

Youth Justice

Background to youth justice

A key feature of the [approach to youth justice](#) in Scotland is its grounding in welfare principles. This means that children and young people who commit offences and those who are in need of care are dealt with within the same system. This system, unique to Scotland, is based on an acknowledgement that children who offend have key welfare needs that must be addressed; likewise, children whose welfare needs are not being met are often in danger of offending. The genesis of this approach lies in the report published by the Kilbrandon Committee in 1964, which in turn formed the basis for the Social Work (Scotland) Act 1968.



The Kilbrandon committee was established following concern in the late 1950s and 1960s that change was needed in the way society dealt with children and young people in trouble or at risk. The [Kilbrandon Report](#) recommended a national coordinated system to deal with children in need of compulsory measures of care and stressed the importance of early intervention. In April 1971, Children's Hearings took over from the courts most of the responsibility for dealing with children and young people under the age of 16, and in some cases up to 18.

Except in certain [circumstances](#) 16 and 17 year-olds tend to be dealt with in the adult criminal justice system.

There have been a number of important developments in the years after Kilbrandon that are pertinent to the area of youth justice, and these are explored in this document.

What is youth justice?

‘Youth justice’, in the Scottish context, refers to the individuals, institutions and services with which young people up to the age of 18 come into contact as a result of their involvement in offending behaviour ([CYCJ definition](#)). Importantly, the Scottish approach to youth justice is connected to a wider range of policy approaches, for example Getting it Right for Every Child (GIRFEC) and the Whole System Approach (WSA) (discussed later in this briefing).

The parameters for youth justice practice in Scotland have been broadly set as those young people between the ages of 12 and 18 who offend or are at risk of offending ([CYCJ](#)). No individual can be arrested and charged with an offence if they are under the age of 12. This is because the ‘age of criminal prosecution’ is 12 years, which means children under this age cannot be prosecuted or punished. This should not be confused with the ‘age of criminal responsibility’, which relates to “the age below which the child is deemed to lack the capacity to commit a crime” (Scottish Law Commission, quoted in [CYCJ](#)). In Scotland, the age of criminal responsibility is currently eight, which is young by international standards: it has been found that only 16 countries in the world have a lower age of criminal responsibility. However, plans are in place to raise this to 12 through the Age of Criminal Responsibility (Scotland) Bill which was introduced in the Scottish Parliament on 13 March 2018.

Trends in youth offending

The annual report on the [Scottish Policing Performance Framework \(SPPF\) for the 12-month period 2013-2014](#) (please note that these are the most up-to-date stats as since reform, Police Scotland has been unable to produce offending data by age) reported on the level of crime detected by the police across during that period. Findings relating to the number of detected crimes and offences by children and young people (eight to 17 years old) include:

1. A total of 43,117 crimes/offences were recorded as having been committed by children and young people.

2. More than half of these (23,237) were recorded as ‘miscellaneous’ offences, which includes breach of the peace, common assault and alcohol-related offences. In other words, less serious or ‘anti-social behaviour’ type offences.
3. A small proportion of crime involved violence (533 recorded crimes) or indecency (809 recorded crimes).
4. Crimes of dishonesty (6,988 recorded cases), vandalism, fire-raising, malicious conduct etc (6,084) and drugs/other crimes (5,466) were more common.

[Youth Justice in Scotland: Fixed in the past or fit for the future?](#), a report published by the CYCJ, helps to fit the above figures into the wider context:

1. 95% of young people were not charged with any offending behaviour at all during 2012/13, underlining the reality that the vast majority of young people abide by the law.
2. Around 23,726 children and young people, or 4.7% of all those aged eight to 17 in Scotland, were involved in offending behaviour over the same period.
3. These figures have been on a consistent and downward trajectory since 2008/09, when police forces started reporting on this.

But, a limitation of these figures, as is pointed out in the report itself, is that these only report *detected* crimes. Therefore, it is possible that differences in the number of offences may be caused by varying detection rates rather than variations in the actual level of youth offending.

The report also brings in data from the Scottish Crime and Justice Survey (SCJS) 2017-18. The SCJS provides us with an alternative data set by asking a representative sample of 5,475 adults living in Scotland about their experiences and perceptions of crime.

1. The SCJS identified a 16% reduction of overall crime in 2017/18 since 2016/17, compared with police data suggesting that recorded crime increased by 1% in the same timeframe.
2. A weakness of the SCJS is that it excludes young people aged under 16 for practical reasons, despite the survey’s own acknowledgement that younger age groups are more likely to be victims of crime than adults.

