Reintegration and Transitions

Guidance for Local Authorities, Community Planning Partnerships and Service Providers

Young People Who Offend (Managing High Risk and Transitions)

September 2011

REDUCING REOFFENDING
WORKING TOGETHER FOR A SAFER SCOTLAND

The Scottish Government

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Executive Summary

The following guidance aims to provide an over view of best practice within reintegration and transitions for young people under 18 who offend. As this age group can cross over child and adult services it is important that we recognise this to ensure that the transition process is as smooth as possible and that the service the young person receives meets their age and stage of development.

This guidance starts by giving an overview of definitions and legal requirements for young people depending on what system they fall into, or what their legal entitlements are. The research is then discussed to highlight the evidence for effectiveness in reintegration and transitions for young people, and the difference that this may include in relation to gender.

The main themes from the research include:

- Good practice in transitions is crucial in achieving positive outcomes for young people;
- Having detailed plans, that build on existing plans to enable better informed assessments, including risk and need assessment and involving exit strategies from the outset are essential;
- Local Authorities and community planning partners have a responsibility to ensure resources are available for young people retuning to communities from secure care and custody to reduce the risk of them reoffending. These services should meet the needs of the young people; following a GIRFEC approach, that takes account if gender, race and disability;
- Young people who offend should be included in integrated children service plans to ensure partnership working, communication and coordination of policy and strategy from both child and adult protection committees; and
- Services should be streamlined with consistent planning, assessment and decision making; following the principles of a whole system approach; to meet the needs of the young people at the right time. This is true for services within the community as well secure and prison estates.

The services that form part of the whole system approach to improve reintegration and transitions, to support young people and reduce offending include:

- Learning, skills and employability; by young people having access to these when returning to communities and opportunities to develop these within secure care and custody;
- Family work; engaging with the young person and their family at all stages;
- Accommodation; that is appropriate and supportive for young people leaving secure care and custody,
- Community involvement; ensuring community based social workers remain involved with young people whilst in custody to plan for their release to the community at the point of sentence;
- Substance abuse; by having age appropriate services available in the secure estate, prison and community that will engage with young people and address their individual needs; and
- Health and mental health; by full assessments being undertaken when young people return to communities and appropriate services available to meet their needs.

The second part of this guidance examines the various stages of transitions that a young people can go through and the support and help that should be given at each of these. This section stresses that young people need more support than adults and as a result supervision requirements through the Children's Hearing system should not be terminated when a young person enters into the adult justice system. The opposite is in fact the case, and they should remain within a childcare system for a long as possible to ensure their needs are met. Young people will also need support at Court and the processes, language and expectations of them explained. This need for support continues if a young person is sentenced to secure care or custody and the need for community based social work to remain involved is further stressed here.

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The Scottish Government would to thank all those who contributed to this guidance/working group (see Appendix 1).

1. Introduction

This guidance is intended to provide an overview of 'good practice' principles for local authorities, community planning partners, the Scottish Prison Service (SPS) and the secure estate in relation to reintegration and transitions for young people under 18 years of age.

Scotland is internationally renowned for its welfare based response to children and young people who offend, but stands alone as the only western European country to routinely deal with 16 and 17 year olds in the criminal justice system and imprisons this age group at a higher rate than elsewhere in Europe, contrary to the United Nations Convention on the Rights of the Child.[1] The Council of Europe have ratified recommendations on the European Rules for Juvenile Offenders subject to Community Sanctions or Measures (June 2008) and the Child-Friendly Justice guidelines (November 2010)[2]. The recommendations further reinforce the UN Convention but currently do not bind the courts in Scotland.

The Scottish Government is committed to giving children the best start in life and to improving the life chances of children, young people and families at risk. Tackling the causes and effects of offending by young people is key to building safe and strong communities, within which Scotland's future generation can fulfil its enormous potential.

The Reducing Reoffending Programme was established following the publication of *Protecting Scotland's Communities: Fair, Fast and Flexible Justice* in December 2008. The programme aims to reduce offending and reoffending and enhance public safety as well as reducing Scotland's prison population.

Each year approximately 10,000 16 and 17 year olds end up in the criminal justice system and courts with limited consideration given to either the positive benefits of diversionary opportunities suited to their age and stage of development, or the judicial procedure and whether young people can fully engage in the process[3]. A total of 116 16 and 17 year olds were in custody in February 2011[4]. Of these, 6 were female. 87% of the population of Polmont Young Offenders Institute (YOI) have been there before their present sentence.[5]

Supporting reintegration from secure care and custody will be significantly more cost effective for local authorities in the longer term than no support being offered. If young people do not successfully reintegrate within society and continue to offend their chance of returning to secure care or custody will be high, resulting in higher costs. Over a one year period, it can cost local authorities approximately £260,000 for one young person to be placed in secure care, and £31,703 for one year in custody.[6] With re-offending rates so high amongst this group of young people, the cost can be considerably more with frequent custodial sentences.

Young people within justice systems suffer multiple disadvantages that need to be addressed to ensure that they can become part of society and lead law abiding lives. Many of these problems can be intensified by them being in secure care or custody. Research shows that dislocating children and young people from their families, communities and from

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[1] UNCRC – link Article 37 (b) of the UNCRC requires state parties to ensure that 'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time'. This is also mirrored in the Council of Europe's Guidelines on Child-Friendly Justice (at para 19).

[2] https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Del/Dec(2010)1098/10.2abc&Language=lanEnglish&Ver=app6&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864

[3] Scotland's Choice http://www.scotland.gov.uk/Publications/2008/06/30162955/0

[4] SPS – a snapshot of one day

[5] HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09

[6] SPS annual report 2009/10

mainstream children's services by placing them in custody, can contribute to their vulnerability.[7] To prevent this, services need to work in partnership to meet the needs and address the risks of these young people as identified within their getting it right for every child (GIRFEC) single plan.

The challenges associated with improving reintegration from secure care and custody and other transitions are great, but are an important aspect of reducing the number of young people returning to such establishments and continuing a pattern of offending behaviour. The principles for good practice are highlighted in appendix 3.

[7] Youth Resettlement, A framework for action.

2. Definitions and International Instruments

In Scotland, a child is defined differently in different legal contexts:

- Section 93(2)(a) and (b) of the Children (Scotland) Act 1995 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing can be viewed as a child. Young people over the age of 16 may still require intervention to protect them.
- With the introduction of the Adult Support and Protection (Scotland) Act 2007, an adult is defined as someone over the age of the 16.
- At the same time, the United Nations Convention on the Rights of the Child applies to all persons "below the age of 18 years of age"[8]. The UN Committee on the Rights of the Child took the opportunity, in *General Comment No.10,* to remind states parties that this meant all such young people came within the ambit of the Convention's juvenile justice provisions and urged states parties where 16 and 17 year olds were treated as adult criminals to:

  "[C]hange their laws with a view to achieving a non-discriminatory full application of the juvenile justice rules to all persons under the age of 18".[9]

- The European Rules for juvenile offenders subject to sanctions or measures (2008)[10] define a "juvenile offender" as any person below the age of 18 who is alleged to have or who has committed an offence.

Although the differing legal definitions of the age of a child can be confusing, the priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection. The individual young person's circumstances and age will, by default, dictate what legal measures can be applied to protect that young person should they need it. This only further heightens the importance of local areas having very clear links between their Child and Adult Protection Committees and clear guidelines in place for the transition from child to adult services. Young people aged between 16 and 18 are potentially vulnerable to falling between the gaps and local services must ensure that staff offer ongoing support and protection, as required, via continuous single planning for the young person.

For the purposes of this guidance, a 'young person', whilst falling under the legal definition of a child, is taken to mean an older adolescent child (aged under 18 years).

Other terms used within this guidance are defined as follows:

Integration is defined by Oxford Dictionaries[11] as 'restore (elements regarded as disparate) to unity. The definition of 'transition' is 'passing or change from one place, state, condition etc to another'[12].

In endorsing the Report of the Tripartite Group – made up of representatives from the then, Scottish Executive Justice Department, the Scottish Prison Service and the Association of Directors of Social Work – Justice Department Circular No SEJD 12/2002 defines throughcare as: "the provision of a range of social work and associated services to prisoners and their families **from the point of sentence or remand**, during the period of imprisonment

[8] UN Convention art. 1.
[9] CRC/C/GC/10, April 25, 2007, para.38
[10] https://wcd.coe.int/wcd/ViewDoc.jsp?id=1367113&Site=CM
[11] http://www.oxforddictionaries.com/definition/reintegrate?view=uk
[12] http://www.oxforddictionaries.com/definition/transition

and following release into the community[13]." Aftercare is defined by the Children (Scotland) Act 1995 as support for young people who have previously been looked after by the local authority[14].

As young people can be in both child and adult systems different language can be used to describe the same purpose and roles. Within this guidance, 'single plan' is the term used to describe the plan for the young person which would include an assessment of their risk and need and may be know in adult justice as case management or risk management plan. The lead professional is the term used to describe the lead worker/case manager for that young person.[15]

[13] http://www.scotland.gov.uk/Publications/2004/07/19605/39872
[14] http://www.legislation.gov.uk/ukpga/1995/36/section/29
[15] http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/Guidance

3. Legal Requirements

The Children (Scotland) Act 1995 outlines the duties and powers to provide aftercare support for young people who are looked after by local authorities (including looked after in the community). There is a duty for providing on-going aftercare, until at least a young person's 19th birthday, and the power to continue to provide support until 21 if their welfare requires it. New Regulations and Guidance published in 2004, extended responsibilities for supporting young people leaving care to include a new duty to assess a young person's aftercare needs and to establish clear plans for aftercare support.[16]

If a young person is looked after and accommodated on their 16th birthday, they are entitled to aftercare, which may include financial support and advice and assistance until they reach the age of 21.[17]

The Children (Scotland) Act 1995 centres on the needs of children and their families. It sets out the duties and powers available to public authorities to support children. The following Sections relate to throughcare and aftercare duties:

- under Section 17 the local authority has a duty to provide advice and assistance with a view to preparing a child for when he or she is no longer looked after by a local authority;
- Section 21 sets out details of co-operation between authorities and other bodies;
- Section 29 of the Act sets out the main local authority responsibilities to young people who leave care after school age;
- under Section 29(1) there is a duty to advise, guide and assist those under 19 unless the local authority is satisfied that the young person's welfare does not require it;
- under Section 29(2) there is a power to provide advice, guidance and assistance to young people between 19 and 21 who apply to the local authority, unless the authority is satisfied that the young person's welfare does not require it; and
- Section 29(3) states that assistance may include assistance in kind or in cash.[18]

Due to care and protection needs, supervision requirements should not be terminated just by the fact of a young person appearing or being sentenced at court. Remaining on a supervision requirement allows for the young person's care needs to continue to be met, family work to continue and support to achieve reintegration.

