

A Guide to Youth Justice in Scotland: policy, practice and legislation

Section 4: Early and Effective Intervention & Diversion from Prosecution

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1. Introduction

This section focuses on Early and Effective Intervention (EEI) and diversion from prosecution for children and young people who are at the early stages of being involved in low to moderate level offending behaviour. EEI is considered within the context of the legal frameworks for children and criminal justice services relating to single and multi-agency work with eight to 18 year olds in Scotland. Diversion is in relation to those aged 16 and 17 years who are diverted from prosecution by the Crown Office and Procurator Fiscal Service (COPFS).

EEI and diversion should fulfil the aspirations of the United Nations Convention on the Rights of the Child, which promotes a child centred approach to offending and the maximisation of diversion opportunities from formal judicial processes. EEI is a voluntary process in which children, young people, and families should make informed decisions about their involvement. It should not lead to unnecessary interventions into the lives of children and young people and where possible identified needs should always be met through universal services including education, health and employment/training. Given the potential impact offending can have on the lives of young people, their families and the wider community it is important that EEI ought to provide a clear, consistent and credible response to such behaviour. Ultimately, it should lead to improved outcomes in the lives of the children and young people which promote their development into confident individuals, effective contributors, successful learners and responsible citizens.

Diversion from prosecution schemes are an alternative to prosecution. If a young person does not want to or fails to engage in the process, the case will be returned to the Procurator Fiscal (PF) with an available option being to prosecute in an adult court.

With the planned commencement of Parts 4 and 5, and section 96 of the Children and Young People (Scotland) Act 2014 in August 2016, and potential changes to the age of criminal responsibility, further amendments to this paper will be required.

Definition

There is a degree of overlap between the terms **prevention** and **early intervention**. For the purpose of this paper, the distinction between prevention and early intervention is based on the following definitions, from [Moira Walker \(2005\)](#) and from the [Framework for Action \(2008\)](#):

- Prevention refers to activities which stop a social or psychological problem arising in the first place
- Prevention services are available as part of universal provision
- Early intervention is activity aimed at halting the development of a problem which is already evident
- Early intervention is targeted assistance for vulnerability towards offending

In Scotland, a child is defined differently depending on the legal context:

- The Children and Young People Act 2014 and the [United Nations Convention on the Rights of the Child](#) defines a child as being under 18 years old.
- [The Children \(Scotland\) Act 1995](#) (section 93), [Criminal Procedure \(Scotland\) Act 1995](#) (section 307) and [Children's Hearings \(Scotland\) Act 2011](#) (section 199) define 'children' as 1) under 16 years old 2) those referred to the children's reporter prior to their 16th birthday and 3) those young people age 16 and 17 who are subject to a Compulsory Supervision Order (CSO) through the Children's Hearings System. The 2014 Act has not changed this definition.
- The [Adult Support and Protection \(Scotland\) Act 2007](#) defines an adult as someone over the age of 16 years.

For the purpose of this paper, children are those under 16 or aged 16 and 17 and on a CSO or an open case to SCRA. Young people are those aged 16 and 17 who are not on a CSO or an open case to SCRA.

2. Legislation and Policy

EI practice with its focus on wellbeing is at the heart of Scottish policy and legislation relating to children and young people. For example:

- [The Kilbrandon Report 1964](#) underpinned the Social Work (Scotland) Act 1968 and established the Children's Hearing System in Scotland, which emphasised the importance of early intervention to prevent the development of future problems, linking the needs of children and young people who offend with those in need of care.
- There is an underlying theme of EI within the [Children \(Scotland\) Act 1995](#) with its focus on minimum intervention and providing support to children in need.
- [Getting It Right For Every Child \(GIRFEC\)](#), which has been developed since 2006 and is now in statute through the Children and Young People (Scotland) Act 2014 (2014 Act), emphasises the ethos of Kilbrandon within current youth justice policy. The GIRFEC approach is that intervention should be appropriate, proportionate and timely, and it prioritises acting early on concerns or in response to a crisis to prevent escalation of concerns or deterioration in wellbeing, recognising children and family pressures, and building on strengths. It emphasises that where planning is required to meet a child's wellbeing needs through the delivery of targeted interventions, this should be done through the single planning framework of the Child's Plan, which links support and activities to desired outcomes and requires professionals to work together and share information appropriately.
- [Preventing Offending; Getting it right for children and young people who offend \(2015\)](#) includes EI as part of its advancing whole system approach agenda. The emphasis is on supporting partners to integrate EI with the implementation of the 2014 Act (including development of EI practice to ensure consistency and appropriate involvement of the Named Person in advance of the implementation in August 2016) to continue to support good practice, and promote an improvement