A **representative sample** is a subset of a population that tries to accurately reflect the characteristics of the larger group. For example, a classroom of 30 students with 15 males and 15 females, could generate a representative sample that might include six students: three males and three females.

But, the CYCJ report notes that adults in general have been found to overestimate the involvement of young people in offending. Comparisons between survey data and

recorded crime statistics have indicated that adults are likely to believe young people are involved in a much higher rate of crime than is actually the case (See SCCJR 'Victimisation – key findings' and SCCJR 'Crime and the media' for more information).

Stop and Search in Scotland

'Stop and search' refers to a range of police powers, both statutory (underpinned by legislation), and non-statutory (based on verbal consent). Police Scotland use the following working definition of stop and search: 'Any encounter between a Police Officer and member of the public, which results in that individual being searched for the purpose of obtaining evidence'

According to research carried by Kath Murray for SCCJR, Stop and Search in Scotland: An evaluation of police practice, younger age-groups were more likely to be searched on a non-statutory basis, which in turn, was associated with a more proactive approach to stop and search. It should also be noted that stop and search can impact on very young children.

Proactive: A proactive approach focuses on eliminating problems before they have a chance to appear.

For example, approximately 500 children aged ten years and under were stopped and searched by the police in 2010.

The sharp discrepancy between the age distribution of searches and persons charged, together with low detection rates, suggests that young people may be over-policed in some parts of Scotland, that is, subject to excessive levels of stop and search, over and above the probability of offending. Yet on the other hand, it could be argued that stop and search acts as an effective deterrent, as evidenced by low detection rates.

The use of stop and search in England and Wales [peaked](#) in 2008-2009 when over 1.5 million were carried out. Since 2011-2012 stops and searches have [fallen by over three-quarters](#). The latest figures put them at just over 280,000 in 2017-18. The fall in numbers comes after a series of reforms were made to how police used stop-and-search powers, including making it clearer what was meant by "reasonable grounds for suspicion". It came after concerns the powers were being misused and that stop and search was damaging relations between the police and public.

Explanations of youth offending

Explanations behind children and young persons' involvement in criminal activity are varied and complex (See SCCJR 'Causes of crime' for full discussion of the various explanations for criminal activity, including criminality of children and young people).

Children's Hearing System

The Children's Hearing System (CHS) is unique in its basis in welfare principles and in the fact that it deals both those children and young people who have committed an offence and those whose needs are not being met, under one system. Children and young people enter the CHS when they have been referred to the Children's Reporter. There are a number of **grounds for referral** (discussed below). Referrals can be made by a range of individuals and public bodies.

Child

A 'child' as defined by the Children's Hearing (Scotland) Act 2011, is a person who is:

1. Under the age of 16
1. Aged 16 or 17 and subject to a Compulsory Supervision Order
2. Under 16 when referred to the Children's Reporter until the Children's Reporter decides not to arrange a children's hearing or a substantive decision is made by a children's hearing
3. Of school age where the ground of referral is non-school attendance
4. Aged 16 or 17 and whose case has been remitted to the Principal Reporter by the Sheriff after they have pleaded guilty to, or been found guilty of, an offence until a substantive decision is made by the hearing

The Scottish Children's Reporter Administration (SCRA) has published Online Statistics for 2017-18 relating to referrals, as well as a Statistical Analysis of these figures. Figures for the 12-month period 2017-18 show that:

1. A total of 13,240 children were referred to the Children's Reporter over this period. 32,553 Children's Hearings were held for 14,076 children and young people
2. The vast majority of children were referred by the police (18,836), with social work services referring the second highest number of children (3,878).
3. Other sources of referral included education authorities (1,298 children), court (250), health (133), reporter (111), child's relative (174), Procurator Fiscal (24) and other sources (122).

The figures also show that the most common grounds for referral for the period 2017-18 were lack of parental care (4,623 referrals) and where the child or young person had committed an offence (3,063 referrals).

