

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

Section 6: Reintegration and Transitions

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1. Introduction

'Reintegration and Transitions' is an umbrella term frequently used to describe policy and practice in respect of children and young people who are at the interface between services, systems and processes. In this section 'transitions' refers to children and young people:

- Moving from children to adult services
- Moving from school to employment, training and further/higher education
- Moving from childhood into adolescence and young adulthood in developmental terms
- Moving from the Children's Hearings System (CHS) to the Criminal Justice System (CJS)
- Moving from the community to secure care or custody and vice versa; from secure care to custody; and Young Offenders Institutions to adult establishments

Likewise, 'reintegration' means:

- Children and young people moving from having a legal order in place, for example a Community Payback Order or Compulsory Supervision Order, to having no such order
- Young people returning from secure care or custody to their community

In this section, the transitions from the CHS to the CJS, to and from secure care or custody and reintegrating back to the community will be focused upon to provide information on the importance of good practice and how this can be achieved to deliver the best possible outcomes for young people.

Reintegration and Transitions practice has been one of the areas prioritised under the Whole System Approach (WSA) ([see Section 1](#)) and this section should be read in conjunction with the Scottish Government suites of guidance to support implementation of the WSA, in particular the [Reintegration and Transitions Guidance](#) and the online resource [Youth and Criminal Justice in Scotland: the young person's journey](#).

2. Transitions from Children's Hearings System to the Criminal Justice System

In Scotland's Choice: Report of the Scottish Prisons Commission, Scottish Government (2008:30) noted that:

"....unlike in most other countries, at the age of 16, many young people who commit offences face a very abrupt transition from the Hearings System, where the

emphasis is on helping them to develop and change, to the adult courts, where the emphasis is on punishing them”

While significant efforts have been made under WSA to improve on this position and to maximise the use of the welfare-based CHS, Dyer (2016) has highlighted that the majority of children who end up in court could have had their behaviour addressed through the CHS, with too many young people still being prosecuted as adults, in adult courts with this bringing lifelong consequences. This has important implications for children’s rights (see [Section 11](#)), with Article 1 defining a child as being under 18 and Article 40 of the [UNCRC](#) stressing the importance of diverting children from judicial processes. Many children entering the CJS have a range of unmet needs, which if not met, and the young person not supported through the criminal justice process, can lock them into a cycle of reoffending (Scottish Government, 2008). There are various situations which can result in failure to maximise the use of the CHS to manage assessed needs and risks in a child-friendly, age appropriate forum, which are highlighted below.

2.1 Premature termination of Compulsory Supervision Orders (CSOs)

While a CSO may be continued until a young person reaches the age of 18, there has been anecdotal evidence and subsequent concern about the premature termination of CSOs, particularly on or around a young person’s 16th birthday. In research by Nolan, Dyer, and Vaswani (2017) young people reported the negative impact of the premature termination of their CSO and the differential experiences between the Hearing System and the adult court, with the former described as a much more positive, inclusive and understandable child-friendly system. Research by Henderson (2017) looked at decisions made for 113 young people on CSOs aged between 15¾ and 16, who had a Hearing which made a substantive decision within three months of their 16th birthday. Seventy two percent of young people’s CSOs were continued past their 16th birthday, in most cases in recognition of the young person’s vulnerabilities and the need to support them in the transition to further education and/or adult independence, as well as following the recommendation of social work (Henderson, 2017). In some of the cases where these orders were terminated however, this decision did not consider the young person’s current needs and circumstances and/or was simply because of the young person’s age (Henderson, 2017).

The premature termination of CSOs has significant implications including limiting the future ability of children to be supported through the welfare-based CHS, where most could have their behaviour addressed while having their needs, age and stage of development taken into account (Dyer, 2016). This is because of the limited ability for 16/17 year olds who are not subject to a CSO to be referred to the CHS (as detailed further in [Section 2](#)). As a result, for these children entrance to the adult CJS in dealing with new or subsequent offending will often be accelerated, with the raft of negative outcomes this can bring, as well as contributing to the failure to uphold children’s rights as per the [UNCRC](#) Article 40 (Dyer, 2016; Inspectorate of Prosecution in Scotland, 2018; Nolan et al., 2017). Likewise, such a decision can increase the vulnerability of young people by constraining access to childcare legislative entitlements introduced in recognition of the particular developmental issues and needs experienced by looked after children and aiming to ensure that any transitions for these young people are graduated and extended. This has been through the introduction of the [Staying Put Scotland guidance](#) and the duties on local authorities under [Parts 10 \(Aftercare\)](#) and [Part 11 \(Continuing Care\)](#) of the [Children and Young People \(Scotland\) Act 2014](#).

A raft of guidance and reviews have encouraged against the premature termination of CSOs (Henderson, 2017), including the Association of Directors of Social Work (ADSW), now Social Work Scotland, Position Statement [Young People aged between 15 and 17 in the CHS](#). It stresses that the following underlying principles ought to influence decision-making:

- Action must include a consideration of a young person's wider emotional, developmental and family needs
- Young people should continue to be supported on a CSO between the ages of 16 and 18 when this is in their best interests

Moreover, it states that it is not appropriate to base a recommendation for termination of a CSO solely on the basis of:

- The young person's outstanding offences
- The age of the person (unless approaching 18)
- The young person's failure to engage with services that are assessed as necessary
- The fact that the young person is in the adult court system or has been given a custodial sentence

Likewise, the [Supporting Young People Leaving Care in Scotland](#) guidance states that young people should remain looked after up until the age of 18 years if that is in their best interest. This general principle applies regardless of care setting and includes those looked after at home, with the early termination for CSOs based on factors such as age, or levels of engagement, to be avoided. The Scottish Government's [Looked After Children Strategy \(2015\)](#) also recommends that:

“Corporate parents in a position to influence young people panels should “presume against” recommending the ending of a compulsory supervision order around the child's 16th birthday unless continuing the compulsory supervision order would lead to a significant and negative impact on the young person's wellbeing” (Scottish Government, 2015:37).

In spite of this, various arguments continue on occasion to be cited as the basis for terminating CSOs, which should be avoided and countered where evident by all parties working with the young person, including:

- The young person is not engaging with services. However, to be placed on a CSO, the test for compulsion outlined in the [Framework for Decision Making By Reporters](#) requires to be met, which states: “the lesser the motivation to change, or the willingness to co-operate, the more likely that a CSO is necessary” (SCRA, 2013:2).
- Ultimately 16 and 17 year olds are adolescents, not mature adults. They are often vulnerable and have often already demonstrated their difficulty in making positive choices for themselves by being made subject to a CSO. By prematurely terminating this Order they may quickly reoffend and end up in the revolving door of the CJS, remands and short sentences, with significant implications but limited opportunity for intervention within the custodial setting.
- The young person is more likely to engage if supervised under a Community Payback Order (CPO). Both CSOs and CPOs require that a young person has an allocated social worker with whom they meet regularly for purposeful contact. CSOs

are extremely flexible in nature and it would be surprising if a young person, with Offender Supervision Requirement as part of a CPO, would be able to provide a form of service provision that was significantly different in focus or more robust. Moreover, the costs of non-compliance with any of the requirements of a CPO are significant, with the link between non-compliance and entrance to custody, especially for short-term sentences (Bateman, 2011; Nolan, 2017).

