

Supporting young people who enter into secure care or custody to reintegrate into communities

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Abstract

This paper gives a brief overview of the current system of supporting young people who enter into secure care or custody in Scotland to reintegrate and transition back into their families and communities. It highlights recent developments and changes in policy, including the Whole System Approach. This paper asks why, with reductions in the number of young people in secure care and custody, we are still not getting reintegration right. It highlights what needs to be achieved to ensure progress in this area and concludes with recommendations for future work.

Introduction

Scotland is renowned for its welfare based approach to young people (under 18) who are involved in offending behaviour through the use of the Children's Hearings System. Despite this, Government statistics indicate that between 2004-2007 we were locking up more young people per head of the population than any other European country (Scottish Government, 2011). Some of the potential explanations for this include: Government policy on persistent offenders,¹ anti-social behaviour and methods of policing which at this time included high tariff sentences for young people described as persistent offenders. There have been advancements in working with young people who offend through a change in Government policy and a new approach known as the Whole Systems Approach (WSA), (Scottish Government 2013).

In 2009, 60 % of 16 and 17 year olds sentenced to a Young Offenders Institution (YOI) in Scotland were reconvicted within two years of release (Scottish Government, 2012). Similarly, 73 % of young people released from custody in 2011 in England and Wales reoffend within one year (Ministry of Justice, 2013). At present in Scotland, unlike in England and Wales, there is no statutory duty placed on local authorities to support the majority of young people in custody.² This results in many young

¹ Young people who committed five offences within a six month period, regardless of what these were, were classed as persistent offenders and local authorities had incentives to reduce this number by any means. This was through the Antisocial Behaviour etc (Scotland) Act 2004.

² Exceptions are those on license or still subject to a Compulsory Supervision Order through the Children's Hearings System. In Scotland, local authorities have a statutory responsibility to provide through care services to individuals sentenced to prison. CYCJ is funded by the Scottish Government and hosted by the University of Strathclyde.

people entering and leaving secure care and custody with limited or no support from the community to which they return. Many of the disadvantages young people faced before secure care and custody are compounded on release (for example, offending behaviour, homelessness, poor education achievement, unemployment, ill health and family breakdown) resulting in them being more vulnerable and susceptible to reoffending (Hollingsworth, 2013).

Across Scotland, the number of young people in custody is reducing. The data suggests that the decline likely constitutes a trend which has continued at a more rapid pace over the last year. Noticeably, the overall prison population for young people had decreased by 40% (n=83 to 50) between June 24, 2012 to June 23, 2013 (SPS daily snapshot from YOI). This is also in line with data from Police Scotland which highlight the decline in offending rates across Scotland for young people (Police Scotland, 2013)³ and elsewhere in the UK (Ministry of Justice, 2013) and Europe (Civitas Crime, 2012).

A similar decline can also be found in the numbers of young people in secure care across Scotland. Between August 1, 2011 and July 31, 2012, there were 237 young people accommodated in secure care. This represents a decrease of 14 % from the previous year (Scotland Government, 2012b). These trends are also complemented by significant reductions in referrals to the Children's Reporter. The Scottish Children's Reporter Administration published statistics that show in 2012-13, 3,636 children were referred to the reporter on offence grounds, a fall of 78 % from 2006-7 (SCRA, 2013).

Policy context and the Whole Systems Approach (WSA)

In response to increases in the population of young people in custody during 2004-2007, the Scottish Prisons Commission recommended that the Government explore options for detaining 16 and 17 year olds in secure youth facilities, separate from older prisoners and those under the age of 16 (Scotland's Choice, 2008). The recommendation was in line with international and European conventions that outline the basic rights of children and young people to which signatory parties must subscribe. Article 37 of the United Nations Convention on the Rights of the Child (UNCRC), for instance, requires states parties to ensure that "...no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child **shall be used only as a measure of last resort and for the shortest appropriate period of time**", and that no child should be detained with adults over age 18 (UNCRC, 1989). This is also mirrored in the Council of Europe's Guidelines on Child-Friendly Justice (Council of Europe, 2010).

These developments prompted the Scottish Government to introduce a new way of working for local authorities. Through engaging with social work and community planning partners, 'the Whole System Approach' (WSA) was launched by the Cabinet Secretary for Justice in September 2011, and has been adopted in 28 out of 29 mainland authorities.⁴ The overall aim of the WSA is to alter the way all agencies work with young people up to age 18 in pursuit of collaborative and dramatic system-wide improvements.