Grounds for referral, as defined in Section 67 of the Children's Hearing (Scotland) Act 2011, include if the child or young person:

1. is likely to suffer serious harm to health or development through lack of parental care
2. has been the victim of a schedule 1 offence (a physical, emotional or sexual offence against a child), is likely to have a close connection with someone who has committed such an offence or is likely to become a member of the same household as another child who has been the victim of a schedule 1 offence
3. is or is likely to be exposed to persons whose conduct may mean that the child or young person is abused or harmed or their health, safety or development will be seriously adversely affected
4. has or is likely to have, a close connection with a person who has carried out domestic abuse
5. has or is likely to have, a close connection with a person who has committed an offence under the Sexual Offences (Scotland) Act 2009
6. is accommodated by a local authority or is the subject of a permanence order and special measures are needed to support them
7. has committed an offence
8. is misusing drugs or alcohol
9. has behaved in a way that has had or is likely to have, a serious adverse effect on the health, safety or development of themselves or another person
10. is beyond the control of parents or carers
11. is not attending school regularly without a reasonable excuse
12. has been, is being, or is likely to be, forced into a marriage or civil partnership, or is, or is likely to become, a member of the same household as a such a child.

When a child aged 12 or over commits an offence and is arrested and charged by the police, the police must decide what action should be taken. In an instance where the child is suspected of committing a very serious offence or a road traffic offence, the police can submit a report to the Crown Office and Procurator Fiscal Service (COPFS) (See SCCJR 'Scottish criminal justice system'). However, in reality, the vast majority of cases in which a child under 16 has committed an offence are referred to the Children's Reporter. In some

cases, the police may find it appropriate to submit a report jointly to the Children’s Reporter and the COPFS. In addition, upon receiving a report, the COPFS may decide to refer the case to the Children’s Reporter, if he or she believes it appropriate to do so (SPICe Briefing: Children and the Scottish Criminal Justice System). The [Joint Agreement in Relation to the Cases of Children Jointly Reported to the Procurator Fiscal and Children’s Reporter](#) makes clear that:

1. “In relation to children **under the age of 16 years**, there is a presumption that the child will be referred to the Children’s Reporter in relation to the jointly reported offence.”
2. “In relation to children **over the age of 16 years**, there is a presumption that the PF [procurator fiscal] will deal with the jointly reported offence.”

As noted, the [Children’s Hearing System](#) was introduced by the Social Work (Scotland) Act 1968. The hearing system was incorporated into the Children (Scotland) Act 1995 and the Children’s Hearing (Scotland) Act 2011.

The publication [Children’s Hearings Scotland: Practice and Procedure Manual](#) provides a detailed overview of the processes involved with Children’s Hearings in Scotland.

Hearings and Options

The first children’s hearing a child and **relevant person(s)** attend is likely to be a grounds hearing.

A Children’s Reporter will refer a child to a grounds hearing if, following investigation, they are satisfied that one of the grounds listed in the 2011 Act ([see above for information on grounds for referral](#)) applies and that it is necessary for a Compulsory Supervision Order be made for the child or an existing order to be reviewed.

Relevant person: a person is automatically a relevant person if they are a parent or hold parental rights. An individual can also be deemed by the panel to be relevant if they have had significant involvement in the upbringing of the child.

Where the grounds for the hearing should be understood by the child and/or relevant person(s) but have not been accepted by one or more of those persons, there are two options available to the hearing:

1. Discharge the referral. This would mean the end of the hearing unless there is a second purpose to the hearing.
2. Direct the Principal Reporter to make an application to the Sheriff to determine whether the grounds are established. This is known as ‘making an application for proof’.

If the statement of grounds is accepted in full by the child and the relevant person(s) present, the hearing may proceed to a full discussion of the child's circumstances.

The following options are open to the hearing following the discussion:

1. Discharge the referral. Where, following discussion, the hearing is satisfied that a Compulsory Supervision Order is not required for the child, they should discharge the referral.
2. Make a Compulsory Supervision Order. If the child is already subject to a CSO the options are to continue, vary, or continue and vary the existing order.
3. Defer the hearing to another day. The hearing may then issue an ICSO or an interim variation of a compulsory supervision order if the panel consider it necessary as a matter of urgency.

Outcomes from Hearings for children and young people

A Statistical Analysis 2017-18 carried out by the Scottish Children's Reporter Administration provides some key facts about the outcome for children and young people following a hearing. Some key facts:

1. CSOs are the most common intervention made by Children's Hearings. They are also the only longer-term option available to hearings. At Children's Hearings in 2017/18, 2,918 children and young people were made subject to new CSOs. At 31 March 2018, 9,493 children and young people were subject to Compulsory Supervision Orders. This is 1% of all children and young people in Scotland.
2. Children's hearings can also make short-term decisions to address emergency and/or high-risk situations where measures have to be put in place immediately. These include Interim Compulsory Supervision Orders which numbered 3,819 in 2017/18.

