of my role, I deal with the SCRA, which is the Children's Reporters Office, which deal with juvenile offending and concerns for children. I also deal with social work for child concerns and with the local care establishments, where we have registered residential units. So I deal with the care staff there, on a kind of daily basis. I also deal with youth offending, up to and including persons aged 17... In Police Scotland, if someone commits an offence, we raise what we call a crime report. Officers also have to raise a concern form, which identifies the crime that has been committed, but also wider concerns for the child. That gets submitted to our department. I deal with mainly the youth offending ones. I'll do additional checks and then decide what is the best disposal for that offence and that child."

Cases identified as suitable for early diversion are discussed at multi-agency meetings with a range of partners. Each partner has the authority to access and share confidential client information, and decision-making responsibility for cases under discussion. Partners also accept the responsibility to divert cases to their respective agencies, if appropriate. The main points of discussion at multi-agency meetings concern:

- Who is currently working with the young person;
- Offending and welfare concerns;
- Identification of both risk factors and protective factors;
- Agreement of the most appropriate agency for diversion, or;
- Agreement that the case should be referred to SCRA or the Procurator Fiscal on the grounds of welfare needs and/or persistent offending.

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<sup>6</sup> Juvenile Liaison Officer is not necessarily a national term but describes a role within Police Scotland that co-ordinates offence and concern referrals. They cross reference information and make decisions about police direct measures and cases to be discussed at multi-agency screening meetings

Within the PRS process, offending behaviour is treated as a flag for welfare concerns, rather than a substantive issue in its own right. Information sharing enables decision-making to be informed by young people's circumstances, and alerts partners to concerns before they warrant prosecutorial action:

“Because we're all at PRS, there's Community Safety there as well, you can get to find out about instances of anti-social behaviour that don't warrant a police charge, but about behaviour that's going on. So it's more about a pattern of behaviour for that young person, as opposed to offending, that gives cause for concern.” (Young People's Services)

The diversity of expertise held by PRS partners allows the group to respond to an array of welfare concerns in a swift and informed fashion. The PRS process is a vital component in promoting information sharing between partners, whilst the face to face nature of PRS develops trust and professional understanding. Information sharing also facilitates better outcomes regarding young people's welfare by providing a fuller picture of the causes/context of offending behaviours:

“Now it's going to somebody, maybe a named person. And they might not be doing something too significant about it - but they know about it and they keep an eye on it... Prior to that it was only the police and SCRA that had all that information. No-one else knew. Whereas, if there's been three or four nuisance things in a couple of months, you can get a sense that there's something not right going on.” (Young People's Services)

Details of cases deemed appropriate for PRS are forwarded to partner agencies (Education, Young People's Services etc.) for consideration ahead of the PRS meeting (stage 1). At the PRS meeting, partners discuss cases and collectively decide upon the outcome.

Eligibility for PRS varies across authorities. For example, in Authority A, children and young people with a supervision requirement are not eligible for PRS. By contrast, in Authorities B and C, 14 and 308 children with a supervision requirement were referred to PRS in 2013/14 respectively.

Authority B provided some data on police charges, which act as the starting point to PRS. **Table 3.1** provides a snapshot of charging data for 2013/14, and shows the proportion of young people allocated police direct measures, referred to the Reporter and referred to PRS.

**Table 3.1** *Young people charged by the police and outcomes, 2013/14*

Number of young people:	Male		Female	
	12 to 16	16/17 year olds	12 to 16	16/17 year olds
Charged with an offence	1048	322	289	78
Issued with police direct measures (PRS Notified)	88 (8%)	18 (6%)	34 (12%)	13 (17%)
Referred directly to Reporter	377 (36%)	n/a	124 (43%)	n/a
Jointly referred to Fiscal/ Reporter; referred to Fiscal	121 (12%)	283 (88%)	16 (6%)	55 (7%)
Referred to PRS	462 (44%)	21 (7%)	115 (40%)	10 (13%)
Total	100%	101%	101%	n/a

Source: Police Scotland, 2015

**Table 3.1** shows that in 2013/14, 1,337 charges were raised against under-16s, and 400 were raised against 16 or 17 year olds. Within the age groups, a higher proportion of under-16s were referred to PRS (44% males, 40% females), compared to those aged 16 or 17 (7% males and 13% females). In other words, under-16 year olds were more likely to be diverted using PRS than 16 or 17 year olds; however, it is difficult to make a direct comparison without knowing the nature of the cases or charges.

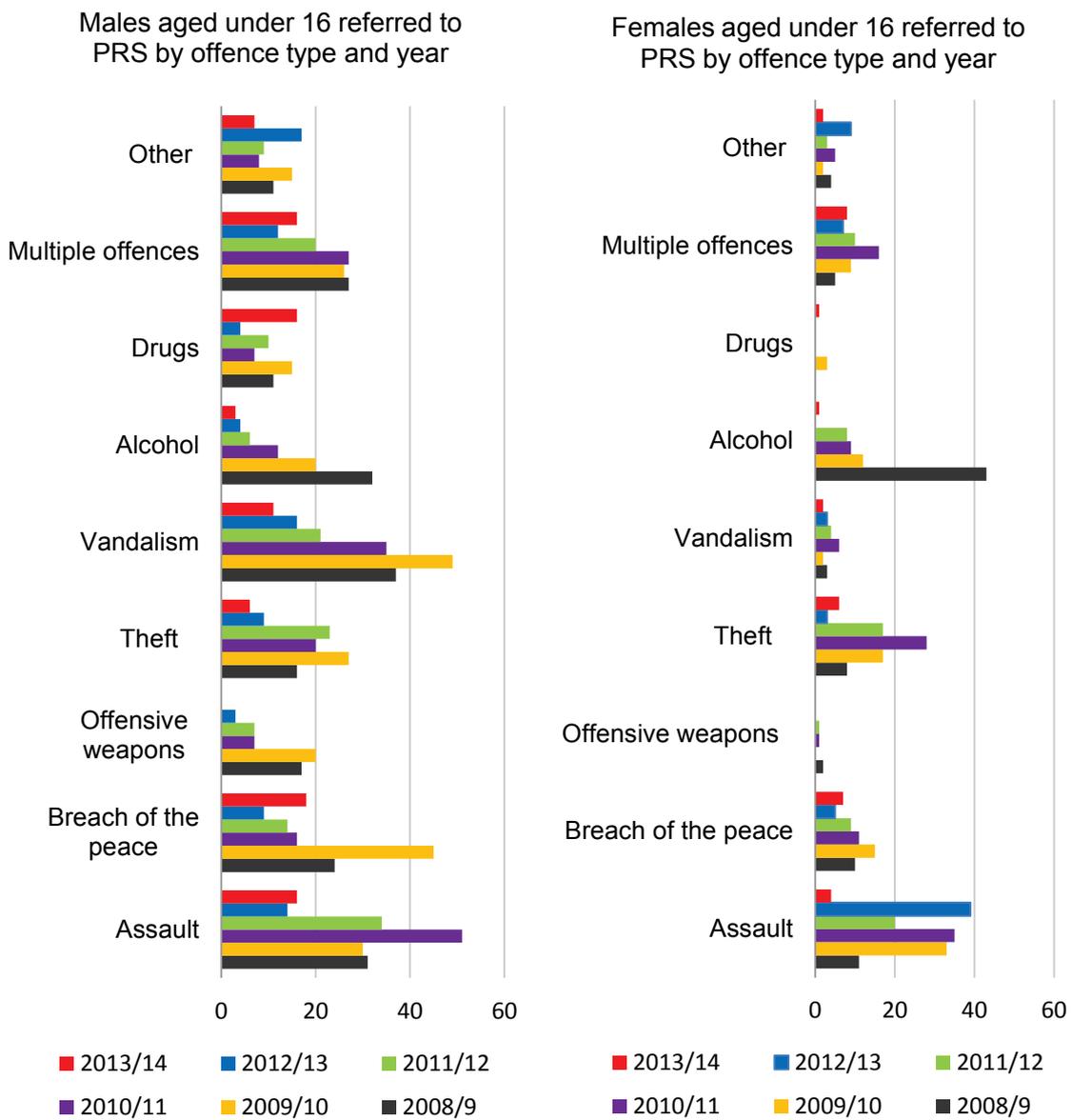
This entry level data is important and can enable practitioners to track the early flow of young people through the system. Police charging data can also be used to monitor the proportion of re-referrals over time – and those who do not accrue further charges. The latter group, those who do not accrue further charges, are the ‘successes’ of the WSA. However, the fact that the most successful cases are those which no longer come to the attention of the authorities makes evaluation difficult. Existing literature on desistance may be useful in this respect, with a view to identifying methodological approaches and/or sources of data that allow us to capture and understand pathways to non-offending (see Sampson and Laub, 2001: 54).

**Figure 3.2** below shows the number of offences committed by young people aged under 16 who were referred to PRS in Authority C between 2008/9 and 2013/14, broken down by gender. The raw data are included in Appendix C (this includes data for 16/17 year olds which were only available for 2013/14). These data show that males were more likely than females to be referred to PRS for most offence types, but that the number of referrals for both males and females reduced gradually over the 6 year period.

There are also some marked gender differences. Alcohol referrals for females were particularly high in 2008/09; however, this fell dramatically in 2009/10, and was subsequently lower than for males each year. Theft referrals for females peaked in 2010/11, at a higher number than for males, but also subsequently fell back to levels below that of the males. Most interestingly, the number of assault referrals was particularly high for females, and was higher than for males in 2009/10 and 2012/13.

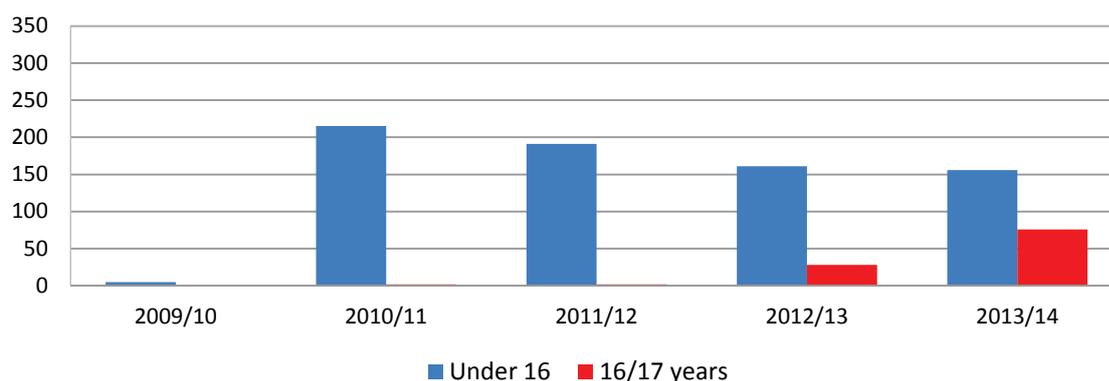
Over time, there was a gradual increase in the proportion of all PRS referrals which were made for females, from 29% in 2008/09 to 51% in 2012/13, although this fell back to 24% in 2013/14. The number of females referred to PRS in relation to assault in 2012/13 is particularly marked. Indeed, 74 per cent of all PRS referred cases involving assault by under-16 year olds in authority C in that year were for females. Whilst it is not possible to draw more robust conclusions from these data, it is possible that decision-making in regard to referrals is partly gendered. This means that the probability of referral to PRS for females may be higher than for males, resulting in greater leniency towards females – or the application of more stringent criteria towards males.

**Figure 3.2** Young people aged under 16 referred to PRS by offence type and gender



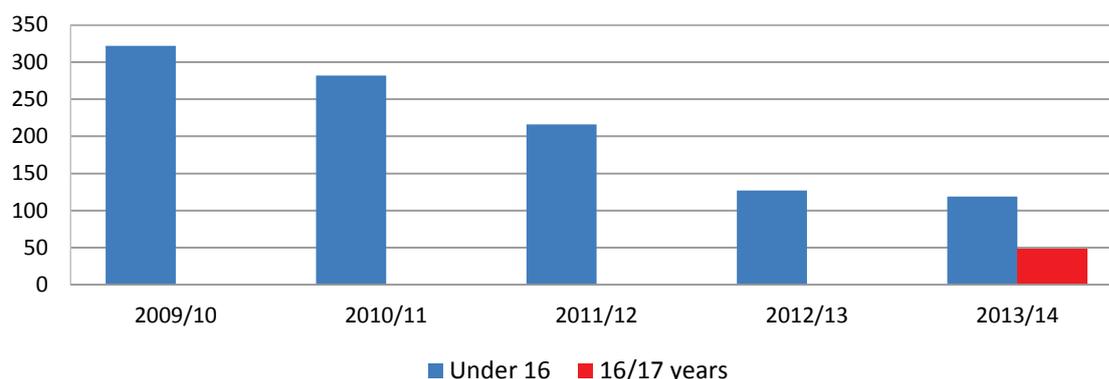
Below, **Figures 3.3** and **3.4** show the number of young people referred to PRS in Authorities A and C between 2009/10 and 2013/14, broken down by age group (similar data for Authority B could not be obtained).

**Figure 3.3** *Number of young people referred to multi-agency meetings: Authority A*



Looking at the under-16s, in Authority A, there was an 8 per cent decrease in multi-agency referrals from 2010/11 onwards; whereas in Authority C, there was a 43 per cent decrease in multi-agency referrals from 2009/10 onwards. The number of 16 and 17 year olds referred to PRS was small compared to the number of under 16s in Authority A in 2012/13 when this was first introduced; however, this seemed to have increased markedly in 2013/14. In Authority C, 16 and 17 year olds were referred for the first time in 2013/14, so no trend is discernible.

**Figure 3.4** *Number of young people referred to multi-agency meeting: Authority C*



It is not possible to quantify the extent to which the fall in referrals is related to the WSA practices employed by the local authorities, however the overall trends are encouraging, and consistent with falling levels of recorded youth crime in Scotland. It is too early to assess trends in relation to 16 and 17 year olds. Nonetheless, the initial increase in referrals in Authority A suggests successful engagement with the older age groups. Looking ahead, the number of 16 and 17 years olds referred to PRS might be flagged as a key indicator for the WSA.

Changes in the number of referrals to PRS impacted differently on the three authorities. In Authority A, the fall in referrals had allowed the local authority to look to expanding their services to older age-groups. Conversely, in Authorities B and C, it remained a challenge to maintain the WSA at the current level. This was primarily due to the pressure placed on resources, including the cessation of seed funding in Authority C.