- The young person has already been made subject to a CPO; therefore the CSO has become redundant. In fact this dual status may prove beneficial. Depending on the age of the young person and length of any CPO imposed, if the CSO is terminated and the young person subsequently breaches the CPO, or the Order ends before the young person is 18, they may lose the support and services provided within the CHS, including the possibility that further offences might be considered by a Hearing rather than the Court.
- The young person is in secure care or custody. However, the length of time for which they are detained will vary depending on whether they have been remanded or sentenced. The length of detention may be short and premature termination of a CSO would lead to a situation where the local authority no longer had a legal duty to provide a service and support to the young person.
- The young person will not be able to obtain supported accommodation if they are subject to a CSO but the ADSW position statement makes it explicitly clear that this should not be the case.
- The young person wants to be treated as an adult, believes he/she has outgrown the CHS and emphasises that his/her views must be given due consideration. While the young person's views should always be taken into consideration, as per [UNCRC](#) and domestic legislation, their ability to manage risky situations during adolescence and to make wise decisions is likely to be as limited as that of young people who are not "looked after" and who rely on their parents and carers for support and advice for many years. In making any assessment and recommendation, all responsible Corporate Parents must weigh up the young person's desire to be treated as a "grown up" in the "adult system" with the significant negative consequences which may stem from their non-compliance with Court.

2.2 The failure to utilise remittal to the Children's Hearings System

As detailed in [Sections 1 and 12](#), Scotland has legislative measures to enable young people aged under 18 years who appear in court to be remitted to the CHS for advice or disposal, with the right of children to be diverted from formal judicial processes and the promotion of specialised systems for child accused found to have committed crimes enshrined in the UNCRC. However, while significant progress has been made in respect of youth offending, there has been little change in the proportion of requests for advice from criminal courts to the CHS and criminal proceedings where the outcome was to remit to a Children's Hearing, which remains extremely low (Dyer, 2016; Henderson, 2017). On average only 10% of those 16 and 17 year olds attending summary court referred to the CHS from the Sheriff Court for advice and 6% for disposal between 2009/10 and 2013/14 (Dyer, 2016). In 2015/16, the court requested criminal advice from Children's Hearings for 109 young people, 49 of whom were remitted by courts to Hearings for disposal (Henderson & CYCJ, 2017).

It is therefore imperative that all social workers are familiar with s.49 of the [Criminal Procedure \(Scotland\) Act 1995](#) which outlines in detail the circumstances whereby young people found guilty of an offence in an adult court may have their cases remitted back to a

Children's Hearing for advice and/or disposal ([see Section 1 and 12](#)). Moreover, all social workers should follow guidance as detailed in [Section 1](#), which makes clear:

"The report writer must **always** comment on the option of remittal back to the Children's Hearing, (where the subject of the report meets the criteria of being under 17 years and six months) **but** it is critical to be clear that remittal is being considered with a view to work being undertaken which will address both the needs and risks already identified as well as being tailored to the young person's stage of development" (Scottish Government, 2010:52).

Research indicates that this does not always happen in practice and geographical differences have been noted, with it being important that local methods are developed to ensure this is the case and workers are supported to provide the court and the CHS with good quality action plans to support decision making in respect of remittal (Henderson, 2017; Nolan, 2015). In addition, where a young person is nearing 16 and has outstanding offences, consideration should be given to referring young people to the Children's Reporter (Dyer, 2016). Henderson (2017) concluded that this was also a matter for the courts and the CHS, particularly in looking beyond a young person's non-engagement with services and in fully considering the other supports available via the CHS. While further legislative change could support the aim of ensuring attendance at court is the option of last resort for all under 18s in Scotland, it is imperative that the current measures detailed above are maximised if we are to prevent the trend of too many young people appearing in court continuing (Dyer, 2016).

3. Young People in transition to and from secure care and custody and reintegrating to their community

[The UNCRC](#) specifies the rights of every child, including those involved in offending behaviour and deprived of their liberty, all of which should be upheld for these children (for further information [see Section 11](#)). [The UNCRC](#) specifies every child should be "fully prepared to live an individual life in society" (UNCRC, 1989:2), with children having a right not to be punished in a cruel, inhumane or degrading way (Article 37), the detention or imprisonment of children must be lawful, only used as a measure of last resort and for the shortest appropriate period. The child's needs and age must be respected, which includes separating children from adults unless this is not in their best interests; they must have access to legal and other assistance and be able to challenge their detention; and the right to family contact is reiterated. There is the right to be treated in a manner that is consistent with their sense of dignity and worth, requiring the use of institutions specifically applicable to children and that promotes the child's reintegration and assuming of a constructive role in society, thus enshrining a focus on reintegration support and throughcare (Article 40). In addition, services and supports should be made available to fulfil children's rights to health and healthcare (Article 24); education (Article 28 and 29); leisure (Article 31); and to promote physical and psychological recovery and social reintegration of children who are the victim of neglect, exploitation, abuse, torture or any other form of cruel, inhumane or degrading treatment, in an environment which fosters the health, self-respect and dignity of the child, be this in the community, secure care or custody.

The [Standard Minimum Rules for the Administration of Juvenile Justice \(The Beijing Rules\)](#) (reinforce the above and include specific articles on detention pending trial (Article 13); least possible use of institutionalisation (Article 19); and part 5 relates to institutional treatment. Under part 5, children deprived of their liberty should be provided with care, protection, and

all necessary assistance - social, educational, vocational, psychological, medical and physical - with a view to assisting the child to undertake socially constructive and productive roles in society in the future. The importance of support for young people returning to the community is also highlighted under Article 28 and 29, with the commentary stating:

“The importance of care following a period of institutionalization should not be underestimated... This rule also emphasizes the need for a diverse range of facilities and services designed to meet the different needs of young offenders re-entering the community and to provide guidance and structural support as an important step towards successful reintegration into society” (United Nations General Assembly, 1985:16-17).

Similarly, the [United Nations Rules for the Protection of Juveniles Deprived of their Liberty \(The Havana Rules\)](#) further reiterate and extend the above, including stressing the need for the rehabilitation, planning for the period of detention, the range of supports that should be made available, matters while the child is detained (such as regarding the use of restraint and complaints processes) and reintegration planning and support. It specifies all children should benefit from arrangements and supports to aid their return to society, family life, education or employment and to promote successful transition, with support in respect of accommodation, employment, clothing and financial support likely to be required, and services should begin prior to release. The importance of community and family involvement is also stressed. Each of these factors are further echoed in the [Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice](#). In spite of all of the above, UNCRC Committee in their General Comment No. 10 and Concluding Observations continue to highlight a range of areas in which the UK could do more to take forward the principles and provisions of the UNCRC (UNHCR;, 2016; United Nations Committee on the rights of the Child, 2007). Recommendations include the need for better monitoring and data collection on the number of children in detention; adoption of approaches to reduce the number of children in detention; ensuring restraint is only used to prevent harm to the child or others, is not used for disciplinary purposes and pain inducing restraint is banned; establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children (including children in care); and remove all children from solitary confinement (UNHCR;, 2016; United Nations Committee on the rights of the Child, 2007). This underlines the crucial importance of all practitioners understanding children’s rights and supporting the adoption of a rights-based approach to reintegration and transitions and throughcare.