If a young person who is subject to a supervision requirement through the Children's Hearing system is sentenced to a custodial sentence, either to a Young Offenders Institution or to secure care, an emergency 72 hour Looked After Review should be held; as outlined in Looked After Children's (Scotland) regulations and Guidance 38(2) and 41(2). **This young person is likely to have either a named person or lead professional.** Communication between the named person and the custodial setting should not cease but work in tandem for release and re-integration.

If sentenced to secure care or custody, the young person should be aware of their entitlements upon release. **The community based social worker should be involved in the planning for the young person** (in line with GIRFEC) as soon as a sentence is given to ensure the young person's needs and risks are addressed and to improve transitions and reintegration. Post release meetings, coordinated by the named person/lead professional, should also be attended and work undertaken with the family, where appropriate, prior to the young person's release.

[16] Scottish Executive (2004)
[17] http://www.legislation.gov.uk/ukpga/1995/36/section/29
[18] http://www.scotland.gov.uk/Publications/2004/03/19113/34721

In Scotland, local authorities have a statutory responsibility to provide throughcare services to individuals sentenced to prison terms of over 4 years and for those sentenced to Supervised Release Orders and Extended Sentences. Local authorities also have statutory responsibility to offer voluntary aftercare to other prisoners in the first 12 months of their release from prison[19]. The Scottish Government published National Outcomes and Standards for Social Work Services in the Criminal Justice System in 2010[20], which outline the responsibilities for local authority social work departments in respect of these services.

The Criminal Justice and Licensing Act 2010 has also introduced supervision for young people, as defined in the Children (Scotland) Act 1995 to a period of supervision if sentenced to custody, and young people under 18 have a supervision element attached to any Community Payback Order made.

[19] Social Work (Scotland) Act 1968 section 27 with replacements by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 section 61

[20] http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/Guidance

4. Research

Throughcare, sometimes called 'transitional care', refers to a range of social work and other support services to prisoners from the point of sentence or remand, during their period of imprisonment and subsequent release into the community. It consists of two elements: work with individuals in prison to help them address and change their criminal behaviour, and work in the community designed to re-integrate them back into mainstream society.[21]

Two consistent findings from the research literature on throughcare highlight:

- that the chance of treatment in prison being successful is improved by the nature, quality and length of support after release; and
- that it is essential to have co-ordination and integration between whatever programmes and services are offered in prison and those offered by criminal justice social work services and other agencies in the community under post-release supervision.[22]

Good practice in transitions is crucial in achieving positive outcomes for young people. The Scottish Institute for Residential Child Care manifesto, No Time to Lose (2006) highlighted that 'secure care will only be effective if it is mirrored by robust, good quality open residential provision and the availability of services to support young people'[23]. Transitions for young people in the care system are a time of insecurity and stress. Preparing young people to move on is not merely a practical task; amidst the emotional turmoil of transition young people need to feel safe. Research by Dixon and Stein (2002)[24] indicated that a degree of certainty about what will happen is fundamental to a successful transition.

The international research literature shows that the throughcare strategies with the most favourable results are 'holistic'; that is, focused on the whole range of an individuals' needs and integrated with support in the prison and in the community. This support is necessary not only in the early weeks of readjustment on release but also in the long term.[25] Indispensable processes for successful 'habilitation' or 'integration' include teaching basic skills, helping young people to develop the capacity to cope with their 'survival' needs in the outside world, establishing meaningful links whilst in prison with a range of community services that can offer continuing support and supporting psychological wellbeing.[26]

This evidence is particularly important for young people, due to their levels of maturity, and the need for a comprehensive plan. GIRFEC's 'single plan', should be individualised by highlighting the risk and needs of each young person and should clearly state how these will be met, by whom and in what time-scales. To address offending and criminogenic needs - taking into account ability, gender and religious/ethical needs of the young person - **it is essential to have detailed plans, that build on existing plans to enable better informed assessment.**

Evidence suggests that young people who leave custody with a lack of resources, support and coordination between agencies have a higher risk of returning to custody.[27] Local authorities and community planning partners have a responsibility to ensure such services are available and target those who need it most.

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[21] Tombs, 2004, Throughcare: A Process of Change; CJSWDC Briefing 7
[22] Tombs, 2004, Throughcare: A Process of Change; CJSWDC Briefing 7
[23] Scottish Institute for Residential Child Care manifesto, No Time to Lose (2006)
[24] Dixon and Stein, 2002
[25] Peters, R.H. and Steinberg, M.L., 2000
[26] Tombs, 2004, Throughcare: A Process of Change; CJSWDC Briefing
[27] Griffiths, Daudurand and Murdoch, 2007

According to Hagell (2004)[28], successful reintegration for young people includes:

- ceasing offending, or at least reducing offending to lower level offences committed less frequently and with less risk to others;
- engagement in employment, education or training activities, in a way that will lead to a new life away from offending;
- full realisation of any benefit entitlement and general support with financial planning;
- inclusion back into health and dental services, including engagement in substance misuse programmes if necessary;
- settlement into stable accommodation;
- support in building new and better relationships; and
- engagement in some way with people who can provide long-term mentoring or other kinds of support.

Desistance

A 1995 study of young people's offending patterns commissioned by the Home Office[29] found that changes in lifestyle such as becoming a parent, leaving the parental home and gaining financial independence through employment and training were strong indicators of desistence from criminal behaviour for young people.

In their study to explore the routes into and out of offending for young people in Scotland, Jamieson *et al* (1999)[30] interviewed 75 young people (aged 14-25 years) categorised into desisters (those who had not offended with the last year), resisters (young people who had never offended) and persisters (young people who had recently offended and were going on to criminal careers). They concluded that whilst younger desisters (like resisters) are inclined to fear the consequences of crime and view offending as 'futile' and morally wrong, older desisters are more likely to associate their abstinence with becoming more mature and moving on with their lives such as pursuing training or education. Males were more likely to say that their abstinence was 'personal choice', whilst females were more inclined to explain their desistance in terms of 'relational aspects' such as having gained parental responsibilities, not wanting to let their families down or having become more aware of the consequences of crime on their victims. In contrast, young people who offend classed as persisters were found to be less committed to education and employment and were most likely to have family members or peers also involved in crime. Persistent offending was often linked to drug addiction (particularly the need to fund a drug addiction) and in the case of females, was usually linked to involvement in relationships with male partners also involved in crime. Female persisters however, were more likely than their male counterparts to say they were trying to desist from crime and were more likely than young men to have adopted avoidance techniques to facilitate desistance.

Such findings support widely acknowledged theories about reasons for desistance from crime, thus that 'the ending of active involvement in offending is fundamentally related to 'acquiring something' such as employment, a relationship or family[31]. Feminist approaches have suggested that female desistance from crime can be more usefully understood as 'a process of opportunity to claim a pro-social identity' and that girls have more inclination to reform from crime than boys because of societal pressure to fit the conventional model of good wife and mother. As Rumgay suggests 'It is not just the events and changes that matter; it is what these events and changes mean to the people involved'[32].

[28] Hagell, 2004
[29] Graham and Bowling, 1995
[30] Jamieson et al, 1999
[31] Maruna, 1999, Graham et al,1995, Farrington et al, 2004.
[32] cited in Gelsthorpe et al, 2007

Gender

Research evidence points to differences in moral reasoning between the genders to explain why females have a stronger inclination than boys to desist from offending. Underpinning female moral-reasoning is a general ethic of care and responsibility to others. In their 1999 study exploring young people's pathways into and out of crime, Jamieson *et al*[33] found that boys were much more likely than girls to have been the victims of physical assaults outside their own homes and as a result of their own experiences were more likely to adopt an individualistic approach to moral reasoning with a specific tendency towards 'victim blame'. Girls on the other hand were found to have a more 'relational' approach to moral reasoning, their accounts of offending where much more likely to "take account of the effects of actions on others". Thus an influential Study by Gilligan in 1982[34] explored attitudes of 29 men and women, (aged 15-33) attending abortion and pregnancy counselling services, and concluded that when faced with a problem situation or ethical dilemma, females are much more likely to make rational, context-dependent judgements which are more concerned about the impact of behaviour on people's actual feelings whilst males are more likely to assess the situation at an abstract level that does not consider the impact on others.[35]

Studies have also suggested that in contrast to females, male offending is largely linked to cognitive deficits[36] . According to Moffitt (1993)[37], 'where offending in adolescence is normal, anti-social behaviour that continues throughout the life course is pathological'. Moffitt argues that offending in adulthood is linked to 'neuropsychological deficits within the brain's executive functions, affecting the ability to organise and plan ahead'. This, she argues is a trait found to be more attributable to boys.

