

## Case Study

# 4. Whole System Approach: East Ayrshire Council

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### Background

The Scottish Government remains committed to the advancement of a [Whole System Approach](#) (WSA) in responding to children involved in or at risk of involvement in offending behaviours as children first. WSA seeks to embody a children's rights approach in line with [UNCRC](#) and [Child Friendly Justice](#) to ensure that all under 18s are responded to as children and their involvement in offending behaviours are understood through a lens of child development and holistic understanding of their needs. In a wider sense, it emphasises the importance of a multi-agency approach to offending behaviour by children, which incorporates streamlined and consistent planning, individualised tailored support and decision-making. East Ayrshire have embraced WSA and remained dedicated to sustaining and embedding it within and across practice not just in social work services but all partner agencies who may have a role in relation to supporting children involved in offending behaviour or preventing them from becoming involved. East Ayrshire has continued to develop its WSA ensuring all children receive appropriate and proportionate support across the continuum of offending behaviour. East Ayrshire WSA provides a consistent response, such that all children irrespective of whether they are known to services or not receive the right support, at the right time, diverting them from statutory systems such as the Children's Hearing System or formal Justice System wherever possible and appropriate. As a core value, it prioritises the use of universal services as far as possible and when additional supports and services are required that bespoke community based alternatives with multi-agency partners are created as required.

The purpose of this case study is to outline examples of practice and summarise some of the learning for East Ayrshire since their implementation of WSA from 2012. Whilst following national policy East Ayrshire has adapted WSA to fit with their local service delivery which continues to evolve and develop.

In East Ayrshire, our WSA embedded the six initial components providing the underpinning ethos and values, which we have built upon and incorporated into our guidance and processes. These initial components are:

- Early and Effective Intervention (EEI)
- Diversion from Prosecution for young people under 18 years old
- Risk Assessment and Management of Young People deemed High Risk
- Support for Young People under 18 year olds in Court
- Alternatives to Secure Care & Custody
- Reintegration and Transitions.

This approach and working ethos is being prioritised by a multi-agency team which includes:

- East Ayrshire Health and Social Care Partnership
- East Ayrshire Council Educational Services
- Police Scotland
- Scottish Children's Reporter Administration (SCRA)
- Crown Office Procurators Fiscal Service
- Action for Children
- Scottish Fire and Rescue Service
- East Ayrshire Vibrant Communities
- Voluntary Sector Services providing direct services to young people.

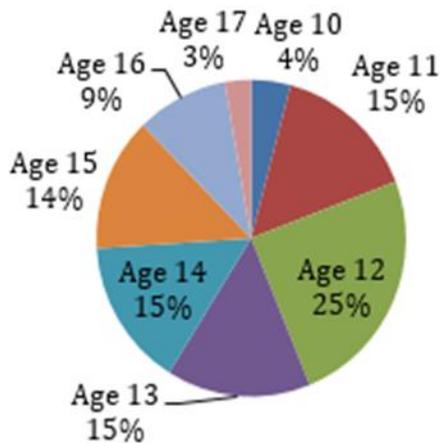
Implementation of the WSA is overseen by an East Ayrshire Whole System Strategic Group. The Strategic Group has representatives from the agencies above who are at a senior level and therefore able to make decisions about key processes and the commitment of resources to progress implementation. This group meets every month and during these meetings we all share learning, ideas, challenges and success stories. Overall, the representatives within this meeting all share the ethos that children involved or at risk of involvement in offending behaviours are all children in need of care, guidance and protection in line with the principles of Kilbrandon, GIRFEC and UNCRC. Often these children are or have been known to services due to previous or current episodes of child protection or welfare concerns due to their experiences of victimisation, exposure to trauma, challenges and adversity. All partner agencies involved in the WSA Strategic Group share a value base that these children need support and guidance as opposed to criminalising their distress behaviours. The strategic group consciously shifted away from using stigmatising and labelling language and replaced it with distress behaviours and unmet needs. This was believed to be in keeping with the values and ethos of getting it right for every child, and shifts from seeing children involved or at risk of involvement in offending behaviour as an exclusive category. Members of the WSA strategic group have a responsibility to ensure the ethos, values, beliefs and passions are extended within their individual workplaces and to grow and embed our approach within the wider working environments.