In accordance with the above, as part of the WSA, alternatives to secure care and custody should be utilised wherever possible and appropriate (Scottish Government, [2011a](#), [2011b](#)). Although secure care and custody are often equated, as both deprive children of their liberty, there are numerous differences between the two environments and for those young people whose needs and risk cannot be managed in the community, secure care should be utilised rather than custody (Gough, 2016). This is because secure care is first and foremost a form of care, which is deemed to provide more age-appropriate facilities, offering more relationship-based and therapeutic, trauma and attachment informed support, and a far greater ratio of staff to young people (Gough, 2016; Lightowler, Orr, & Vaswani, 2014). Secure care centres in Scotland are registered, regulated and inspected as children’s homes and schools with the regulatory bodies, Care Inspectorate and Education Scotland (Gough & Lightowler, 2018). The workforce must be registered and qualified in relation to the care and education of children and young people in secure care (Gough, 2016). There are also various differences regarding the use of separation/segregation and restraint (Scottish

Government, 2017). While the intention under WSA that secure care should be utilised and actively considered as a possible place of detention rather than custody, we continue to see fewer young people remanded or sentenced to secure care than custody, and Scottish Government figures show that in recent years there have been between five and ten times the number of 16 to 18 year olds in HMP&YOI Polmont on sentence or remand than in secure care (Gough & Lightowler, 2018; Nolan, 2018).

Young people in secure care and custody are some of our most vulnerable, disadvantaged and excluded in society. These young people will often have already faced multiple adverse experiences, including abuse (sexual; physical and emotional); neglect (physical and emotional); household dysfunction (familial substance abuse; familial mental illness; domestic violence in the home; incarceration of a household member); moves of home and school; community violence; and associated trauma (Gough, 2016, 2017; Johnson, 2017; Moodie & Gough, 2017; Smith, Dyer, & Connelly, 2014; Youth Justice Improvement Board, 2017). The transitions to and from secure care or custody are major, often traumatic, life events for young people, which in addition to the negative effects this experience in itself can bring, may exacerbate pre-existing vulnerabilities and disadvantage, rendering young people susceptible to a range of (further) negative outcomes on return to the community (Bateman, Hazel, & Wright, 2013; Hollingsworth, 2013). Moreover, it is recognised that the removal of young people from their families and communities to secure care or custody interferes with processes and factors generally thought to promote desistance, including developmental processes, positive links with the community, family ties, employment and housing (Rutherford, 2002) (see [Section 3](#) for more on desistance). It is however important that the stability a period in secure care or custody can provide is utilised as an opportunity for intervention (Gough, 2017; N Vaswani, Paul, & Papadodimitraki, 2016).

Throughcare (sometimes called resettlement) refers to a range of supports provided by social work and other services, both from within and outside the criminal justice system, the statutory and third sector, to young people entering secure care or custody and their families from the point of sentence or remand, during their period in secure care or custody, and subsequent return and reintegration to the community (Malloch, 2013a; Scottish Government, 2011b). The dual aims of throughcare support are (Griffiths, Daudurand, & Murdoch, 2007; Malloch, 2013a):

- To improve outcomes, including reducing the likelihood of reoffending and ultimately to support desistance, which can be defined as “...the long-term abstinence from criminal behaviour among those for whom offending had become a pattern of behaviour” (McNeill, Farrall, Lightowler, & Maruna, 2012:3). N. Hazel, Goodfellow, Liddle, Bateman, and Pitts (2017) have more recently advocated that effective and sustained resettlement or reintegration involves a journey of shifting the young person’s perception of themselves from an identity that promotes offending to one that promotes positive contribution to society and a new narrative for how they relate to others, which relates closely to explanations of desistance.
- To support the transition for young people returning and reintegrating to their community from secure care or custody.

It should be noted that throughcare is distinct from aftercare for care leavers (as defined in the [Children and Young People \(Scotland\) Act 2014](#)). In reality many young people in secure care and custody will also have aftercare entitlements. Cameron, Broderick, and Carnie

(2017) found three fifths of young people sampled in the Scottish Prison Services Prisoner Survey in 2017 reported being in care at the age of 16. It is therefore good practice that any young person who is sentenced prior to their 16th birthday is treated as a looked after child and care leaver and receives such benefits ([Celcis \(2014\)](#) for more information). It is important workers understand and are able to communicate these entitlements to young people as research has shown young people are often unaware of, or do not identify with, their care leaver status and do not know about these entitlements (Nolan et al., 2017; Scottish Care Leavers Covenant, 2015). In seeking to address this, a [protocol for the identification of looked after young people and care leavers by justice agencies](#) has been developed, which all practitioners should be familiar with and utilise. It is also important all practitioners can support young people to have these entitlements fulfilled and to advocate on behalf of young people to ensure corporate parenting duties are fulfilled (Scottish Care Leavers Covenant, 2015). This includes the ability, under *the [Children & Young People \(Scotland\) Act 2014](#)*, to request an assessment of need (Part 10, Aftercare), which local authorities **must** undertake and if eligible needs are identified, **must** ensure that these needs are met up to the young person's 26th birthday. This may be directly or in collaboration with other named corporate parents or other agencies.

With the exception of the work of [Beyond Youth Custody](#), research specifically focused on the throughcare needs of, and effective practice with, young people aged under 18 is limited. The Beyond Youth Custody programme has produced a significant body of evidence about effective resettlement for young people leaving custody. The following sections will draw upon the programme's [Framework for Effective Resettlement](#). In providing throughcare supports, the role of services can be seen as twofold in providing personal and structural support, as detailed below along with a number of characteristics for throughcare support, prior to exploring some of the practical arrangements for supporting these young people and the importance of overcoming practice challenges (Bateman et al., 2013; N. Hazel et al., 2017).

3.1 The role of services

To achieve the aims of throughcare, of supporting transition, reintegration and desistance, including identity shift, service providers need to provide two types of support: personal support that helps young people on their journey and structural support that helps young people to overcome barriers that indirectly enable them to make the shift in their identity.

Personal support

Personal support fundamentally relates to efforts to help young people to see the way forward towards a more positive identity and future and the pathways that can help to achieve this (N. Hazel et al., 2017). This involves helping to build young people's self-belief and esteem and promoting and reinforcing positive change in their identity (Bateman & Hazel, 2013; Rajah, Kramer, & Sung, 2014). Personal support begins with helping young people to identify their current strengths and future goals; understand their previous experiences and barriers; establishing supportive relationships; identifying, planning and facilitating activities that will help these goals to be achieved; and supporting and sustaining change (N. Hazel et al., 2017).

Personal support should also involve preparation for the fact that transitions into and out of custody and secure care can be stressful, overwhelming and disorientating experiences for

young people, involving the readjustment to a new life regime, becoming familiar with a new environment and renegotiating relationships, to the extent:

“...Children’s related experiences [in the weeks post-release] are consistent with symptoms of adjustment disorders which carry increased risks of long-term psychiatric illnesses and suicide” (Bateman & Hazel, 2015:3).

It is therefore unsurprising that the period immediately following release is associated with increased risk of breach, reoffending and other negative outcomes, with Bateman and Hazel (2015:7) concluding:

“The period immediately after release has been identified as a window of opportunity during which young people may be committed to giving up offending (Bateman et al., 2013). The shock of leaving custody, however, if not addressed, might tend to undermine that commitment, thereby reducing the prospects for desistance.”

It is therefore important that:

- Young people are prepared early for their return to the community, how this may feel and difficulties that may be faced. Periods of mobility (time out with the secure unit) or temporary release may be beneficial.
- Young people know as early as possible where they will live post-release, support is established pre-release, young people understand post-release plans and contact arrangements.
- Enhanced emotional and practical support is provided at the point of transitions
- Young people are given time and flexibility in this adjustment period and a reasonable, structured timetable and activities for the initial period is considered
- Supports are provided not just in the initial days and weeks but in the longer-term based on the needs of the young person and plans move at the young person’s pace
- Supports are premised on positive and well developed relationships (Bateman & Hazel, 2015; Gough, 2017; Malloch, 2013a).