The literature suggests that girls mature (physically and emotionally) at an earlier age than boys and therefore will 'reach and pass through the turbulent period associated with offending at a younger age' [38]. Research around desistance from offending illustrates that for many young people abstinence from crime is linked to 'conscious lifestyle changes related to the coming of age'.[39]

For youth offending there are similar criminogenic risk factors which apply to both boys and girls including anti-social attitudes, pro-criminal associates and peers, lack of parental supervision and unstructured leisure time. However, girls are less likely to be referred to a Children's Hearing on offence grounds. In 2008, 75% of offence referrals were in respect of offences committed by boys compared to 25% by girls[40]. In direct contrast to this, over the same period, the number of secure authorisations made by Children's Hearings in respect of boys was 57% compared to 43% for girls. There were clear gender differences in why Hearings decided to make secure authorisations:

- girls tended to present a high risk to themselves, particularly due to sexually risky behaviour; whilst
- boys presented risks to themselves and others, particularly due to violence, offending and road traffic offences

Girls are often assessed as high risk as a result of high levels of need evidenced in structured risk assessments and are considered to be in greater need of protection than boys. As a consequence of this, girls and young women are often pushed higher up the

[33] Jamieson et al, 1999
[34] Gilligan ,1982
[35] Scottish Office, 1998
[36] Worrall, 2001
[37] Moffitt 1993
[38] McIvor, 1998
[39] Hirschi and Gottfredson, 1983, Smith and McAra, 2004,McIvor, 1998
[40] www.scra.gov.uk/.../**Secure**%20**Authorisations**%20Research%20Report.pdf

sentencing tariff and are five times more likely than boys and young men to receive a custodial sentence as opposed to a community disposal[41].

Certain factors in offending and risk taking behaviours by girls have stronger correlations than for boys and include victimisation (including physical, emotional and sexual abuse), weak support networks (including school and low parental supervision), peer influence of boys and male associates involved in offending behaviour, unsupervised and unstructured leisure time, low self-esteem, domestic abuse, exploitation and material deprivation. However, girls' problematic behaviours are less likely to be recognised due to the more covert nature of their behaviour and lack of gender specific assessment processes.

Girls are also less likely to be referred for services as the numbers involved in offending, as opposed to risk taking behaviour, are smaller in proportion to boys and there is a lack of gender appropriate services designed to address high levels of vulnerability. Girls are less likely to engage in existing interventions and more likely to disengage prematurely due to services not addressing their needs. Most services which currently address offending behaviour are designed around boys' needs and learning style.

In relation to mental health, girls display higher rates of problems with a prevalence of post traumatic stress disorder, depression and low self-esteem. Often, this is not recognised until they enter secure care or custody. Girls display different coping mechanisms by internalising problems through negative emotional behaviours such as self blame, self harm and risky sexual behaviour.

Girls require a more individualised service design as risk factors related to recidivism are different with poor parenting, dysfunctional family environment and absconding being greater influences. Offending and risk taking behaviour is frequently a result of family breakdown where girls without suitable accommodation have been thrown out of or have left the family home. Poor relationships within the home can also lead to assaults on family members/domestic violence or criminal damage to the family home.

[41] Prison Statistics Scotland 2005/6

5. Getting It Right For Every Child (GIRFEC) and young person

GIRFEC aims to improve outcomes for all children and young people. It is the foundation for work with all children and young people, including adult services where parents are involved.[42] It is best seen as an approach to developing service responses and coordinating those through systems and practice change.

It promotes a shared approach that:

- builds solutions with and around children and families;
- enables children to get the help they need when they need it;
- supports a positive shift in culture, systems and practice; and
- involves working together to make things better.

Its key components include:[43]

- a focus on improving outcomes for children, young people and their families based on a shared understanding of well-being;
- a common approach to gaining consent and to sharing information where appropriate;
- an integral role for children, young people and families in assessment, planning and intervention;
- a co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the Well-being Indicators[44];
- streamlined planning, assessment and decision-making processes that lead to the right help at the right time;
- consistent high standards of co-operation, joint working and communication where more than one agency needs to be involved, locally and across Scotland;
- a Lead Professional to co-ordinate and monitor multi-agency activity where necessary;
- maximising the skilled workforce within universal services to address needs and risks at the earliest possible time;
- a confident and competent workforce across all services for children, young people and their families; and
- the capacity to share demographic, assessment and planning information electronically within and across agency boundaries.

These components act as a checklist to consider whether the key elements of service delivery and coordination have been achieved.

[42] http://www.scotland.gov.uk/Topics/People/Young-People/childrensservices/girfec
[43] http://www.scotland.gov.uk/Publications/2008/09/22091734/9
[44] Wellbeing indicators include: *Resilience Matrix* and the *My World Triangle*

6. Core principles of effective reintegration and transitions

6.1 United Nations Convention on the Rights of the Child (UNCRC)

After several significant developments, in 1989, world leaders recognised that children needed a special human rights convention just for them due to young people under 18 often needing special care and protection that adults do not. The leaders also wanted to make sure that the world recognised that children have human rights too. The United Nations Convention on the Rights of the Child45 is the first legally binding international instrument to incorporate the full range of human rights - civil, cultural, economic, political and social and the most widely ratified human rights treaty in the world (all but two countries are state parties).

Ratified by the UK Government in December 1991, the Convention emphasises the importance of 'promoting the child's reintegration and the child's assuming a constructive role in society'46. The obligation to comply with the UNCRC applies to devolved and local government47.

The Convention sets out these rights in 54 articles and two Optional Protocols. It spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services. They are human rights standards, and as such they mark the minimum acceptable standard to apply in respect of all children and young people under the age of 18, rather than aspirational goals or a 'gold standard'.

Article 40 requires that 'whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. A variety of disposals such as care, guidance and supervision orders; counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.'

Article 37(c) of the UNCRC states that children should not be deprived of their liberty in all but the most exceptional circumstances and for the shortest period, and should not be detained in custody alongside adult offenders. Article 40(3) of the Convention provides that any under 18 alleged to have committed an offence should be tried through a separate youth justice system and not the adult system.

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[45] http://www2.ohchr.org/english/law/crc.htm

[46] UN Convention art.40 (1).

[47] The UNCRC is International Law but has not (yet) been given direct legal force in UK and Scots law as the European Convention on Human Rights has by way of the Human Rights Act 1998 and the Scotland Act 1998. However, ratification of the Convention placed binding international obligations on the UK Government (see Article 26 of the Vienna Convention on the Law of Treaties of 1969, United Nations, *Treaty Series*, Vol. 1155, p. 331), as well as devolved governments and institutions to implement its provisions and ensure the realisation of all rights in the UNCRC for all children in their jurisdiction (UN Committee on the Rights of the Child (2003), *General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child*, CRC/GC/2003/5, at paras 40f.; this was also most recently reiterated in the Committee's *General Comment No. 13: Article 19 – The right of the child to freedom from all forms of violence* (2011), CRC/C/GC/13, at para 5).

6.2 Risk and need assessment

GIRFEC highlights the importance of the assessment process[48], which is crucial in identifying the needs and risks of young people involved in offending. This allows for individualised plans to effectively address risk and need, by highlighting interventions to promote changes in behaviour.

Assessments need to be holistic and analytical, with actions highlighted in the plan to meet risk and need and improve outcomes for young people. Offending behaviour and criminogenic factors need to be measured and included in the plan as areas to be addressed. In Scotland, the Risk Management Authority's (RMA) Risk Assessment Tools Evaluation Directory (RATED) document [49] highlights the different risk assessments tools available. GIRFEC details three tools[50] to make sense of the information collected. Professional judgement should also be used when undertaking assessment and planning to inform risk management [51].

Once a decision has been made about risk management arrangements, it is for the lead professional to coordinate, monitor and review these arrangements and, through liaison with the other professionals working with the child or young person, identify any changes in behaviour which would necessitate a review of the risk management arrangements. The lead professional's primary task is to make sure that all the support provided is working well, fits with involvement of other practitioners and agencies and is achieving the goals of the young person's 'single plan'.

Positive multi agency working is fundamental to the risk management and planning process and relies as much on formal agreements as on good working relationships between practitioners. However, it is important to ensure a consistent approach across agencies so that everyone involved in the management of young people has a clear understanding of their role and responsibilities. **Accountability is essential and governance within the appropriate priority in Community Plans should enable this. Where possible young people and children in the youth justice system should form part of the Integrated Children's Services Plan where most of the priorities around children and young people are located. This would also require some communication and coordination of policy and strategy from both the child and adult protection committees** which lends itself to the CPP structure and governance.

Risk management or Multi Agency Public Protection Arrangements (MAPPA)[52] meetings should be included in child planning meetings at intervals as set out in the Children (Scotland) Act 1995 regulations and guidance[53], and MAPPA guidance, or on a more frequent basis as risk dictates.

Risk assessment activity should flow from a holistic needs based assessment and should not be seen as separate activities.[54] Overly risk averse or purely actuarial approaches have been shown to be counter productive because of the way they can oversimplify the assessment process, create complacency in workers (who may come to see risk assessment as a tick box exercise), and/or miss significant information because of a failure to think more broadly about the wider environmental factors.[55]

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[48] http://www.scotland.gov.uk/Publications/2008/09/22091734/9
[49] http://www.rmascotland.gov.uk/try/rated/
[50] *Resilience Matrix* devised for use with *Well-being Indicators* and the *My World Triangle,*
[51] http://www.rmascotland.gov.uk/Frame
[52] http://www.scotland.gov.uk/Topics/Justice/public-safety/protection/reports
[53] http://www.scotland.gov.uk/Publications/2004/10/20067/44723
[54] Barry, 2007
[55] Aldgate and Rose, 2008

6.3 Single Plan

All young people should have a multi-agency single plan that is moved with them regardless of where they are placed or live. The named person or lead professional[56] has responsibility for maintaining this plan, to meet the risks and needs of the young people. **In secure care or prison setting, the key worker or personal officer should act as the named person while a young person is in secure care or custody, with the local authority where the child resides maintaining the role as lead professional to ensure effective transitions for these young people.** This should result in the local authority being involved in the planning for the young person within any establishment to ensure their successful reintegration back to the community.