The WSA Coordinator role supports the development and implementation of the work of East Ayrshire's WSA Strategic Group. This post was initially funded through the Scottish Government and was available to all local authorities. However, following cessation of this money, East Ayrshire recognised that in order to truly embed WSA across all partners, there was a need to maintain this post and are committed to doing so.

### **Example of Good Practice**

Early and Effective Intervention (EEI) is one of our key work streams within WSA. Our EEI seeks to provide timely and proportionate responses to alleged offending behaviours by children informed by an understanding of each individual child within the context of their situation. Over the preceding two years, we have experienced a significant reduction in referrals to our EEI process from 217 in 2016/2017 to 128 in 2017/2018. Scrutiny of this significant fluctuation has not seen an increase in offence referrals to SCRA and it is unclear whether offences have progressed by other routes or signifies an overall reduction in offending by under 18s within East Ayrshire. EEI allows an opportunity to consider a child's alleged involvement in offending behaviour as an indicator of need. However, intervention is not always required as evidenced by McAra & McVie (2010) and often doing nothing is the appropriate response. The involvement of the child and family is crucial to ensure they are meaningful participants within the process and not just recipients.

One of the key drivers of our EEI process is to divert children, who do not require compulsory measures of care, from unnecessary referrals to the Children’s Reporter. In terms of EEI, we thought it would be important to highlight our 2018 breakdown of age and disposals. The chart on the left indicates that children referred to EEI are between the ages of 10 and 17. It also outlines that 44% of our children referred to EEI are 12 and under. Given the current national consideration of raising the age of criminal responsibility from eight to 12 years old, we need to give thought to implications for practice as under 12s will no longer be criminally responsible. East Ayrshire contributed to national discussions raising our concerns that the increase to 12 does not go far enough both in age of criminal responsibility and of prosecution. We raise these concerns following experience of [brain development](#), [maturity](#), [adversity](#) and [trauma](#).

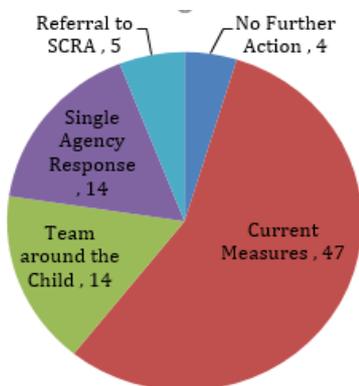


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An example of our EEI process involved a 15-year-old male charged with theft of a small amount of money from a member of teaching staff which the teacher initially did not feel was appropriate to report to police. Following a discussion with other members of staff, the teacher was subsequently asked to report the incident, resulting in the child being cautioned and charged. This was the child’s first charge though the Police report referenced “compulsive theftous behaviour”.

Police referred the charge to EEI. On progressing this referral, the child shared they took the money as they were trying to save enough to leave home due to being unhappy. Subsequently, the child went on to disclose information which resulted in child protection measures being triggered and the child being removed. This child’s alleged offending behavior was an expression of their need to escape from a harmful situation but not knowing how to do this or who to turn to for help. Whilst unusual for an EEI referral to result in child protection processes or the removal of a child to a safe place, this highlights the importance of recognising that offending behaviour is often an indicator of need and must be responded to holistically. Failure to do so risks criminalising children who are often victims themselves.

Over the past four years we have tried to increase the range of interventions we have available to meet the needs of children through our EEI disposals. By continuing to raise awareness and understanding of the purpose and aim of EEI with partner agencies, and building relationships with various projects and agencies, we are able to utilise a wide range of interventions to address any need that involvement in offending behaviour may highlight. It is important to continue to tap into the most appropriate disposals and interventions for our children. The graph to the left highlights the disposals of our 2018 referrals. Nearly half (47%) were dealt with through current measures, emphasising that we did not need additional interventions or to seek statutory measures for these children.