Ongoing support to facilitate engagement, develop and sustain empowering relationships and help with relapse recovery are further elements of personal support (N. Hazel et al., 2017).

Structural support

Structural support facilitates the changes needed to enable the young person to follow their chosen pathway and to address barriers to change (N. Hazel et al., 2017). Structural support requires coordination of planning and services, both within secure care and custody and the community; continuity of support including following return to the community; flexible and timely support and exit planning (N. Hazel et al., 2017). Areas often requiring structural support include those which are recognised to underpin effective reintegration as detailed above and to contribute to desistance, namely accommodation, education, training and employment, health and substance misuse, involvement of families and financial stability. While support in each of these areas is important, they should not become “ends in themselves”, with it critical that a joined-up, holistic, forward looking and strengths-based approach is adopted, within which activities in each of these areas are linked to the young person’s overall pathway for identity shift (N. Hazel et al., 2017). The following information

highlights the importance of attention being devoted to each of these areas and points for consideration in practice.

Accommodation

Housing problems may pre-date and be exacerbated by, or may be the result of, entry to secure care or custody, with accommodation consistently identified as a key concern for young people leaving secure care and custody (Scottish Government, 2015). For example, in Duncalf (2010) research, having to return to live with difficult/problematic/abusive families; poor accommodation; and becoming homeless were three of the five most cited negative outcomes experienced by care leavers, while in the 2017 Scottish Prison Service (SPS) prisoner survey (Cameron et al., 2017) 41% of young people reported losing their tenancy or accommodation when they entered custody and 29% reported not knowing where they would live on release. In research conducted by Cesaroni (Youth Justice Improvement Board, 2017), 66% of young people in HMP&YOI Polmont stated it was very important to receive support to find accommodation, the second most important factor behind gaining help to find employment.

While loss of accommodation and homelessness are the most obvious concerns, Shelter Scotland (2015) and Scottish Government (2015) have highlighted wider accommodation-related issues such as loss of possessions; accrual of arrears; shortage of appropriate, secure and supported accommodation on release; and lack of skills in managing a tenancy. There is also evidence that accommodation is a particular issue for women (Broderick & Carnie, 2018; Commission on Women Offenders, 2012). Moreover, while returning to their family of origin or previous household on return to the community may be an option for some young people, this is not always the most suitable place, as it can be unstable and quickly break down which may result in the young person being placed in risky situations and/or experiencing further trauma-related harm (Bateman et al., 2013; Who cares? Scotland, 2014).

[The Robertson Trust](#) recognised the wide ranging implications of housing issues, including stress and mental health issues, difficulties with family members, substance use and non-engagement in custody. Moreover, housing intersects with a range of the other areas for effective reintegration including physical and mental health and accessing health services, benefits, education, training and employment. Young people who experience accommodation difficulties on release are significantly more likely to reoffend than those who have stable accommodation (Bateman et al., 2013; Malloch, 2013a; Scottish Government, 2015; Shelter Scotland, 2015).

At a practice level, housing-related service provision across Scotland during the throughcare process is inconsistent and varies by area. SHORE housing standards having been developed to improve this situation (Scottish Government, 2015; Scottish Prison Service, 2017). The aim should be that every young person leaving secure care or custody has suitable accommodation that is identified prior to their return to the community (Gough, 2017; Scottish Prison Service, 2017). In addition, supports should be provided to young people, both while in secure care and custody and on release, from a range of providers including public, third sector and specialist housing services, including:

- All those involved with the young person proactively enquiring about their housing situation and providing informed housing advice and support

- Identifying housing needs at the earliest opportunity
- Supporting the young person to/and as necessary informing appropriate agencies of changes of circumstances when a young person enters custody, towards the aim of sustaining accommodation where possible (e.g. landlord, Department of Work and Pensions (DWP), mortgage provider)
- Securing the property and/or retrieving and storing possessions
- Accessing support from specialist services, such as [Shelter Scotland](#), who can provide specialist advice, support, and guidance
- Making accommodation-related arrangements for dependents and potentially transferring tenancies to other family members/relevant persons
- Dealing with abandonment or eviction proceedings
- Support to deal with historical housing issues
- Contacting and supporting relatives who may provide accommodation on release
- Identifying and accessing safe, suitable and sustainable accommodation for return to the community by providing information about processes and starting early any necessary assessments and applications (homeless legislation enables an application to be made eight weeks prior to leaving custody - if the local authority fails to accept or act on this they are also failing to uphold that individual's legislative rights - see SHORE housing standards for more information).
- Advocating on the young person's behalf; making arrangements for moving into accommodation; establishing support, and coordinating of appointments for the young person's return to the community.
- Support to develop independent living skills and in tenancy management, recognising that the young people may not have previously lived independently
- Responding promptly to changes to housing circumstances (Dore, 2015; Nolan, 2016b; Scottish Government, 2015; Scottish Prison Service, 2017; Shelter Scotland, 2015; The Robertson Trust, 2017).

Education, training and employment

Disengagement from education and poor educational experiences are all too common for young people in secure care and custody, with persistent truancy, school exclusion and lack of attainment strongly associated with offending (Scottish Government, 2011a; Youth Justice Improvement Board, 2016). Attainment levels and positive post school destinations for looked after children, while improving, still lag behind when compared with all pupils (Scottish Government, 2018). In 2016/17 whilst 86% of all school leavers were awarded one or more qualification at SCQF level 5 (SQA) and 93% moved on to education, training or employment; only 44% of looked after children attained one or more such qualification and 76% reached a positive destination (Scottish Government, 2018). Moreover, research indicates up to 80% of young men in custody have reported they had experienced school exclusion, for many including from primary school, but more than 70% report that they enjoyed school some or all of the time (Smith et al., 2014; Youth Justice Improvement Board, 2017). It is important that throughcare support pays attention to the disadvantage these young people are likely to have experienced educationally. These experiences, when coupled with the stigma of having a criminal record; the requirement to disclose unspent and certain spent convictions (as well as the complexities surrounding disclosure); and structural conditions which may impact more heavily on those with convictions, render the accessing of education, training and employment for those leaving secure care and custody more complex (Malloch, 2013a; McGuinness, McNeill, & Armstrong, 2013; Nolan, 2018; Nugent & Schinkel, 2016). Yet lack of employment and issues in accessing education on return to the

community have been identified in research by Duncalf (2010) (Youth Justice Board, 2012) as key concerns. In research conducted by Cesaroni (Youth Justice Improvement Board, 2017), 72% of young people spoken to in HMP&YOI Polmont stated it was very important to receive support to find employment.

Moreover, education, training and employment is generally associated with reduced offending and desistance for a variety of reasons including helping to establish financial stability; reducing unstructured time; providing a daily routine, positive social relationships, having a positive impact on identity, and goals; accumulation of human and social capital; and promoting self-esteem, purpose, hope and direction (Kendrick et al., 2008; Piacentini, Weaver, & Jardine, 2018). It is however noted this is also impacted on by the nature and quality of the employment, how this interacts with the individual's goals, priorities and concerns, and influences their self-identity (B. Weaver, 2018). Kendrick et al. (2008) found for young people leaving secure care, education, training and employment was often the weakest part of throughcare support and this had a significant impact on other parts of the reintegration process. Thus while this should not be the sole focus of reintegration support, this should include:

- Ensuring information about any additional support needs are shared when a young person enters secure care or custody (see [Scottish Transitions Forum \(2017\)](#) for the principles of good transitions for young people with additional support needs).
- The provision of creative, holistic, motivational and individually tailored approaches to support learning and encouraging and supporting young people to utilise education, training and employability support and opportunities while in secure care and custody.
- Taking training, the pursuit of qualifications, timings of exams etc. into account in determining the most appropriate time for transitions and continuing this on entrance to/return from secure care or custody, where possible.
- Providing good quality information and support regarding the [disclosure of criminal records](#) including the periods of disclosure, what requires to be disclosed, how this can be managed etc. (see [Scotland Works for You](#)). This may include helping the young person to access specialist support
- Making efforts to have education, training and employment in place pre-release and recognising the need for providing the right opportunity/course/job, at the right time, with appropriate, ongoing, coordinated, flexible and wraparound support to sustain this.
- Recognising that the journey to employment is often less linear for young people involved in offending (Bateman et al., 2013; Gough & Lightowler, 2018; Smith et al., 2014; Who cares? Scotland, 2014; Youth Justice Improvement Board, *forthcoming*).

