Appendix 1

National Standards for Youth Justice Provision in Scotland

Introduction

i. These Standards are intended to update National Standards for Scotland's Youth Justice Services (2002). The Standards form a baseline for the National Youth Justice Practice Guidance and should be read in conjunction with the relevant sections of the Practice Guidance. The National Youth Justice Practice Guidance is aimed at all professionals who work with young people involved in offending behaviour and it offers information, advice and practical assistance in best practice.

ii. The recommended Standards are a benchmark against which managers and practitioners can assess the local delivery of services for young people who offend and identify staff training and support needs. The Standards also aim to provide consistency in how youth justice should be delivered nationally. The Standards should be read in conjunction with National Outcomes and Standards for Social Work in the Criminal Justice Systems

iii. Objectives of Youth Justice Provision in Scotland aim to:

- Provide quality youth justice processes and practice
- Provide an appropriate range and availability of interventions for children and young people involved in offending behaviour
- Promote early and effective intervention
- Ease the transition between the children's hearing and adult criminal justice systems
- Ensure that secure accommodation and detention is used only when it is the most appropriate disposal and that consideration has been given to alternatives
- Improve information and assistance provided to victims of youth offending and local communities
- Provide strategic direction and co-ordination of multi-disciplinary services for children and young people who offend through locality planning and performance improvement.

iv. It should be noted that youth justice practice in the UK and Scotland has been criticised for variation in decision-making and for a lack of a child rights approach by UNCRC (1997, 2002, 2007). International and European guidance demand a child centred approach for young people up to the age of 18 years who are involved in criminal behaviour.

II Getting it Right for Every Child (GIRFEC)

i. GIRFEC is the Scottish Government's strategic vision for all services which are delivered to, or which affect children, and focuses on improving outcomes by placing the child at the centre of thinking, planning and action. Interventions for children and young people involved in offending behaviour should be underpinned by the principles of GIRFEC and decisions made on the basis of which provision best can meet individual needs.

ii. **Roles and Responsibilities**

When two or more agencies need to work together to provide help to a child or young person and their family, a lead professional should be identified to co-ordinate that help. The lead professional will have a responsibility to co-ordinate and sustain a network of supports and activities designed to positively contribute to the functioning and wellbeing of the child or young person, and to hold to account those who are identified to provide necessary interventions.

Partnership working should be underpinned by the GIRFEC principles which require that all services for children and young people – social work, health, education, police, housing and third sector – adapt and streamline their systems and practices to work together better to support children and young people through information sharing and co-ordination.

III Preventing Offending by Young People: A Framework for Action (the Framework)

i. The Framework outlines a shared vision of what national and local agencies working with children and young people who offend, or who are at risk of offending, should do to prevent, divert, manage and change that behaviour. The Framework focuses on the needs of 8-16 year olds but also covers prevention with younger children as well as young people, and transitional support into the adult system up to 21 years. The Framework also notes that GIRFEC principles should guide and underpin the work of all agencies working with children and young people involved in offending behaviour.

ii. There are 5 strands to the Framework:

- Prevention
- Early and effective intervention
- Managing high risk
- Victims and community confidence, and
- Planning and performance improvement

iii. The Planning and Performance Improvement Framework (PPIF) provides a voluntary framework for management information to help local areas measure, at a strategic level, how well they are achieving the aims of the Framework.

iv. The PPIF is a voluntary framework and it is important to stress that local authorities and their partners will not be held to account nor asked to report to the Scottish Government on their performance against the PPIF.

IV Standards and Objectives.

The following Standards are those recommended by the Scottish Government and the National Youth Justice Advisory Group, however, reference should be made to local policies and practice.

Objective 1: Provide quality youth justice processes and practice

If a sustainable reduction in offending and reduced use of secure accommodation and detention is to be achieved, the assessment of young people who offend and the quality of reports provided to Children's Reporters, children's hearings, Procurators Fiscals and criminal courts, must be consistent across Scotland.

Comprehensive assessments and multi-disciplinary Single Plans for children and young people involved in offending behaviour should be guided by the principles of GIRFEC. This is applicable to all reports and effective planned interventions for young people up the age of 18 years involved in children's hearings and/or criminal courts. The Single Plan should directly address assessed needs and risks including criminogenic needs, and provide immediate and longer term objectives, tasks and timescales, and the views of the child or young person.