culture among national and local partners. The strategy also emphasises the need to maximise the opportunities for and encourage greater use of diversion across the Criminal Justice System (CJS) and formal processes, to respond swiftly and bring action on offending much closer to the offence.

- [Children and Young People \(Scotland\) Act 2014](#) Parts 4, 5 and 18 (Section 96) (ie Provision of Named Persons, Child's Plan & Assessment of Wellbeing) is expected to commence on 31st August 2016. In preparation, local authorities, (including Education and Social Work), Police Scotland, independent and grant-aided schools, Health Boards, and third sector organisations will all have to consider the local processes and models of EEI and what changes may be necessary in relation to Named Person functions, information sharing, decision making and planning.

3. Back to basics

Knowledge about children's physical and emotional development and theories about the impact of this on their personalities, behaviour and ultimately their life chances has become more complex over the decades. Practitioners working with children and families with emotional and behavioural difficulties and/or offending behaviour seek to understand the reasons as to why some children from similar backgrounds appear to have no problems within family, school, and community settings while others struggle to cope. Children who struggle to cope at home, school and in the community often display difficult and challenging behaviour which can impact negatively on themselves and others.

Awareness and understanding of different child development theories can provide practitioners with insight into the possible underlying roots of individual strengths and vulnerabilities. This in turn can help identify the most appropriate supports and services and assist the development of a constructive and pro-social professional relationship with individual children and families. Practitioners involved in EEI should be familiar with a range of social work theories including resilience, attachment, brain development and desistance.

4. General Principles

EEI focuses on the wellbeing needs of children and young people aged eight to 18 years using the principles of GIRFEC:

- Assessments and supports offered should take account of the age and developmental stage of each individual, building up the young person's protective factors, and where appropriate promoting supports for young people and their families which can be universally accessed.
- Children and young people who start to offend come from a range of social backgrounds and cultures, and possess a wide range of both personal difficulties and individual strengths requiring a range of responses.

- The majority of anti-social behaviour and youth offending takes place in areas of economic and social deprivation, where there are fewer opportunities for pro-social activity than in wealthier areas, and where social controls are frequently poor.
- What can sometimes be described as anti-social behaviour by a young person may fall within the parameters of normal adolescent behaviour, rather than intentional criminal behaviour.
- Many young people who are charged with an offence never commit any further offences. This can be due to family's parenting skills, emotional support, pro-social values, and maturation of the young person.
- Unnecessary involvement in formal systems such as the Children's Hearings System, Court System and social work can result in continued anti-social behaviour through labelling and stigmatisation.
- Some children and young people who start to offend will, without the appropriate intervention and services, continue to offend.

5. Messages from Research

Predictive Factors:

Many research studies stress the importance of age and stage in determining likelihood of future serious offending. There may be significant offending trajectories for children who start to offend at the pre/early adolescence stage, and those who start in their teenage years. Moffitt (1993) differentiates between: early onset, life course, persistent and adolescent limited anti-social behaviour.

Features of the early onset group include neuro-cognitive deficits, adverse parenting, family and environment and uncontrolled temperament. Significant features of those who start offending in adolescence are social factors including the influence of deviant peers. It is not always easy to distinguish between the two types in adolescence, but their histories and adult outcomes are different.

Lipsey and Derzon (1998) rank predictive characteristics of violent or serious offending. For six to 11 year olds, the highest predictors are general offences, substance use, being male, family socio-economic status and anti-social behaviour. For 12 to 14 year olds the highest ranking is social ties and anti-social peers, followed by general offences. Slightly weaker predictors include aggression, school related issues, IQ and psychological conditions.