### 3.3 PRS Outcomes

A range of outcomes are available to partner agencies, including: police warning letters; diversion to Education (for example, discussions with a Head Teacher or Education Welfare Officer); allocation to a social worker; diversion to community safety (for example, a home visit by a community safety officer); or referral to the Children's Reporter. If a young person refuses to engage with the service offered, the case is referred to the Children's Reporter.<sup>7</sup>

Given that some young people will be allocated more than one service, it is not possible to map EEI actions on an individual basis. However, analysis of the services and agencies made available to young people shows variation between local authorities which can be broadly grouped into statutory agencies (for example, education, social work, community safety, Children's Reporter); and external agencies (such as Sacro and Barnardo's).

Of those actions allocated by Authority A between 2009/10 and 2013/14, cases were split more or less evenly between formal and external agencies. Approximately 53 per cent were allocated to Sacro, which acts in an independent capacity. A further 15 per cent were allocated to Youth Justice Social Work; eight per cent received a 'no further action' letter'; four per cent were referred to the Reporter; three per cent were allocated to drug and alcohol services, and the remaining 17 per cent were allocated to 'other' services or agencies, including adult social work services, CAMHS, health, and children and families social work. Less than one per cent of cases were referred on to the Procurator Fiscal.

In Authority C, a more formal set of responses was evident. For example, 16 per cent of cases were referred to the Reporter; 18 per cent were referred to 'Restorative Justice, Mediation and Parenting Support Service' (RaMPS); 10 per cent received police current measures; 10 per cent were referred to youth drug/alcohol service; 10 per cent were referred to the anti-social behaviour terms; nine per cent received a restorative justice warning; and five per cent were allocated to Education. Sacro services were not used by Authorities B and C in relation to the WSA.

The capacity for information-sharing and decision-making was, to some extent, influenced by practitioner remits, specifically whether a practitioner had an authority-wide or a local remit. In the latter case, decision-making was sometimes limited by a lack of oversight.

"I can talk quite comfortably about all the things that are happening in [my area]... [but for other areas] all I have to work on is the bullet points... I just work from the notes... and if they haven't given me very much, I can't embellish on that." (Community Safety).

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<sup>7</sup> If a young person on Supervision is discussed at the multi-agency meeting and diverted, there is no requirement to notify the Children's Reporter, however this information would be included in the next Hearing report.

PRS outcomes were also influenced by service provisions in the respective authorities. For example, a strong third sector presence in Authority A was not replicated in Authority C:

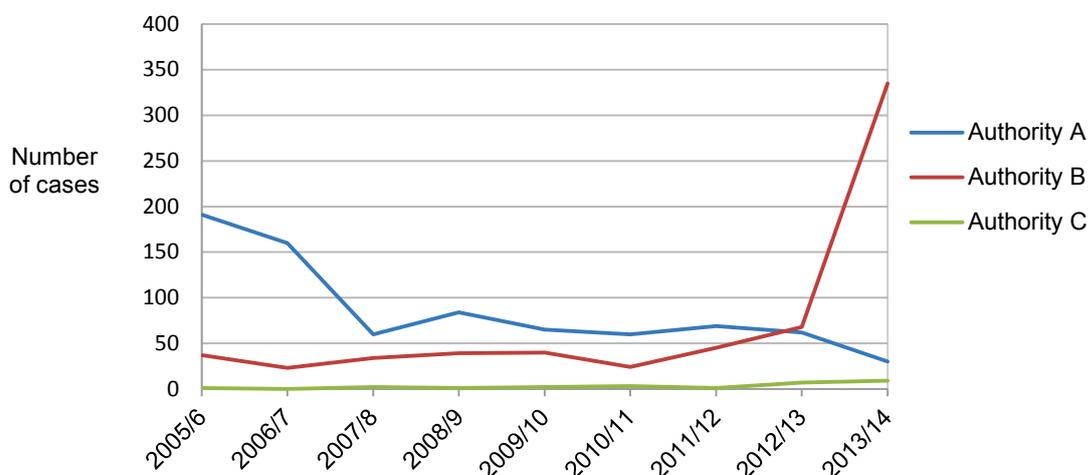
“Everybody has got access to, for example fire service, police and social work, and education. But if you’re starting to think about targeted interventions [for example] Restorative Justice or drug and alcohol education, you are looking more at the likes of Sacro and Action for Children... Some of the contracts for these services don’t exist in some areas across the country... every local Authority needs to have a way of referring and accessing that system.” (Young People’s Services).

The PRS process, in terms of allocating actions to partner agencies, functioned well in each authority. Building on this observation, it would be beneficial to unpack the different factors and rationales that inform PRS outcomes, with a view to minimizing inconsistencies in the opportunities and services made available to young people (for example, in terms of gender, and the types of services made available). Differential access to resources (in terms of availability) could also be examined, for example, with a simple audit of the key services available and used in each authority, with a view to sharing resources where appropriate.

### 3.4 Diversion from Prosecution: 2005/6 to 2013/14

Diversion from prosecution is a formal decision made by the Procurator Fiscal. In the case of minor offences, the Fiscal may decide to refer the case to criminal justice social work, rather than prosecuting through the courts or offering fiscal direct measures. In such cases, prosecution may be made subject to successful completion of the scheme. Diversion programmes include Restorative Justice Programmes and Social Work diversions. A more detailed overview is provided in Appendix D. **Figure 3.5** shows the number of diversion cases commenced for 16 and 17 year olds in the 3 authorities between 2005/6 and 2012/13.

**Figure 3.5** *Diversion from prosecution, 16 to 17 year olds, 2005/6 to 2012/13 (cases commenced)*

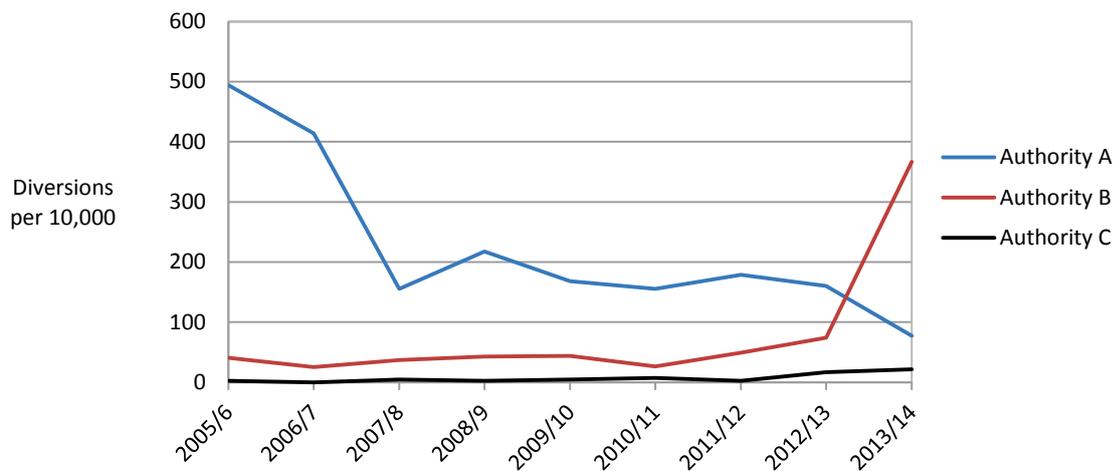


Source: Scottish Government Criminal Justice Social Work statistics

As can be seen, the use of diversion in Authority A decreased markedly prior to 2007/8, and stabilized thereafter. Diversions in Authority B fluctuated from year to year, with an increase from 2010/11 onwards culminating with a massive spike in 2013/14. In Authority C, the use of diversion is minimal over the entire period.

Below, **Figure 3.6** shows the per capita rate of all cases diverted per 10,000 16 and 17 year olds between 2005/6 and 2012/13. This confirms a large early decline in diversion per capita in Authority A, with very little change thereafter; however in Authority B, following a steady trend, there has been a recent sharp increase in the use of prosecutorial diversion for 16 and 17 year olds.

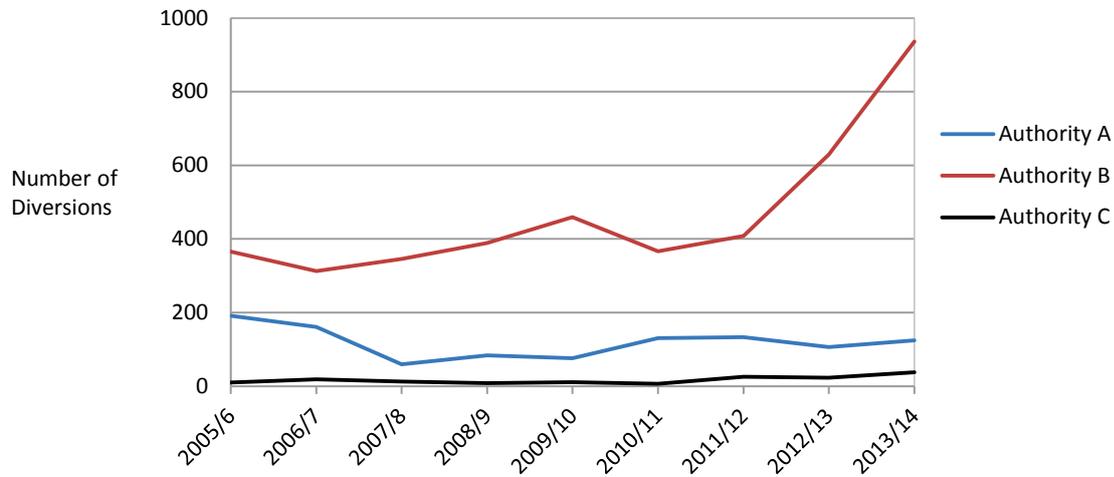
**Figure 3.6** Diversions per 10,000 2005/6 to 2012/13, 16 and 17 year olds



Calculations based on 2011 mid-population census estimates  
 Source: Scottish Government Criminal Justice Social Work statistics

**Figure 3.7** shows that the overall use of diversion (for all ages) appeared to increase significantly in Authority B, again with an upward trend since 2011/12 (although not in the other two areas).

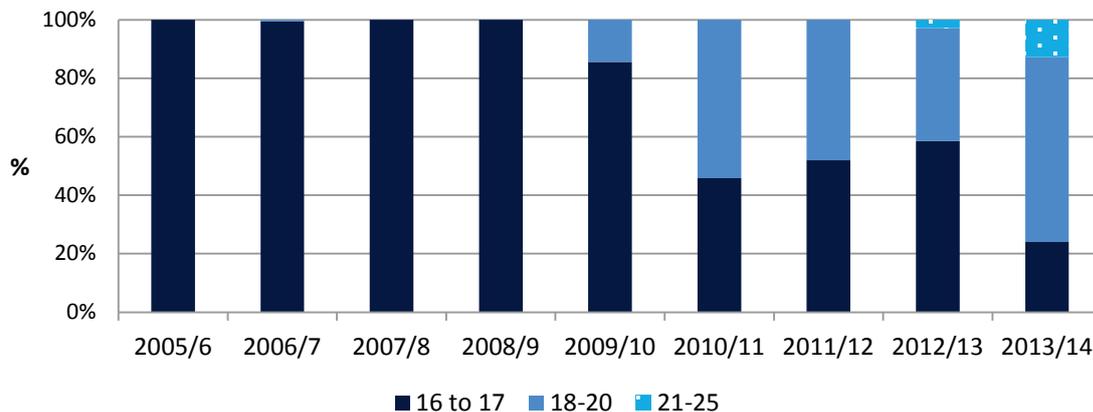
**Figure 3.7** *Diversion from prosecution (all ages) 2005/6 to 2013/14 (cases commenced)*



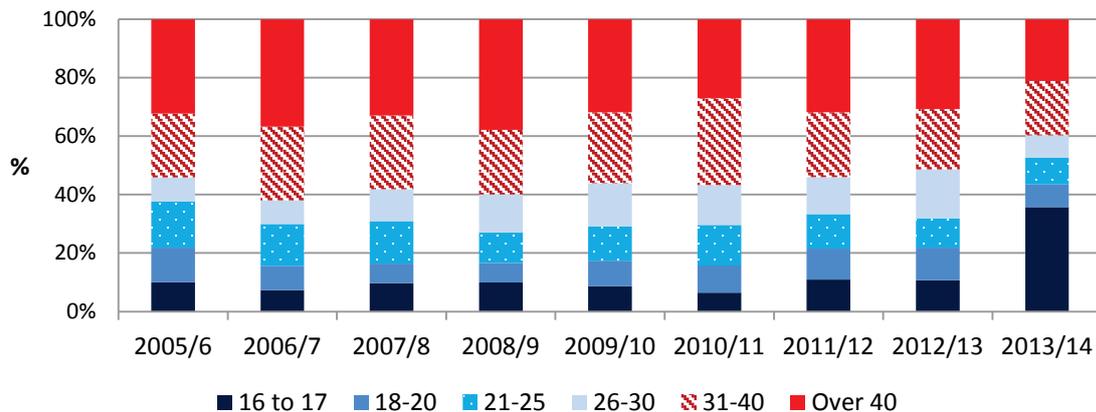
Source: Scottish Government Criminal Justice Social Work statistics

Looking in more detail at the age profile of those diverted from prosecution within each of the three areas from 2005/6 onwards reveals some interesting differences in practice. **Figures 3.8 to 3.10** show the percentage age-distribution of diversion cases within the three local authorities. The data show that the overwhelming majority of diversions in Authority A pertain to younger age-groups, whereas in Authorities B and C, young people account for a smaller proportion of all diversions.