No young person should be without a plan. For those who are sentenced through the court, this should be included within their court report and the lead professional should liaise with SPS to ensure information is shared and planning for release started.

The lead professional will be responsible for ensuring an agreed multi-agency single plan is produced. The plan will be based on an assessment of needs and will incorporate any current single agency plans. The plan will identify when a review is needed and the lead professional will arrange for the production of materials for the review if this is to take place at a meeting. Materials will be circulated to everyone involved, especially the young person and where appropriate, their family.

It is not the responsibility of the lead professional to undertake all work with young people and their families; or replace other practitioners who have specific roles or who are carrying out direct work or specialist assessments. The lead professional's primary task is to make sure that all the support provided is working well, fits with involvement of other practitioners and agencies and is achieving the outcomes specified in the single plan. When the single plan has been agreed, the lead professional will:

- usually be the point of contact with the child and family for the purpose of discussing the plan and how it is working, as well as any changes in circumstances that may affect the plan;
- be a main point of contact for all practitioners who are delivering help to the young person to feedback progress on the plan or raise any issues;
- make sure that the help provided is consistent with the single plan, that services are not duplicated;
- work with the young person and family and the practitioner network to make sure that the views and wishes of the young person and their family are heard and properly taken into account and, when necessary, link the young person and family with specialist advocacy;
- support the young person and family to make use of help from practitioners and agencies;
- monitor how well the plan is working and whether it is improving the young person's situation;
- co-ordinate the provision of other help or specialist assessments which may be needed, with advice from other practitioners where necessary, and make arrangements for these to take place;
- arrange for the agencies to review together their involvement and amend the single plan when necessary;
- make sure the young person is supported through key transition points and ensure a careful and planned transfer of responsibility for these roles when another practitioner becomes the lead professional, for example if the child's needs change or the family

[56] http://www.scotland.gov.uk/Topics/People/Young-People/childrensservices/girfec/Practitioners/ToolsResources/LeadProfessionalRole

moves away, or the named person resumes responsibility for the young person when a multi-agency single plan is no longer needed.

Upon entering secure care or custody, the single plan should be the only plan for young people, covering all their needs, with specific information in relation to who and how they will be met. Other plans, assessments or reports relating to the young person will form part of the overarching single plan. Critically though, the process and development of other plans and assessments need to fully integrate with the planning and review for the young person. Having a single plan and lead professional will promote good case management to ensure continuity during transitions and improve opportunities to re-engage young people into services and activities within their own community.

6.4 Partnership working

Partnership working is crucial for the successful reintegration of young people who are released from secure care or custody.

GIRFEC emphasises the importance of culture change for partnership-working, but how this is achieved in practice presents a challenge that needs to be addressed in order to provide services for young people leaving secure care and custody. Where agencies fail to work effectively in partnership, young people do not receive the services that they need, when they need them, which can result in them continuing with their offending behaviour and returning to custody.[57]

The partnership document Preventing Offending by Young People: A Framework for Action[58] establishes how organisations should be working together to prevent and reduce offending by children and young people. The Scottish Government has also prioritised work that supports partners to take forward the development of a 'whole system approach' to dealing with under 18s who offend.

A whole system approach involves putting in place a streamlined and consistent planning, assessment and decision making process for young people involved in offending to ensure they receive the right help at the right time. This approach works across all systems and agencies. It brings together Government key policy frameworks into one holistic approach to deal with young people who offend.

The ethos of the whole system approach suggests that many young people could and should be diverted from statutory measures, prosecution and custody through early intervention and robust community alternatives. The focus of this work encourages agencies to proactively support young people to develop the skills which will allow them to make positive contributions to their communities.

[57] Griffiths, Dandurand & Murdoch; 2007

[58] Preventing Offending by Young People: A Framework for Action, 2008.

It is anticipated that a whole system approach should include interventions and responses such as:

- the introduction of multi-agency early and effective intervention to ensure young people get a timely, appropriate and proportionate response to early/minor offending and are directed towards positive activities.
- the introduction of a focussed, intelligence-led approach to serious and persistent offending which would enable partners to identify, target, support and challenge the most serious and persistent young people involved in offending in their area;
- the introduction of multi-agency screening to identify opportunities for diversion from prosecution and diversion from custody ensuring that young people get an immediate and effective response that meets risk and need and that channels them towards options that will develop their capacity and skills;
- the improvements in the use of risk assessment and risk management planning to support decision making, ensuring the most expensive resources are targeted at the highest risk young people and that these are deployed effectively; and
- greater use of community disposals.

6.5 Services

In Scotland evidence suggests that reconviction rates for those on some types of non-custodial sentences are lower than for those serving a sentence in prison.[59] We also know that programmes to address offending are more effective when undertaken in the community than in prison.[60] However, **if the underlying causes of offending are not addressed in prison or secure care, offending behaviour is likely to continue upon release**.[61] This in turn will result in young people returning to courts, social work services and prison, which is financially expensive as well as adding further pressure on communities and resources.

In 1999 The Home Office highlighted the key elements that were effective in preventing reoffending by young people in custody:

- effective and co-ordinated sentence planning throughout the sentence;
- development of relevant programmes drawn from evidence-based success criteria and the 'What-Works' agenda;
- targeting programmes at those who require them;
- working in partnership to improve literacy, job skills, employment opportunities, family support, access to housing; and
- effective transitions of young people who offend between agencies and to the community.

Within the above work, the young person's learning style, learning needs, gender and religious or ethnic persuasion should be taken into account.

Rigorous monitoring and evaluation of methods is integral to track service activity, outputs and outcomes and the continuous improvement of a service. Evaluation findings can also be fed back into developing staff skills and competencies through designated training programmes. Service evaluations can be conducted in house or by commissioned external researcher teams.

[59] Reconvictions of offenders discharged from custody or given non-custodial sentences in 2003/04, Scotland, Scottish Government Statistical Bulletin
[60] J. Maguire (ed.), 1995
[61] A, Hagell , 2004

6.6 Exits

It is crucial that care planning involves an exit strategy from secure accommodation or custody from the outset. Within secure care, this will ensure that children do not end up staying for longer than they need to because forward planning will ensure continuity of care.

Research is clear that exit strategies need to involve young people and their families and/or future carers and that the young person needs to have the necessary time to prepare physically and psychologically for their move[62]. Not knowing what the forward plans are can also cause a young person's mental health to deteriorate[63].

Following the 'What Works' research, interventions should address the risk presented. **As the risk decreases so should the level of intervention.** Many young people involved in offending behaviour, will have experienced poor relationships with adults and so reducing contact with services or with positive role models in secure care or custody needs to be undertaken in a planned way. Exit strategies need to be included within the young person's single plan from the outset to ensure a positive ending of involvement in services, at a time that is appropriate. Not only will benefit the young person, but also services and service providers by interventions being available to other young people when they need it.

The amount and avalibility of support networks that each young person has is integral to their successful exit from secure care or custody. It essential that family and support networks are identified within the commuity and built upon for sustainability, and that assessments and planning are inclusive of these. This should then be incorporated into the young person's single plan.

[62] Hart, 2009
[63] Epps, 1997

7. Core Services

7.1 Learning, Skills and Employability

Research indicates that training and employment are key factors for successful transitions and a reduction in offending behaviour. One study found that most young people who were able to achieve effective reintegration, had been in long-term stable placements and were continuing to receive an integrated package of support.[64] They were also more likely to have stable, supported post-care/release accommodation.

Disengagement from education, including lack of attainment, disaffection, persistent truancy and exclusion are strongly associated with offending. The *Edinburgh Study of Youth Transitions and Crime*[65], a longitudinal tracking study, found that one of the most important predictors of criminal record status was school exclusion by the third year of secondary education. Those in this category were almost two-and-a-half times more likely than those not excluded in this period to have a criminal record by age 19. The reasons for, and impact of, exclusion go far beyond engagement with education. Exclusion from school is not in itself a cause of further difficulties in later life, but it is an indicator of other issues which contribute to anti-social behaviour. For many young people in secure care and custody, education has not been a positive experience with many disengaging from a young age.

In many areas pre-referral screening is now established with the aim of identifying these young people and providing support earlier. Legislation highlights that education authorities have a duty to provide for these young people by offering an alternative curricular programme aimed at increasing the young person's motivation, skills, attainments, confidence and ability to make successful transitions. For young people who are looked after and accommodated by the local authority, education and social work staff **must** work together to support these young people to achieve their potential. Education providers have a duty to request information from appropriate agencies to support young people in making the transition from school to post-school successfully.[66]

Curriculum for Excellence (CfE), which was implemented across every local authority in Scotland in August 2010 to improve the quality of learning and teaching and to raise standards for all children and young people takes a fresh approach to how, what and where young people learn, focusing on the individual needs of the learner and supporting them to achieve their individual aspirations and goals. **CfE aims to improve educational outcomes for every child and young person and offers more choices and chances to those young people who need them most** by enabling schools and their partners to plan and deliver a flexible and engaging curriculum that offers young people personalisation and choice, wherever the learning is taking place[67].

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[64] Dixon, J. & Stein, M. 2002

[65] McAra, L & McVie, S. 2010

[66] Supporting Children's Learning: Code of Practice Education (Additional Support for Learning) (Scotland) Act 2004

[67] Every young person in Scotland, from 3-18, including those in secure care and custody, is entitled to experience a range of learning opportunities, whatever their circumstances. This includes an entitlement to opportunities to develop their skills for learning, skills for life and skills for work; an entitlement to support to enable them to gain as much as possible from the opportunities which CfE can offer; an entitlement to a senior phase of education, which broadly takes place between the ages of 15-18, and an entitlement to moving into positive and sustained destinations beyond school. This offer of post-16 learning, known as 16+ Learning Choices, aims to ensure an offer of learning for every young person, particularly the more vulnerable, along with appropriate support for as long as it is needed.