Standards for the quality of youth justice processes and practice:

- Children and young people involved in offending behaviour should be supported within their own families and communities whenever realistic and possible.
- Youth justice processes and practice in Scotland should seek to divert children and young people from the adult criminal justice system. Where this is not an option, community disposals appropriate to age, developmental stage and seriousness of offence should be considered.
- Every young person whether referred to the Reporter or to the Procurator Fiscal on offence grounds, should have an initial assessment of their offending behaviour carried out by or on behalf of local authority social work services.
- Every young person referred to a children's hearing or court on offence grounds should have a comprehensive assessment guided by GIRFEC principles, delivered on time, and with the lead professional in attendance at the hearing.
- Every young person referred to a hearing or court should have a Single Plan, developed from a comprehensive assessment of risks and needs based on appropriate standardised tools. The Single Plan should state the options for the programme of interventions, who will deliver them, lead professional arrangements, intensity of contact and supervision required, and risk management plan.
- The Single Plan should be reviewed and updated at intervals agreed between the lead professional and partner agencies, young person and relevant others, and where appropriate endorsed by children's hearing and/or court reviews.
- Every comprehensive assessment should be completed using ASSET/YLS-CMI assessment and other specialist structured risk assessment tools where appropriate.

Objective 2: Provide an appropriate range and availability of interventions to address offending behaviour in children and young people

Practitioners and managers with responsibility for the delivery of services for children and young people who offend in children's hearings and the criminal courts should be familiar with the principles of GIRFEC and reflect this in their practice.

An appropriate range of skills, programmes, interventions and models of practice should be available in localities to prevent, tackle and reduce offending behaviour in children and young people. Each local authority should have information on the patterns and types of youth offending behaviour in their localities to ensure there is an appropriate range of programmes available to address and reduce this behaviour, and to identify successful outcome measures when commissioning or reviewing programmes.

Programmes of supervision or intervention should be based on a comprehensive assessment of the child or young person's offending behaviour and their wider social needs, and the underlying reasons for their behaviour.

Standards for the range and availability of interventions:

- The local authority should have access to a continuum of community based interventions and programmes to address the seriousness, persistency and patterns of youth offending as identified by locality data on youth crime.

- The local authority should ensure that programmes of supervision and intervention are based on a comprehensive assessment of the child or young person's offending behaviour and wider social needs.
- The local authority should ensure that interventions and programmes recommended in the Single Plan submitted to children's hearings and/or criminal courts are available for that young person and their family timeously and appropriately.
- The local authority should implement every compulsory disposal made by a children's hearing (subject to the discretion available to the Chief Social Work Officer in respect of secure authorisation) and by a criminal court.

Objective 3: To promote early and effective intervention

Early intervention is defined as activity aimed at halting the development of a problem which is already evident. It is targeted assistance for vulnerability towards offending and other problems. GIRFEC emphasises the ethos of Kilbrandon within current youth justice policy and its priorities underpin early and effective intervention:

- acting early on concerns or in response to a crisis to prevent escalation or deterioration;
- recognising pressures and building on strengths;
- promoting resilience; and
- plans and activities linked to outcomes.

The Scottish Government Multi Agency Early and Effective Intervention Implementation Guidance and Report indicates that a significant proportion of children and young people involved in offending behaviour do not require statutory measures of care, and that their offending behaviour can be effectively addressed by one or more agency, on a voluntary basis, in line with GIRFEC.

Effective youth justice practice is also improved by taking the minimum time required to process formal referrals and implement disposals and interventions. Agreed agency standards and Code of Practice set by the Time Intervals Working Group, in respect of children and young people involved in the Children's Hearing System, guide this process. Children and young people involved in the adult Criminal Justice System are also subject to services governed by the National Objectives for Social Work Services in the Criminal Justice System, regardless of whether or not they are also involved in the Children's Hearing System.

Standards to promote early and effective intervention:

- The local authority should have in place local multi-agency early and effective processes which will identify, support and improve outcomes for children and young people who have started to offend. Relevant partner agencies should include police, social work, education, health, community learning and the third sector, in conjunction with the local Children's Reporter.
- Decisions made in respect of children and young people who have been charged with an offence should be appropriate, proportionate and timely, and should be based on the principles of minimum intervention and diversion.
- Children and young people should be referred to the Children's Reporter only when the seriousness of the offence or associated concerns suggests that statutory measures of care may be required.
- The EEI co-ordinator should be informed directly when a child or young person subject to a supervision requirement offends. The co-ordinator should pass the information onto the lead professional. EEI supports for children and young people on supervision for non offence grounds should be considered.
- The local authority should implement all supervision requirements and/or criminal court disposals within 5 working days of issue.