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In East Ayrshire, we also have an established **youth diversion** from prosecution scheme, which is delivered on either an individual or group basis depending on the needs of the children participating. Our diversion process is collaborative between Children & Family Social Work and third Sector partner Action for Children and offers an opportunity for children aged 16 and 17 years, to participate in a bespoke offending based educational programme as

an alternative to prosecution. There is no requirement for the child to accept guilt for the alleged offence and they are informed of the range of options and possible outcomes regarding choosing to participate or not. The expectation of them is should they wish to participate, they are also advised that they can seek legal advice before deciding on doing so. Any child who agrees to participate will be introduced to their support worker from Action for Children who will undertake the tailored intervention seeking to reduce the risk of involvement in any future situations that may bring them into conflict with the law. In addition, the flexibility and individuality of our interventions allows for proportionate and appropriate support for each child. This approach, which is in line with GIRFEC, recognises some individuals may require very short levels of intervention and no wider assistance, and others may require a longer period and more intensive levels of supports such as dealing with official agencies such as benefit agency appointments, housing, sourcing training or employment. This combination of providing both practical assistance and more traditionally viewed intervention allows opportunity for the child to utilise some of the skills they are learning or confidence to deal with these issues, which previously may have raised their anxieties and inappropriate coping mechanisms. This manner of supporting and engaging also supports development of positive working relationships where the child will often disclose other vulnerabilities they want assistance with and will be incorporated into the diversionary support. The work to address the practical issues will often be prioritised over the intervention to enable individuals to participate by feeling safe, knowing where they are staying, having food to eat. If we do not work in this manner then the likelihood of diversion being successful by the child's measure is slim. In 2018, we successfully diverted 23 children from prosecution, achieving a 100% completion rate.

An aspect of our diversion, which we felt was important to develop, was the availability to all 16/17year olds living within East Ayrshire. This became pertinent, as there are a number of private care providers with residential units where frequently children from other local authorities (often from England) are placed and we have no knowledge or involvement. However, there have been occasions where these children have been charged with an offence that is referred to either our EEI or youth diversion and we felt it was important they were not disadvantaged because the responsibility for them lay with other local authorities. In 2018, we supported two children, both from England and placed with private care providers in East Ayrshire, to engage in the Youth Diversion Scheme, as otherwise they would most likely been prosecuted in court. We link with the lead professional to explore and consider a range of factors such as what is in place for the child, who is best placed to undertake any work specifically around the diversion referral or if this is being covered within existing intervention. If it is agreed the current supports and interventions are addressing the needs highlighted then follow up to evidence how this is meeting the needs and outcome will be arranged. This is important to ensure credibility in any diversion intervention and appropriate information is provided back to COPFS as to successful engagement and intervention. It is our conviction that GIRFEC should be for any child living in Scotland and any child coming to our attention should receive the same level of support, and the same opportunity to be treated fairly and proportionately as the children whom we have corporate parental responsibility for.

A further example of our WSA is demonstrated by our **provision of court support to all under 18s**. Our protocol is to offer support to all children under 18 years appearing at court irrespective of the route to court. Acceptance and uptake of this support is voluntary on the part of the child and will always be proportionate to their level of needs and existing supports. Multi-agency collaboration between Police Scotland, East Ayrshire Children & Family Social Work, North Ayrshire and South Ayrshire Court Social Work Teams and Action for Children ensures robust and consistent processes providing support to all under 18s appearing at either Kilmarnock or Ayr Sheriff Court. When an under 18 is appearing from custody, East Ayrshire processes ensure: they are visited in the custody cells to explain what will happen; that they speak with a solicitor; understand how to present in court they are aware of why they are in custody (no discussion of the details around their charge); offers are made to contact family; check they have an address to return to; liaise with professionals such as COPFS, defense solicitor and information for Sheriffs ensuring effective and proportionate information sharing with court. Court support is not just