During an evaluation of secure care in Scotland[68], it became clear that most young people leaving secure care pursue a vocational career. For those who have been able to gain vocational qualifications or partial qualifications while in secure care, the findings are that the process of gaining placements or employment after their stay in secure care is more fluent and offers more opportunities for a clear employment route.

Delays in finding work or career opportunities has been shown to lead to self-doubt, boredom and a lack of direction for young people leaving secure care or custody which in turn can lead to re-offending. These are potentially key pitfalls of a transitional process.

The Careers Information, Advice and Guidance Strategy for Scotland outlines the government's commitment to all-age, universal Career Information Advice and Guidance (IAG). It makes clear the important role that career professionals working through Skills Development Scotland (SDS) centres and in the SDS contact centre have in helping people to develop their career management skills throughout their working lives. It also sets out the need to provide an enhanced blend of services to respond to the dynamic working landscape and the increasing demands of customers. Key to the strategy is the emphasis on strong partnership working, with SDS taking the lead role in fostering strategic partnerships with other organisations that provide CIAG services.

SDS provides assistance to unemployed young people, with intensive support to those who need enhanced support and guidance. It is responsible for delivering the National Training Programmes- Modern Apprenticeships, Get Ready for Work and Training for Work. My World of Work (MyWow) is the new website offering valuable information and tools to help individuals prepare for and develop their career. SDS is responsible for the delivery of such initiatives as ERI (Employer Recruitment Incentive) which is targeted at helping employers engage with supporting young people with barriers into Modern Apprenticeships such as young people from an offending background.

SDS has guidelines for school pupils in residential school settings and secure care as they return to their home area to ensure their home SDS centre makes contact with them. They have also started a pilot within HMPYOI Polmont and HMP Corton Vale to support young being in these establishments as they return home (appendix 2)

7.2 Family Work

Research indicates that most young people return to their family of origin on leaving secure care and custody. Research also shows that family liaison work is an area to be developed in residential services and prison establishments.[69] Some of the following findings are evident from the reports:

- home placements after secure care seem to fail frequently; and
- in secure units informal family work takes place through the key worker. However, the frequency, intensity and results will vary greatly from worker to worker as the work isn't formalised, does not follow a therapeutic structure and does not aim for particular goals.

A range of other studies have shown that identifying placements for young people who are ready to move on from secure accommodation is difficult in some places and that these delays often result from a failure of corporate parents to work together in a timely fashion. [70]

[68] SIRCC – Evaluation of the Implementation of Secure Transitions Fund.
[69] Pilkington, K. 2008
[70] Harris and Timms 1993; Walker et al. 2006; Hart 2009; Ofsted 2010

The need for more family work in secure units has been identified by several research studies. They suggest that after leaving secure care a high percentage of children will eventually return to live with their families and that improvements to family relationships may be crucial to ensuring and sustaining positive outcomes related to secure placements[71]. However, these studies have not described in detail the format family work in secure units takes nor have they evaluated what kind of family work is most effective.

To ensure successful reintegration, the young person and their family need to be involved and engaged throughout the process. Motivating them to take an active role in their plan, both in custody and on release, is crucial in preventing reoffending and for reintegration into the community. [72]

Although, in the majority of cases, there is no legal requirement for social workers to undertake family work while a young person is in custody, to do so would be considered good practice. For young people subject to a supervision requirement, or who are entitled to aftercare support or have been sentenced under Section 208 of the Criminal Procedures (Scotland) Act 1995 and who will be released on licence, family work should be included in the young person's plan where appropriate. This would ensure that families are supported for the return of the young person to better aid reintegration.

7.3 Accommodation

Young people who do not or cannot return home, or where their home situation breaks down, are severely disadvantaged by the lack of appropriate supported accommodation which can lead to re-offending, being placed in risky situations or further trauma-related harm. This is especially the case for young people involved in offending who are leaving secure care or custody[73].

Supported accommodation has been shown to be more effective than accommodation with less access to onsite support . Several factors impact on young people sustaining tenancies including high costs and expenses, too little support, loneliness and a lack of independent living skills. Factors which help to support tenancies include informal and formal support, choice in accommodation options, practical assistance with rents, bills and furnishing property and addressing young people's complex needs.[74]

Having safe, supportive and sustainable accommodation is critical to successful reintegration. Research shows that inadequate accommodation is likely to have a significant negative impact on reoffending, and there is a documented link between severe accommodation problems or homelessness and recidivism.[75]

Therefore, if a young person is to be successful in living independently, it is important that community support is integrated with other services who can continue to provide support when the need for the intensive phase has passed. This continuity of support is critical to fully realise and sustain the benefits of intervention and help young people further develop their life skills and enable them to make a successful transition to independent living.

[71] Bullock et al. 1998; Walker et al. 2006; Sinclair and Geraghty 2008; Hart 2009; Ofsted 2010
[72] Youth Resettlement, A framework for action. Youth Justice Board
[73] The big step, 2006
[74] http://www.scotland.gov.uk/Publications/2007/08/23161736/0
[75] Hagan and McCarthy, 1997; Mean Streets. Youth Crime and Homelessness: Cambridge University Press

7.4 Community Involvement

Community social workers need to be involved in a young person's sentence from the outset. Where a named person exists this should make transition easier. Length of sentence may influence this involvement, but initially the lead professional should be in contact with the secure provider or SPS to share the single plan information and contribute to the young persons single plan. For some young people going though the adult court, a criminal justice social worker may be the lead professional as part of through care and should follow the through care practice guidance.[76]

If a young person is subject to a supervision requirement, this should not be terminated due to the fact that they have been given a custodial sentence. Any decision to terminate should be based on a need and risk assessment. As part of good practice, a 72 hour Looked After Review should be arranged by the local authority to take place in the YOI or secure unit for those young people subject to a supervision requirement through the Children's Hearing System or post sentence meeting for those who are not.

Planning for a young person's release should start at the point of sentence. If through the Children's Hearing System, this should involve re-assessment of risk and need to ensure that young people do not remain in secure care longer than is needed. If through the courts, the length of sentence is stated, so a definite release date can be planned for. The legal status of the young person may determine who from the community is most appropriate to provide support and the named person or lead professional can coordinate this.

If the young person is returning to their family home, work should be undertaken, where possible to ensure that the family/carers can provide for their needs and reduce any future risks of reoffending. If the young person is unable to return home or is homeless, plans should be put in place to ensure adequate accommodation is available for their release.

Communities also have a key role in the successful reintegration of young people returning to their area. **Community planning partners should all be involved, where appropriate to support young people upon their return and integrate institutional interventions with community-based interventions in an un-broken continuum**.[77]

There are several good examples of local authorities and third sector providers who are working to improve reintegration and transitions for young people, see Appendix 3.

7.5 Substance Abuse

Research has shown that young people who offend are more likely to suffer from substance abuse problems than young people in society as a whole.[78] This will impact on a successful reintegration, in relation to accommodation, employment or training and further involvement in offending behaviour unless addressed.

Research undertaken by Bill McKinlay highlights the link between alcohol use and offending behaviour[79]:

[76] http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/Guidance

[77] Griffiths, Dandurand & Murdoch; 2007

[78] University of Essex, 2003

[79] McKinley, 2009

- The proportion of young people involved in offending in each survey's sample who stated that they get "drunk daily" rose from 7.3% (1979) to 22.6% (1996) to 40.1% (2007). This pattern of 'extreme' drinking by young people in the present era was confirmed by the interviews conducted in 2008;

- The proportion who considered that alcohol had contributed to their previous offending rose from 47.9% to 58.4% to 79.6%. Interviewed young people, including those not currently in custody for an alcohol-related offence, were all able to provide details of offences they had committed under the influence of alcohol.

Young people should be assessed upon entering secure care or custody and should have access to specialist assessment and treatment where need dictates. If assessment highlights that issues need to be addressed when a young person moves within the prison or secure estate or is retuning to the community, this should be included within their plan and appropriate help given to support a successful reintegration.

Young people with substance abuse issues may need further counselling upon departure of the service as the substance abuse may be masking other feelings and unregulated stress that young people do not know how to deal with[80]. Offering opportunities for relaxation and building insight may lead to a greater understanding of their own needs and the possibility to make alternative choices. Work on building other contacts and networks will contribute to that, as will education or work placements. Motivation is the crucial factor as the young person needs to make the choice against the substance use.

7.6 Health & Mental Health

Mental health issues are likely to have the most serious impact on reintegration, but it is also important that young people's health in general is assessed.

The mental health needs of young people who have been in care are well documented.[81] One particular study in Scotland outlines the mental health needs of young people in secure care and how these can be met.[82] Young people who offend also have a disproportionate amount of mental health issues, with studies reporting that these are three times higher than the general population.[83]

The most recent research into secure accommodation in Scotland suggests that additional investment into specialist mental health provision for looked after children and substance misuse counselling and support has increased the range of services available to work with children in secure units; mental health projects in particular have also provided a valuable consultation service for staff working in secure units[84]. In some cases these projects have also helped ensure better links to universal services, e.g. the health service. However, this is not always the case and Walker et al. (2006) found that some children in their study's mental health suffered because there was a lack of specialised help made available to them when they were in secure accommodation. To ensure smooth transitions and to support young people, any work to address health issues started in the community should continue if they are in secure care or custody.

When young people with mental health issues leave secure care or custody, there should be a full assessment undertaken by a mental health professional to ensure an

[80] http://www.scotland.gov.uk/Publications/2009/03/04144703/0
[81] Meltzer, H. and Lader, D. 2004
[82] SIRCC (2006). *Evaluation of the Rossie / Elms mental health initiative*. Glasgow: SIRCC
[83] DfES, Department of Health 2004;
[84] NHS 2004; Walker et al. 2006; Lerpiniere et al. 2006

appropriate service is available in their community to promote continuity of care which will address risk, need and vulnerability.[85]

In relation to the general health needs of a young person, this should be provided within secure care and custody and support should be offered to ensure all young people are registered with the necessary health professionals when they return to the community.