GIRFEC

Getting It Right For Every Child (GIRFEC) was first introduced as a concept in 2004 as a new national approach for working with children and young people in Scotland. The Scottish Government (then known as the Scottish Executive) formally published proposals known as GIRFEC in April 2005.

The Scottish Government published its [Guide to Getting It Right For Every Child](#) in June 2012 and continually updates the relevant section of the [website](#). According to official publications, GIRFEC is intended to be consistent way for all people and agencies to work with children and young people. In this sense, it underpins all children's services and can also be used by practitioners in adult services who work with parents or carers. Now that GIRFEC is firmly established, it influences all existing policy, practice, strategy and legislation affecting children, young people and their families.

The stated values and principles of GIRFEC are:

1. Promoting the wellbeing of individual children and young people
2. Keeping children and young people safe
3. Putting the child at the centre
4. Taking a 'whole child' approach
5. Building on strengths and promoting resilience
6. Promoting opportunities and valuing diversity
7. Promoting additional help that is appropriate, proportionate and timely
8. Supporting informed choice
9. Working in partnership with families
10. Respecting confidentiality and sharing information
11. Promoting the same values across all working relationships
12. Making the most of bringing together each other's expertise
13. Co-ordinating help
14. Building a competent workforce to promote children and young people's wellbeing.

Thus, GIRFEC encourages earlier intervention by professionals to avoid crisis situations at a later date, and so that children and young people receive the help and support they require. The framework set out in guidance notes outlines the process for assessing risk, identifying concerns, recording concerns, and developing a plan of action in response to concerns.

In 2015 the Scottish Government published Preventing Offending: Getting it right for children and young people

In the paper it states that the importance of a child-centred approach to GIRFEC has been reaffirmed by the Children and Young People (Scotland) Act 2014 (the 2014 Act) and that provisions in the 2014 Act in respect of Children's Services Plans, Named Person and Child's Plan will be critical to future arrangements in support of youth justice.

It states that the priority themes for 2015 to 2020 are:

1. Advancing the Whole System Approach
2. Improving Life Chances
- 3.** Developing Capacity and Improvement

In June 2015, the SCCJR published an [Evaluation of the Whole System Approach to Young People Who Offend in Scotland](#).

In terms of detail about the strategy, the report notes:

1. Whole System Approach (WSA) encompasses three main policy strands: Early and Effective Intervention (EEI), which aims to reduce referrals to the Children's Reporter by making use of pre-referral screening (PRS); Diversion from Prosecution, which aims to keep young people away from the criminal justice process; and Reintegration

and Transition supporting young people in secure care and custody, and planning for their reintegration into the community.

2. An aim of the WSA is to try to ensure that only those under 18 who really need formal measures – such as compulsory supervision by the Children’s Hearing System, prosecution, secure care or custody – are taken through the process.

The evaluation was conducted by:

3. Examining the operation of WSA in three local authorities in Scotland, each with a very different geographical, demographic and organisational backdrop. The study combined scrutiny of WSA policy documentation and guidance notes, with a set of 33 qualitative interviews with WSA practitioners and stakeholders, observations of WSA meetings in each case study area, and qualitative analysis of relevant management data (See SCCJR ‘Research skills and methods’ for discussion of qualitative research methods including interviews)

In terms of backdrop to the review:

4. Patterns of recorded crime show a distinct fall over time in all three case study areas which pre-date either Early and Effective Intervention (EEI) or WSA; however, there is evidence to suggest that there has been significant falls in youth offending since the mid-2000s, which ties in with the early implementation of *GIRFEC* and the *Preventing Offending by Young People: A Framework for Action on youth offending*.

Early and Effective Intervention (EEI)

EEI, within the WSA aims to deliver a timely, appropriate and proportionate response to young people aged between eight and 17 reported for offending. The key objectives are:

1. to ensure children are not only referred to the Children’s Hearing System, where it is likely that compulsory measures will be required (to reduce the number of inappropriate referrals);
2. to support a faster and more focused response to those reported for offending;
3. to promote better information-sharing and more consistent decision-making;
4. to reduce anti-social behaviour and re-offending rates;
5. to work within the Getting it Right for Every Child (GIRFEC) framework to ensure the young people receive appropriate help from a coordinated multi-agency forum.

EEI operates using the pre-referral screening process (PRS), which diverts people away from the formal criminal justice system. Young people aged 16 and 17 became eligible for PRS in September 2013. Prior to this, eligibility was limited to eight- to 15-year-olds. In some authorities eligibility is extended to young people on supervision (taking into account the number and type of previous involvements), however this varies across Scotland.