Health and substance misuse

Young people involved in serious and persistent offending and particularly those in secure care and custody are likely to have additional health and wellbeing needs, including mental and emotional health (Gough, 2016). For example, research in one Scottish secure centre highlighted high levels of post-traumatic stress (65%), depression (65%), and dissociation (18%) in the young people who participated (Barron & Mitchell, 2018). The Scottish Government's Mental Health Strategy 2017-2027 commits to increase support for the mental health needs of young people involved in offending ([Section 10](#)). Girls and young women in secure care and custody are particularly likely to suffer from mental health issues, self-harm,

suicidal behaviour, and trauma (Bateman & Hazel, 2014; Malloch, 2013a) (for more info see [Section 7](#)).

Moreover, many young people in this population experience physical health needs, such as speech, language and communication issues (with 75% to 90% of children in custody estimated to have speech, language and communication needs); head and brain injury; learning disabilities; and have substance misuse problems. Often these issues have not been identified, assessed or addressed and therefore no support has been given to these young people. Additionally, these young people may have been labelled as having “challenging behaviour” (Broderick & Carnie, 2018; McEwan, 2017; Moodie & Gough, 2017; Nina Vaswani, 2014) ([see Section 9](#)).

The experience of secure care or custody and the trauma of return to the community may exacerbate these difficulties, which can present additional challenges to successful reintegration. Physical and mental health issues and substance misuse issues can adversely impact other reintegration pathways such as sustaining accommodation and employment, education or training (Malloch, 2013a). However, the period where a young person is in secure care or custody can provide an opportunity for these needs to be addressed, with secure care and Young Offenders Institutions (YOI) having their own processes, procedures and responsibilities for ensuring health and wellbeing needs are met (CYCJ/IRISS, 2019; Nolan, 2017).

Throughcare support should therefore include:

- Young people having their health needs assessed on arrival to secure care and custody, with any relevant information shared by community-based staff and needs met throughout.
- Access to both basic and specialist assessment and treatment as required
- The provision of broad, inclusive, interactive, quality health education that includes mental and emotional wellbeing, physical activity, nutrition, cooking, dental health, sexual health, relationships, consent, medication, substances, relationships, feelings, sleep, confidence and stigma which may have been missed through non-school attendance.
- Prior to return to the community, making any necessary referrals to, and registration and appointments with, community-based services and pre-empting potential issues and developing contingency plans where possible. This should include GP registration, which is an entitlement even for those without a permanent address. If an individual is trying to register with a GP they can use a care of address, such as a friend or relative’s address, or that of the GP Practice itself.
- All staff should practice in a trauma informed manner, requiring an understanding of the prevalence and impact of trauma for young people involved in offending behaviour, and the environments provided should be psychologically safe and containing and nurturing.
- Staff should be alert to the potential for undiagnosed health issues with the young people they are working with and the impact this may have on their understanding of processes and compliance with the expectations placed on them. Staff should tailor their approaches to most effectively support and meet the young person’s needs

(Bateman & Hazel, 2014; McClafferty, 2016; Nolan, 2017; Youth Justice Improvement Board, *forthcoming*) (see [Section 10](#); [Scottish Government, 2011b](#); Youth Justice Board, 2005; [CYCJ, 2017](#); [CYCJ, 2018](#)).

Involvement of families

As highlighted in the literature reviewed by B. Weaver, Nolan, D. (2015) the role of the family in supporting reintegration and reducing reoffending is well established and has been highlighted in a variety of policy documents, including the National Parenting Strategy in stating:

“Family involvement can make a huge difference, both to the ease of transition and to building on any gains made while in secure care or custody” (Scottish Government, 2012:42).

However, such generalisations can obscure the complexities of experiences and the impact on families of a child’s entry to custody or secure care. The removal of a young person can impinge on the abilities of families to maintain contact while the child is in secure care or custody and to provide effective support to him/her following the child’s return from custody or care (Gough, 2017; B. Weaver, Nolan, D., 2015). Moreover, young people leaving secure care and custody may be estranged from family members, or indeed entrance to secure care or custody can break these relationships, or may find that contact is not productive or beneficial to them (Gough, 2017; N. Hazel, Goodfellow, P et al, 2016; Scottish Government, 2015). Again for young women this can be even more problematic with the family context, conflict and poor family relationships often a precursor to offending and issues of sporadic and infrequent family contact and isolation on return to the community common (Bateman & Hazel, 2014; Burman & Imlah, 2012). In spite of this the importance of the involvement of families in assessment, planning and information sharing for young people and necessity to take parents’ views into account has been enshrined in the [Children and Young People \(Scotland\) Act 2014](#). Furthermore, only 9% of young people responding to the 2017 Prisoner Survey (Cameron et al., 2017) reported no regular contact with family and friends; within the sample of Smith et al. (2014:5) 34% of the young men in custody reported their mothers were the main source of support, 20% had support from both parents, 6% from fathers only, and 6% from a wider network of relatives, leading the authors to conclude:

“Given the importance of families as the main source of support for proportion of the young people, their needs should also be taken into account”

Family support can also be important in achieving and sustaining desistance when young people may require to separate from previous associates, with the resulting pain of isolation and loneliness (Nugent & Schinkel, 2016). In a Youth Justice Improvement Board paper Cesaroni found that, for 61% of the young people in the study in HMYOI Polmont, support to build relationships with their family was deemed very important (Youth Justice Improvement Board, 2017). Likewise Barry, Moodie, Morrison, and Cruickshank (2008) identified contact as the biggest advocacy issue requested by looked after children in Scotland, with young people in secure care having stressed the need to reduce barriers to family contact; with Gough (2017) and Malloch (2013b) highlighting that the families of young people in secure care have been accredited less focus than those in custody. It is also recognised family members can have a unique position, in fulfilling a number of the characteristics associated with effective throughcare support in being continuous (including providing familiar support in

times of uncertainty and after formal support has ceased); consistent; offering individualised, wide ranging support based on their knowledge of the young person; promoting engagement with plans and services; and being a vital part of partnership working (N. Hazel, Goodfellow, P et al, 2016).