McAra and McVie (2010) note both similarities and differences in respect of early and late onset of offending. In particular early onset children are more likely to live in a broken home, in a deprived area. They are more likely to be known to agencies by age five. They are eventually more likely to truant or be excluded from school and become more frequent serious offenders.

Early onset of offending:

Children who start offending or demonstrating significant emotional and behavioural difficulties under 12 years are two or three times more likely to become involved in long term persistent and serious or violent offending than their peers (McGarrell 2001). Clusters of risk

factors have significance: a 10 year old exposed to six or more risk factors is 10 times more likely to commit a violent act by age 18 than a 10 year old exposed to one risk factor (Herrenkohl et al 2000).

Findings indicate that children under 12 who possess a cluster of risk factors are much more likely to go on to become serious, persistent, violent or sexual offenders than those who start offending later on in adolescence. Not all however will go on to offend in adulthood, and support in identified areas of vulnerability can increase the likelihood of a positive adulthood.

Exposure to early trauma can predispose children to future violent offending. Ford et al (2007) specifically consider children and young people's exposure to traumatic events in respect of levels of subsequent offending. They note a strong link between the witnessing of trauma in early childhood, internal problems (e.g. depression and anxiety) and externalised difficulties (e.g. aggression, conduct problems, oppositional defiant behaviour). This is linked with increased risk of involvement in child welfare and juvenile justice systems. It suggests an early onset trajectory for offending.

Fraser et al (2010) provide a comprehensive consideration on factors that predispose towards violent offending. Research with adult offenders with a long term pattern of serious and violent offending frequently highlights: a background of childhood abuse or neglect, domestic abuse, poor parental attachments, a higher than average experience of being in the care system, behavioural problems, truancy and poor educational outcomes.

Late Onset Offending:

Young people who start offending later in adolescence fall into different groups in terms of risk factors, offending patterns and desistance. Some will be involved in relatively minor offending over a few years and stop around 16 or 17. Others may continue, often into their early 20s, committing serious or violent offences. The Edinburgh Study of Youth Transitions in Scotland provides a Scottish perspective on predictive factors, outcomes in respect of offending and recommends keeping young people out of formal systems, thereby using EEI and diversion.

Aspects of parenting are good predictors of juvenile delinquency at age 13. Important factors include parents' tracking and monitoring behaviour, the child's willingness to disclose information to their parent, parental consistency, reduced parent/child conflict and excessive punishment. There is an overall correlation between levels of offending and poor neighbourhoods (Smith 2004). Offending at age 15 to 16 is associated with school truancy and exclusion at age 13 and 14 (Smith 2006). Ford et al (2007) found an association between children and adolescents who witness or become victims of violence, experience traumatic stress and are involved in offending. They consider how the stress of the juvenile justice system, court hearings, detention and imprisonment can exacerbate an already underlying trauma and thereby increase the risks of violent offending.

Based on this evidence the premise of EEI is that earlier and more coordinated information sharing will be able to effectively identify with needs and deeds as they arise, in order for them to be dealt with in an appropriate setting which does not have the potential to up tariff.

6. Models of EEI

The majority of local authorities have developed multi-agency EEI processes as an early intervention response to offence charges which might otherwise have automatically resulted in a referral to the Children's Reporter. There are two main EEI models across the country:

- A multi-agency group decision making forum
- A lead contact who screens referrals, making some individual decisions and referring other young people to an EEI group

Some local authorities predominantly use the latter, reserving the option to hold a multi-agency group meeting for cases which are more complex.

The models across the country vary with respect to the nature of the referrals which are discussed. In some areas the multi-agency group considers antisocial behaviour referrals alongside offending, and in other areas low level wellbeing concerns are also discussed.

The most important feature in any EEI model is that decisions are made on the basis of all available and appropriate information, from a range of agencies, and are timely and proportionate to the wellbeing need identified. Wherever appropriate young people are diverted away from formal processes and supported within their community.

The agencies involved in EEI models tend to vary depending on local arrangements although most have representatives from social work, police and education. Many areas also have representatives from health, community safety, housing and third sector partners (e.g. Sacro, YMCA, Action for Children, Barnardo's).