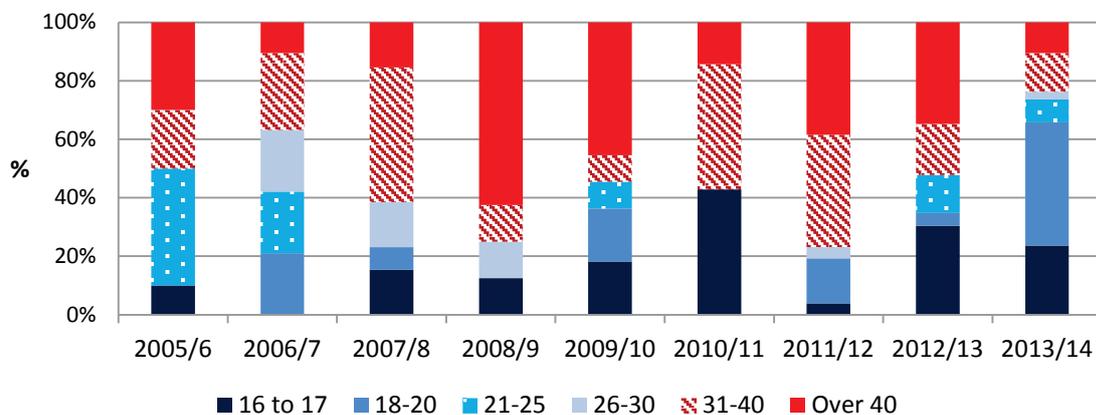
**Figure 3.8** *Diversion from prosecution: cases commenced by age-group (%) Authority A*



**Figure 3.9** *Diversion from prosecution: cases commenced by age-group (%)*  
**Authority B**



**Figure 3.10** *Diversion from prosecution: cases commenced by age-group (%)*  
**Authority C**



Source: Scottish Government Criminal Justice Social Work statistics 2014

In Authority A, diversion was used moderately and reserved for young people (see **Figures 3.5, 3.6 and 3.8**). There were *no* diversions among those aged 26 years and over across the entire period, whilst all diversions prior to 2008/9 involved those aged between 16 and 17 years. The expansion of diversion to those aged between 18 and 20 years in 2009/10 shows a change in policy and practice, which is in line with expanding GIRFEC to young adults up to the age of 21. Below, practitioners comment on how a young person’s age does not necessarily reflect their maturity.

“It’s a short intervention to try and get things back on the straight [and narrow]... These young people, although they’re 18 up to 21, they’re not by any means ready for the adult world, to go out there and face it on their own”.

“Bear in mind diversion is awareness. It’s as simple as that and what they take away from it: it’s up to them. They’re not on an order. It’s also voluntary and if they don’t want the service in the first instance, they can have their day in court.... What would they benefit from a fine or a breach of the peace charge and getting put on some sort of order? It’s not addressing the offence.

Particularly in the older ones, they think they know everything and they don't... so it's great".

In Authority B, the use of diversion between 2005/6 and 2012/13 was comparatively high, reserved primarily for older adults (**Figures 3.5, 3.6 and 3.9**). For example, between 51 per cent and 62 per cent of cases involved those aged 31 years and over. By contrast, in Authority C, the use of diversion was low, with no clear trends in terms of age (**Figures 3.5, 3.6 and 3.9**). For example, the proportion of diversion cases involving 16 and 17 year olds ranged from zero in 2006/7; to 43% in 2010/11.

### 3.4.1 Diversion and gender

There is some limited evidence that diversionary decision-making may be weighted towards young women and girls. **Table 3.2** shows that the overall proportion of females diverted from prosecution in Authorities B and C between 2005/6 and 2012/13 was higher than might be expected compared with males, given that what we know about the extent of women's involvement in crime. For example, in the 2010/11 sweep of the Scottish Crime and Justice Survey, of those respondents who could state the gender of the offender, 74 per cent said the offender was male (Scottish Government, 2011a; 43, 3.5.3), whilst data from the Edinburgh Study of Youth Transitions and Crime shows that of those aged 12 to 17 who reported being involved in violent behaviour and serious offending, 86 per cent and 66 per cent respectively were male (McAra and McVie, 2010; 67). Whereas, the average percentage of diversion cases involving females was just over 50% in both Authority B and C. In Authority A, the proportion of females to males is more in line with what we might expect, with an average of 18% of diversion cases involving females.

**Table 3.2** *Diversion from prosecution cases (all ages) by gender, cases commenced 2005/6 to 2012/13*

	A			B			C		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
2005/6	85%	15%	191	50%	50%	366	50%	50%	10
2006/7	87%	13%	161	46%	54%	313	32%	68%	19
2007/8	73%	27%	60	42%	58%	346	31%	69%	13
2008/9	80%	20%	84	45%	55%	389	62%	38%	8
2009/10	82%	18%	76	49%	51%	459	55%	45%	11
2010/11	82%	18%	131	48%	52%	367	43%	57%	7
2011/12	88%	12%	133	61%	39%	408	54%	46%	26
2012/13	78%	22%	106	55%	45%	629	61%	39%	23

Source: Scottish Government Criminal Justice Social Work statistics 2014

Bradford and MacQueen suggest that the higher proportion of diversion cases involving females may be explained by cases involving older women, who they found to be more likely to be diverted from prosecution (2011; 2.13f).

**Table 3.3**, which provides a more detailed breakdown of diversion referrals by age group for Authority B suggests that this is partially true, since the proportion of diversion cases involving females did increase steadily by age group from age 16-17

to age 36-45; however, after this age it proceeded to decline again. Therefore, there is not a clear linear relationship between age and likelihood of diversion from prosecution.

**Table 3.3** *Diversion referrals by age-group and gender, Authority B, 2013/14*

Age-group	% Female	% Male	Total
16-17	27%	73%	189
18-21	42%	58%	50
22-25	53%	47%	38
26-35	54%	46%	102
36-45	61%	39%	64
46-55	38%	62%	37
55 and over	26%	74%	39
Total			519

Source: Authority B, Criminal Justice Social Work statistics 2015

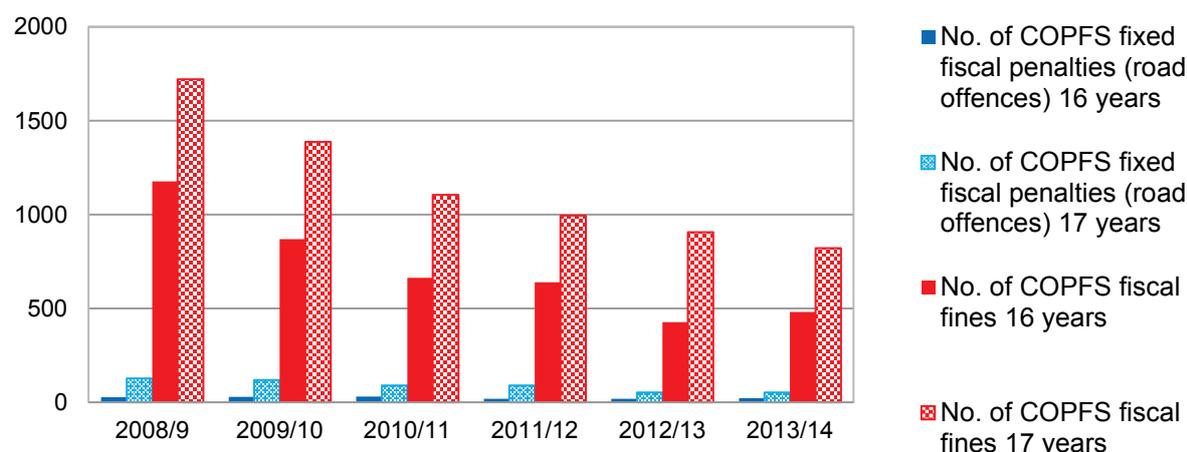
These findings appear to echo the analysis in section 3.2 which showed that referrals to the PRS appeared to be weighted towards females – although it should be noted the evidence is similarly limited. As such, this is an area that might be flagged for further investigation.

### 3.5 Fiscal fines and warnings

Fiscal fines and warnings offer a less punitive alternative to prosecution, although like police fines and warnings, these are not strictly diversionary. Under s.302 of the Criminal Procedure (Scotland) Act 1995 the Procurator Fiscal has the discretion to offer a fiscal fine in relation to any offence in respect of which an alleged offender could be competently tried before a district court. If the accused accepts (and subsequently pays) a fiscal fine, no prosecution is brought and no criminal conviction is recorded. The Fiscal is also empowered to make an offer of a fixed penalty as an alternative to prosecution for various road traffic offences, such as speeding and driving without insurance. If a fixed penalty is accepted, it is recorded as a criminal conviction. In 2013/14, over 1,300 fixed penalties were issued to 16 and 17 years olds, of which, 74 resulted in a criminal record.

**Figure 3.11** shows the number of direct measures issued by the Crown Office and Procurator Fiscal Service (COPFS) to 16 and 17 year olds between 2008/9 and 2013/14. These data could not be provided at local authority level. This figure shows an overall fall in the use of all four types of COPFS fixed penalties and fiscal fines from 2008/9 onwards for both 16 and 17 year olds.

**Figure 3.11** Number of COPFS fiscal fines, 2008/9 to 2013/14 (16 and 17 years)



Source: Scottish Government (2014b) Criminal Proceedings 2013/14

### 3.6 Diversion from prosecution

Taking an overview of the three local authorities, the varying levels of diversion are difficult to explain. In this respect the data appear to support Bradford and MacQueen’s finding that ‘there is significant variation in the use of diversion across Scotland and over time that cannot be accounted for by population or crime rates’ (2011: 3). Similarly, it does not appear to have been heavily influenced by the implementation of WSA.

In one authority, it was suggested that decision-making was adversely influenced by a churn of staff, and a large marking team, which resulted in a less consistent approach. One practitioner in a different authority referred to a previous lack of ‘buy-in’ by the Fiscal service, although a change of personnel meant this had now been resolved. Whilst good working relationships sustained the use of diversion, a reliance on interpersonal relationships also lent a sense of precariousness to the process (also see Bradford and MacQueen, *ibid.*).

For the Fiscal service, geography can present a challenge, in terms of liaising with different WSA contacts. In Authority C, a limited third sector presence was perceived to limit the scope for diversion insofar as the options and services available were limited. However, the local authority had also tailored available diversion programmes and practices in order to counter this shortfall.

Variable patterns of diversion are likely to result from relatively high levels of autonomy within the prosecution service (Pakes, 2010: 69, Duff, 1999). With this observation in mind, key practitioners in all three authorities suggested that diversion from prosecution may function more effectively if the *default* position was diversion; and the onus was placed on the Procurator Fiscal to justify prosecution for 16 and 17 year olds, rather than vice versa. It was also suggested that young people could benefit from support whilst awaiting a decision by the Procurator Fiscal.

### 3.7 Court Support

Court Support aims to speed up the court process where young people have to be prosecuted, and to support young people with the aid of a court support worker. Practitioners across authorities lauded the court support service and acknowledged the value it has for both informing young people of what to expect and supporting them through what is often a stressful experience. As one practitioner said:

“Sometimes it’s just to have somebody there to boost their morale... I find they’re confused about what they’re actually charged with, why they’re there, a lot the time they think they’re going to go to prison when that’s actually not even a possibility, but they think it might be and they get themselves quite het up about it.”

Some practitioners expressed frustration at factors that were out of their direct control. These included lengthy delays in cases, and the prolonged use of supervised bail, which raised concerns should the young person be found not guilty.

“There’s still huge opportunities to be dealing with those who are going to the adult criminal justice system... because they’re not being fast-tracked in any way... It’s still taking up to a year, if not longer than a year for a case to be dealt with.” (Young People’s Services).

Concerns were also raised in relation to missed opportunities to provide support and services for young people because of the time that it took for cases to be disposed of by the courts, especially when the outcome indicated that a diversionary approach would have been appropriate:

“Often we find when the case gets to court that, maybe a year after, down the line, the person will end up being convicted at the trial and be admonished, and there’s a lot of good work that has been done in the intervening period where we, if we had known that a year from making the decision to prosecute, that the person was going to be admonished.” (Young People’s Services)

The structure of court support services varied across local authorities. For example, some authorities commissioned court services, whilst others undertook the work in-house. One manager commented on the advantages of in-house services, which allowed control of the process and culture, and the allocation of skilled staff to more demanding cases.

“I use [social worker] exclusively for the much higher risk kids who are in and out of secure, going to hearings, going to court. [Social worker] also built up a really good rapport with our most difficult lawyers we dealt with at court, and they used him a lot, liaised with him a lot as well”.

Authorities found it difficult to access court data and monitor the number of young people who had missed scheduled court appearances. This was felt to be a strong barrier to determining the impact of court support services.

“When I first started to get involved with WSA, one of the things I was really interested to know was by putting additional resources in to court support, did that have any direct impact on the number of young people who were appearing in court, or failing to attend? That data was never able to be obtained... therefore I don't know if the court support that we put in place has had any impact on that. The commissioned service that we use in their pilot report has suggested anecdotally that it did have an impact, but I don't know whether or not it actually did.” (Young people's services)

Whilst EEI is often referred as being distinct from the WSA, practitioners' reflections on the need for court support and diversion programmes shows how, despite the more intensive nature of processes that extend out from and beyond EEI, those young people are still viewed as vulnerable and requiring of support. Reflecting this welfarist perspective, one practitioner said:

“Because we're seeing youngsters through to 18 then we are getting young people whose needs were maybe more complex ... who may have been working with children and families and because they were on supervision they tended to stay with children and families despite the offending which we didn't really know about. ... It's a generalisation but the supervision orders tended to stop when they reached 16 or left school, so these are very demanding cases that disappear and tend not be involved in a positive destination and where really many of them would just graduate to the adult criminal justice system.”

Participants in this study were of the view that an effective EEI programme allows for the accommodation of and, where appropriate, the prioritisation of more problematic cases. Needless to say, the expansion of EEI to include working with an older age group of young people necessarily requires highly skilled and dedicated WSA workers, preferably co-located, so as to be able to respond to complex and intensive needs of this group swiftly.

### **3.8 Alternatives to custody and secure care**

Scottish Government policy states that when a young person appears at court, alternatives to secure care and custody should be explored and that custody should be a last resort. Where custody is imposed, secure care should be used whenever possible as an alternative to prison (Scottish Government, 2011c). At the national level, admissions to prison by direct sentence have fallen sharply: from 512 receptions in 2002/3 to 296 receptions in 2010/11 since 2002/03, which equates to a 42 per cent reduction.