The WSA involves establishing a streamlined and consistent planning, assessment and decision making process for young people involved in offending in an attempt to ensure they receive the right help at the right time. The approach is based on evidence which shows that with respect to long term outcomes, young people involved in offending could be better served by diversion from statutory

terms of over four years and for those sentenced to Supervised Release Orders and Extended Sentences. Local authorities also have statutory responsibility to offer voluntary aftercare to other prisoners in the first 12 months of their release from prison.

³ In 2012-13 there were 22% fewer detected crimes and 15% fewer detected offences committed by young people than in 2011-12 and there were 13% fewer children and young people detected committing crimes and offences.

⁴ The three Islands have agreed to the principles of the approach but do not have significant numbers of young people offending to change processes. The other mainland authority is working with the Scottish Government with a view to implementing the approach in the future.

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measures, prosecution and custody (Scottish Government, 2013; McAra & McVie, 2007). The WSA therefore includes a range of initiatives and approaches designed to better support young people involved in offending behaviour, such as:

- the introduction of Early and Effective Intervention and Diversion;
- diverting young people from the Children's Hearings System and adult court;
- alternatives to secure care and custody, by ensuring custody/secure options are only used as a last resort by alternatives being offered to decision makers;
- supporting young people in court by ensuring young people understand youth justice processes and have people to advocate on their behalf;
- managing high risk young people, through effective assessment and age appropriate measures; and
- reintegration and transitions, to support young people leaving secure care and custody.

The approach brings together key Government policy frameworks, including Getting It Right for Every Child (GIRFEC) (Scottish Government 2013b), Preventing Offending Framework (Scottish Government, 2007) and Fair, Fast and Flexible Justice (Scottish Government, 2008) into one holistic approach to work with young people who offend. The focus of this work encourages agencies to proactively support young people and their families/networks to develop the skills which will allow them to make positive contributions to their communities.

Many of the elements that make up the WSA are based on existing good practices evident in many local authorities across Scotland and various WSA pilot sites started in 2009/10. This resulted in a large number of local authorities starting the WSA at different times, with some already having many elements of the approach in place to support young people. However, for the majority of local authorities these elements were focused on young people aged up to 16, which left a gap for those young people aged 16 and 17, where, it could be argued, more support was needed. An early evaluation, undertaken by MacQueen & McVie (2013), noted that:

"The WSA, in addressing the needs of children and young people under the age of 16, has built upon existing practices and philosophies and implementation successes appear to have used these as the key cornerstones in the development process. For young people over the age of 16, the WSA has more to achieve and is more challenging to implement. The greatest successes here appear to have been in those areas where prior investment has facilitated the development or extension of working relationships and cultures of shared values between the youth and criminal justice fields" (p. 9).

In an attempt to assist social work and community planning partners to better support young people entering and leaving secure care and custody, reintegration and transitions guidance was published in 2011, noting that:

"All young people should have a multi-agency single plan that moves with them regardless of where they are placed or live. The named person or lead professional has responsibility for maintaining this plan, to meet the risks and needs of the young people. In secure care or the prison setting, the key worker or personal officer should act as the named person, with the local authority where the child resides maintaining the role as lead professional to ensure effective transitions for these young people. This should result in the local authority being involved in the planning for the young person within any establishment to ensure their successful reintegration back to the community" (Scottish Government, 2011: p16).

Anecdotally it appears that this has proved challenging for some local authorities. Many third sector providers have helped in the process by offering mentoring roles to young people as part of their individualised plan when leaving custody to ensure they are supported, regardless of where they live. While there has undoubtedly been some success as noted below, there are still areas of the approach CYCJ is funded by the Scottish Government and hosted by the University of Strathclyde.

that need to be developed and endorsed by partner agencies to ensure all young people's needs are met.

The Evidence

Lower numbers of young people entering and leaving secure care and custody means there are fewer young people to support in the transition to the community. However, the reintegration of a young person back into their community following a custodial sentence is a particularly challenging transition. While it is evident that young people require support during transitional periods, the previously cited statistics demonstrate that there are distinct challenges in supporting reintegration. Not only are these young people making the transition to adulthood, but they are doing so with less opportunities than their counterparts who have not been removed from their communities. As recognised through the existence of the WSA and the Children and Young People (Scotland) Bill, the need for support to function within an overarching system is critical. Without this, the risk of the young person reoffending and returning to custody greatly increases (Bateman et al, 2013).