EEI disposal include:

- Police direct measures
- Current support is appropriate, no additional measures are required
- Single agency support – through social work, education, health
- Referral for a targeted intervention – e.g. restorative justice, substance misuse work
- No further action - for a number of reasons it may be appropriate to take no further action in response to an offence
- Referral to Scottish Children's Reporter Administration (SCRA) – although this should not be an alternative to offering support through EEI if appropriate and timely, but an option where compulsory measures of care may be considered necessary.
- In exceptional circumstances it may be appropriate to refer a young person to COPFS, however, this is unlikely if agencies are working together to identify the right young people for EEI

The specific agency providing support is not as important as the ability for all areas to have access to appropriate support for young people when required. A full report on options available, written by the 'menu of options' short life working group, [can be found on the CYCJ website.](#)

7. Core Elements

For EEI to be effective it should be aligned with the principles of GIRFEC. It should enable timely and proportionate responses to offending behaviour by children and young people that places this behaviour in the holistic context of the child or young person's world. It should complement the statutory responsibilities of the Named Person when these come into effect, and provide an effective multi-agency information sharing, assessment, and decision making forum, that focuses primarily on the needs of the child or young person.

In July 2013 a short life working group was created by the EEI Champions Group to look at minimum standards for EEI practice in Scotland. The group comprised of representatives from social work, police, SCRA and third sector. Based on the overarching principles of EEI the group produced a report setting out an aspired standard of practice for all EEI processes:

Sufficiency of evidence: Police Scotland is responsible for the examination of the evidence in each case and ensuring that there is sufficient evidence to proceed with a case. This does not mean that there must be an admission from the child. However, it must be remembered that EEI is a voluntary process where the young person agrees to participate in whichever form of intervention is identified to meet their needs, although this does not preclude them being discussed in the first instance.

Suitability of Offence for EEI: It is the responsibility of Police Scotland to identify cases suitable for discussion/ referral to EEI. All offences should be considered for EEI unless they are excluded under:

- Lord Advocate's Guidelines to the Chief Constable on the Reporting to Procurators Fiscal of Offences Alleged to Have Been Committed by Children for under 16s
- Crown Office Framework on the Use of Police Direct Measures and Early and Effective Intervention for 16 & 17 Year Olds; or
- Police deem a referral to SCRA is necessary

Decisions made as to the suitability for EEI are primarily based on the gravity of offence.

Notification: The police should explain to a young person and their parent (where appropriate) that cases may be referred to appropriate local partners, what this involves, how long it should take and what information may be shared:

- If under 16 parent/carer must be notified
- Consent to an EEI referral is not required but is preferable
- Initial denial of the offence should not prevent the offence being referred to EEI
- Attitude of the child to police/parents should be recorded where possible
- The young person should understand what EEI entails
- If the young person is subject to a compulsory supervision order (CSO) or has a Child's Plan, the **lead professional** must be notified of the EEI referral
- As part of the Recorded Police Warning process

SCRA check: The police will confirm with SCRA if the young person is on a CSO or if there is an open referral being investigated. If the child or young person is the subject of an open referral the police have no option but to submit the referral to SCRA.

Multi-Agency Group: Where multi-agency meetings are in operation, these should be held at minimum fortnightly in order to fulfil the aims and objectives of EEI (15 working days from the young person being charged to meeting). Each local EEI arrangement should ensure that a range of core agencies are represented at the multi-agency meeting stage. Those in attendance at these meetings should have the necessary level of authority to both provide agency information to the meeting and to receive referrals from the meeting.

Practitioners: Must use their professional judgement when sharing information between agencies and ensure that the information shared is proportionate and relevant to the identified wellbeing concern.

Examples of information which can be shared per agency are detailed below:

- Police
- Details of alleged offending incident including relevant information regarding the victim and whether the young person was under the influence of alcohol/substances
- Response from child/young person and their family
- History of previous offending and disposals
- Outstanding charges
- Relevant intelligence
- Any other relevant concerns

Social Work

- Whether the child or young person is currently an open case and, if so, on what statutory basis
- Details of current Child's Plan, if relevant
- Family background and current caring arrangements
- Previous support provided and its effectiveness
- Previous/current concerns and areas of risk
- Previous level of engagement from the child/ young person and their family
- Response to any previous EEI interventions