In practice working with families should involve:

- The adoption of a whole families approach which recognises each family is unique, takes into account family members' views and assesses and builds upon their needs and strengths by all professionals involved.
- Preparation of young people and family members for a young person's entry to secure care or custody, or on entry providing as much information as possible
- Involvement and engagement of families as appropriate early on and throughout throughcare planning and support, and motivating family members to participate in this.
- Family work and involvement in interventions should be promoted and in particular should be included as part of the Child's Plan when the young person is subject to a Compulsory Supervision Order; is entitled to aftercare support; intends to return to reside with their family on return to the community; or will be released on licence.
- Promoting, supporting and seeking to address barriers to family contact where appropriate. This may include the need to undertake reparative work both between the young person and their family, as well as with professionals, and being able to support responses to family crises or relationship breakdowns.
- Support to families, including siblings, in their own right, for example through the provision of advice, information, practical assistance and emotional support
- Support to young people in secure care or custody who are parents
- Fulfilling corporate parenting duties to young people in situations where the state remains or has been the young person's parent (Criminal Justice Family Support Network, 2015; Gough, 2017; N. Hazel, Goodfellow, P et al, 2016; Malloch, 2013b; Scottish Prison Service, 2017; B. Weaver, Nolan, D., 2015).

Financial stability

In research by the Youth Justice Board (2012) 54% of young people reported concern about having sufficient income to survive on release, with the provision of financial support and legitimate income amongst the most common responses on what could be done to support young people leaving custody. Likewise, in Duncalf (2010) research, financial issues were cited as one of the top five issues affecting current care leavers. The Scottish Government (2015) has highlighted issues such as housing benefit rules, delays in payments following liberation and sanctions as areas of difficulty for people leaving custody, all of which underline the importance of support in this area to young people as part of throughcare support, which should include:

- Developing financial management skills
- Providing high quality information on entitlement and arranging appointments with organisations such as DWP and Job Centre Plus where possible to ensure financial arrangements are made prior to release. Where delays in financial payments are likely, consideration should be given to how basic needs will be met.
- Applying to Scottish Welfare Fund pre-release for example for clothing or household goods (if accommodation has been arranged)

- Arranging access to forms of identification and bank accounts pre-release
- Local authorities and other corporate parents take positive and proactive action to ensure that young people leaving secure care or custody and who qualify for aftercare support under Part 10 of the 2014 Act are aware of their entitlements to support and are able to access this (Morrison, 2017; Scottish Government, 2015).

3.2 Characteristics for throughcare support

A number of characteristics for all throughcare support have been identified as crucial for support to be effective and to sustain gains made while the child has been in secure care or custody. N. Hazel et al. (2017) state the likelihood of effectiveness of individual components of support and overall support can be judged on whether it demonstrates five characteristics, each of which will be discussed in turn:

- **Constructive** Focused on identity shift, future orientated, motivating, strengths-based, and empowering
- **Co-created** Inclusive of the young person and their supporters
- **Customised** Individual and diverse wraparound support
- **Consistent** Throughout the journey, seamless, enhanced at transitions, and based on stable relationships
- **Coordinated** Managed widespread partnerships across organisations

Constructive: To be constructive, throughcare support should facilitate the pathways for a young person's desistance journey and identity shift (N. Hazel et al., 2017). Interventions should be future-focused and take a long-term perspective, with planning and preparation for return to the community commencing at the point of entry to custody or secure care (N. Hazel, Goodfellow, P et al, 2016; Malloch, 2013a). Supports should be less focused on what the young person has previously done and more on them as a child first and foremost, their current strengths, hopes, needs and difficulties, and how these can be built upon and overcome on the future (CYCJ, 2016; Gough, 2017). Gray (2011) has argued the recognition of these young people as children has important implications for the focus of throughcare support and this is an area of practice where less attention has been accredited to the rights and entitlements of children, as detailed further above. Interventions should help to develop the self-esteem of the young person, which is critical in building and maintaining motivation to change and be empowering, which is necessary in helping young people to develop agency and recognise their own strengths (N. Hazel, Goodfellow, P et al, 2016). It should be recognised that where support is promised but is not fulfilled, young people's confidence in their new narrative and identity can be negatively affected, they may become demotivated, hopeless and disillusioned and the risk of relapses and reoffending is increased (N. Hazel, Goodfellow, P et al, 2016).

Co-created: Ultimately it is young people who are experts in their own lives and who go on the journey of desistance and identity shift (N. Hazel et al., 2017). Engagement of young people throughout the throughcare process is therefore essential for effective intervention and we should have faith in young people's self-assessment in relation to risks and readiness to move on (Bateman et al., 2013; Gough, 2017). Moreover, engagement brings a number of wider benefits, each of which are linked to desistance including cognitive and emotional change; supporting reflection on who the young person would like to be; enhanced self-confidence and self-esteem; and fostering agency and empowerment (Bateman & Hazel, 2013; Wright, Francis, & Goodfellow, 2014). However, gaining and

sustaining engagement can be difficult for various reasons including resistance, the chaotic lives of young people, previous negative involvement with services, adverse effects of labelling, negative self-perception and lack of motivation (Bateman & Hazel, 2013) in planning, starting with the opportunities, challenges and barriers as identified by the young person and making supports appeal to young people, relevant to their perception of needs, goals, hopes and future, constructive and persuading of the benefits of engagement; persistence, patience and perseverance from staff; flexibility to respond to the young person's needs; and the ability to creatively share information with young people about the systems and processes they are in to increase their understanding (Bateman et al., 2013; Gough, 2016, 2017; Nolan et al., 2017; Wright et al., 2014; Youth Justice Improvement Board, *forthcoming*). Young people should be clear about who is involved in their plans and what support they will provide, including on return to the community (Gough, 2016). The young person's family, friends and informal supporters should also be engaged throughout the throughcare journey, as detailed previously.

Customised: Young people entering and leaving secure care or custody will often have multiple and complex needs and to achieve the aims of throughcare and promote positive outcomes, these needs require to be met ([Beyond Youth Custody, 2015](#)). It is therefore important that support is customised and individually tailored based on an understanding of how the young person makes sense of their life, strengths and goals, taking diversity into account proportionate to need and risk; available at the point of need, appropriately paced and sequenced, with enhanced support provided at transitions wrap around and strategies built to help young people face and tackle obstacles (Bateman et al., 2013; N. Hazel et al., 2017; Malloch, 2013a).

Consistent: Throughcare should be recognised as a long-term journey and therefore support should be seamless, starting at the point of entrance to secure care and custody, sentence or remand (if not before, for example, through giving young people information on what to expect on admission and regarding their rights), that builds upon plans and supports prior to entering secure care or custody, progress made during this period and continues on return to the community (Bateman et al., 2013; Gough, 2017; N. Hazel et al., 2017). Support should include contingency planning in recognition that change is hard, with relapse and setbacks part of the journey to desistance (N. Hazel et al., 2017). Stable, consistent supportive relationships between young people and service providers are crucial and make a vital contribution to young people's engagement, as desistance is more likely to be achieved when there is a 'working alliance' between service user and service provider (Healy, 2017; Malloch, 2013a).