The UNCRC (1989) and the Scottish Government's guidance (2011 & 2013) make it clear that when a young person appears at court, all options as an alternative to secure care and custody should be explored and that custody should be a last resort. Where custody is deemed inevitable, secure care should be used whenever possible as an alternative to prison (Scottish Government, 2011). This is supported by research that indicates reintegration strategies that produce the most favourable results are 'holistic' in nature (Bateman et al., 2013). That is, reintegration strategies should focus on the whole range of individuals' needs and integrated with support provided whilst in the prison and in the community. This support is necessary not only in the early weeks of readjustment on release but also in the long term (Hollingsworth, 2013; Gary, 2011; Peters et al., 2000). Problematically, evidence suggests that young people who leave custody with a lack of resources and support have a higher risk of returning to custody, particularly when there is limited co-ordination between agencies (Griffiths et al., 2007). Employment or training also needs to be in place prior to their release to reduce the risk of reoffending (HM Inspectorate of Prisons, 2011). Research also suggests that most young people return to their family of origin on leaving secure care and prison establishments regardless of suitability (Gray, 2011). Unfortunately, little family liaison work is undertaken during the time the young person is away from home or upon their return (Pilkington, 2008) which remains a particular weakness of current reintegration strategies for young people and their families.

A review of the psychological reports of 126 young people in HMYOI Polmont in December 2013 provides a more detailed image of the picture of young people currently in custody in Scotland. Preliminary findings revealed that just over 57% of reports noted previous involvement with social work and during their time within Polmont, approximately 24% of young people's reports indicated they had contact with a social worker. A careful review of reports also revealed that only a little over 7% made specific mention of throughcare support and over 58% provided no indication of access to or receipt of throughcare whatsoever (CYCJ, forthcoming). This is particularly problematic given that most of the sentences that the young people were serving were relatively short in duration (less than two years). Resolving this service gap must be an urgent priority.

Implications for practice

Since the introduction of the WSA, much has changed, and Scotland should be proud of achieving a significant reduction in the number of young people in custody and secure care. However, there is still more that needs to be done in order to provide additional support for young people when they return to their communities. "Young people leaving custody are often vulnerable, and many have complex and wide ranging problems that require intensive support" (Gray, 2011:240). The support needed can come from many sources, including, but not limited to: families, employment and training agencies, accommodation and housing support.

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In order to ensure successful reintegration, young people and their families need to be involved and engaged throughout the reintegration process. Motivating young people and their families to take an active role in their plan, both in custody and on release, is crucial in preventing reoffending and for reintegration into the community (Youth Justice Board, 2006). Where further support is needed, work should be undertaken, where possible, to ensure that the family and/or carers can provide for their needs and reduce any future risks of reoffending. This could be undertaken through parenting work, family group conferencing or mentoring.

The amount and availability of support networks that each young person has is integral to their successful exit from secure care or custody. It is essential that family and support networks are identified within the community and built upon for sustainability, with provision made for assessments and planning. Under the GIRFEC agenda, this should then be incorporated into the child's plan (Scottish Government, 2011). Community social workers also need to be involved in a young person's sentence from the outset. Where a 'lead professional' exists as outlined in the Children's Hearings (Scotland) Act 2011 this should make transition easier. Length of sentence may influence this involvement but initially the lead professional/named person should be in contact with the secure provider or prison to share the single plan and contribute to the young person's plan for their time in secure care/custody and for when they return to the community. If a young person is subject to a Compulsory Supervision Order through the Children's Hearings System, this should not be terminated simply because they have been remanded or given a custodial sentence. Any decision to terminate should be based on a needs and risk assessment.

Communities also have a key role to play in the successful reintegration of young people to their home area. Community planning partners should be involved, where appropriate, to support young people upon their return and integrate work undertaken with the prison/secure unit with community-based interventions in an unbroken continuum (Griffiths, et al., 2007). This needs to include suitable accommodation and the opportunities for employment and training.

Social workers and partners therefore need to:

- Work together to plan for a young person's return to their communities
- Involve the young person and their family where appropriate in all planning
- Start the planning process the day the young person enters into the establishment
- Ensure organisations responsible for meeting the young person's needs are involved and ready for his return (including employment/training; accommodation; health services; financial support, leisure/recreation)

Young people who offend need to be treated as young people first, regardless of their offence. Many are or were looked after children who were not supported as they should have been; further still, they are some of our most vulnerable young people. As we have seen, the number of young people in custody has reduced significantly over recent years, and, given the shrinking number, there is no reason why these young people are not becoming a more focused priority for individualised and intense support.

Under GIRFEC and the WSA policy agenda, these are young people who need support and assistance. Yet to reduce the risk of future offences we need to plan for their release and have adequate support in place. At present, changes need to be made in order to ensure we are meeting the needs of these children and giving them the best chance we can.

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