about the appearance in court but extends through the whole of the child's court experience for every appearance, as well as offering ongoing practical supports where possible, and risks can be managed in the community to try and prevent under 18s being subject to secure care or remand. Where an under 18 from East Ayrshire is appearing in another court in Scotland and we are contacted and made aware we would endeavor to provide information for provision of court notes, provide a worker to attend and support the child and/or their family and provide ongoing support as appropriate. Our commitment to this stems from ongoing research whereby people in prison are 13 times more likely to be care experienced and approximately 88% of 16-20 year olds released from custody are reconvicted within two years. This clearly identifies why supporting our children throughout their court journey is the right thing to do for their own outcomes.

In early 2019, the importance of court support being available not just for children from East Ayrshire but to all under 18s nationally was reinforced when we had an experience regarding two under 18s from another local authority in custody to appear in court. As our protocols and processes we were notified however it quickly became apparent these children were not known to East Ayrshire social work however, they were visited in the custody cells to offer support and any assistance. Whilst both were over 16 years, they were still in education and having been held in the cells overnight were missing school on the Monday, were scared and very apprehensive about the process. They had been in police custody overnight, unable to receive any level of reassurance from professionals or family. As stated, we followed our process as we would for any East Ayrshire child but made contact with the local authority from where the children resided. Unfortunately the local authority was unable to attend court due to the geographical distance and time issues and nor were they able to provide any information as the children were not known to social work services either. As per our processes, we were able to establish this was the first charge they had both accrued, they had supportive parents and in our assessment had been held longer than they should have been. The response seemed punitive and disproportionate. We contacted COPFS to discuss, as per our court support process, and enquired if these children could be considered for diversion from court. We provided the details to COPFS, outlining the reasons as to why appearing before the sheriff was disproportionate and not in the children's best interests and how any issues could be suitably addressed through diversion. The diversion was agreed, with a clause in the liberation that they must be met at court. They were released into the care of their parents who had travelled to collect them.

In 2019 to date, we have had five under 18s arrested and held in Police custody overnight. Four out of the 5 children have been diverted from court, did not appear in front of the Sheriff and were given community support packages as a result. This reduced the number of unnecessary court appearances, court reports and ultimately diverted our children from formal justice processes. When our children do appear in court, we have a commitment to be present in court and for the Sheriff to know that we are providing voluntary support to all under 18s. For example, we had a child charged with a serious charge in 2017, subject to special bail conditions for over 12 months and ultimately convicted of the offence. We liaised with the Procurator Fiscal who was able to provide guidance on possible disposals and although they could not give sentencing lengths, was able to indicate that she could be subject to 2-3 years detention. Critical to our provision of court support is information for Sheriffs at the points of bail consideration through court notes or sentencing through Criminal Justice Social Work Reports (CJSWRs) outlining available supports and interventions that are proportionate to manage and address needs and risks. In providing tailored wraparound supports either for bail or as part of sentencing this may include secure care and/ or our intensive support services, who can often see a child on a daily basis, always with the caveat of risk being manageable within the community.

An example of our court support highlighting the benefits of our processes was evident on an occasion when an under 18 was appearing for sentencing from custody. The WSA coordinator and a residential worker from the children's house where the child lived attended the court to provide support for the child. The Sheriff closed the court but asked if there was social work or a corporate parent representative.

Workers made themselves known and the Sheriff was able to enquire further regarding the supports and interventions available in the community. We were able to provide detailed information to the court as to what and how any interventions and supports would be implemented as well as additional risk management strategies available such that the Sheriff decided a community disposal including a Restriction of Liberty Order (RLO) would be appropriate in this instance. The Sheriff had all available information regarding the child's vulnerabilities, how this may have impacted upon their offending behaviour and the risks and needs associated with their offending behaviour and how these could be addressed and managed in the community. These situations also force us to reflect on what would happen if we did not have a commitment to our WSA. If we did not support this child in court, would she have been remanded in Polmont?