Education

- Current level of attendance, and any previous attendance issues
- Number/nature of exclusions
- Additional support needs
- Previous/current concerns
- Knowledge of family/carers and any concerns over attitudes or engagement with school staff
- Response to any previous EEI interventions
- Details of current Child's Plan if there is one

Health

- Any relevant mental or physical health diagnoses
- Details of any previous or current treatment or support required – in particular relating to mental health or substance use

Community Safety/ Antisocial behaviour services

- Any historical concerns regarding child or young person

- Response by child/young person and their family to services
- Any current and relevant intelligence re. community issues
- Response to any previous EEI interventions

Decision Making: Decisions regarding children who offend must be made timeously if they are to be effective. The assessment of the child/young person should be based on the GIRFEC national practice model. It should be holistic and needs led, while also being proportionate to the gravity of the alleged offence and level of concerns over the child/young person.

If compulsory measures of supervision may be required for a young person, a referral to SCRA should be made within five working days. A decision to refer to SCRA does not mean that EEI support should not be offered, if appropriate.

A young person should not be re-referred to the multi-agency group for the same alleged offence, even if they have refused to engage with services offered. If the relevant agency has concerns over the wellbeing of the child or young person then these should be reported to the Named Person, who can decide if compulsory measures of care may be necessary, and therefore refer to SCRA

Communication: The young person and their parents should be notified in person or in writing the EEI referral outcome within five working days of the decision. The outcome of the EEI process should be reported to the victim, unless the provision of the information would be detrimental to the best interests of the child concerned (or any other child connected in any way with the case). This requires timely information being fed back to the Reporting Officer.

8. 16 and 17 year olds

Given the complexity of the legal system in Scotland, which provides that young people aged 16 and 17 can be legally defined as children or as adults depending on which system they are in, the following section deals with those defined as children under the Children's Hearings (Scotland) Act 2011 and the Children (Scotland) Act 1995 and those defined as adults under Criminal Procedure (Scotland) Act 1995 separately.

16 and 17 year old children

A sixteen or seventeen year old may be considered by either the Children's Hearing System or the adult criminal justice system depending on whether or not they are subject to a compulsory supervision order (CSO). If a young person is not subject to a CSO and they are charged with a crime after their 16th birthday but are under 17.5 years, the Sheriff can request advice from the Children's Hearing System regarding the most appropriate disposal for the young person and if minded to do so, can remit the young person to the Children's Hearing System for disposal of the case. In these circumstances, good practice would be that the young person is placed on a CSO to support their wellbeing needs. The Sheriff can however choose to deal with the young person in the adult Criminal Justice System.

The principles of the Whole System Approach (WSA) encourage social workers and panel members to keep young people on a CSO for as long as the young person requires support to make positive life decisions. The approach emphasises that non-compliance with the young person's care plan does not suggest that they are making good decisions; therefore termination of the young person's CSO would not be considered in their best interests.

For 16 and 17 year olds who are subject to a CSO and commit offences outwith the COPFS guidelines for EEI, there will be communication between the Procurator Fiscal and Children's Reporter. Taking into account the overall circumstances of the case and the available evidence, the Procurator Fiscal (PF) will decide whether to retain the case or whether to pass it to the Children's Reporter.

16 and 17 year old children defined as adults

Sixteen and seventeen year olds who are involved in offending behaviour that is not dealt with via the Children's Hearing System or through a formal Court appearance will generally be dealt with as part of EEI, by a Recorded Police Warning (RPW) or through the Diversion from Prosecution process.

Police direct measures, which include RPW and EEI, are intended to address minor offending behaviour, particularly offences that if reported to the Procurator Fiscal may result in a non-Court disposal.

With regard to EEI for this age group there is a significantly smaller number of offences than those considered for the under 16 age group and this may go some way to explaining the low numbers of 16 and 17 year olds being referred to EEI.

A new Recorded Police Warning Scheme was implemented in January 2016. RPWs can be issued to all adults, which include young people aged 16 and 17. The scheme aims to address in a more proportionate and effective manner minor offending behaviour which previously was reported to COPFS and resulted in either a non-court disposal or no action being taken due to the minor nature of the offence and circumstances. A Recorded Police Warning is only available as a disposal for 16 and 17 year olds who are not subject to a CSO. Each time a RPW is issued it will be accompanied by the submission of a wellbeing concern form to relevant partners (and from August 31, 2016 the Named Person Service) who may seek to give consideration to any wellbeing concerns that may not have been directly addressed by the administration of a RPW. It will be the decision of local partners as to whether any further intervention is required to address any wellbeing concerns identified.