Figure 1 illustrates how PRS operates to divert individuals from having their case considered

by the Procurator Fiscal and/or Children’s Reporter.

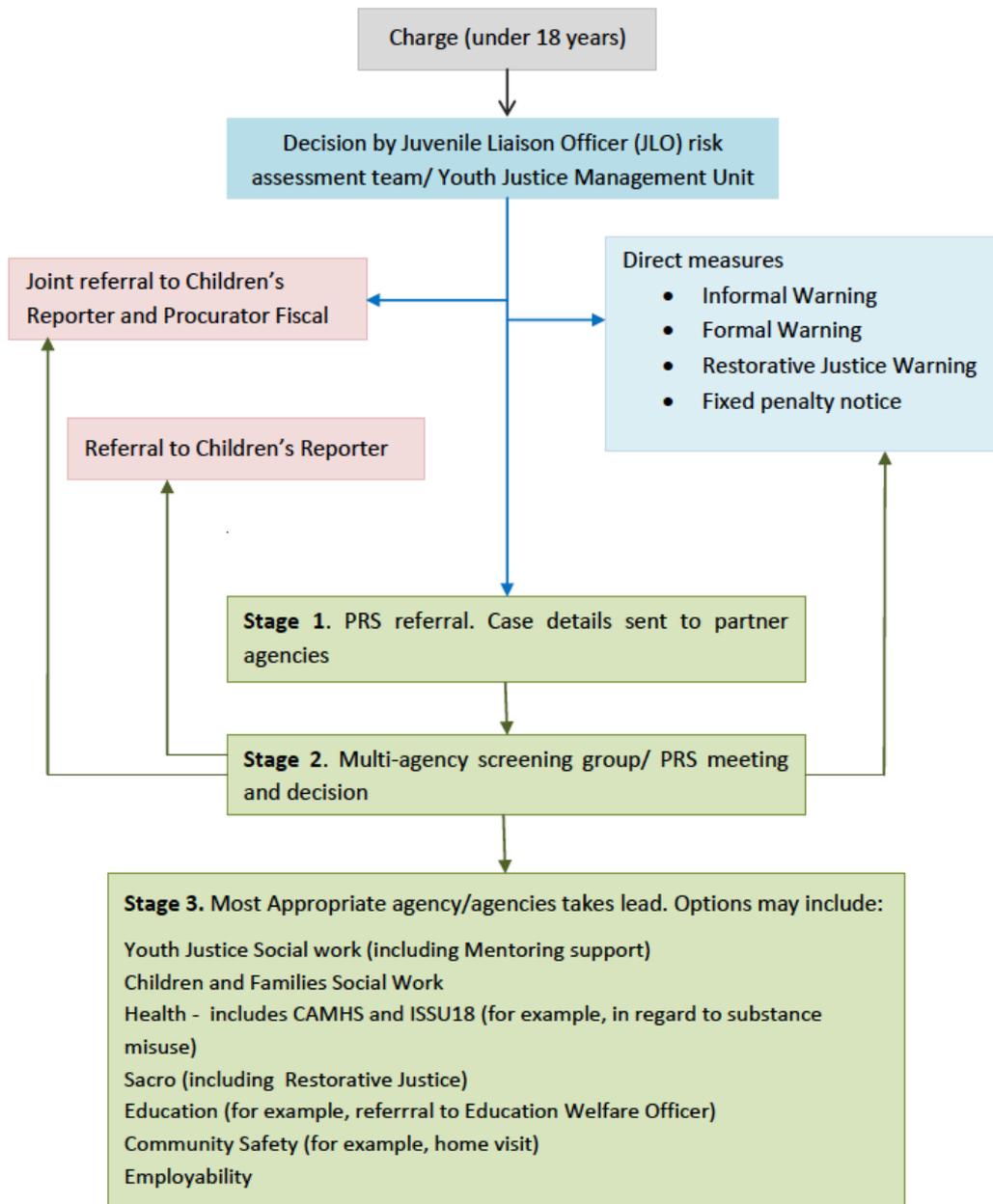


Figure 1: Evaluation of the Whole System Approach to Young People who Offend in Scotland, April 2015, p.25

Pre-referral screening (PRS)

The pre-referral screening process is triggered by a police charge. Police charges in relation to those aged 17 and under are referred in the first instance to the Police Juvenile Liaison (JLO) staff risk management team (this is sometimes named differently depending on the local authority), who consider whether: a case is suitable for early intervention; should be referred to the Scottish Children's Reporters Administration (SCRA); or should be jointly referred to SCRA and the Procurator Fiscal.