**Table 3.4 Authority C, number of 16-17 year olds; on bail; remanded to secure care or custody; in secure care; in custody (2008/9 to 2014/15)**

Number of 16/17 year olds	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
On bail (alternatives to remand)					5	12	10
Remanded to secure care/custody <sup>1</sup>	2	6	5	10	14	7	7
In secure care on offence grounds		2	1	0	1	1	2
In custody	6	5	4	5	6	2	2
Receiving intensive support as alternative to secure care/custody					9	15	9
Actively reintegrated from custody					0	2	1
Actively reintegrated from secure care					2	6	1

<sup>1</sup> Pre-2013 includes some non-Rendrewshire children

The data in **Table 3.4** are very encouraging, and show that the use of custody and secure care has been negligible over the last two years (just 4 young people were sentenced to these), whereas 24 young people received intensive support as an alternative to custody and secure care.

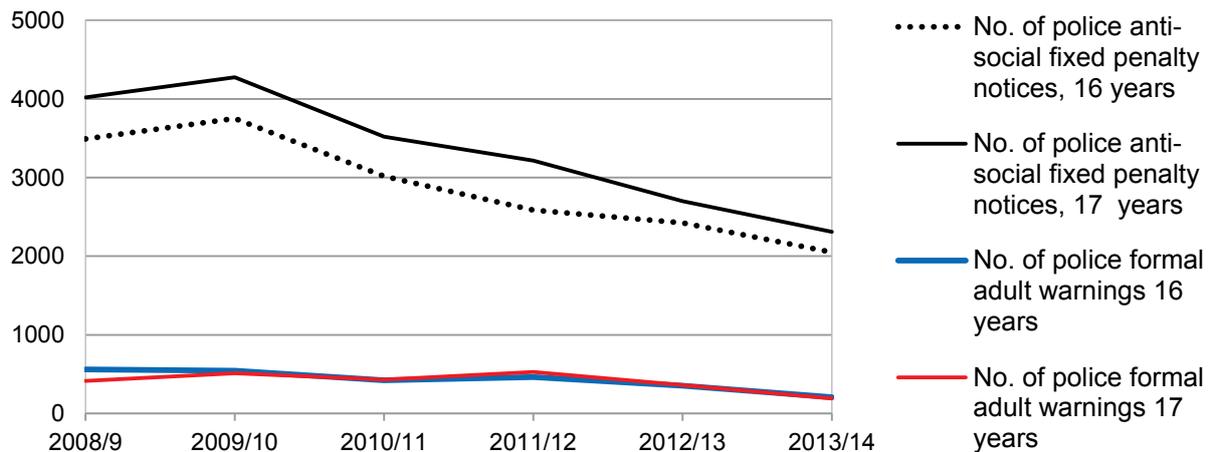
An issue that arose in relation to sentencing was that funding arrangements for secure care places are funded by the Authority, whereas custody places (HM YOI Polmont) are paid for by the Scottish Government. This was perceived to be somewhat unfair and a potential disincentive for using secure care as opposed to imprisonment:

“For over 16s, the court would automatically say that person should go to Polmont. But an over 16 year old subject to compulsory measures or supervision, the Scottish Government is very clear that the young person should go to a secure estate.... But we have to pay for it.... The funding streams are not clear. I think the WSA has saved the courts a considerable amount of money, but there’s been no realignment of the funding from the Criminal Justice Authority.” (Young People’s Services)

### 3.9 Police Fines and Warnings

Different approaches to youth offending across the local authorities are also evident in the use of police fines and warnings. **Figure 3.12** shows the number of fines and warnings issued by the police and the Procurator Fiscal to 16 and 17 year olds between 2008/9 and 2013/14. These data could not be provided at local authority level.

**Figure 3.12** Police fines and warnings, 2008/9 to 2013/14 (16 and 17 years)



Source: Scottish Government (2014b) Criminal Proceedings 2013/14

This shows that across Scotland, more anti-social fixed penalty notices were issued to young people than police warnings: 4,364 fixed penalty notices were issued to 16 and 17 year olds in 2013/14, compared to 401 police warnings. The varying use of sanctions is not easily explained and further research is needed to understand the underlying rationales. The overall number of fixed penalty notices issued to 16 and 17 year olds fell by 46 per cent between 2009/10 and 2013/14, which suggests a positive trend. Research suggests that fines do not reduce the risk of reoffending and in some cases may increase the likelihood of re-offending. Fines can also carry the risk of a custodial sentence, should a person default (NIACRO, 2008).

### 3.10 Role of Partnership Working in Meeting Short/Medium Term Goals

Partnership working is the cornerstone of WSA. Healthy, joined-up and conducive working relationships between the primary WSA partners were reported in all three local authorities. Whilst some professional relationships existed previously, especially in Authority A, it is evident that WSA has had a galvanising effect and has introduced new partners to further diversify and strengthen the process. Improved relationships have fostered more information sharing between partners, and it was reported that this had facilitated improved outcomes for young people by dint of stakeholders at all levels being better informed as to the context in which the offending behaviour has taken place and collective identification of the most appropriate response. Welfare has therefore become the focus, as described by a police officer in one authority:

“It’s broken down barriers, even with the police, because now folk are saying they’re working with a young child but they’ve got a concern. So in the past they wouldn’t. .... They would have kept to themselves because there’s no point telling the police because it’s not an offence. Phone the police to say that X has got Y coming to a flat: what are the police going to do about that? Now they share that because they think; ‘okay why is that guy going in there? She’s 14: He’s 20. Why is that happening? Who is he? Right, that’s coming in.”

Practitioner relationships are considered to be reinforced by formal WSA processes. For example, one police officer commented on how partnership working promoted greater levels of trust and understanding with local partners, resulting in more effective data-sharing:

“[Previously] it was very much how you got on with that counterpart in the other agency as to what information you got back. All agencies are quite territorial, ‘That’s my information and you’re not getting it’. Or people would always cite data protection as the Holy Grail”.

A social worker in one authority considered there to be more pronounced partnership working between social work and education services since the roll out of the WSA, in some contrast to prior working relations:

“I remember when I first started social work, and education was *like this* all the time, they were not always fighting but... I think in terms of child protection when I first started it was all just starting to change and now it’s all really good in terms of all the sharing and stuff. I think that had all improved and got better anyway; it’s not because of WSA, but I think WSA has been a part of it”.

An earlier evaluation of EEI by MacQueen and Fraser (2011) also found a level of reticence in terms of information sharing by health practitioners. In one authority, the police attributed major improvements in partnership working and information sharing with health to the implementation of the WSA:

“The health partners at the time, the people that were coming to the meetings were either a) getting the information and not sharing it at the meetings or b) just not getting the information at all and so weren’t able to share anything at the meeting. And that was due to probably a lack of awareness within their line management structure, as to what they were able to access and what they were allowed to share... So that has improved significantly”.

However, not all practitioners were fully on board with the WSA ethos nor were agreeable to information sharing, at least not during the early stages of implementation:

“We’ve not met total stonewall resistance from anybody, resistance from any organisation [overall]... But some of the hardest discussions I’ve had have been with social workers or managers. Which I wasn’t expecting to be honest, I was maybe a bit naive about that before I came into post. But it’s just a cultural change that is going to take a while”.

Despite having a healthy relationship with the authority’s Procurator Fiscal, the separation of the fiscal marking team from other WSA partners is an area that could be improved upon. Below, a social worker in one authority comments on the how their team have worked to establish relationships with the PF team:

“Getting access to [the PF] team on a regular basis is much trickier because they could be marking for anybody day-to-day and they have potentially ten local authorities all vying for their diversion business: it must be a bit overwhelming sometimes, to be a marker, in that kind of situation. It’s tricky to

cultivate relationships with the fiscals when it's a big faceless marking team. There's a different fiscal team that deals with justice custody cases and that probably works a bit better here because that's a smaller team and we have met them all and we know one or two names, so we tend to liaise always with them and that's been quite effective in getting some folk, some young people directed straight from custody, which is something that never happened before our team came along".

In terms of addressing the PF workload, greater use of police direct measures might be encouraged. For example, wider use of informal or formal warnings could help to reduce unnecessary fiscal marking and reduce the number of cases that are marked for No Further Action.

### 3.11 Summary

Overall, the evidence presented in this section of the report suggests that there is widespread support for PRS, particularly because it has brought together a wider range of partners to deal with individual cases. The role of the police in facilitating the WSA is well established and promotes good working relationships, with the JLOs in particular acting as drivers for change within Police Scotland. Within the PRS process, offending tends to be treated as another flag for welfare concern rather than the central issue to be dealt with, whilst better information sharing is felt to have led to better individual outcomes. Eligibility for PRS appears to vary across authorities. In some areas it is still predominantly used for under 16s and less often for 16 and 17 year olds. There also appear to be some important gender differences, with priority possibly being given to females for PRS. However, better data are required to determine individual flow through the system and the potential impact of PRS on deterrence from offending.

PRS outcomes tend to vary by authority, for which there are different provisions in terms of the balance of statutory services and third sector organisations. This influenced the ability to share information and make collective decisions, and led to differential access to resources. Diversion from prosecution provides a good example of variation by authority, both in terms of extent and trends over time. It was clear that some authorities prioritise diversion for young people (under 25), while others use diversion for offenders across the age spectrum. In some authorities, the rate of diversion for females was also disproportionately higher than would be expected from their offending rates, although this is an area that deserves further study. The use of other alternatives to prosecution, such as fiscal and police fines and warnings, has decreased in recent years for 16 and 17 year olds although it is not clear if this is due to a reduction in offending or a shift in the use of such disposals.

There is significant support for court support services for young people, although concerns were expressed about other aspects of the court process such as lengthy delays, prolonged use of supervised bail and missed opportunities for supporting young people. There was particular criticism about the lack of skilled staff to deal with demanding cases and the lack of data to monitor the outcome of court cases. The vast reduction in the use of custodial sanctions for young people was welcome, although the funding arrangements for secure care were felt to be a disincentive to its use.

Improvements in partnership working across agencies was reported in all three local authority areas and it was evident that the WSA had been a galvanising factor in driving this change in relationships. Practitioners strongly felt that this had led to improved outcomes for young people, although it was not possible with the data available to determine if this was actually the case. References were made to increased levels of trust and understanding between local partners; more effective data sharing; and better integration of services. However, while strong partnership working within the WSA was perceived to be beneficial, it was not always the case that this was supported by wider partnership working across the local authority sector as a whole.

## **4. The Wider Institutional Context within which WSA operates**

In this part of the Report, the wider institutional and structural contexts within which WSA is implemented are discussed. WSA has been successful in promoting partnership working. Yet WSA success does not rest solely upon internal mechanisms, but also in how it interacts with and negotiates wider institutional and structural contexts. In what follows, we elaborate upon the inter- and intra-organisational dynamics of WSA's constituent partners, identifying best practice as described by those closest to its implementation so as to better inform future WSA practice. Consideration is paid to how the practitioner uptake of the WSA ethos is influenced by the role of Police Scotland as gatekeepers to the EEI process; of the ancillary effect of Community Safety initiatives; and the importance that Getting It Right For Every Child (GIRFEC) plays in affecting cultural change across partner organisations. Discussion in this part of the Report addresses the following objectives: Objective 2 (establishing what is working well and less well towards self-sustainability in the case study areas, and why); Objective 4 (assessing whether there has been a change in how resources are used, and the drivers of change); Objective 5 (demonstrating whether the WSA, in conjunction with other policy streams such as GIRFEC and Curriculum for Excellence, delivers better individual outcomes for young people), and Objective 6 (to establish the lessons learnt for informed sustainability of the WSA).

### **4.1 Police Discretion/EEI Gatekeeping**

Perhaps the partner required to be most adaptive to the ethos and operation of the WSA has been the police. Police alliance with WSA principles and ways of working is crucial, given their role as the primary referers of cases to EEI. The WSA is dependent on the work of police officers on the ground. In this respect, officers act as important gatekeepers, whose decision-making can play a key role in securing better outcomes for young people.

As noted in section 3, the role of the police (and especially the JLOs) was considered to be critical to the effective working of the WSA. However, two key issues arose in relation to discretionary decision-making by the police: the risk of net-widening, and; the effect of organisational changes following the move to a single national police service which set up tensions between national policing priorities and established local practices.

To take each issue in turn. First, some WSA practitioners expressed concerns around net-widening, that is, drawing a larger number of young people into contact

with formal agencies than necessary. In particular, it was suggested that the scope for police discretion in relation to minor or trivial offences had been reduced, and that officers were more likely to charge young people for behaviours that would have been dealt with by a warning. Indeed, some police interviewees saw the implementation of WSA as a reduction in their discretion, drawing in young people who may have been dealt with in other ways:

“In many ways the best thing is you are not stigmatising all the children just because they do something stupid, [of] kids being kids. Then on the other hand you’ve not always got the flexibility of dealing with something that’s high jinks or mischief, because now if a crime is committed a crime is committed... You are not stigmatising them, but you *are* stigmatising them because it’s labelled as a crime, whereas before you would go ‘for goodness sake don’t do that, what’s your mum going to think?’ ”.

Partnership working is considered to have helped to offset police-driven net-widening. Several WSA practitioners highlighted the importance of the involvement of non-statutory organisations in WSA, both in terms of their ability to engage with young people, their families and their support networks, but also to counteract potential net-widening. For example, Authority A has strong links with third sector service provider organisations, and they are considered to perform crucial functions in the implementation of the WSA in that authority. In some circumstances, third sector organisations are considered the most appropriate organisation when engaging with young people. As one third sector representative described:

“They [Police Scotland] wanted somebody to just basically stick their head in the door and see if there was anything going on. It’s a lot easier for me to get in really than a social worker and so forth”. We’ve had numerous instances of difficult, legendarily difficult to engage families in the area. You won’t get anywhere. Mum won’t let you in the door, and that’s absolutely not been the case [with us]”.

Some practitioners attributed the loss of police discretion to organisational change following the move from eight regional forces to a single national police service. The organisational changes have, amongst other things, led to the development of centrally set, national policing priorities which some practitioners considered to be out of alignment with local community priorities. In one authority, a practitioner commented on the fact that decision making was felt to have shifted from the local level to the national level:

“It has been a bit more strained with Police Scotland I have to be honest with you. In [Authority] it was more clearly defined and it was more clear, and there was less red tape involved because the chief constable was close to what’s happened... It’s such a bigger machine now, so it’s a bit more strained, not necessarily on an individual level, but just on a decision making level... decisions aren’t made in [Authority] anymore”.