For 16 and 17 year olds who are not subject to CSO and commit an offence outwith the COPFS guidelines for RPW and EEI, these young people will be referred directly to the PF where Diversion from Prosecution may be an option.

9. Diversion

There can be confusion between the terms **early intervention** and **diversion**. In this guidance the term diversion means diversion from prosecution.

In Scotland the decision to prosecute an individual for a criminal offence rests with COPFS. Decisions on how to respond to any allegation reported for consideration to the PF are taken on the basis of the overall circumstances of the case. Where the nature of an offence does not demand prosecution in court the PF has the option to utilise diversion from prosecution schemes in order that a meaningful intervention can be delivered to address the identified concerns for that young person. The COPFS [Prosecution Code](#) stipulates the factors to be taken into account when making any decision in relation to prosecution.

There is now a national structure for the consideration (Initial Case Processing) of cases by the PF. The national unit is responsible for marking all reported cases (i.e. those on summons), which form a significant part of the diversion workload. It is intended that the national Initial Case Processes Structure will take on all undertakings and custodies. Diversion from prosecution constitutes a form of early intervention which aims to address unmet needs and reduce the prospect of further offending behaviour. Diversion is a 'direct measure' as an alternative to prosecution, available to the PF in all areas where there are diversion schemes¹. PF's are responsible for identifying which of the accused reported to them by the police are potentially suitable for diversion into social work interventions. Police and social work can highlight to the PF the cases they feel could be diverted. Procurators make the decision by anticipating that this will have more beneficial impact on future offending behaviour than a prosecution. The recent evaluation of the WSA (Murray et al, 2015) recommended that diversion from prosecution should be the default position rather than prosecution for 16 and 17 year olds.

Diversion can be a useful intervention with positive outcomes in respect of reoffending. Many current youth justice diversion schemes adopt a deferred prosecution model and prosecution is suspended until the young person has successfully completed the diversion programme. An agency such as social work, addiction services or restorative justice manages the diversion programme. Normally a young person is involved in individual and /or group work sessions which cover a range of areas such as offending behaviour, alcohol and drug use, social skills, education, employment and training and problem solving. A report on progress is then submitted to the PF.

CYCJ undertook a scoping exercise on diversion services for 16 and 17 year olds across the country (January 2016). In terms of the process of diversion, there appears to be three distinct models:

1. Diversion referrals are sent from the PF to social work with no interim process of highlighting appropriate/suitable cases. Social work complete a suitability assessment and where appropriate social work offer a diversion intervention. The intervention is normally provided by someone in the youth justice/young people team.
2. Police and or social work highlight suitable referrals to the PF. The PF sends the diversion referrals to the social work team (throughcare, young people's service, youth justice team, criminal justice). Social work completes an assessment and where appropriate offer a diversion programme.

¹ The CYCJ scoping study (2016) identified that 31 out of 32 local authorities offered diversion to 16 and 17 year olds

3. Social work highlight appropriate diversion cases to the PF. Diversion referrals are sent from PF to social work. Initial information is gathered and a referral is made to a third sector organisation who undertakes the suitability/intervention assessment. A diversion programme is provided by the third sector organisation.

The [Diversion from Prosecution Toolkit](#) offers guidance to service providers and decision makers on what they need to do to provide a more effective, tailored and appropriate intervention for young people who offend. It offers detailed guidance on establishing and maintaining a youth justice diversion scheme.

Where a young person's has a Child's Plan, any referrals for services, like diversion, need to be documented.

10. The Children and Young People (Scotland) Act 2014

Parts 4, 5 and 18 (section 96) of the 2014 Act are expected to come into force on August 31, 2016. Part 4 of the Act concerns the provision of the Named Person service, which may add additional options to the EEI process. The Named Person service aims to provide a point of contact for information about a child's wellbeing, for children, families, professionals and others. The Named Person has a key role in promoting, supporting and safeguarding the wellbeing of the child or young person. This support comes into play if the child or parent seeks advice or support, if the Named Person identifies a wellbeing need, or if others provide information or raise concerns about the child's wellbeing.