With this said, it is essential that the needs underlying children's harmful behaviours towards others are understood if interventions are to be meaningful and reduce risk and improve outcomes for individual. Our skills in assessing and understanding the needs underlying distress behaviours are becoming more robust though our ability to [balance rights and risks](#) within our risk practice is an area we challenge ourselves to improve and develop. In order to continue improving in this area we are keen to utilise updated research and consider how that should inform our practice and policies. This has also involved linking with the Centre for Youth & Criminal Justice for advice and guidance on how we may embed children's rights within our risk practice.

According to the UNCRC, when a child is remanded into, or sentenced to a period of detention it should be for the minimum time required. On a child being remanded or sentenced, we are committed to attending all our [Initial Custody Reviews](#) (ICR) within 72 hours in line with best practice regarding **reintegration and transitions**. This is a planning meeting to assess unmet needs, co-ordinate prison and community based supports and to plan for the child's release. Should a child be remanded or detained we remain committed to keeping in contact, making welfare visits, showing the child we still care, and looking forward to them coming home. One child in particular wrote to his Intensive Support Worker, referring to him as the uncle he has never had. These powerful messages highlight the importance of keeping connections between the child and community based social work - home. In line with advancing and reinvigorating the whole system approach in 2019, we have purchased 'welcome home bags' in line with the personalised agenda. This is where we meet a child on release from HMYOI Polmont, and give them a bag for their belongings to avoid carrying their possessions in a black bag. The bag is filled with toiletries, clothing and some luxuries for spending their first night back in their home community. We would – and should - do these little things for our own children, for as corporate parents these *are* our children.

In 2018, the Whole System Strategic group took forward the implementation of **Clean Slate Ayrshire**. This model was based upon One Glasgow's model but has been adapted to fit the local picture within East Ayrshire. The approach is for all under 18s who have outstanding warrants, charges or court dates, and the drive for these to be dealt with at the earliest opportunity, before their sentence ends and to avoid multiple court appearances. These discussions initially took place as some of our under 18s were completing their sentence in HMYOI Polmont, had secured a tenancy and a fresh start, only then to be arrested on their release for an outstanding warrant that had existed since their initial imprisonment date. Although this may result in their sentence being extended it would mean that on their release date they would be leaving with a "clean slate".

In order to progress this process, we met with COPFS who were very interested to support the approach we were aiming to embed. We agreed a system suited to local needs whereby when East Ayrshire is alerted to any person under the age of 18 with any outstanding warrants or court appearances, contact would be made with COPFS directly who would check the Procurator Fiscal systems and clarify anything outstanding for that individual child and to ascertain what could be achieved in line with the Clean Slate agenda. We were able to set up this approach through having established and positive partnership

relationships and within our authority we are given opportunities to develop such ideas and partnerships. We are in the early stages of the implementation and this year need to continue and develop this approach so that we are able to directly report on a live case study.

Within East Ayrshire our response to distress behaviours that pose significant risk to others has been evolving through the use of Care and Risk Management (CARM). This was approved and signed off, as directed within the national guidance, by the East Ayrshire Child Protection Committee and is overseen and reported to them. Although we have not undertaken a formal self- evaluation of CARM it appears to be embraced by Social Work practitioners and we have good experiences of under 18s participating in their conferences. We have evidence that it has resulted in good outcomes and a reduction in risk. Additionally, its implementation has coincided with the development of more strength-based community plans and a reduction in children being accommodated where that may have otherwise have been the outcome.