Some practitioners also suggested that organisational change following the move to a single police service had resulted in a reduction of police presence in some areas, which in turn contributed to a more responsive, less community focused mode of

policing. As illustration, some practitioners referred to the use of stop and search, which is more likely to impact on young people (Murray, 2014; Scottish Police Authority, 2015) and was perceived as taking up a disproportionate amount of police time (also see HMICS, 2015). For example, Authority C had the sixth highest rate of stop and search among the 32 local authorities in Scotland (Police Scotland, 2014). Comparatively high levels of stop and search may also be linked to the number of charges for small amounts of cannabis, which was highlighted as a concern in all three authorities.

WSA practitioners in all three authorities raised specific concerns in relation to the interpretation and use of prosecutorial guidance which has affected police and fiscal discretion. It was noted that some offending behaviours could not be considered for EEI, even though young people would be better served by this approach. Two issues were highlighted in this respect, the first in relation to the possession of very small amounts of cannabis, and the second in relation to use of fake ID to gain entry to nightclubs or to buy alcohol.<sup>8</sup> This may also help to explain the perhaps surprisingly low numbers referred to Children's Reporter on offence grounds only.

“A significant number of young people are being referred to YPS for diversion assessment for low level offences; mainly cannabis possession under £10 and using false identification to get into pubs and nightclubs. Until the Lord Advocates Guidelines are amended Police Scotland will not consider these cases at [PRS].” (Young People's Services)

It was considered that the ability of the WSA partners to respond effectively to particular types of minor offending are constrained by the interpretation of this guidance, especially in the context of limited resources. A social worker in one authority wanted an increased scope for PRS referrals beyond the police current discretionary delimitations:

“My understanding is that you follow it, but you also make different decisions – but the police do not have a view that guidance is ‘guidance’. So until the Lord Advocate's guidance is changed, in Authority B, they will not change. My understanding is that originally, the issue regarding the drug offences being included within the Lord Advocates guidance did not actually lie with the Procurator Fiscal service. It more lay with Police Scotland, who are very uncomfortable... So where's there's a trace of £2 worth of cannabis I understand some areas would consider that at PRS, but in Authority B they won't. Straight to the PF. And they're sending them straight here.”

#### **4.2 Community Safety Initiatives and Youth Tasking and Coordination**

The WSA operates within a broader contextual landscape of organisational structures and processes in both policing and social work, where working practice and arrangements may differ from the WSA ethos. Reference has already been made to points of tension between the WSA ethos and practice and that of more

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<sup>8</sup> The use of fake identity cards constitutes fraud under the Identity Cards Act, 2006. A person found guilty may be liable to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.

generic social work practice. Across all local authorities the WSA co-exists alongside other, rather different, approaches to youth offending which promote and prioritise enforcement and community safety rather than the welfare of problematic young people. Offence-led strategies were evident in some areas in relation to the Youth Tasking and Coordination (TAC) meetings, involving WSA partners, Community Safety, Social Work and Police Scotland using their Youth Tracking System. Interventions stemming from TAC typically involve joint home visits by Community Safety and the Police to the young person, in the presence of their parent/guardian, with a view to ensuring that the parent/guardian is aware that their child is involved in antisocial behaviour, and to encourage positive engagement. Other options include Acceptable Behaviour Agreements and Anti-social Behaviour Order disposals, whilst more serious offending can result in the threat of eviction<sup>9</sup>. Offence-led interventions, by their nature, are afforded a shorter time-frame, at times working ahead of and separate to PRS, as observed by a Community Safety practitioner:

“The community safety service has a daily tasking system where we get the police reports from the previous 24 hour period. So, we're even more up to date if you like. On a daily basis we get reports of individuals who there's cause for concern or there's some intelligence in the community to suggest that there are issues in certain areas... the Youth Team can then go and do an early intervention....

We shouldn't have a process that prevents the intervention, waiting two weeks for an ABC or an EEI meeting when we already know that it's happened. That's too long for us. So, yes, we can go along to the EEI and we've heard that so and so has been acting up two weeks ago. The horse has bolted. So, the process should never come in the way of the intervention, and we don't let it.”

Some Community Safety practitioners described their role using more enforcement-oriented language, indicating that whilst they are part of the WSA, they are less welfare focused than those dedicated WSA practitioners at its core. For example:

“In terms of EEI, the whole idea is to try and keep young people, not out of the legal system, but certainly out of the court system as much as possible... [Community safety] action has a slightly more punitive ring to it”.

“Don't get us wrong where the stick is required we go in and we use the stick”.

The WSA is not the only approach to low level offending, and the observations in this section highlight the difficult balance for practitioners between responding to young people's needs, as per the WSA, and reacting to offending behaviour. The observations also raise questions as to how the gravity, or impact of some offences may be best communicated to young people. One WSA lead commented:

“The WSA processes work when it's the more low level, first time offenders, who are on the fringes of criminality... Our team will have minimal contact with them... because the point of the system is not to suck people in and to create

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<sup>9</sup> Although practitioners reported that no-one had been evicted on offence grounds to date.

work, and to make them go to groups or make them do work that they don't need to do otherwise. So, I think it's very effective but its minimal intervention."

In many respects, EEI is characterised by a 'light touch' when it comes to statutory measures; but this does not denote a hands-off approach when it comes to providing a young person with support. As a social worker in one authority describes:

"We're trying to divert them away from statutory measures and allowing them the opportunity to work with us on a voluntary basis to address their offending behaviour. That doesn't always sit in isolation, because you sometimes have issues with education or issues at home, it could be parental substance misuse, it can be a whole range of other issues that we might need to look at as well."

Nor does the 'light touch' approach equate to a 'soft' approach. EEI's underlying welfarist principles may not necessarily be fully understood by the young people directly benefitting from the approach. As such, practitioners were keen to stress that EEI is not a form of appeasement, rather it requires a 'hint of threat' so as to communicate the potential gravity for a young person if they continue to behave in the fashion that has brought them to attention. The continued gate-keeping of EEI by Police Scotland, in conjunction with Community Safety's presence in offending hotspots, is seen as important for sustaining the requisite 'hint of threat' in the process.

#### **4.3 Getting it right for every child (GIRFEC)**

GIRFEC is another such concurrent approach, though one with much more obvious links and similarities in ethos to the WSA. Those links need to be made even more explicit, for the reputation of GIRFEC is considered to be a powerful tool, which could appeal to more hesitant WSA partners:

"I think to begin with people saw it [WSA] as an extra task or extra paperwork to be doing. I think what the workers [communicated] was 'you don't have to change existing processes that you're using; you just try and incorporate GIRFEC into your way of working.'" (Social Work Manager)

Indeed, the diversification of monitoring practices for young people not under supervision, beyond the police and Community Safety, may be better achieved through GIRFEC and the mandatory role of the 'Named Person'. For those young people that have not come to the attention of social work or the police, whether by accident or design, schools provide the most comprehensive opportunity for information gathering on this group. Increased capacities and responsibilities of schools, which will be formalized with the introduction in August 2016 of the Named Person (nominally a school head, deputy or senior teacher trained in guidance) consistent with the Children and Young People (Scotland) Act 2014, are intended to improve monitoring processes within WSA and ensure cases do not fall "off the radar". As one practitioner commented:

"Previous to EEI the attitude from schools was that was outwith school gates, it's nothing to do with us, that's a community issue, that's a social work issue. And while Whole System kind of laps that up, the new guidance from the Children and Young Persons Act is going to say 'No, its absolutely to do with

Named Person'. They will know intricate details of what goes on in school, what goes on in the family, and they may in fact be the best people and best placed to address what's going on."

Monitoring of young people not under supervision requires a different approach to policing. The mandatory roll out of the Named Person in schools offset some practitioner concerns about net-widening by means of a 'network widening' which provides further options and approaches to secure better outcomes for young people.

#### **4.4 Local Contexts and Variation in Response**

In terms of ongoing policy and practice, the ability to retain flexibility is important. As shown in section one of this Report, the baseline conditions in local authorities are different, and it makes sense for WSA leads to adapt their policies as appropriate. For example, the rural character of Authority A may be said to have contributed to its success, reduced numbers, and reduced complexity. As one practitioner commented:

"There's different tones for everything in [Authority]. There are different communities, so some of the cases you might find concerning, Glasgow would be laughing at it, saying not a concern. We just need to live with that, that's the way it works, not just here but elsewhere".

A WSA practitioner in Authority C also commented on the specific nature of youth offending in that authority, and of the concentrated presence of problematic peer groups accounting for the majority of high risk offending behaviours amongst that demographic. Such a context makes practitioner engagement skills all the more important as positive relationships are important for creating trust:

"The links are quite problematic in Authority C; all the kids in care know each other. There's transport links, there's communication; that wasn't my experience in a previous authority. So all the kids knew each other: generally this was only a bad thing because if one of them had something bad happening, if it was exploitation, then they're all getting exposed to it. If there was a change in drugs misuse then they were all getting exposed to it...

But with that, it created an opportunity for engagement because young people were giving other young people permission... The longer we were doing it the easier it became because they'd seen us when they were with their friends or they'd seen us when we were in court for somebody, they'd seen us in these different environments."

A Community Safety representative in one authority described the kinds of initiatives that have helped to reduce antisocial behaviour, whilst demonstrating the value in diversifying partnerships in order to draw on partners who can better engage with often intransigent young people:

"Some of the kids are given the opportunity to come and volunteer with [The Local Football Team] to train up to be coaches. So, a lot of these coaches who are out on the streets are coaches that know, I know your big brother, I know

your big sister, you know, they're in the community, they are local, they have that knowledge. Some of these individuals will then go on to get employment, so there's a real kind of, the hook of football, the hook of sport, is quite effective."

In one authority, the WSA lead had visited other parts of Scotland to see how the process worked in other authorities, to "*find out what people are doing [and] learn from people*". The lead then developed best practice for the area, making adaptations as appropriate. Taking a hands-on approach, each step was tested (for example, undertaking a diversion assessment), and tweaked as appropriate, prior to roll-out. This flexible approach enabled policy to be developed from a wide knowledge base and tailored to local conditions.

Whilst the need for local variations is clear, there are however, some areas which may benefit from greater consistency, including eligibility criteria for the WSA (for example, whether young people on supervision may be referred). This may be a matter of clarifying existing rules, or providing further guidance.

#### **4.5 Achieving Better Welfare Outcomes for Young People**

Practitioners in different work streams highlighted a number of improved welfare outcomes for young people as a result of the WSA. These include an ability to identify and respond to wider welfare concerns outwith the police charge. For example, a police officer in one authority commented:

"Last week I brought a boy to the table, first offence. So on paper, from frontline, got a warning and the warning was suitable. However, I've done further checks and then I'm finding that he's been picked up on anti-social behaviour over recent times and then there was a 'missing person' in the space of about a month. So to me there's something triggering this change in this boy's behaviour. So we go to a meeting for him. I only had one offence for him so on the police system its minimum information, not a huge concern but education then speak after me and they give their input, this boy's attending school 50% of the time. So the crime he'd committed was the theft of a bottle of coke. Crime wise not the greatest concern. His concern was non-school attendance, where's he hanging about, do the parents need support, and what do we need to do to get that support in"?

Similarly, a JLO commented:

"At the moment, it's offence driven. So we bring the names to the table, okay. But when we sit around the table, sometimes the offence is not what's causing us an issue".

Below, a police officer comments on how the WSA has improved partnership working and information sharing at a policing stage, before cases even arrive at EEI:

"At the moment we've got a child who's 18. So, she's not a young person by definition of youth offending. She's got her own flat. There are children migrating to her flat. So we now all share the information. There's concern there may be an element of sexual exploitation going on there. So now this allows us

to get housing in. So even at the moment we don't know an offence has taken place, so normally the police wouldn't even be involved at the stage".

A social worker commented on how she had assisted in particularly complex cases, and how, through court support, a young sex offender with learning disabilities had required a level of sensitivity not forthcoming from other criminal justice partners. When asked what would happen without her input, she replied:

"He wouldn't have someone to speak up for him. You know, somebody to help the Sheriff recognise his needs, his vulnerability. To be brandished a sex offender at such an early age: he's only 16. He's had to leave school. He can't get into college. We're all working to make sure he can get back into something. Because it's not right that he's just dismissed: you're a sex offender, you get away over there".

The same worker also commented on how diversion from prosecution had benefited a vulnerable young person with suicidal tendencies. When asked how this individual would have handled a non-diversionary disposal, she responded:

"He'd end up in prison. What would benefit from that? And that's getting back to the young people that I have in diversion, what would they benefit from a fine or a breach of peace being charged and getting put on some sort of order? It's not addressing the offence."

In another authority, a social worker highlighted how intensive support can benefit vulnerable young people who are in secure accommodation:

"We picked her up a year and a half ago where she still had a lot of offending to come up, a lot of offences coming up. And started working with her, she went into secure again pretty fast. But one of the things Whole Systems does is if somebody goes into a secure [unit] we don't just wait until they come out. We then see them every week basically, keeping the relationship, planning for when they come out, when they're released... Her life has completely changed... And it's only because her criminal justice social worker could honestly say that she's bought into it. She's bought into social work. She's just grown up; she doesn't want to do it anymore. She just wants to be left in peace. So she's a real success story."

Another social worker commented on how diversionary programs had evolved since the WSA rollout, and how increasing flexibility allowed workers to better respond to offences:

"We're tailoring it now to suit the offence a bit more, which is better. And that's just been experience as we've gone along, we've started to think maybe some kids are tuning out a bit when you're talking about something that doesn't apply to them and you can see they're sitting going 'I never did that, so what are you talking to me about this' and young people have said that to us".

Using a case of three young people causing criminal damage as illustration, a social worker in one authority discusses the need to be aware of welfare concerns in more serious cases where, on the face of it, a more punitive approach may be sought:

“I’m just thinking of a situation we had with three young people over Christmas who went on a window smashing spree and caused £23,000 worth of damage. The police were jumping up and down saying; ‘Well you’re not doing your job here, what’s going to happen to them?’... I think there were some people who actually thought we need to take them away and put them in secure. [But] can we put a bit of perspective around what’s happening here? You know, these young people are very needy young people. One of my workers has got two of these young people and has worked himself to the bone trying to stop these young people from getting into even more serious bother in the community... and that work just isn’t recognised by other people. They have to be held accountable for that, and yes, there have to be consequences for this, but we have to be realistic about what we can do as well.”

On the whole, practitioners were very positive that young people were likely to have better welfare outcomes through WSA; however, this was sometimes hard to achieve in practice due to competing imperatives, especially for offenders on the cusp of adulthood. There was some tension between the police and social workers in particular who, while they had the best interests of the young person at heart, had differing views about how to achieve it.