Moreover, for looked after young people and care leavers, the importance of consistent relationships and continuity of such relationships is well-acknowledged (The Care Inquiry, 2013; Winter, 2015). To achieve this, contact from staff within the community should continue during the young person's period in secure care or custody and any new services who will work with the young person on release should make contact early in the young person's sentence (Bateman et al., 2013)(Malloch, 2013a). Moreover, as young people transition into and out of secure care and custody, an inherently new and challenging period of their lives, it is vitally important they are supported to maintain positive relationships with professionals and carers (Scottish Government, 2011b). In addition, factors identified in research to support positive relationships include staff:

- Being empathic, non-judgemental, interested, genuine, committed, consistent, caring, warm, hopeful, optimistic and available to young people during their best and worst times.
- Time, space, patience, persistence and perseverance
- Helping young people to make informed choices and promoting individual responsibility but being committed to social justice and able to recognise the experiences young people have been through, their stage of development, start where the young person is, and focus on what the young person can be rather than solely what they have been or done.
- Managing expectations and legitimate exercising of authority
- Being credible and getting things done (Cook, 2015; Gough, 2016; Malloch, 2013a; Youth Justice Improvement Board, *forthcoming*)

Coordinated: In light of what has been said above, it is impossible for one agency to provide effective throughcare support, instead requiring a range of service providers both within the secure care/custody environment and the community and across sectors (Bateman et al., 2013). To be effective this requires:

- Adequate co-creation of plans and coordination of services, to prevent fragmentation and duplication, with the Lead Professional having a key role in such coordination
- Appropriate and ongoing contact, communication and information sharing, which includes the critical importance of information moving with a young person when they enter and leave secure care or custody.
- Clearly defined roles and responsibilities, which are communicated to young people in understandable ways
- Values underpinning partnership working including respect, appreciation and understanding of each agency's roles, trust, openness, and working towards a common goal
- Third sector organisations can often be key partners, with The Robertson Trust (2012) citing the benefits that can be provided by this sector as including, flexibility, responsivity; often being rooted in the community the young person is returning to, perceived as not being aligned to any statutory agency and in gaining trust and building relationships with service users (N. Hazel et al., 2017; Malloch, 2013a).

3.3 Gender

The above roles of services and characteristics of throughcare support are gender neutral (Bateman & Hazel, 2014). While even less is known about the needs of vulnerable girls and young women, it has been suggested in throughcare support particular attention should be paid to (Bateman & Hazel, 2014):

- **Vulnerabilities:** Girls and young women in custody tend to have greater unmet support needs. Professionals should recognise and seek to address the vulnerabilities that for young women are particularly linked to offending such as relationship difficulties, experiences of abuse, victimisation and trauma, mental health issues and alcohol and drug use
- **Relationships:** Due to the links between relationships and offending, it is important girls are supported to explore and understand how past and present relationships

impact on their behaviours and how alternative relationships can be developed and maintained in the future

Empowerment: Given the lives of young females in secure care and custody will often have been marked by vulnerability and subordination, empowering interventions are important in promoting self-esteem and optimism. This can be structural, for example in supporting gaining employment, and activities that seek to build agency, such as in participation in planning, addressing past trauma, and building positive relationships (see [Section 7: Vulnerable Girls and Young Women](#)).

3.4 Practical arrangements

The following section details the practical arrangements which should be fulfilled when a young person enters secure care or custody, during this period, and on release ([Youth and Criminal Justice in Scotland: the young person's journey](#) for more information on the processes young people go through). At the time of writing, parts 4 and 5 of the [Children and Young People \(Scotland\) Act 2014](#) have not been commenced and further information in respect of Child's Plans and the role of the Named Person for young people in secure care and custody will be published prior to implementation (see [Section 1](#)). In addition, the National Standards for Secure Care are due to be published which will outline what young people should be able to expect before, during and after their time in secure care. It should be noted that Scottish Ministers have statutory responsibility for placing and managing the sentences of children under the age of 16, or those between 16 and 18 who are subject to a CSO, who have been convicted under solemn procedures and sentenced to detention (under section 205(2) of the [Criminal Procedure \(Scotland\) Act 1995](#)) and all children under 18 who have been convicted of murder under section 205(2) of the Criminal Procedure (Scotland) Act 1995 ([Scottish Government, 2018](#)) (For more information in these cases please see [CYCJ/Iriss, 2019](#)).

Entry to secure care or custody

Young people entering secure care or custody should have a Child's Plan or this should be developed as soon as possible. This Plan should be based on a comprehensive assessment of need and risk, guided by GIRFEC principles and informed by appropriate structured risk assessment tool(s) and risk formulation (see the [Risk Management Authority Risk Assessment Tools Evaluation Directory \(RATED\)](#) for an overview; Murphy [2018a](#); [2018b](#)). This Plan should move with the young person and be shared with the receiving secure unit or YOI. The aim is to share information, ensure the receiving establishment is aware of any needs, vulnerabilities and risks, support the provision of a continuous service by enabling pre-custody plans to be built upon and assist in the provision of comprehensive, holistic and individualised support.

Where a Criminal Justice Social Work Report (CJSWR) has been completed, it is the responsibility of the Scottish Court Service to share this with the receiving establishment but the local authority should confirm this has taken place (Nolan, 2015, 2016c). Other relevant information should be shared with the receiving establishment with reference to the principle of proportionality, information sharing protocols and legislation (Nolan, 2016c). These documents should be shared on the day a young person is sentenced or remanded and if not previously shared they should be brought to the initial custody review (Nolan, 2016c).

Reviews

Reviews are an essential part of the assessment, planning and support process and in achieving each of the principles of effective throughcare practice. Reviews should start early and be undertaken throughout a young person's time in secure care or custody, although the frequency and type of, and arrangements for, reviews will vary dependent on whether the young person is in secure care or custody, and their legal status and sentence length (see [CYCJ/Iriss, 2019](#); (Nolan, 2016c)):

- For young people entering custody on remand for over seven days or who have been sentenced reviews should be held WITHIN 10 working days of being detained, although within 72 hours remains best practice.
- For young people on seven day remand a telephone call should be undertaken with the personal officer ASAP.
- For young people who are looked after by the local authority or in secure care, reviews should be held within 72 hours as per good practice guidance.
- Subsequent review meetings should take place throughout the young person's detention at a frequency determined by the length of sentence and young person's needs or as per guidance for young people who are looked after and/or are in secure care.
- A pre-release meeting should take place at least 10 days prior to liberation and prior to the SPS pre-release case management board.

The CYCJ Information Sheet [Reviews for young people aged under 18 in custody](#) provides further information on who should attend reviews and the responsibilities of the local authorities for organising, chairing and recording reviews. Moreover, to support consistency, [a template for the chairing and recording of reviews for young people in custody](#) has been developed with both documents reviewed and updated on an ongoing basis.

During the young person's time in secure care or custody

During the young person's time in secure care or custody, work should be undertaken to meet needs and risks identified in the Child's Plan, via the provision of comprehensive, holistic and individualised support from a range of services. Most young people entering secure care or custody will already have a Lead Professional in the local authority where they normally reside, a role which should be maintained while the young person is in secure care or custody to ensure the local authority fulfils their responsibilities to these young people. The Lead Professional has a range of roles and responsibilities which include:

- Ensuring that the Child's Plan is implemented, managed and reviewed properly and to co-ordinate the support described in the Plan. This includes updating and sharing the Plan after each review; ensuring any reintegration and transition planning is incorporated into the Child's Plan; and this is reviewed in accordance with legislation;
- Maintaining ongoing contact with the child or young person and family throughout the period and ensuring they understand what is happening at each point so that they can be involved in the decisions that affect them;

- Promoting partnership working between agencies and with the child and family;
- Maintaining contact with the young person's keyworker in secure care or personal officer in custody, as well as with any other agency contributing to the child's plan;
- Ensuring the child or young person is supported through key transition points (Scottish Government, 2011b).

Pre and post return to the community support

While the legislative basis for such post-release support varies ([see Section 1](#)), all young people should be prepared for and supported on release. This support is fundamental to improving outcomes for young people and includes those released without statutory requirements and on Home Detention Curfews (HDCs) with the risk of breaching HDCs particularly high for young people and bringing significant consequences (Nolan, 2016a).