Findings from the evaluation include:

1. In each authority, the role of the police in directly facilitating the WSA appeared to be well-established by good working relationships. JLOs were attuned to the importance of communicating WSA values to their front-line colleagues, and reiterating the message that by reducing the likelihood of prosecution for young people, more police time could be spent addressing serious crime.
2. The main points of discussion at multi-agency meetings concern:
 - a) who is currently working with the young person;
 - b) offending and welfare concerns;
 - c) identification of both risk factors and protective factors;
 - d) agreement of the most appropriate agency for diversion, or;
 - e) agreement that the case should be referred to SCRA or the Procurator Fiscal on the grounds of welfare needs and/or persistent offending.

Within the PRS process, offending behaviour is treated as a flag for welfare concerns, rather than a substantive issue in its own right, like the Children's Hearing System.

1. It is not possible to quantify the extent to which the fall in referrals is related to the WSA practices employed by the local authorities, however the overall trends are encouraging, and consistent with falling levels of recorded youth crime in Scotland. It is too early to assess trends in relation to 16- and 17-year-olds.
2. PRS Outcomes: A range of outcomes are available to partner agencies, including: police warning letters; diversion to Education; allocation to a social worker; diversion to community safety (for example, a home visit by a community safety officer); or referral to Children's Reporter. If a young person refuses to engage with the service offered, the case is referred to the Children's Reporter.
3. Overall, the evidence presented in this section of the report suggests that there is widespread support for PRS, particularly because it has brought together a wider range of partners to deal with individual cases. The role of the police in facilitating the WSA is well established and promotes good working relationships, with the JLOs in particular acting as drivers for change within Police Scotland.
4. Eligibility for PRS appears to vary across authorities. In some areas it is still predominantly used for under 16s and less often for 16- and 17-year-olds.
5. Improvements in partnership working across agencies was reported in all three local

authority areas and it was evident that the WSA had been a galvanising factor in driving this change in relationships.

6. Practitioners had clear views that the WSA improved outcomes for young people through multi-agency working, close information-sharing and the strong incorporation of welfarist values in decision-making and practice. In this respect, WSA supports the Kilbrandon principles.
7. It appears that those who are still being referred to hearings, although smaller in number, are being referred to a higher number of hearings on average than previously. This fits the hypothesis that those who continue to be referred to the Children's Hearing System are those at the most serious end of the spectrum who are likely to be more in need of compulsory measures of care.
8. Whilst we must be cautious about making any claims about the impact of WSA and EEI on overall crime rates within local authorities, EEI and PRS allows young people to receive appropriate levels of support, whilst passing through the process with relatively little contact with formal agencies. Within the PRS process, offending behaviour is treated as a flag for welfare concerns, rather than a substantive issue in its own right.
9. Fixed penalties: In 2013-14, 4,364 fixed-penalty notices were issued to 16- and 17-year-olds, compared to 401 police warnings. There is debate concerning the efficacy of monetary penalties for reducing the risk of reoffending. Fines also carry the risk of a custodial sentence, should a person default (fail to pay). Whilst the overall number of fixed-penalty notices issued to 16 and 17-year-olds fell by 46% between 2009-10 and 2013-14, the relatively high numbers of such penalties issued to young people seems antithetical to the aims of the WSA.

Secure accommodation and custody

One of the orders a Children's Hearing can make is a Compulsory Supervision Order (CSO). The hearing might stipulate that the child who is subject to a CSO reside at a certain address, which could include residential care, or even secure accommodation. Secure accommodation can also be imposed by the criminal court system (see SCCJR 'Scottish criminal justice system').

When a young person aged between 16 and 21 is sentenced to a custodial sentence or is remanded by the court (see SCCJR 'Who's in prison? A snapshot of Scotland's prison population'), they will generally be detained in Scotland's only Young Offenders Institution in Polmont. When a young female receives a custodial sentence, or is remanded by the court, she will usually be held within Polmont, HMP and Young Offenders Institution Cornton Vale or HMP YOI Grampian. See SCCJR 'Women in Prison' for further discussion on women prisoners

Secure accommodation

Scottish Government (2019) *Children's Social Work Statistics, 2017-2018* provides the most up-to-date information with regard to children's social work services and secure accommodation:

1. Local authorities have a responsibility to provide support to certain vulnerable young people, known as 'looked after children'. At July 31 2018 there were 14,738 looked after children. There are several types of placements that looked after children or young people could be placed in, including at home (where the child is subject to a Supervision Requirement and continues to live in their normal place of residence), foster care, residential unit or school, a secure unit or kinship placement (where they are placed with friends or relatives).
2. Secure care normally refers to accommodation for vulnerable young people who are likely to **abscond** and are at risk of harm to themselves or others. These individuals are usually placed in secure care on welfare grounds by the Children's Hearing System or the Criminal Justice System.
3. There are five secure accommodation facilities across Scotland, with a total capacity of 84 individuals:
 - Edinburgh Secure Services: 6
 - Good Shepherd: 18
 - Kibble: 18
 - Rossie School: 18
 - St Mary's Kenmure: 24

Abscond: to voluntarily leave place of residence (e.g. care home) without permission.

1. There was an average of 81 residents in secure care accommodation between 1 August 2017 and 31 July 2018, an increase from an average of 76 in the previous year.
2. At July 31 2018, there were 1,519 children being looked after in residential accommodation; of these individuals, 52 were being cared for in secure accommodation.
3. 53% of young people in secure accommodation on July 31 2018 were female and just over 34% were aged 16 or over. Young people in secure care tend to be older than those looked after and on the child protection register. Due to the specialist nature of secure accommodation, it is only appropriate for older children.
4. On 31 July 2018, 51% of young people in secure care accommodation had at least one disability, defined as "a mental or physical impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

An independent working group, Securing Our Future Initiative (SOFI), was convened in September 2008. It was asked to develop proposals for making the best use of Scotland's secure resources to improve outcomes for young people and their communities; and to address the challenges relating to capacity. SOFI published its report in February 2009,

making nine recommendations.

Scottish Government ministers and COSLA published their [joint response](#) in April 2009, accepting the recommendations in full. The secure care framework came into effect in July 2011.

Secure Accommodation – Young People’s Voices

In October 2019 the Centre for Youth and Criminal Justice (CYCJ) published a report on Secure Care in Scotland: Young People’s Voices. The paper presents key messages and calls for action about secure care from care experienced young people, most of whom were in secure care at the point that they talked about their lives and their care journeys.

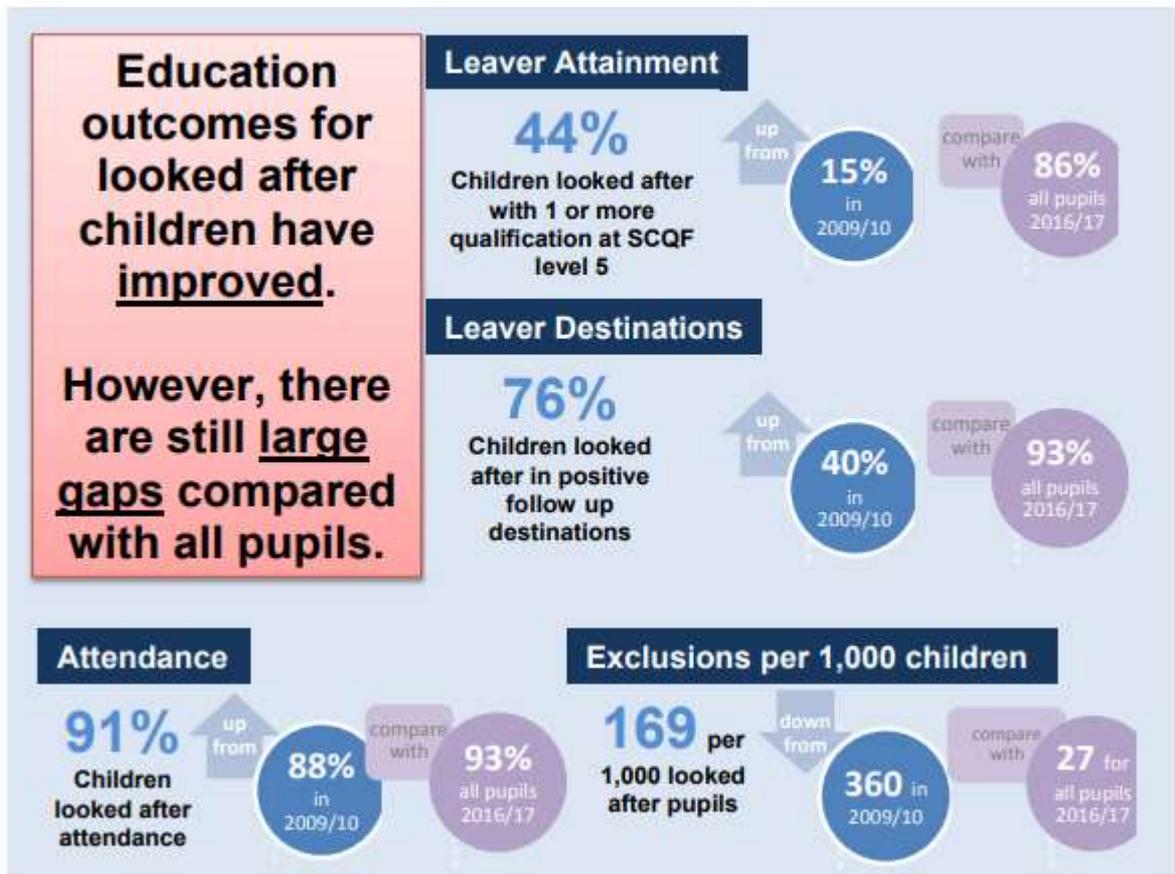
A number of calls to action are offered in the paper including;