#### **4.6 Summary**

This short section has discussed the importance of the wider context within which the WSA operates in Scotland, and the role played by the WSA’s constituent partners. It is clear that the police, as gatekeepers to the system, are key in relation to the operation of the WSA in each local authority and it is crucial that the police are able to maintain the WSA principles and ethos in their decision-making.

The WSA is informed by GIRFEC principles, and the links with GIRFEC have been important for both the credibility and sustainability of the WSA approach in the broader youth justice landscape. However, it is important to note that the WSA is not the only approach to low level offending in Scotland, and the observations in this section highlight the difficult balance for practitioners between responding to young people’s needs, as per the WSA, and those which adopt an enforcement perspective in reacting to offending behaviour.

### **5. Opportunities and Challenges for the Sustainability of the WSA**

In this part of the Report, we focus upon the opportunities that are available to prospective WSA adopters; drawing on information concerning how practitioners have grasped the opportunities presented by the WSA way of working, and overcome some of the challenges outlined in the previous section. Discussion here is aimed at addressing Objective 2 (establishing what is working well and less well towards self-sustainability in the case study areas, and why); and Objective 6 (to establish the lessons learnt for informed sustainability of the WSA and to share these more widely). In particular, the effect of partner co-location and the development of dedicated WSA roles are discussed as mechanisms through which to promote WSA

efficacy. This section concludes with a discussion of how these factors help sustain WSA practices as well as their capacity to facilitate possible expansion in the scope of WSA.

### **5.1 Sustaining the WSA ethos**

Throughout the evaluation, practitioners highlighted the value of multi-agency working and information sharing, and the ways in which this promotes better outcomes for young people. The WSA 'brand' is considered to be important, as one practitioner put it, "a useful umbrella term", and a way of maintaining "buy-in", keeping different social work teams and partners on board with the core WSA values, which relate closely to the GIRFEC values. However it was also evident that agency "buy-in" to WSA policy and practice cannot be assumed, nor is the WSA the only approach to youth offending in Scotland.

Practitioners also highlighted the importance of public perceptions and public buy-in to the WSA. For example, practitioners from a range of agencies commented on how the WSA more broadly might be perceived as a 'soft option' by the public. Good communication was seen as crucial in this respect, for example, by explaining to communities or individuals affected by youth offending that action was being taken. Again, on-going work will be required to shore-up and sustain public support for the WSA approach.

Whilst the WSA focus on linked up working partnership was commended by partners across each authority, to some extent, public credibility and community understanding remained an issue. Ongoing work will be required to promote and sustain WSA values across and within partner agencies, particularly if there are future changes to working arrangements, for example, if WSA resources and responsibilities are allocated to different agencies or partners.

### **5.2 Shared Learning**

It is clear that the adoption of the WSA approach in each case study area has provided an excellent opportunity for shared learning, which in turn has facilitated better understanding of the role, remits, and responsibilities of the multiple partners involved in the delivery of the WSA. Importantly, the WSA promotes face-to-face working, which is seen as key to the smooth operation of the process. Face-to-face work also enables WSA values to be communicated more successfully, better facilitating cultural change:

"We did an amazing amount of face-to-face briefings with officers. [Emails and briefings] didn't cut it for such a big cultural change... We would talk to probationers, any new probationer classes coming in... We had to capture a lot of cops who were used to certain processes [with] certain attitudes towards young people who offended." (Police officer)

According to some practitioners, the WSA enables partners to 'work smarter', drawing on the resources and skills of other agencies: this is directly linked to meeting partners face-to-face. Describing how such partnership working accelerates shared learning, one practitioner comments how the WSA:

“Opens your eyes to what’s there... You get into the situation where you start to understand why people are there, what their role is and what their job does, where it fits into the system and you know if you need to speak with them again, you can do it.”

That said, access to resources and services is uneven between local authorities. For example, there is limited third sector presence in Authority C. In order to address these inconsistencies, there may be value in considering the options for sharing services across different areas.

### **5.3 Resources and Funding**

The WSA is resource heavy, specifically in terms of sustaining ongoing (often face-to-face) communication between a wide range of partners, the need for ongoing training, and the management of large amounts of information. Most (but not all) practitioners expressed concern in relation to funding and the availability of resources, both currently and in the future. These concerns were exacerbated by the varying demands placed on authorities (the flow of police charges), and the multi-agency nature of the WSA, which meant that financial pressure experienced by one partner could have a knock-on effect on others. There was particular concern that, in an era of increasing austerity, the fall in crime and a reduction in the number of referrals for young people might weaken the position of the WSA within local authorities.

Having relied on minimal additional funds to establish and embed WSA into their youth justice practices, Authority A appeared to be the most resilient to budgetary pressures, to the extent that they had adapted their services and widened their client pool by extending the WSA to target a broad range of age-groups (up to age 21). This authority also benefitted from relatively low case numbers, and a strong third sector presence. However, practitioners in Authority A were just as concerned as others about sustainability:

“Money is tight everywhere across the Council and social work is such a huge section of that. They want to make savings everywhere and if you don’t really understand why we’re doing what we’re doing then it makes it easier to cut”

Increased information-sharing about working with young people, and better promotion/education of the advantages of the WSA to partner organisations and, perhaps more pertinently, Councils, is one potential method to achieve sustainability.

In Authority B, practitioners felt that even with established systems in place, the current pressure on resources posed a real threat to the future of the WSA. In particular, financial pressure placed on Education was viewed as a threat to the effective functioning of the WSA, potentially affecting the services available, and the capacity for information-sharing; for example, the resources to review cases and attend PRS meetings.

The impact of funding arrangements were most acutely felt in Authority C. For a 15 month period, a dedicated WSA team, funded by the Scottish Government, was on duty every day. Following the cessation of seed funding, three generic social work teams took on the WSA remit. However, it was felt that the loss of specialist

resources had resulted in a loss of control in relation to case management, and a less consistent approach to dealing with youth offending, where cases were dispersed amongst generic social work area teams.

“You can see the ones that don’t get such good service... because they get taken off supervision quicker than they should, and then they’re in the justice system and they’re much more vulnerable. I would say that’s been the biggest threat; the service’s loss of the social worker.” (Social Worker)

A senior manager commented on how the local authority adapted to the loss of their dedicated WSA team, reiterating the importance of the presence of motivated and ‘championing’ personnel:

“We realised that losing the qualified worker within the team there was going to be a difference, but we had the commitment from the local authority to actually say we will still get that bit in terms of a social worker who is carrying the case will still be able to fulfil some of the roles: realistically it’s not happening that way, and again a lot of that’s to do with a social worker who doesn’t particularly have the departed qualified social worker’s level of motivation, isn’t going to provide the same response as him... We are recognizing that, other senior social workers are recognising that, and there have been discussion about how we are moving forward with our Family and Youth services review and looking at whether we create qualified posts within these teams to actually undertake that particular piece of work, because it did make a difference”.

Below, a practitioner in Authority C comments on the decision to invest in a dedicated team, rather than processes. The comments highlight the precariousness of WSA funding, and also describe how a dedicated team could benefit the local authority:

“The funding for [the] team was completely from the Scottish Government, and I think Authority C... were hoping that by the end of the funding they’d have enough money to keep us all on. So, that was the aspiration at the time. And I think just because of the climate, they weren’t able to release as much funding from other places as they hoped they were going to be able to. So if [we were] to get some social workers back, that’s going to have to be social workers lost from the area team. But the shadowing point is, look: give us a couple of social workers and [we’ll] take the most difficult cases, the ones that you don’t want to deal with, or your team aren’t very good at dealing with”.

#### **5.4 Championing**

The term ‘champion’ can be applied to each of the WSA leads in Authorities A, B and C, in that they have played a critical role in establishing WSA principles in each of their distinctive contexts and advocating its use. However, the championing of WSA approach and processes is not restricted to the WSA leads; it is also evident in the vocational nature of the engagement displayed by WSA dedicated social workers. Acting as a personal champion promotes what one social work manager described as “seamlessness” continuity in regard to the service provided. In practice, this meant ensuring, where possible, the existence of a primary case worker with whom a trusting relationship could be developed:

“It just kind of streamlines what was already in place and means that the most appropriate person is doing all the work with that young person.” (Social Worker)

Champions are as important on the ground as they are as figureheads. Firstly, they sustain the ethos of WSA amidst less enthused partners or those with different remits or working practices. For example, as one WSA practitioner noted, this can counteract potential tensions with more generic social work teams:

“We were working with young people who would [also] be working with Children and Families and the minute they were 16 it was ‘that’s it finished, goodbye’, but we would keep those young people, and they knew we would keep those young people because that was our ethos: we wanted to work with them”.

Secondly, champions engage more effectively with the young people in question, encouraging their ‘buy in’ to the approach. As a social worker comments:

“You need some degree of credibility with the person that comes in... I know young people assess very quickly visually. So somebody comes in the door, makes something up, it might be right or wrong, but within seconds their ability to then talk to that person is affected. So you want people who they can engage with quite quickly”.

Authority A’s mentoring service is an example of vocational engagement, where social work attaches a mentor from the community to a young person whenever they feel it would benefit the young person:

“Previously the mentors would be working with maybe younger clients, a little bit of extra support: evenings, weekends, doing activities. Now we’re working with older clients; they’re maybe coming through Diversion, or Court Support, and then I would put in a mentor. These young people would previously not have been able to access any extra support.” (Social Worker)

This service works to assist young people to transition into independence, incorporating the WSA ethos that young people require extended support, particularly beyond age 16:

“Their mentors are maybe helping them with employment issues, college applications, any kind of issues that are happening with housing.” (Social Worker)

The service provides the intensive mentoring support that more complex cases require, in many ways similar to a third sector service provider:

“They’re local people. They get paid, they’re not volunteers, and we would expect them to get paid because they’re doing some pretty challenging things but they stay for the right reasons, they’re with us for a long time and they do it because they love it.” (Social Worker)

One WSA lead spoke of the need to disseminate the WSA ethos amongst youth justice partners, so as to futureproof against the precarious reliance upon a single champion:

“We’ve got a good model, a good way of working, and we’ve managed to sustain that in [Authority] because we’ve had clear strategies and they’ve been signed off and agreed. I think that’s been our saving grace. I’m not trying to be immodest, but a lot of it has also been down to my leadership, but the service we have shouldn’t be dependent on one strong person, one strong voice.”

Practitioners in one authority unanimously praised their WSA lead; but were also confident in the robust processes established which allowed the WSA to function effectively in their absence.

In Authority C, a practitioner who had experienced the shift from working in a dedicated WSA team to being part of a generic local area team described how the WSA ethos was diluted as a result:

“Now it’s diluted a bit, because you’ve got some intensive family support cases, some EEI work, some RaMPS [Reparation and Mediation/Parent Support] some diversion. But you’ve got all these other bits you’re doing now and it’s a bit more diluted from what it used to be. Whole Systems is very much more to do with offending and youth justice, whereas those other jobs are not so much.”

The long term sustainability of WSA in any given authority is predicated upon staff expertise and their dedication to the WSA ethos, as well as diversifying its sources of influence. Continuity of personnel was perceived as beneficial to working relationships, and enabling knowledge to accumulate over time. A social worker in one authority provides one such instance:

“I think sometimes having the same face around helps. For the first two and a half years that we ran the TAC we had a police officer, a designated sergeant, who came every month and that enabled us to get off the ground and actually become very, very successful in managing the young people locally. Then he moved to another part of the neighbourhood, or division, so he couldn’t come to our meetings anymore and then we had somebody who came for a year and then we had somebody else came for about 18 months. They just seemed to be moving around quite a lot and over the last ten months anyway, we really haven’t had a consistent figure and it’s been whoever’s been available that’s come along.”

This may be easier said than done and demonstrates the importance of establishing processes so as not to rely upon any one person to lead. In one authority, the JLO decried the fluid nature of the WSA arrangements, partly a result of precarious funding streams.

“We’ll continue what we do right now, but it’s always that revolving thing, of have we got the right folk around the table, and always reassessing that. And when we find an issue that children have, do we have a resource there that can tackle that? And that will just be the ongoing evolution of it”.

## 5.5 Collaboration through Co-location

The successful implementation of the WSA in Authority A is partly premised upon historically healthy partnership working that is characteristic of the comparatively small scale, rural nature of the local authority. In addition to the greater familiarity and, for the most part, continuity of partners which characterises this local authority, the cultural embedding of WSA is furthered through the co-location of partners in one building. The office serves as a hub where seconded police, education, mental health and third sector representatives interact and are able to respond to case needs swiftly and with a more developed understanding of other partners' capabilities and resources.

Scotland has already recognised the benefits of co-location of multiple agencies. For example, West Lothian Civic Centre is a case in point, co-locating Police Scotland, COPFS, SCRA and Community Health and Care offices. Other exemplars include the Gartcosh Crime Campus, Wester Hailes Healthy Living Centre and Renfrew Health and Social Work Centre. Research into co-location of statutory agencies in Scotland found that "fewer than half of those responsible for commissioning and procurement in local authorities ensured that they always or often liaised with other providers to assure continuity of quality and value for money" (Reeder and Aylott, 2012: 12). These concerns are exacerbated in a criminal justice context, where the system possesses "an urgent need for the different parts of the criminal justice system to work closer together. At its simplest, each part of the system has little regard for the consequences of its actions on the other parts" (Reeder and Aylott, 2012: 12).

The amenable conditions of Authority A may not be present in most authorities, but the mechanism of co-location shows a way to better sustain and perpetuate the ethos of WSA, which should not be taken for granted. A Social Work Manager in one authority describes the 'scattergun' approach to referring cases that sometimes occurs; potentially co-location can assist in reducing this as well as promoting the WSA ethos through practice:

"Sometimes social workers are just as guilty of referring in a scattergun approach to anybody and everybody because they've committed an offence or they've maybe got a mental health issue, so it needs to go to CAMHS. Sometimes there's a lot more than just the mental health issue of the offence, there's other stuff there."

Not all agencies are convinced of the benefits of co-location, as this Community Safety practitioner remarked:

"But, I mean, there's strong communication between the teams so it doesn't really matter...if you're all sitting in the one building or you're dispersed, ideologically you're all together anyway, so the guys know that if they're dealing with a particular kid they know exactly who they need to speak to and don't hesitate in doing that, so there is that kind of joined up thinking."

