

## **Justice 2 Committee of the Scottish Parliament Youth Justice Enquiry**

### **Section 1: To review the effectiveness of multi-agency working in the youth justice field.**

#### **Key Questions**

- **How important is joint planning of services? How well are planning mechanisms working? Are youth justice strategy groups working effectively – especially in relation to leadership and agency participation?**

There is considerable variation across the country in respect of agency participation in joint planning. Some local authorities are involving a range of voluntary and community organisations; some are involving one such agency on a ‘representative’ basis; whilst others have no such representation on youth strategy groups.

- **To what extent are services being delivered on a multi-agency basis? How effective is this?**

Again, it is our experience that there is considerable variation across the country in this respect. Some local authorities appear reluctant to acknowledge that voluntary organisations may have developed greater experience and expertise than themselves in some aspects of youth justice services and seem intent on ‘re-inventing the wheel’ in order to keep resources in-house.

- **What helps joint working between agencies? – examples of good practice.**

The drawing up of firm protocols between agencies is essential. Often agreements are made orally and informal arrangements are made, which means that if someone is off sick or leaves that agency everything is lost. It also leaves the agencies open to malpractice.

Also setting up practitioners’/operations meetings where all agencies are encouraged to attend, as happens in Aberdeen, can improve information sharing.

Once protocols are agreed a strategic introduction to all staff who use them is necessary, so that everyone is encouraged to adopt best practice.

- **What are the barriers to joint working? This might include different working practices and organisational cultures, incompatible information systems, data protection issues, budgetary/funding arrangements.**

Apparent data protection issues continue to pose an ongoing problem in relation to establishing effective and efficient working practices. Such issues are currently causing problems with information sharing regarding victims information. Due to the Criminal Justice (Scotland) Act, 2003, which says that victims details can be passed on ‘with their consent’, and the scope of interpretation of the schedules in the Data Protection Act (1998) itself, agencies can either see SACRO as a service which provides support and pass on ‘personal’ information (not sensitive), or interpret the Act as meaning that people have to opt in before it is legal to pass their details on in any form.

Differences in costing bases between local authorities and voluntary organisations, e.g. in relation to management infrastructure, prevent accurate cost comparisons. Voluntary

organisations include all support services e.g. human resources, payroll etc. Local authorities may exclude these because undertaken by a ‘hidden’ department.

Uncertainties regarding the availability of continuing funding beyond one or two years. The objective of achieving 3 year funding agreements is still rarely realised.

A particular issue for SACRO is the different understandings of what the term ‘restorative justice’ means. This issue would be greatly helped by the Scottish Executive giving endorsement to work, in which we are currently involved, to establish a clear understanding of this term, along with agreed principles and standards of practice.

## **Section 2: To identify and assess the impact of gaps in service provision in the youth justice field.**

### **Key Questions**

- **What is the extent and impact of schemes to divert young people before they reach the hearings system e.g. those offered by police and voluntary agencies? What is available and what do young people think of such schemes?**

SACRO Restorative Youth Justice Services provide a diversion from hearings and can take referrals from the Childrens Reporter of children between the ages of 7 and 17. The feedback from the young people indicates that the service *makes* them think about what they did and that they want to change. Feedback from everyone else involved with this type of community-based solution is also very encouraging.

- **Comments from Parents/Guardians (service type 1)**

#### **What change, if any, did you note in the young person?**

1. “A better understanding of his actions” (Shuttle Mediation and anger management sessions)
2. “ I think he was sorry for what he did” (Victim Awareness programme)

- **Comments from Young People (service type 1)**

#### **Did you learn any more about the circumstances of the victim from your involvement with the Service?**

1. “I learned that the victims mum was ill at the time which added to his troubles” (Shuttle mediation)
2. “That the victim would have been scared as she had a child in the house” (Victim Awareness programme)

#### **Did taking part in the Service change what you thought about the victim of your offence?**

1. “That she was a normal person really and its wrong to hurt innocent people” (Victim Awareness programme)
2. “It made me realise that the people were really quite nice people” (Shuttle mediation)

#### **Has the service changed the way you think about getting into trouble?**

1. “It has made me think about what I am doing before I act” (Victim Awareness)
2. “I don’t want to get into trouble again” (Victim Awareness)
3. “I don’t want to get into anymore trouble” (Shuttle Mediation)

- **Comments from Victims**

**Has the service changed the way you think about the person who harmed you?**

1. “I am able to approach him confidently now, in school” (RJC)
2. “Realising that it wasn't a malicious act and that they seemed truly sorry for their actions” (Face to face)

There are also early indications that reductions in offending after participation in such services look promising. A period of at least 24 months will have to be allowed before meaningful data can be produced, in areas where protocols have been agreed upon (since January 2003) to ‘track’ the children.

SACRO provides Youth Justice services directly in 19 local authority areas and has provided assistance to other agencies in setting up similar services in the majority of other areas through our Restorative Justice Consultancy & Training Service. We are also involved with the Scottish Children’s Reporters’ Association and other agencies in establishing agreed protocols, principles and guidelines for such services in order to provide the basis for a consistent national system throughout Scotland.

- **Are the needs of young people with mental illness or learning disability being met in the youth justice system?**

Some young people referred to SACRO Youth Justice Services, when completing the ASSET ‘What do you think?’ form, have responded in a way that suggests that they could have mental health issues. There are also some young people who are referred having been diagnosed as ADHD. The current systems may not take this sufficiently into account, as there are special ways in how best to deal with children experiencing these difficulties, in which panel members and other professionals may require additional training.

The fact that young people referred to SACRO may currently be or have been victims themselves <sup>1</sup> is another complex issue relating to mental health and appropriate service provision, which SACRO is currently looking into. We are analysing data to see if there are correlations between bullying and offending behaviour. A Working Group will start in September 2004 to discuss the implications of this research. The relationship between a child’s experience of victimisation and subsequent offending is a subject that is emerging from research and attracting increasing attention and one that is particularly relevant to restorative justice services.

- **What is the extent and impact of the shortage of suitably qualified social workers? Are the steps which have been put in place to address this likely to be adequate?**

The shortage of suitably qualified staff increases the requirement for and the importance of providing comprehensive in-house training. This adds to the cost of delivering services

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<sup>1</sup> *Edinburgh Study of Youth Transitions and Crime*, Professor David Smith, Professor of Criminology et al, University of Edinburgh

and needs to be fully recognised in the provision and allocation of resources, particularly for the voluntary sector.

- **What are the particular needs of rural areas compared to urban areas in service planning, development and delivery? Are the needs of both urban and rural areas being met?**

The unit costs of delivering services in rural areas are obviously increased by the greater costs and time associated with travel and reduced economies of scale. This is, however, rarely recognised in financial allocations and it has been necessary to seek supplementary funding to deliver area-wide restorative justice services in the Highlands and Dumfries & Galloway. Without adjustment to the formulae used for allocating youth justice monies across Scotland, these services will be at risk after March 2006.

- **What mechanisms exist for sharing and rolling out best practice and what are the barriers to this?**

As in response for Section 1, Bullet point 4: clear guidelines in the form of agreed principles, protocols and procedures would help to dismantle barriers between agencies. The dissemination of research, evaluation and anecdotal evidence is one of the best ways to impact on and effectively roll out best practice. Publication of evidence and presentation of findings at conferences also provide opportunities to influence best practice externally, as does taking part in organised multi-agency groups to discuss best practice.