- Support for vulnerable young people where there is high risk of significant harm to self and/or others
- Young people should always be informed and prepared for a secure care placement
- Secure care centres should think carefully about the mix of ages and needs so that the group living environment and activity programme is appropriate for all children and young people there
- There should be better information and consistent support for families including practical help to visit young people whilst in secure care
- Panel members should listen to young people’s views and opinions and not pre-judge the situation and there should be more training for panel members on how to listen to young people and look beyond the reports to the young person in front of them
- Throughcare plans should be taken at the young person’s pace.

Scottish Government (2018) *Education Outcomes for Looked After Children 2016/17* shows that looked after school leavers have lower educational attainment than all school leavers as a whole.

Education Outcomes for Looked After Children 2016/17

Main Findings 2016/17



However, it must be noted that this data for **looked after** young people refers to all young people who are looked after by the local authority, including within the community, in a local authority home, as well as in a residential care institution. These figures do not apply specifically to those young people who live in secure accommodation.

Custody

[CYCJ](#) notes that outcomes for young people who have been detained in custody tend to be poor. It is because of this realisation that the Scottish Prison Service (SPS) has committed to a *Vision for Young People in Custody*:

As with secure care, the local authority where the child usually resides should maintain the role as Lead Professional during the young person's period in custody.

Facts and figures about young people in custody in Scotland as described in the Youth Justice Improvement Board Children and Young People in Custody in Scotland: Looking behind the Data (2017)

There has been a marked reduction in the population of children and young people in custody since 2009, from a total of around 1,300 in June 2009 to 357 in June 2017. Similarly, the number of 16 and 17 year olds in custody has been decreasing since 2006 and is currently around its lowest level since 2002.

As with the trends in offending and convictions, the reasons are likely to be complex combinations of factors.

1. Ninety-five children aged 16 and 17 were sentenced to custody in 2015- 16
2. The main crime leading to a custodial sentence was serious assault (18) followed by common assault (15)
3. The following table illustrates the population of children and young people in custody: snapshot April 2017

Age	16 and 17		18 to 21	
	Young women	Young men	Young women	Young men
Number (sentenced + remand)	2	45	11	297
Of which on remand	2 (100%)	16 (36%)	6 (55%)	82 (28%)

Source: Scottish Prison Service

Alternatives to secure care and custody

It is important to bear in mind that secure care and custody are last resort for young people who offend. In its 2011 guidance document – [Alternatives to Secure Care and Custody: Guidance for Local Authorities, Community Planning Partnerships and Service Providers](#) – the Scottish Government stated its commitment “to promoting and supporting community-based alternatives to secure care and custody; to work constructively with the courts; to work with partners to develop robust interventions to reduce reoffending”.

The guidance goes on to discuss what robust alternatives to custody services should include. The service requirements for various schemes are outlined, and how local authorities and community planning partnerships should manage these services.

Further reading

Barclay, A., Hill, M., Hunter, L., Kendrick, A., Malloch, M., McIvor, G. and Walker, M. (2008) ‘The outcomes of secure care in Scotland’. *Scottish Journal of Residential Child Care*. Feb/Mar 2008, 7 (1) 1-23. Available from:

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SCCJR's learning resources for schools (Modern Studies) were initially developed by Rebecca Foster and Greg Duncan. They are regularly reviewed and updated by SCCJR researchers. Any

queries (including notes of broken links, ideas for development and new topics) about these resources should be sent to enquiries@sccjr.ac.uk)

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