Co-location can facilitate the 'championing' of WSA values and methods within and between partner agencies through close proximity, the development of trusting

interpersonal relationships, timeous communications, and the incorporation of multi-agency working into everyday practice. In addition, co-location improves the prospects of sustaining the WSA ethos amongst partners whose wider institutional responsibilities and cultures may be somewhat reticent to the approach, most apparent in interviews from non WSA oriented police officers and social workers.

### 5.6 Expanding the WSA?

Whilst many interviewees spoke of the desirability of expanding the WSA to include older young people, that is, up to the age of 21 years, in reality this seems far from achievable. Expansion of the WSA approach to incorporate an older age group necessarily requires the continued presence of dedicated and trained WSA staff, as well as political will and resource commitment. Police from one authority warned that they were operating at full capacity, that any form of expansion would require extra resourcing to continue the successes they have made.

Echoing social worker comments on their crisis-led work patterns, a JLO made a similar comment regarding resourcing:

“The police being the police will always find resources to deal with something that needs dealt with there and then. That might be to the cost of more low end stuff, not that there’s no urgency, so as long as it’s dealt with there’s no real issue.”

Despite police in one authority describing the absence of adult social care from WSA as a “massive gap” in practice, expansion to include those aged up to 21 year is considered unachievable at present, such that efforts may be best focused upon maintaining the high quality of service for dealing with those up to the age of 17 until changes in resource or restructuring allow for it. As a JLO said:

“We’ve got a significant volume of referrals every month, it could be anything from 70 to 90 referrals for offending behaviour in that age group every month. Now the disposals are different, and they can fluctuate from month to month obviously, but the work in terms of assessing the referral, quality assuring it, making sure you have the right information to make the decision, make the decision, inform the right that you’ve made the decision, administrate them into the meeting, into the reports, into whatever disposal you’ve decided, getting the returns for that, and doing the statistics around that, and ensure that all the relevant databases are updated, already you’re thinking that’s a lot of work. Double the numbers that you’ve come in with 18-21 year olds, to what we already do with our young people from 8 – 17. I don’t think that’s achievable at the moment.”

With specific reference to Police Scotland’s restructuring, it is important to remember the wider structural and resourcing context influencing decisions taken. Much of this is outwith the WSA’s sphere of influence, but inevitably has ramifications for the continuation of present levels of success. One JLO commented:

“It’s about maintaining where we’ve got to now and hopefully continuing that, rather than focusing depleted resources on trying to establish further goals. Because you just can’t do more for less sometimes. I think it’s about recognition

of what is the practical impact of the changes that Police Scotland, of the re-division that locally [Authority] is going to have, that needs to be teased out at a regional level”.

## **5.7 Summary**

Overall this section offers some insights into the ways in which practitioners have grasped the opportunities presented by the WSA way of working, and tried to overcome some of the challenges it faces. Key amongst the opportunities are the ways in which the WSA has galvanised closer partnership working and information-sharing, as well as promoting shared learning; although there is a strong recognition by practitioners that maintaining the WSA ethos and practice arrangements require continuous work. The WSA is resource heavy, specifically in terms of sustaining ongoing communication between a wide range of partners, the need for ongoing training, and the management of large amounts of information. It is therefore important that its visibility is maintained and that partners continue to ‘buy-in’ to the ethos and working practices. Some authorities have effectively promoted the WSA ethos through the work of ‘champions’ who have acted as WSA advocates; others used co-location as a way of cementing partnerships and creating economies of scale. The variations in both size of area and scale of offending in each local authority demands flexibility in approach and a shared sense of ideology in this regard.

## **6. Conclusions**

### **6.1 Taking account of difference**

The three case study areas demonstrate some key differences in their baseline conditions, notably in relation to youth offending rates and referrals to PRS. These differences within local authorities are important, and may help to explain the different approaches and processes adopted by the authorities in implementing the WSA and some of the differences in observed outcomes. Flexibility in implementing WSA across local authority areas may be necessary to adapt to different contextual conditions and local demands. Relatedly, information-sharing and cross-fertilisation across WSA should be encouraged. For example, in one authority the WSA Lead had visited other parts of Scotland to see how the process worked in other authorities, tailoring the lessons learned to create best practice for the local authority’s specificities. Such flexibility enabled policy to be developed from a wide knowledge base and tailored to local conditions.

It is also clear that there have been some changes at national level that appear to have impacted similarly across local authorities. Further work on the national and local impact of specific factors would be of value in this regard.

Notwithstanding the need for flexibility, there are some areas which may benefit from greater consistency across areas, including eligibility criteria for the WSA (for example, whether young people on supervision may be referred). This may be a matter of clarifying existing rules, or providing further guidance.

## 6.2 Implementation of Work Stream Activities

There is strong evidence that the three work stream activities are fully implemented in each case study area, although there are differences across each area which relate to, and reflect, variations in local authority size, scale and structure.

Whilst there is little evidence that there has been a change or realignment in how resources are used in each local authority in relation to the workstreams, there has also been some necessary adaptation to the local specificities within each area. Differences in baseline conditions within local authorities are important, and may help to explain the different methodologies and processes adopted by the authorities in implementing WSA and the differences in observed outcomes. This also supports the need for flexibility within the WSA, rather than a fixed-framework, which allows authorities to adapt to local conditions and demands.

### 6.2.1 EEI/PRS

Practitioners had clear views that the WSA improves outcomes for young people through multi-agency working, close information sharing and the strong incorporation of welfarist values in decision-making and practice. In this respect, the WSA supports the Kilbrandon principles (Scottish Home and Health Department, 1964), with decisions and actions premised on young people's needs rather than their deeds, that are consistent with the GIRFEC approach. Moreover, the WSA process is consistent with a strong body of academic evidence which shows that minimal intervention and diversion from criminal justice agencies results in better outcomes for young people (McAra and McVie, 2010).

Whilst we must be cautious about making any claims about the impact of WSA and EEI on overall crime rates within local authorities, EEI and PRS allows young people to receive appropriate levels of support, whilst passing through the process with relatively little contact with formal agencies. Within the PRS process, offending behaviour is treated as a flag for welfare concerns, rather than a substantive issue in its own right. The diversity of expertise held by PRS partners allows the group to respond to an array of welfare concerns in a swift and informed fashion. PRS is a vital component in promoting information sharing between partners, and the face to face nature of PRS develops trust and professional understanding.

PRS referral rates fluctuated between the three authorities. In Authority A, the fall in referrals had allowed the authority to look to expanding their services to older age-groups. Conversely, in Authorities B and C, it remained a challenge to maintain the WSA at the current level. This was primarily due to the pressure placed on resources, including the end of seed funding in Authority C. As such, variations in resources and service availability impacts on EEI/PRS outcomes.

### 6.2.2 Diversion from Prosecution

Overall there has been an increase in diversion, although the percentage age-distribution of diversion cases varies across the three local authorities. The majority of diversions in Authority A pertain to younger age-groups. In Authorities B and C young people account for a smaller proportion of all diversions. Between 2005/6 and 2013/14, Authority A reserved diversion for young people, with no diversions for over-26 year olds, whilst *all* diversions prior to 2008/9 involved 16-17 year olds. The expansion of diversion to those aged between 18 and 20 years in 2009/10 shows a

change in policy and practice, which is in line with expanding GIRFEC to young adults up to the age of 21. Authority B reserved diversion primarily for older adults. Until recently 51 per cent and 62 per cent of cases involved those aged 31 years and over. Authority C diversion use is low, with no clear trends in terms of age.

Diversion from prosecution appeared susceptible to a more diluted WSA ethos due to staff churn. Whilst this has been offset by good professional working relationships with Fiscals, there is a precariousness in relying upon a single WSA champion within a single organization. Furthermore, key practitioners in all three authorities suggested that diversion from prosecution may function more effectively if the *default* position was diversion; and the onus was placed on the PF to justify prosecution for 16 and 17 year olds, rather than vice versa.

### **6.2.3 Court Support**

The structure of court support services varied across local authorities. Some authorities commissioned court services, whilst others undertook the work in-house, which allowed control of the process and culture, and the allocation of skilled staff to more demanding cases. This was another example of flexibility which allowed teams to respond to fit their local authority's means.

### **6.2.4 Fixed penalties**

In 2013/14, 4,364 fixed penalty notices were issued to 16 and 17 year olds, compared to 401 police warnings. There is debate concerning the efficacy of monetary penalties for reducing the risk of reoffending. Fines also carry the risk of a custodial sentence, should a person default. Whilst the overall number of fixed penalty notices issued to 16 and 17 year olds fell by 46 per cent between 2009/10 and 2013/14, the relatively high numbers of such penalties issued to young people seems antithetical to the aims of the WSA. The varying use of sanctions is not easily explained and this is an area in which further research is needed to understand the underlying rationales.

### **6.3 Partnership Working**

As found in an earlier evaluation of the WSA (MacQueen and McVie, 2013), practitioners expressed their clear commitment to the core principles, goals and values. Partnership working is the cornerstone of WSA. Positive working relationships between the primary WSA partners were reported in all three local authorities. Whilst some professional relationships existed previously, WSA has had a galvanising effect and introduced new partners, thereby diversifying and strengthening the process. Improved relationships have fostered more information sharing between partners in all three areas. Multi-agency working and increased information sharing allows a more nuanced approach to decision-making that takes into account the circumstances of young people's lives. It is evident that multi-agency meetings and improved information sharing leads to better welfare outcomes for young people by providing partners of a fuller picture of the causes and contexts of offending behaviours, and how partner agencies, whether collaboratively or individually, can best respond.

### **6.4 Outcomes for young people**

Assessing whether the WSA, in conjunction with other policy streams such as GIRFEC, delivers better individual outcomes for young people is not straightforward.

As stated in Section one, the WSA data management has proven to be difficult for WSA practitioners. Overall the data is piecemeal and whilst it is possible to assess the operation of the constituent part of the WSA, it is not possible to assess the effects of the 'whole system'. For example, whilst it is possible to show that diversion has increased overall thus reducing the numbers of young people being drawn into the youth justice system, the WSA data is insufficient to track the progress of those diverted young people to assess the medium term outcomes.

The linking of EEI to positive outcomes for young people cannot be conventionally measured. This is because if EEI is successful in its goals then young people essentially disappear from the WSA data systems.

### 6.5 Lessons for Sustainability

The internal processes of the WSA appear to be robust and the primary partners are enthused by current levels of success and partnership working. Yet WSA success does not rest solely upon internal mechanisms and relationships, but also how it interacts with and negotiates the wider institutional and structural landscape within which it operates. This is particularly important for the maintenance of the WSA ethos in the face of countervailing forces and insecure funding streams.

**Co-location** of partners, or, at the very least, greater face-to-face interactions between partners beyond the fortnightly PRS/EEI meetings, accelerates partnership working by generating trust. Co-location is considered important given the sensitive and nuanced approach required in addressing young peoples' needs, as well as making partner decision-making more instant and informed; all of which helps to secure better welfare outcomes for young people. It also promotes championing behaviours of partners; inculcating the WSA ethos by embedding practices and principles into everyday working patterns.

In order to affect culture changes within partner organisations, **WSA champions** are key, that is dedicated, vocational staff who can champion the ethos to partners who are not explicitly part of the WSA – notably frontline police officers who act as the primary source of referrals, and generic area social work teams. In both instances, reinforcement of the WSA ethos has been crucial in changing broader cultures of working. For example, Authority A was particularly active in awareness-raising of the WSA approach within the youth justice field. With these observations in mind, consideration might be given to a broader and more prominent program of **education** and **public awareness-raising** of the gains of the WSA.

Given the uncertain funding environment, WSA teams are required to be **agile** in responding or adapting to changes in the availability of resource. A good example of this adaptability is the dispersal of WSA responsibilities in Authority C to local generic social work teams; although this form of mainstreaming may not be feasible in other local authorities.

### 6.6 Research Gaps/Future Research

There is a need to develop a strong and robust data framework for the ongoing evaluation of the WSA, that will allow the flow of individuals through the system to be followed, and the outcomes for children and young people to be meaningfully

captured (also Bradford and MacQueen, 2011; 4). This need was reinforced by a range of practitioners, including those outwith the case study authorities:

“Everyone uses a different system and getting one unified way of gathering information to share numbers [is difficult]. Because sometimes we’re talking about number of offences, then others numbers of offenders, then others talk about episodes of offending. So how do you know you’re all counting the same thing?.” (Young People’s Services)

As a matter of priority, we recommend that a set of indicators for the purposes of ongoing assessment and evaluation are established. A set of suggested measures is set out in Appendix A.

There is some evidence that some WSA decision-making processes (referral to PRS, diversion from prosecution) may be biased towards females. For instance, in 2013/14, 74 per cent of referred cases involving assault by under-16 year olds were female. The higher probability of referral to PRS for females than males suggests that decision-making may be implicitly informed by a sense of ‘chivalry’, although this observation is based on limited data. This might be highlighted as an area for future research.

Finally, it is clear that the WSA works in conjunction with other approaches to youth offending, some of which are more offence-led. It is not entirely clear how these different approaches work together, or if one approach is more dominant than the other. Community Safety’s involvement and the TAC meetings featured prevalently in this evaluation, with their role appearing positive in the main; however, this is an under-researched area of Scottish youth justice, which would also benefit from further investigation.

## Appendices

### A. Evaluative Framework: recommended data collection requirements

One of the key recommendations in this evaluation is that a robust evaluative framework for the WSA should be put in place across all local authorities. A range of suggested measures are provided below. These measures (which are not meant to be exhaustive) are intended to provide an overview of the key WSA processes, and allow for more detailed analysis. Unless specified, the proposed measures should be disaggregated by age and gender, and provided on an annual basis.