Where a child is involved in offending behaviour which comes to the attention of the police, this information is likely to be relevant to the Named Person functions under the 2014 Act, and is therefore required to be shared with the Named Person service. The duty to share relevant information with the Named Person service immediately challenges many of the current models and processes of EEI where the main partner has been social work. The legislation does not restrict the police from sharing offence-related information with other agencies in addition to the Named Person service, for example where there are child protection concerns. On those occasions the police will also send the referral to social work, and children that require to be jointly reported will be referred to SCRA and COPFS. However, it is anticipated that the majority of referrals will go directly to the Named Person service.

Some children will need more intensive interventions, which may represent a 'targeted intervention' in terms of Part 5 of the 2014 Act, depending on the services generally available in a local authority area. EEI and diversion from prosecution themselves are not targeted interventions. However a referral to additional services from these processes may be a targeted intervention. A service that is generally available to children and young people from a universal service in one area may be a targeted intervention in another area. So, for example specific youth justice services including some EEI services are likely to be targeted interventions. Universal services can also provide targeted interventions if the child's needs are such that they require targeted support that is not made generally available to children. A Child's Plan will usually be required if a targeted intervention is involved. However, if the view is that this is the only targeted intervention, and it is expected to be a very short intervention, and to prepare a Child's Plan would take longer than to deliver the intervention

itself, then a Child's Plan might not be required. There is a degree of professional judgement to be used here.

Where agencies or third sector organisations provide targeted interventions to support the wellbeing needs of the child, an evaluation of the support based on the [SHANARRI wellbeing indicators](#) is required as part of the review of the Child's Plan. If the worker has concerns about the wellbeing of the child which is different to the need they were supporting, this information should be shared with the Named Person. Where there is a child protection concern local child protection procedures should be followed and any actions to support the child in relation to the child protection concern should be included in the Child's Plan. Under Part 5 of the 2014 Act, the Child's Plan is to be reviewed and amended as appropriate in line with the child's developing needs. This is one of the functions of the Lead Professional, whose role is to manage and co-ordinate support when more than one agency is involved with a young person. This should replace practice in areas where ongoing concerns, failure to engage and evaluations of the intervention are referred back to the EEI multi-agency group for consideration.

It is the responsible authority's role to consider the views of the child, parent, the child's Named Person and anybody else they consider appropriate within all Child's Plans. Currently children and their parent/carers are informed of the possibility of the offence being referred to EEI by the police. In most areas the child and family are sent a letter advising that an EEI meeting will be taking place and then the decision of the meeting. Under the 2014 Act, their views will need to be considered and included within all Child's Plans.

The process of referring a child to the Children's Reporter is unchanged by the 2014 Act. If a wellbeing assessment indicates that a child is in need of protection, guidance, treatment or control, and that it might be necessary for a compulsory supervision order to be made to ensure that the child's wellbeing needs are met, as specified in the 2011 Act, a referral should be made to the Children's Reporter.

The Children & Young People (Scotland) Act 2014

With the introduction of the 2014 Act, there will need to be changes to current EEI processes. Partners will need to work together to revise their process in line with the 2014 Act.

The decision as to whether a young person is suitable for diversion from prosecution is made by COPFS. Until the commencement of Parts 4 and 5 and section 96, we will not know exactly how the 2014 Act will impact upon diversion, but currently, we can envisage that the police will forward wellbeing information to the Named Person service and the SPR2 to the PF. The Named Person and diversion co-ordinator/lead should discuss the young person's wellbeing and assess their suitability for diversion. The ultimate decision lies with the PF who does not have a duty to inform the Named Person of the outcome of their decision. Where diversion coordinators are from social work or Police Scotland, under Part 4 of the 2014 Act if they have information (relating to the diversion) that is likely to be relevant to the Named Person functions, they are required to share this information, subject to the tests set out in section 26 of the 2014 Act.

As many of these processes will be new to the majority of Named Persons, training will be required and information given with regards to the different schemes in place and the evidence for their effectiveness.

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