Poor attendance at school will mean that many young people in secure care and custody will have missed out on various health education sessions. Establishments and professionals working with these young people should ensure that they have access to specialist services based on individual need and an appropriate health assessment which is designed to increase their knowledge.

[85]Griffiths, Dandurand & Murdoch; 2007;

8. Transitions

8.1 Childhood to adulthood

The transition from childhood to adulthood is a challenging time; for the most vulnerable young people it can be problematic. Young people who offend do not acquire instant maturity as they move into adulthood. Transitions for young people is not just about the physical act of moving on. The internal change and development which takes place within the young person also needs to be considered. Most young people still have vulnerabilities and an immediate removal of support as soon as they start to move into adulthood and change their behaviours may invariably lead to relapse and crisis.

Continued support during the transitions to adulthood enables young people to better cope with crisis when they arise, maintain healthy social support relationships and access and maintain involvement with specialist, mainstream and voluntary support agencies. To ensure that the experience of secure care and custody does not just have a brief impact on the young person's behaviour and life choices, it is crucial that support is available to ensure that the experience and change internalised in these settings is promoted into adulthood.[86]

The single plan should set defined goals for when the young person returns to the community which will encourage their participation and inclusion in society. Emphasis should be placed on their family and relationship networks and their introduction to formal services, in particular accommodation and education, employment or training agencies.

Legislation for education[87] states that to support all young people, education authorities and schools should be able to support those with additional support needs. Preparation for adulthood should involve explicit recognition of the strengths, abilities, wishes and needs of young people as well as identification of relevant support strategies which may be required. Whatever young people need to learn in order to make their transitions successful should be planned for carefully. This is in line with the developments in the Curriculum for Excellence.

8.2 Child care to adult services

The Children (Scotland) Act 1995 regulations and guidance, identifies good practice that is still applicable, when dealing with young people who are being managed within the Children's Hearing system and also in the adult courts. It identifies that where necessary **children's and criminal justice services should be co-ordinated and agreements reached about who is the best person to complete court reports and supervise any orders made**. It may be that practitioners across child and adult services work together with the young person to allow a continuity of support and resources. This will also ensure that critical information, assessments and the single plan is shared between workers providing a greater understanding of the complexities of both systems and a smoother transition between services. Joint arrangements, where necessary, can continue until a young person reaches 18 years of age.

Supervision requirements should not be terminated simply because a young person is being dealt with in the criminal justice system. Maintaining supervision of a young person within the Children's Hearings system in these circumstances will ensure that needs and risks continue to be identified and met by children's services until appropriate planning

[86] Secure Care Forum, recommendations, 2007
[87] Supporting Children's Learning: Code of Practice Education (Additional Support for Learning) (Scotland) Act 2004

has taken place and a suitable lead professional or case manager has been identified within adult services.

Children and young people involved in the adult criminal justice system are subject to services governed by National Outcomes and Standards irrespective of whether or not they are also involved in the Children's Hearing system. Subject to the nature and seriousness of the offence, other frameworks may also apply to young people in the adult system, including MAPPA[88], developed under the Management of Offenders (Scotland) Act 2005, which protects the public and manages the highest risk sex offenders in the community and also adult protection procedures for young people involved with community care.

All young people under the age of 18 (whether subject to supervision requirement or not) who are not accompanied by a social worker should wherever possible be seen as a matter of priority by the court based social worker.[89] Young people, and their families where appropriate need to understand what is happening to them. Court based social workers should be responsible for ensuring local authorities receive relevant details of **ALL** 16 and 17 year olds who are sentenced to custody,[90] and work closely with the named person/lead professional.

Some young people making the transitions from child to adult services may also involve mental health or learning disability services. It is important that these services support the fluidity of such transitions which are know not to be easy.

8.3 Community to secure and reintegration

Removing young people from the community and placing them in locked facilities serves to 'reassure' the public but does not appear to be more effective than community-based interventions91. A weight of evidence indicates that a young person's difficulties are often only compounded when they return to their local communities. This is particularly crucial if no intensive intervention has been undertaken with their family or work with the community to support their reintegration.

Young people in secure accommodation need to be allowed the opportunity to build their personal resources during their stay that helps them to develop their skills to safeguard their return to the community. Family involvement, where appropriate, is likely to be critical to sustaining the young person's return to the community and to building on any gains made while in secure care.

According to the Social Work Inspectorate for Scotland (1996)[92], in most cases young people who are accommodated in secure care have a long history of problems, disturbed behaviour and criminal offences. In the majority of cases it will have been known by social workers for weeks or months that a young person may require secure care. In these cases, intensive support should be provided to support the young person and reduce this risk. Where there is no alternative, some element of planning should go into finding the most appropriate placement to meet the needs of the young person. Anticipating a placement would enable initial discussion and advice to be sought by the social worker from the secure providers. However, by the very nature of secure care there are few 'planned' admissions to and young people are more likely to be placed on an emergency basis.

[88] http://www.scotland.gov.uk/Topics/Justice/public-safety/protection/reports
[89] http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending
[90] http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/reoffending
[91] Mendel, 2000
[92] SWIS, 1996

Good practice includes:

- prior to admission secure units should expect referrer to supply background information in advance, or at the very least with the young person on admission. This should include a care plan and a chronology of events, particularly in relation to events preceding admissions, social background reports or court reports, educational reports, psychological assessments, and health information (i.e. allergy and immunisation advice); and

- introductory work with the young person and their family.

The possibility of a successful transition back into the community is a process that should start from the point of sentence or remand and not just at the moment of their departure. Young people leaving secure care are likely to have faced more moves and instability in a relatively short time as compared to many other young people in care. Therefore forward planning is vital to support successful transitions from secure care, and an effective service provision based on a thorough assessment of need and risk, in order to reintegrate them into the community. The young person's single plan should therefore highlight areas to be addressed and worked on whilst in secure care and the plan up-date for further support or issues to be addressed upon their return to the community.

Transitions are a time of insecurity and stress and the resilience of young people may not always be strong enough to cope in a way that allows them to apply what they have learned whilst in secure care. Research indicates that a degree of certainty about what will happen upon departure, a safe and comfortable place to live, continuity in care, support and a day programme are fundamental components for a successful transition.[93]

The 2005 research report 'Secure accommodation in Scotland: Its role and relationship with 'alternative' services'[94] further identified that benefits from being in secure accommodation were more likely to be sustained if the young person was able to move on to a care and education/work placement which corresponded with his or her identified needs.

Good practice for reintegration includes:

- careful planning for mobility programmes95 which have a sequential build up leading to the fulfilment of the programme aims. Good practice examples have involved young people initially escorted by staff in and around the locality of the secure unit and then young people having worked towards being out in the community undertaking qualifications such as pool lifeguard;
- developing external links with agencies and the community which help aid transitions. Good practice examples have included units having information leaflets and resources about training, leisure and career opportunities;
- timescales and goals which are set with the young person, key professionals and the family at the beginning of a placement and then reviewed on a regular basis. This must include addressing plans for the transition from secure care;
- lead professional to ensure that long term community supports are in place.

Within secure care, mobility programmes can help to reintegrate young people into society, ensuring that they are supported within the community as well as the secure environment. Mobility programmes should be included within a young person's single plan and decisions

[93] Dixon, J. & Stein, M. 2002
[94] Walker, M., Barclay, A., Hunter, L., Kendrick, A., Malloch, M., Hill, M. & McIvor, G. 2005
[95] Mobility programmes within secure care are defined as the programme that allows young people time outwith the secure unit to help support their reintegration back to community.

about mobility should include all relevant authorities. Mobility is essential in maintaining links to family, community and access to leisure and recreational pursuits.

Intensive Support and Monitoring Service (ISMS), where appropriate, should take a role in assisting young people with the transition from secure care back into the community. It may be that in certain circumstances, this can mean a reduction in the period of time the young person spends in secure care. ISMS provide a high level of intensive contact (up to 50 hours) with a focus on assessed areas of risk, for example addiction support, education or training, social support or programme work around offending.

In respect of young people in secure care, the Youth Justice National Standards for aftercare require every young person to have an aftercare plan covering a period of at least 3 months following the day of departure from secure accommodation. The aftercare plan should be included within the young person's single plan and reviewed after 3 months and regularly after that whilst the young person is subject to a supervision requirement.

Recent research has found that the main sources of community support for young people leaving secure accommodation were workers from the throughcare teams and projects offering intensive support, but that availability was inconsistent across Scotland. [96] This study also found that continuity of workers with a step-down approach was the most effective way of assisting young people to cope independently. It recommended that support be provided over a longer time frame so as to fully realise and sustain the benefits of intervention.

8.4 Community to prison and reintegration

Many 16 and 17 year olds moving into custody are likely to be particularly troubled, disadvantaged and vulnerable. Failing to meet their needs as they move from the community to custody can lead to a lifetime of offending behaviour. Treating them as older prisoners might also be harmful. A high percentage of 16 and 17 year olds sentenced to a Young Offenders Institution (YOI) are reconvicted within two years of release.[97] In 2008, The Scottish Prisons Commission[98] recommended that the Scottish Government explore options for detaining 16 and 17 year olds in secure youth facilities, separate from older prisoners and those under the age of 16. However, 16 and 17 year olds who are unable to remain in their communities as a consequence of their offending behaviour are likely to be remanded or sentenced to custody. It is those young people involved in the adult criminal justice system who should be prioritised to receive timely support to address the complex problems they face.

Community based services should ensure that the GIRFEC approach is applied when working with young people as they move from youth to the criminal justice system and from the community to a YOI. The designated lead professional should co-ordinate support for this transition. The lead professional should also take responsibility for ensuring that the single plan moves with the young person into custody and for making sure that any reports[99] and assessments requested by the court accompanies the plan.