Objective 4: To ease the transition between Children's Hearings and adult Criminal Justice Systems
The seriousness of an offence and whether a young person is currently subject to a supervision requirement, will influence the decision to deal with the offence through the Children's Hearing System or the adult Criminal Justice System. Most young people who commit crimes however, are regarded as adults in terms of Scottish legislation which places them within the adult system with little allowance for their age or stage of maturity or development. There is a tension in this as the UN Convention on the Rights of a Child (UNCRC) defines a child as a person of up to 18 years and that their offending behaviour should be managed within a welfare based system such as the Children's Hearing System. The importance of the UNCRC has been recognised by the European Court of Human Rights (ECHR) and there is therefore the potential for a young person, under 18 years and dealt with in the adult criminal courts, to claim that their right to a fair trial was breached under article 6 of the ECHR.
Young people subject to a supervision requirement at their school leaving date and those previously looked after and accommodated, are also eligible for throughcare and aftercare assistance within the Children's (Scotland) Act 1995 (C(S)A 1995), regardless of whether or not they are also involved in the adult Criminal Justice System.

Standards for the transition between Children's Hearing and adult Criminal Justice Systems:

- The local authority should promote the use of legislation which allows young people aged 16 and 17 years involved in offending behaviour, to be dealt with by the Children's Hearing System, so long as it is in the young person's best interests and does not compromise public safety.
- The local authority should have in place diversion from prosecution schemes for 16 to 18 year olds to enable the Procurator Fiscal to consider diversion as an alternative to prosecution in the adult courts.
- Targeted and intensive support should be provided for those young people leaving care and for vulnerable young people involved in offending behaviour, at the intersection between the children's and adult systems.

Objective 5: To ensure that secure care and detention is used only when it is the most appropriate disposal, and that consideration has been given to alternatives
There are a small number of highly vulnerable children and young people whose risks and needs can only be managed, as a last resort, within the structured and controlled setting of secure care, but there is also a recognition that some may be in secure care placements because of a lack of suitable alternative provision.
The Scottish Government's vision is that no children should be in secure care and it is committed to driving down the need for secure care by supporting partners to build robust and credible alternatives. A Scottish Executive study into secure care and community alternatives in 2006 concluded that high risk young people could be managed in the community with the provision of appropriate intensive community support services.
The aim of the Securing Our Futures Initiative (SOFI) was to have fewer children in secure care by managing high risk young people safely in their communities. SOFI concluded that young people in secure care "are, on every measure, the most vulnerable group in society". SOFI also noted that outcomes for young people leaving secure care were poor and that the development of a full range of alternatives was required to divert high risk young people.
Many 16 and 17 year olds entering custody are likely to be troubled, disadvantaged and vulnerable and Scottish Government statistics show that a high percentage of 16 and 17 year olds sentenced to a Young Offenders Institution (YOI) are reconvicted within two years.
GIRFEC principles should apply to all work with high risk young people under 18 years subject to secure care, detention or alternatives, whether or not they are involved in the Children's Hearing System.

Standards for secure care, detention and alternatives:

- The local authority should have robust and transparent procedures governing the move into, through and out of secure care and every decision should comply with current legislation and regulations governing the use of secure care.
- A children's hearing and/or the local authority Chief Social Work Officer must be satisfied that all alternatives to secure care have been fully explored prior to granting authorisation of secure care in respect of a young person.
- Secure care should only be used to provide a minimum period of such accommodation required for a young person, and should be part of a comprehensive and longer term risk management plan.
- All placements in secure care or Young Offenders Institution (YOI) should be focused regardless of the length of stay and young people should have access to a range of services including health, education, programmes of therapeutic care, and direct intervention to challenge offending behaviour.
- All young people in secure care and YOI should have an identified lead professional from within their home authority with whom the secure establishment/YOI maintains regular contact and who is responsible for developing the Single Plan for the young person.
- Reviews should take place no less than monthly by the secure establishment/YOI, the lead professional, the young person and their parent/carer/other relevant person.
- All young people should have a throughcare and aftercare plan covering a period of at least 3 months following the day of departure from secure care/YOI, to support them in the community as 'children in need' under C(S)A 1995. This should include: strategies to maintain community stability; appropriate and stable accommodation; education and training; health and mental health; substance misuse; pro-social activities and relationships; support for families/carers and longer term community supports.
- The young person's lead professional should meet the young person within 1 working day of their release from secure care/YOI and meet regularly following this.
- The throughcare and aftercare plan should be reviewed within 3 months and regularly following this whilst the young person is subject to a compulsory requirement.
- The local authority should have in place credible alternatives to secure care and custody which include 5 essential components: stable and sustainable accommodation; a range of structured programmes and interventions which challenge offending behaviour and provide therapeutic support; full time education and training opportunities; 24/7 access to crisis support, respite and "time out" options and relapse prevention.