#### 1. PRS/Early and Effective Intervention

##### Entry to PRS/EEI

- No. of young people charged
- No. of young people dealt with by police direct measures
- No. of young people referred directly to Reporter without PRS/EEI/multi-agency meeting
- No. of young people referred to PRS/EEI/multi-agency meeting
- No. of young people referred to PRS/EEI/multi-agency meeting who are on supervision
- No. of young people referred to PRS/EEI/multi-agency meeting more than once
- No. of children referred by PRS/EEI/multi-agency meeting to the Reporter

##### Duration between offence and date PRS/EEI/multi-agency meeting (aggregate data)

- Average number of days
- Least number of days
- Highest number of days

##### Type of offence committed by young people referred to PRS/EEI/multi-agency meeting

For example:

- |                       |                     |
|-----------------------|---------------------|
| - Assault             | - Drugs             |
| - Breach of the peace | - Vandalism         |
| - Offensive weapons   | - Theft             |
| - Alcohol             | - Multiple offences |

##### Outcomes from Multi-agency meetings. For example:

- |                                  |                                      |
|----------------------------------|--------------------------------------|
| - Youth Justice Social Work      | - SCRA                               |
| - Anti-social behaviour team     | - No further Action letter           |
| - Offensive weapons              | - Direct measures                    |
| - Youth alcohol/drug services    | - Police Restorative Justice Warning |
| - Community Safety               | - Education                          |
| - Joint police/anti-social visit | - SACRO                              |
| - Restorative justice            | - Persons harmed service             |
| - Health                         | - Other                              |

## **2. Diversion from Prosecution**

- Number of young people referred by Procurator Fiscal for assessment
- Number of young people assessed for Diversion
- Number of young people. assessed as suitable for Diversion
- Number of young people referred back to PF (non-engagement/refusal)
- Number of young people referred to drugs/education
- Number of young people referred to alcohol treatment programmes
- Number of young people who received PF Direct Measures
- Number of young people of young people diverted who have re-offended
- Number of young people who successfully complete programmes

## **3. Court proceedings, bail, custody and secure care**

- Number of young people proceeded against in court
- Number of court reports submitted by Criminal Justice Social Work
- Number of young people remitted to Children's Hearings from Court for disposal
- Number of young people of young people on Bail
- Number of young people remanded to secure care
- Number of young people remanded to custody
- Number of 72 hours custody reviews completed

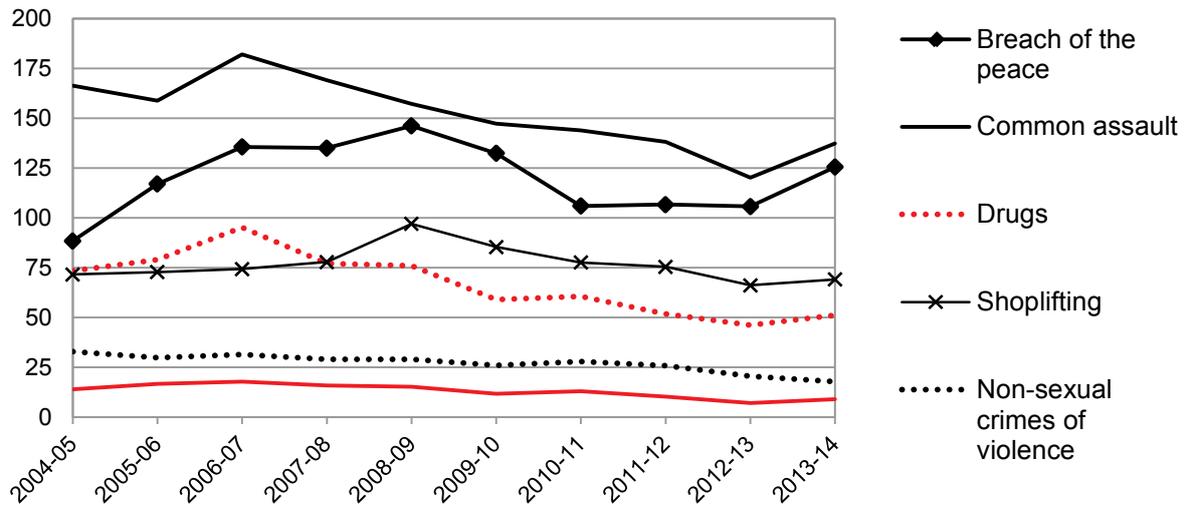
### **Court Support Services**

- Number of young people offered court support services
- Number of young people who accepted court support services
- Number of young people who missed scheduled court appearances

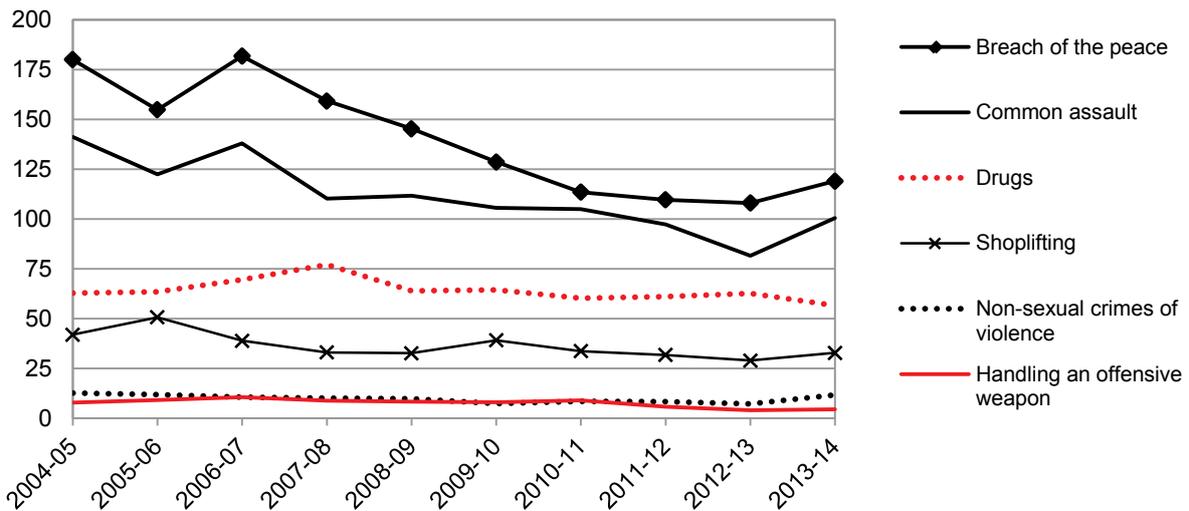
### **Community Alternatives to Secure Care & Custody, including Court Services**

- No. of young people on a Bail Supervision Scheme
- No. of young people on Alternatives to Remand

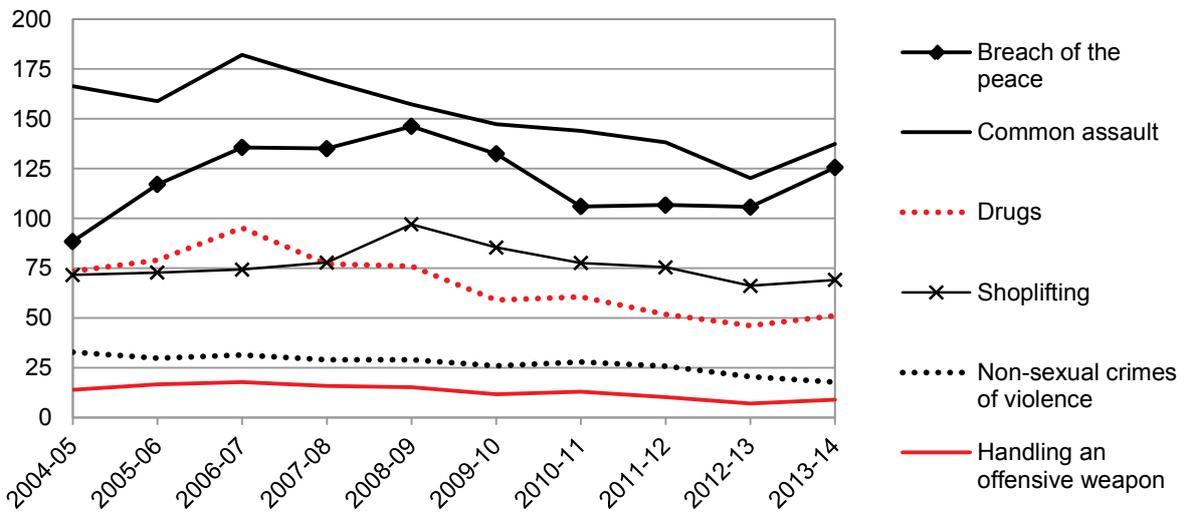
## B. Crime and offending data



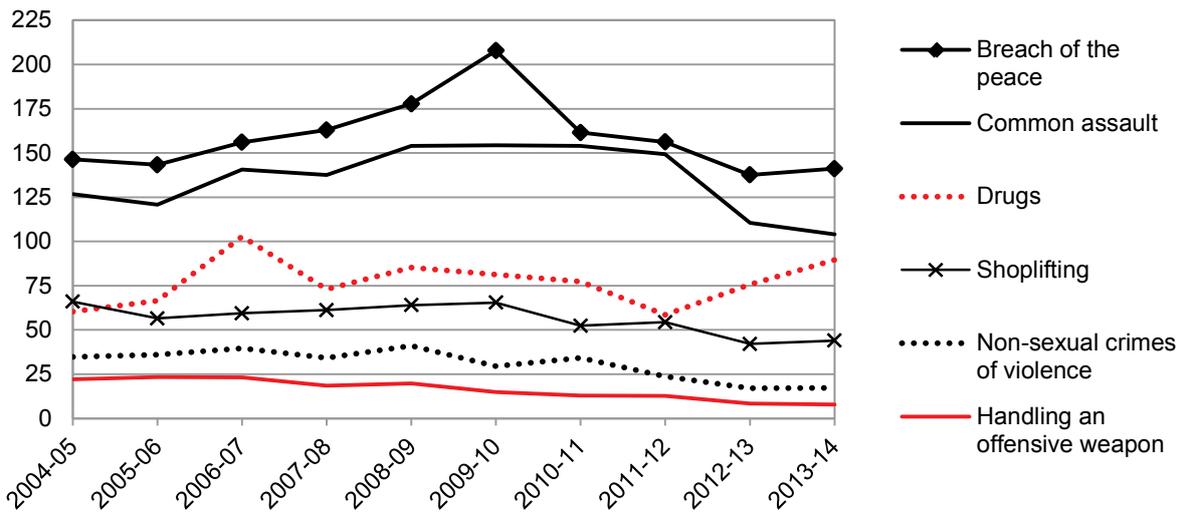
**Figure A1.** Scotland: selected crimes and offences, per 10,000 population, 2003/4-2013/14



**Figure A2.** Authority A: selected crimes and offences, per 10,000 population, 2003/4-2013/14



**Figure A3.** Authority B: selected crimes and offences, per 10,000 population, 2003/4-2013/14



**Figure A4.** Authority C: selected crimes and offences, per 10,000 population, 2003/4-2013/14

### C. No. of cases diverted from prosecution by age-group: 2005/6 to 2012/13

Local authority Area	Age-group in years						Total
	16 -17	18-20	21-25	26-30	31-40	Over 40	
<b>A</b>							
2005/6	191	0	0	0	0	0	191
2006/7	160	1	0	0	0	0	161
2007/8	60	0	0	0	0	0	60
2008/9	84	0	0	0	0	0	84
2009/10	65	11	0	0	0	0	76
2010/11	60	71	0	0	0	0	131
2011/12	69	64	0	0	0	0	133
2012/13	62	41	3	0	0	0	106
2013/14	30	79	16	0	0	0	125
<b>B</b>							
2005/6	37	43	58	30	80	118	366
2006/7	23	26	45	25	79	115	313
2007/8	34	23	50	38	87	114	346
2008/9	39	26	40	51	86	147	389
2009/10	40	40	54	68	111	146	459
2010/11	24	34	51	50	109	99	367
2011/12	45	43	48	52	90	130	408
2012/13	68	70	63	105	130	193	629
2013/14	335	72	86	72	173	198	936
<b>C</b>							
2005/6	1	0	4	0	2	3	10
2006/7	0	4	4	4	5	2	19
2007/8	2	1	0	2	6	2	13
2008/9	1	0	0	1	1	5	8
2009/10	2	2	1	0	1	5	11
2010/11	3	0	0	0	3	1	7
2011/12	1	4	0	1	10	10	26
2012/13	7	1	3	0	4	8	23
2013/14	9	16	3	1	5	4	38

Source: Scottish Government Criminal Justice Social Work statistics

## D. Diversion Programmes Available to Young People

### a) Social Work Diversion

A referral from the Fiscal to the Local authority Social Work Department to work with the young person to provide support, advice and opportunities, in order to effect change. Under this programme, the young person will be involved in individual and group work sessions which, depending on individual needs, will cover the following: offending behaviour, alcohol education, drug education, sexual health, social skills, employment and training opportunity and problem solving. Other agencies may be included, for example, the Fire Service.

Diversion providers work with the Fiscal to assess what should be offered through the diversion programme. They also have to consider whether, and if so how, other agencies can provide resources that will contribute to the effectiveness of the diversion programme.

### b) Restorative Justice (RJ) Programmes

Restorative Justice covers a range of practices aimed at addressing or repairing the harm caused by offending behaviour. The RJ process tends to provide support for victims, as well as offering offenders the opportunity to take responsibility for their actions and make amends. The aim is to address behaviour in a way which empowers the people harmed, those responsible, and wider community members to resolve issues in a constructive way. RJ is aimed at those who have offended and participation is *entirely voluntary*. Once embarked upon, either party can withdraw from the process.

### c) Motoring Offence Diversion

The programme aims to make a driver of any age aware of their poor driving behaviour, and if possible result in improvements to that behaviour without the need to bring the case to court. Programmes can be provided by private providers or included in social work diversion programmes.

### d) Flexible Approach to Offending

This approach is managed by the police, and aims to prevent future offending and antisocial behaviour by children and young people and provide interventions which are timely and proportionate, whilst at the same time alerting other agencies to concerns which exist about a child's or young person's well-being.

### e) Direct Measures

The Procurator Fiscal can also use other Direct Measures such as a warning, paying a fine or the option of paying compensation. *Direct measures are generally regarded as lower tariff than diversion to social work or to a restorative justice programme.*

Young people on **supervision orders** would not usually be diverted from prosecution. The assumption is that in deciding to deal with the case the Procurator Fiscal considers that it is necessary to prosecute the case in the public interest. This presumption may be overridden where the Procurator Fiscal is satisfied it is not in the public interest to prosecute the child having regard to the gravity of the offence, frequency of the offending, or other issues, including vulnerability, that point to the case being better addressed within the Children's Hearings System.

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