At a minimum all young people should have a pre-release meeting as detailed above and leave secure care or custody with a plan to support them in the community. The plan should include information on supports under each of the areas detailed above and contingency plans that can be triggered as necessary. This plan should include support from local authorities and community planning partners, who have a responsibility to ensure resources are available for young people returning to the community from secure care and custody, and can include third sector organisations and Scottish Prison Service (SPS) Throughcare Support Officers (TSOs) (CYCJ/IRISS, 2019; Scottish Government, 2011b). It should also include details on how any aftercare entitlements will be met.

It is important post-release support begins immediately with the young person being met at the gate by a trusted and known professional if family support is not available, is regularly reviewed, and continues for as long as the young person requires it (Nolan, 2015).

A number of other transitions which young people may experience warrant attention.

Moving from Secure Care to YOI

The WSA ethos is that young people should be placed in and remain in secure care rather than custody as far as possible (Scottish Government, 2019). However, the transition from secure care to custody can be unsettling and it is important:

- This is planned and scheduled for the most appropriate time for the young person
- The young person is given information about where they are going, what will happen when they get there and changes to structures and routines
- The identified hall manager or Personal Officer from Scottish Prison Service (SPS) attends the young person's reviews prior to moving to provide and receive information
- Wherever possible and appropriate, a visit for the young person and family members to the YOI should be facilitated before moving
- The secure unit should provide the YOI with full information and documentation about the young person including the Child's Plan, which should be disseminated within SPS for example with NHS, education and social work as necessary

- After transition, staff from the secure unit should be invited to the young person's initial custody review meeting and any other meetings as appropriate ([Scottish Government, 2011a](#))

Where a young person enters custody from the community but discloses they have previously been in secure care, YOI staff should, with the young person's consent, contact the relevant secure unit for information to aid assessment and planning ([Scottish Government, 2011a](#)).

Moving from YOI to SPS adult establishments

As with the move from secure care to YOI, many of the same principles will apply:

- The move should be planned and scheduled for the most appropriate time for the young person (young people can on a case-by-case basis remain in YOI until they are 23 years of age if decided this is appropriate by SPS staff).
- The young person should be given information as detailed above
- The young person's future Personal Officer should make contact and attend any meetings prior to the young person's move
- Any relevant plans should be shared in advance to support young people continuing in training, qualifications and employment that they have started
- Post transition meetings should be arranged for within the first month of transfer and be attended by staff from the YOI, who should withdraw when necessary and in agreement with the young person ([Scottish Government, 2011a](#)).

Child to adult services

Where necessary, children's and criminal justice services should be co-ordinated and agreements reached about who is the best person to complete CJSWRs, supervise any orders made and support young people in custody ([Scottish Government, 2011a](#)). It may be that practitioners across child and adult services work together with the young person to allow a continuity of support and resources, ensure that any assessments and approaches utilised are age-appropriate, and that there is flexibility in enabling a service to work beyond typical age limits. Any transition between services should be planned and ensure that critical information, assessments and the Child's Plan are shared ([Scottish Government, 2011a](#)). At a service level, young people who offend should be included in children service plans, community planning partnerships, and child and adult protection committees to ensure partnership working, communication and coordination of policy and strategy ([Scottish Government, 2011a](#)).

Research on practice

Research findings on the extent to which these arrangements are implemented in practice vary. For example, Smith et al. (2014) found in 91% of cases reports did not make it clear whether social work support was being provided while the young person was in custody and there was no specific reference to throughcare support being in place in 59% of cases. The 2016 review of secure care in Scotland (Gough, 2016) found that the support and preparation received by young people in moving on from secure care was often inadequate

and a number of the calls for action from young people with experience of secure care, detailed by Gough (2017) relate to moving on support. Similarly, in research by Gray (2011) in England and Wales, young people reported post-release support was often irrelevant, repetitive and risk focused, as well as being let down by support that had been promised not being available, which resulted in a range of negative outcomes .

By contrast, in research by Nolan (2015) 65% of Scottish local authorities surveyed advised an initial custody review was always held for young people in secure care and custody, 70% of local authorities advised that community based social work staff were always involved with the young person during their period in secure care or custody and all advised post-release support was available, with 77% reporting that young people always had a three month throughcare plan. Similarly, research by Nolan et al. (2017) found 64% of the young people sampled were receiving support from community-based social work, over half of whom reported this was the same worker they had engaged with prior to entering custody, although the level of contact and purpose of this involvement varied, as did reports on the quality of information sharing and provision. Although each of these figures could be higher, they are more positive than those found by Smith et al. (2014).

Challenges

It is acknowledged that providing effective throughcare support is a complex task for various reasons including (Griffiths et al., 2007):

- The high level and range of complex needs presented by many young people leaving custody or secure care, many of whom will never previously have been really 'settled' (HM Inspectorate of Prisons and Probation, 2011).
- Young people may not have developed strategies to cope with transitions and are trying to renegotiate new identities for themselves (Bateman & Hazel, 2015)
- Challenges of partnership working, particularly in ensuring all key partners are engaged and with a 'constantly changing landscape' of service provision, funding arrangements, and varying availability of services across local authorities (Gough, 2016; Malloch, 2013a).
- Difficulties in measuring effectiveness, limitations of relying on reconviction rates, and importance but also difficulty of measuring broader outcomes and the specific impact of interventions (Griffiths et al., 2007; N. Hazel, Goodfellow, P et al, 2016; Malloch, 2013a). This has led Hagell (2004) to suggest successful reintegration is evidenced by a range of outcomes including ceasing or reducing the frequency or severity of offending and positive outcomes in wider areas of the individual's life such as accommodation or employment. Similarly (N. Hazel et al., 2017) has suggested that in measuring effectiveness, factors such as social inclusion, positive engagement with others, lifestyle changes to promote wellbeing and distance travelled in the journey of change may be more effective.
- Sustaining engagement (Bateman et al., 2013)
- Wider system issues which although crucial to supporting young people are out with the criminal justice system (such as accessing employment, benefits, health services and housing) (Gough, 2017; Malloch, 2013a).

- The impact of “broader structural constraints arising from poverty and socio-economic disadvantage” which can impact on young people’s actions and limit their choices and ability to change (Gray, 2011:235). Failure to recognise this results in the individualisation of social need and while challenging such structural constraints is difficult, practitioners need to be aware of their impact on young people and continue to raise awareness of this (Gray, 2011).
- Differential policy and legislative framework and service provision for those young people who turn 18 while in custody and increased recognition of the distinct needs of 18-25 year olds in the justice system (House of Commons Justice Committee, 2016; The Howard League, 2015).
- Desistance and identify shift like reintegration is a process-the journey is not often linear or without problems and substantial support is needed to stimulate, reinforce and sustain change (N. Hazel et al., 2017; Youth Justice Improvement Board, *forthcoming*).

It is however, imperative that these challenges are addressed, with good practice in transitions and effective throughcare being crucial if positive outcomes are to be achieved for young people ([Scottish Government, 2011b](#)). In respect of young people leaving secure care, successful reintegration is essential if re-admission to secure care and is to be avoided and progress sustained (Gough, 2016; Scottish Institute for Residential Child Care (SIRCC) 2009). Likewise, for young people leaving custody, when support is either not provided, or is insufficient or lacks coordination, and factors which contributed to the young person’s offending are not addressed, unsurprisingly, the risk of returning to custody is higher (Griffiths et al., 2007; Smith et al., 2014).

While the financial costs of not getting practice right in respect of reintegration and transitions are significant, the individual and social costs are even higher, with Renshaw (2007), in undertaking cost benefit analysis of one youth justice initiative, estimating that good quality throughcare support could result in a 35% reduction in reoffending and 10% reduction in the seriousness of the offences.

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