Objective 6: To improve information and assistance provided to victims of youth offending and local communities

The Scottish Government supports everyone's right to feel safe in their own homes and communities. This necessitates communities working with local partners, supporting community events and acknowledging the positive contributions that children and young people can make to their communities. They are committed to:

- Promote positive messages about young people and support engagement with communities, including opportunities for intergenerational communication
- Develop an evidence base around effective interventions with young victims
- Work as partners to demonstrate the benefits of adopting a restorative approach to youth offending
- Address issues around media perceptions of young people.

In May 2011 the EU published a package of measures aimed at reinforcing rights of victims and minimum standards on rights, support and protection.

It is recognised that many victims of crime can be as a result of youth offending and the Children's Hearing System and the Scottish Children's Reporter Administration have already made a similar commitment in their Strategy for Victims:

- Recognition of the importance of victims of crime
- Recognition that victims have a legitimate interest in their cases
- Commitment to provide explanations for victims about their processes
- Commitment to offer victims information on outcomes
- Recognition that victims should be enabled to have a voice.

Standards for the information and assistance provided to victims and local communities

- Every victim should receive information about the process for dealing with the young person who has committed an offence against them and the outcome.
- Every victim of a young person referred to the reporter or court on offence grounds will have the opportunity to engage in a mediation, reparation or restorative scheme, as appropriate.
- The local authority should collate and publish annual performance information about the volume, nature and persistence of offences committed by young people, and local strategies and services designed to respond to offending by young people.

Objective 7: Provide strategic direction and co-ordination of multi-disciplinary services for children and young people who offend through locality planning and performance improvement

Effective strategic process characterised by co-ordinated action by youth justice service providers is required if GIRFEC, European and international standards are to be achieved.

The Planning Performance Improvement Framework (PPIF) (2010) provides a voluntary framework for management information to assist local areas in their work to address offending by young people. The PPIF is divided into four areas to reflect the four key themes in the Preventing Offending by Young People: A Framework for Action.

Performance indicators are divided into:

- intermediate outcome indicators which measure the benefits and changes resulting from the activities of an organisation or service over the medium term;
- local activity indicators which are locally determined approaches and will inform how well local services are achieving the intermediate outcomes; and inputs which describe the resources required locally for the management and delivery of services and how they are used. Inputs enable the local activities to be delivered, which in turn contribute to the intermediate outcomes.

Standards for locality planning and performance improvement

Partnership Working

- The local authority should have a multi-agency Youth Justice Strategy Group which will plan, co-ordinate and evaluate the development of local services dealing with young people who offend in accordance with Preventing Offending by Young People: A Framework for Action with GIRFEC as the guiding principle
- At an operational level, the local authority should have effective liaison arrangements in place with relevant agencies if services are not located within a dedicated youth justice team.

Self Assessment

The local authority should consider the use of the PPIF self assessment tool to:

- provide robust management information to support local areas understanding, reflection and improvement in performance
- improve the quality and availability of local and national information relevant to offending by children and young people
- provide a mechanism for local areas to report against their Single Outcome Agreements
- identify unmet need and gaps in services.

Practice Monitoring and Evaluation

- The local authority should have in place a routine system to monitor and review children and young people involved in offending behaviour, both individually and in aggregate form, which should be used to provide data for service planning, performance delivery and development of service pathways.
- Practitioners and managers should be committed to gathering and using data at all levels within an organisation.
- Agency monitoring should be integral to the design of planned interventions
- Interventions should be outcome focussed, evidence change against stated aims and objectives and impact on perceived needs and risks.
- Evaluation of services should include both hard and soft information.