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[96] Scottish Executive, 2006; Secure Accommodation in Scotland: Its Role and Relationship with 'Alternative Services',

[97] Reduce, Rehabilitate, Reform: Reoffending Key Facts, Scottish Executive.

[98] Scotland's Choice – Report of the Scottish Prisons Commission, 2008.

[99] Court reports should consist of a comprehensive assessment directed by GIRFEC principles. Court reports provide information and advice needed in deciding on the most appropriate disposal for a young people. In the event of custody, the court requires advice about the possible need for a Supervised Release Order or Extended Sentence Supervision on release. In the majority of cases this will be the role of the adult criminal justice team as part of through care.

The designated lead professional in the community should make contact with the named person in the YOI and arrangements should be made for a multi-agency sentence planning meeting to take place. Where this is part of criminal justice through care, practice guidance should be followed.[100] These meetings should remain in place throughout the young person's sentence and a case pre-release case conference prioritised to share information and allocate tasks to ensure that work is coordinated and transition needs are accommodated in a seamless fashion.

As stated, all young people, regardless of status, should have a single plan. All local authorities are responsible for ensuring that all young people in custody have a named lead professional/person to liaise with the prison, to share information, and to be involved in planning for the young person to return to the community. This plan should detail all community supports involved in supporting the young person to ensure appropriate links are made. If a young person is on remand, this should include providing the court with a robust community based package as an alternative to custody, where appropriate.

The lead professional is responsible for:

- young people under 18 in custody;
- meeting with young people during their period of remand or sentence;
- helping in the process of sentence-planning;
- encouraging under 18s not subject to statutory supervision to seek voluntary assistance prior to and on release;
- keeping contact with the people in the community with whom the young person hopes to live upon release; and
- working with personal officers in the YOI to ensure the young person's needs are fully met.

At present, research indicates that many young people are not being supported by their local authority when given a custodial sentence[101]. Supervision requirements from the Children's Hearing system are terminated either prior to sentence or very quickly after the fact and in many cases, no one takes any responsibility from the community for the young person while in custody, or on release. The SPS and their third sector partners are attempting to address this by offering young people some support upon release. **Local authorities need to take ownership of these young people by being involved in their transition to custody and to support their reintegration to the community upon their release.**

Moving into custody should be considered a key transition for young people regardless of whether it is their first time in a YOI or not. Appendix 4 highlights some of the support that is offered by SPS. For all 16 and 17 year olds making the transition to custody, information needs to be passed to the relevant key worker in the YOI.[102] Information needs to be accurate, useful and should arrive at the establishment within 72 hours of sentencing.

During their time in custody, work should be undertaken with young people to meet their needs, as identified by their single plan. Work should also be undertaken to address their offending behaviour and any criminogenic needs, as highlighted by the risk assessment. This work should continue when a young person is returned to the community or if they move within the prison estate.

[100] http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/Guidance

[101] On-going research within SPS

[102] Unit Manager, Social Worker or Personal Officer

Other areas of a young person's single plan, including learning and skills; interventions, offending behaviour programmes and health treatment should also continue as the young person moves; and support should be offered by the professionals involved to ensure a smooth transition, regardless of where the young person is moving too. Within Scotland, SPS, Prison Based Social Work, SDS, SPS Youth Workers, third sector partners and local authorities should be able to provide these links and connect pre-release supports with community provision for young people.

As part of their single plan, all young people should agree a Community Integration Plan (CIP) prior to their release, which will form part of their single plan. This will include either agreed priorities and identified contacts for community transition upon release; or an agreed plan of further learning or activities within prison, for those making the transition from YOI to an adult establishment. The lead professional from the community should be involved in this planning and receive the plan when the young person is released.

The challenges for young people who are returning to their communities are reflected in the high levels of re-offending. 87% of the population of Polmont YOI have been there before their present sentence.[103] There are key factors that make it very difficult for many young people to make a successful transition. These include; relationships, housing, child care, mental health and well-being, drug and alcohol use. These factors can result in increased vulnerability and risk and in many cases a return to custody. A consistent approach that links services available in prison with a return to the community can counter against this.

The need for support is also essential when a young person is released as part of a Home Detention Curfew scheme. Further stress can be placed on relationships by the young person's inability to leave their accommodation. These issues and constraints result in a high number of young people breaching their curfew and returning to prison.

8.5 Secure to prison

Staff should expect some young people moving from secure to custody to take time to adjust to the change in culture and environment. The amount of attention and one-to-one time is much reduced in custody and the transition can be unsettling for some young people. It is important that the young person understands where they are going and what will happen to them once they move. The secure estate should liaise with the prison in relation to their sentenced young people to agree the most appropriate time to start planning this move. As SPS as a dedicated hall for under 18s, it may be appropriate in some cases for young people to move from the secure state when they are 17 to support this transition.

Key workers from the secure unit and personal officers from the YOI should meet with the young person prior to the transition and if possible a visit to the YOI should be arranged in advance of the young person's move. Where appropriate, this visit should involve the young person's family or network of support. Young people need to be prepared for the reality that they will receive less attention in Blair House and Cornton Vale and that differences persist between Blair House and the rest of the YOI.

Secure units have their own procedures and paperwork for sentence planning and case management. **The secure unit should pass documentation such as education, health, psychology and risk reports to SPS when a young person transfers. When a young person has previously been in secure care but entered the SPS from the community, SPS should contact the secure unit for previous information and reports to help form their assessment and plan.**

[103] HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09

8.6 Young Offenders Institute to adult establishment

Planning for a young person's transition to the young adult estate should start as early as possible for 16 and 17 year olds entering custody. Meetings between the young person, their family, personal officer and community based professionals plus their future personal officer should be arranged to help facilitate a smooth transition and to ensure that the young person knows what to expect well in advance of being moved.

Post transition meetings should be arranged so that the young person continues to feel supported by the people who have got to know him or her best during their stay in YOI. **Meetings must be organised prior to the young person's move and should take place within the first month of transfer**. Staff will withdraw when necessary and in agreement with the young person.

The young person's plan should be passed to their new personal officer and every effort made to ensure that they can continue in training, qualifications and employment that they have started in order to meet the actions within their plan.

Where the young person's release date is shortly after their 18th birthday then there may be a case for them to remain in an under 18 hall.

9. Equality Issues

Reintegration must respond to the diverse needs of young people, whilst in secure care and custody and upon release, ensuring that requirements of specific groups are properly addressed. This is particularly the case for girls and young people from minority ethnic groups.

Care should be taken in drawing up reintegration and transition protocols or programmes to ensure that they do not unintentionally discriminate, for example, prioritising the needs of one group over another. It will be important to ensure that there are services in place to meet the differing needs that can be presented by 16 and 17 year olds. Young people should be considered for, and have access to, services to support community reintegration and transitions regardless of their gender, race, faith and belief, sexual orientation or disability.

Research shows that amongst individuals who offend the prevalence of learning difficulties is generally higher than that for the general population[104]. Major reviews of both UK and international research literature estimates that between 20 to 30% of all individuals involved in offending have some form of learning difficulty which will 'impact on their ability to cope with the criminal justice system and everyday life'[105]. Exact prevalence rates however are unknown as the figures are largely estimated on adult offenders undergoing assessment whilst detained in custody.

Several sources suggest that a significant number of young people involved in offending have limitations in their speech, language and communication abilities. A major survey conducted on behalf of the Youth Justice Board found that 23% of young people who offend within secure and community settings throughout the UK have low IQ's, indicating some form of learning difficulty[106]. An annual review of speech and language therapy provision at HMYOI Polmont (2006) also revealed that at least 18% of young people in prison experience significant communication difficulties. This is comparable to around 8% of young people likely to be identified with communication difficulties in the general population.[107]

The key findings of a recent literature review by Glasgow's Youth Justice Research and Development Team includes: [108]

- the prevalence of learning difficulties is found to be generally higher for offenders than that for the general population although exact prevalence rates are unknown;
- research highlights the link between social deprivation and dysfunctional family backgrounds in the early years of childhood, and delayed language, emotional and communication difficulties in later life;
- young people experiencing learning difficulties are more likely to display behavioural problems in school, leading to truancy and exclusions;
- having a learning difficulty does not cause offending behaviour, but the factors associated with having a learning difficulty such as lack of success in education and employment and feelings of social isolation, predispose the individual to the likelihood of becoming involved in anti-social behaviours and criminal careers;
- learning difficulties can often go undiagnosed due to the propensity to focus on the young person's challenging behaviours and a general lack of systematic assessment protocols to screen service users for learning difficulties;

[104] Murphy et al., 2000; Hayes, 1996 & 1997; Zimmerman et al., 1981
[105] Loucks 2006
[106] Tomblin et al. 1997
[107] Robson, 2006
[108] Glasgow City Council, Research and Development Team

- young people with learning difficulties are more vulnerable within the criminal justice system and are less likely to benefit from interventions designed to address their offending as they lack the underlying language and literacy competencies required to participate effectively;
- undiagnosed learning difficulties can lead to mental health problems for young people in later life and perpetuates the cycle of disadvantage;
- evidence suggests that improving literacy and social skills reduces re-offending; and
- good practice for meeting the needs of young people with learning difficulties advocates 'inclusion' - making services more accessible to meet differing learning styles rather than 'exclusion' through developing specialist interventions.

10. Finance

Over a one year period, it can cost local authorities approximately £260,000 for one young person to be placed in secure care, and £31,703 for one year in custody.[109] With re-offending rates so high amongst this group of young people, the cost can be considerably more with frequent custodial sentences.

Supporting reintegration from secure care and custody will be significantly more cost effective for local authorities in the longer term than no support being offered. If young people do not successfully reintegrate within society and continue to offend their chance of returning to secure care or custody will be high, resulting in higher costs.

In England and Wales, the costs and benefits of providing an effective reintegration service for young people given Detention and Training Orders (DTOs) have been calculated. The 'top end' persistent offenders who receive DTOs are likely to commit, on average, 20-30 offences and to spend 6.9 months in custody each year. The costs of their crimes are £46,459, after allowing for a reduction due to the time spent in custody. The average cost of prison per year for each of these young people is £31,703[110] and the cost of emergency accommodation is £1,106, making a total cost of £78,040 per year.