### **Benefits and Impact**

The vision for sustainability for WSA within East Ayrshire was the need for it being embedded across all partners as good practice in how we respond to children whose needs happen to include offending behaviour. That these are children first, our practitioners are skilled in responding to children and their families, and youth justice should not be seen as a distinct area of work. WSA has been developed across our generic children and family locality teams with the WSA coordinator providing support, guidance and direction as required to individual workers where necessary but also in sharing the developments of the processes and practice. This has ensured children are not transferred to new social workers because they become involved in offending behavior. It has promoted the upskilling of workers in areas they may not have had experience or confidence previously, such as court process and CJSWRs. It has supported areas of practice development where all under 18s are supported who meet the justice system. Children, whom prior to WSA would have received no support during their court journey such as 16/17 year olds appearing from custody, are now offered support not just to them but also for their families. This extends to those who become subject to remand or detention whereas prior to WSA without a statutory licence on release support would have been limited if available at all. The most important aspect and impact is for children in East Ayrshire who have been diverted from formal court processes, robust partnership working supports this but also improved responses and systems at whichever point of the justice system they intersect.

### **What makes this work?**

Partners are committed to providing the right response, at the right time, by the right service(s). Within East Ayrshire EEI is located within Children & Family Locality Social Work Teams utilising existing processes. By embedding the functions of EEI across every day, generic Child & Family Social work this requires effective communication and shared understanding as a fundamental principle. The WSA Strategic group members have a responsibility to promote and share the purpose of EEI across their own agencies to support its development and effectiveness through this shared understanding and communication.

This highlights equality, consistency and the unified approach that we take in East Ayrshire. It is also important to note that in order for the Procurator Fiscal to agree to a child being diverted, both from custody and through the diversion scheme, a level of trust is required within the local authority and for the diversion scheme to have some level of credibility. COPFS policy states that people are diverted, as opposed to cases and diversion should not be restricted to an exhaustive list of offence types. This

outlines the flexibility of COPFS in being prepared to work within and through attending the national diversion forum run by CYCJ. It is further emphasised through COPFS' attendance, whereby social work practitioners are encouraged to be seeking diversion for under 18s.

### **Challenges and Barriers**

Ensuring that children are not criminalised when other responses would be more appropriate as well as a wider understanding of the implications of responding through a justice lens across agencies is still an area of ongoing work. This is particularly relevant in thinking about the EEI example where a child stole a very small amount of money, as they were unable to identify how to deal with a situation within which they were actually being victimised. Curiosity by those around that child as to why they felt the need to take the money may have avoided any justice response at all and looked beyond the presenting behaviour.

We must support our colleagues in being familiar with our WSA as we are conscious that each agency has its own aims and objectives. It is important that we recognise this diversity but all have a common strategic goal of working towards the best outcomes for our children who are at risk of displaying offending behaviours.

Limitations to accessing data has a number of implications for delivery of WSA. Unreliable data from parts of the system that is not joined up to give a coherent sense of what is happening limits our ability to understand shifts and trends or identify gaps and address these. Whilst having an impact on ability to improve or addresses issues, it also limits our ability to highlight positives and influence fully. Data is only part of the picture alongside feedback and information from children, their families and professionals as to what is working and what is not, but often the statistics and financial implications can have a significant impact on continuing resources and support for approaches.

### **How could this be improved further?**

Like every local authority, we continue to reflect on and learn from progress and work hard in advancing the WSA. We continue to have some challenges and room for improvement that have been identified throughout this case study. In recognising this, we continue to feed into national forums, meetings and discussions that will assist us in overcoming our challenges. We look to the future and are hopeful that we can keep up, and build on our strong foundations in East Ayrshire.

### **What has been learnt?**

Commitment and support across the agencies and at both strategic and practice level is necessary to make WSA work. Developing shared language and understanding of the roles, demands and limitations of each multi-agency partner is crucial. Taking people with you on the journey and being clear about the fact this is about children not "offenders" can really help shift views and attitudes. It takes significant effort and time to embed new practices and providing a coordinator who can drive these and support practitioners with new or unfamiliar tasks and learning is crucial. It needs to keep evolving and developing, ensuring that national policy provides the framework and that autonomy to connect this in a way that works locally is crucial. Children and their families value this approach; it makes a difference to them. For services it reduces demands on resources by reduction in reports for court and SCRA, utilizes universal services and third sector partners.