On a conservative assumption that good support in reintegration leads to a reduction of 35% in frequency and 10% in seriousness of offending, this would lead to a reduction of 45% in the time spent in custody. This reduces the average cost of crime, use of custody and housing to £57,633, leading to a saving of £20,407 per individual involved in offending per year. These savings more than offset the costs of a good quality reintegration service.[111]

[109] SPS annual report 2009/10
[110] The Scottish Prison Service Annual Report and Accounts 2009-10
[111] Judy Renshaw, Cost Benefit

11. Conclusion

This guidance has set out to provide local authorities, community planning partners, the Scottish Prison Service and the secure estate with a **minimum standard** to achieve with young people involved in offending throughout periods of transitions and to reintegrate them back into communities if they have been removed.

Young people within justice systems suffer multiple disadvantages that need to be addressed to ensure that they can become part of society and lead law abiding lives. To achieve this, services need to work in partnership to meet the needs and address the risks of these young people as identified within their single plan.

The results of the pilot schemes as detailed in Appendix 2 show positive results in achieving successful reintegration for young people who offend. Evaluations emphasise the need for services to support and work with young people and their families, to offer opportunities for employment, training and development, access to appropriate health and substance misuse services and suitable accommodation whilst addressing their offending behaviour and a smooth transition to their next destination.

Successful reintegration is essential to reduce reoffending. Taking a GIRFEC approach will require system and practice change that may also require a culture shift in thinking to enable realisation of this vision. This will not only provide better outcomes for young people and their families, but will make communities safer places to live with more effective and cost efficient services. All agencies and services therefore need to work together to support young people as they make the various transitions throughout their lives and to re/integrate them within their local communities. This should be done by local authorities and community planning partners being committed to the young person; planning for their return the day they leave their community, involving all partners in a co-ordinated way, appointing a lead professional to maintain and up-date their GIRFEC single plan by meeting their needs and addressing risks. By achieving this, young people's risk of being involved in future offending will be significantly reduced and their chance of being law abiding citizens who contribute to, and are part of, society greatly increased.

Appendix 1

Contributors

The Scottish Government would like to thank the following people for their contribution to this guidance:

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Matt Davies, Falkirk Council

Fiona Dyer, Scottish Government

Mike Ingles, Scottish prison Service

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Nico Juetten, Scotland's Commissioner for Children & Young People

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Appendix 2

Pilots

Includem

Includem was involved in a Home Detention Curfew pilot scheme, which ended in March 2011, to help reintegrate 16/17 year olds returning to Lanarkshire or Glasgow, through the provision of intensive support, specifically:

- one to one relationship based work ;
- planned and unplanned contact at the times and in the places where young people are most at risk to others or themselves 24/7;
- 24 hour response through our Helpline for young people and their carers – face to face if required;
- support for carers to enhance sustainability of interventions; and
- facilitation of access to other agencies and services

This pilot relied on YOI Polmont and Cornton Vale identifying appropriate referrals, with access to referrals ideally 4-6 weeks for relationship building prior to release. On release the pilot provided each young person with an average 10 hours per week due to the level of chaos and insecure accommodation.

Maximum length of HDC is 135 days, therefore Includem provided between 5 and 6 months of support per young person. This included 1-2 months prior to release and up to 4.5 months after release. After this period tapering transitional support is available on average for 2 years. Length and intensity of support is based on needs assessment and willingness to continue involvement.

Up-2-Us

Up-2-Us is piloting a project dedicated to high-risk girls', called, Time for Change. This pilot started in March 2010. Time for Change supports girls leaving secure care and custody, or very high risk in the West of Scotland.

One of the objectives of Time for Change is to gain a better understanding of the events and processes that have contributed to the girls' present situation.

The Time for Change project offers relationship based support within a holistic, strength-based model. The service is on an outreach basis and includes elements of practical support, partnership, one to one focussed work and 24/7 crisis access.

Interim outcomes include:

- positive diversion from secure placement
- improved transition from scure accommodation, Cornton Vale and equivalent
- ultimately preventing girls gravitating into a long term career in criminal justice and / or homeless networks

Project workers plan time with the girls on a weekly basis and where possible this is part of the local planning process in line with the GIRFEC model. Time commitment to each girl

varies considerably from daily contact, as when a girl is released from prison or in the early stages of relationship building, to once or twice per week in remand cases or where rehabilitation is not imminent. The planned time must however be responsive to changing needs and circumstances such as when someone changes address, is missing or has to attend court or more positively makes progress. This core time covers day, evening and weekend contact.

Skills Development Scotland

SDS have a fulltime Careers Adviser in HMYOI Polmont's Blair House and HMPYOI Cornton Vale working with 16 and 17 year olds who will require an Activity Agreement[112] or an appropriate offer under 16+ Learning Choices. Career Information Advice and Guidance (IAG) and employability support using SDS products is available to young people in HMP YOI Cornton Vale and HMYOI Polmont. The SDS Centre in the young person's home area is informed of activities undertaken in custody and where appropriate an introduction to a home area key worker as part of the transition to release is arranged. 16+ Local Authority co-ordinators are also involved with supporting young people in custody to make the right learning choices.

[112] An Activity Agreement is an agreement between a young person and an advisor that the young person will take part in a programme of learning and activity which helps them become ready for formal learning or employment.

Appendix 3

Principles for Good Practice

- Young people (under 18) need special measures compared to adults

- Risk and need assessments should inform the young person's 'single' plan

- All young people under 18 should have a 'single plan'

- The 'single plan' should move with the young person into and out of secure care or custody

- The lead professional/named person is responsible for overseeing the 'single plan'

- Partnership working is crucial for successful reintegration

- The underlying causes of offending need to be addressed to reduce risk

- It is crucial that plans for an exit strategy are devised from the outset of a young person entering secure care or custody

- Training or employment upon returning to the community are key factors for successful transitions

- Families need to be involved and engaged throughout the process

- Appropriate accommodation is essential for young people returning to their local communities

- Communities and community based social workers need to be involved/remain involved with young people in secure care and custody

- Health and substance misuse need to be addressed and appropriate services accessed for a young person within their communities

- Young people's specific needs/issues/gender/religion/disability must be responded to when returning to the community

Examples of good practice

Moving On Renfrewshire Project

The Moving on Renfrewshire Project (funded 2008-11) provides voluntary throughcare support for young men aged 16-21 who are in custody or have recently left prison to reduce their offending behaviour and to access positive outcomes such as education, training, or employment. Specific objectives include sustained or improved physical and mental well-being including reduced or stabilised substance misuse, improved relationships with families, peers and the community, increased ability to access and sustain community supports eg, financial advice, education, employability, and addiction services, ability to access and sustain suitable accommodation and a reduction in offending behaviour. This project was developed by the Robertson trust in Partnership with Action for Children, Fairbridge, Princes Trust, Youthlink, the Scottish Prison Service, Renfrewshire Council and North Strathclyde Community Justice Authority.

Evaluation is provided by Families Outside. Initial evaluation in respect of re offending is positive[113]

Lothian CJA

The Lothian CJA project is designed to reduce the incidence of re-offending by young men following their release from YOI Polmont. It is based on the assumption that young people are more likely to re-offend when their re-integration needs have not been adequately assessed, planned for and inadequate provision has been made for their release into the community. It also assumes that early engagement and relationship development with a key worker can provide continuity from 'inside to outside' and should provide ongoing community based support. The overarching aim is for every young offender leaving HMP YOI Polmont to have a planned release arrangement, linked with appropriate resources.

Falkirk

Within Falkirk Council, letters are sent to all sentenced individuals to advise them that they are entitled to a service from the criminal justice social work department upon release and can also be seen in the prison establishment. Below is an example of the letter sent:

Dear

RE: VOLUNTARY THROUGHCARE

Our records tell us that you have recently been sentenced to a period in custody. We would like to offer you a Voluntary Throughcare Service. You will be offered an appointment at Brockville Social Work Office by letter prior to your liberation date. If you require a prison visit prior to your liberation please tick the box below.

The purpose of a Voluntary Throughcare Service is to assist people to resettle into their community following a period in custody. This could include assistance with personal issues in relation to welfare matters, i.e. family, housing, employment, addiction issues etc. See attached leaflet.

Whether you would benefit from our Voluntary Throughcare Service or not please fill in and return the slip below.

The above letter is a good example of advising individuals in custody that they are entitled to a service from the social work department upon release.

Glasgow

Glasgow City Council use their Intensive Support and Monitoring Service (ISMS) to support young people to return to their local communities. The programme, lasting approximately 3-6 months, tends to involve around 20-25 hours of multi-agency service input per week, including one-to-one community intensive support, provided by Includem, Education, Social Work and specialist support e.g. addictions and mental health services.

ISMS has been comprehensively evaluated and has been proven as an effective way of working with high-risk young people. Here is a summary of key findings:

[113] Linking positive outcomes for young people with sustainable development, Moving on Renfrewshire Project, 2010. www.actionforchildren.org

- ISMS is effective at reducing frequency and seriousness offending for the vast majority of young people. An evaluation of the ISMS service in Glasgow showed that offending levels reduced by more than half during an ISMS Order and that these positive outcomes are sustained 2 years after leaving the service.
- ISMS slightly reduces indicators of risk of re-offending. But residual risk levels suggest that appropriate post-ISMS support is crucial in maintaining positive outcomes. Within Glasgow, ISMS reduced offending by 50%.
- ISMS helps to reduce use of secure accommodation for young people admitted through the Children's Hearing system. In Glasgow 2008/9 secure admissions were 45% lower than before the service commenced.

Fife 16+

The 16+ Learning Choices Team developed an initiative with staff at Polmont YOI to offer a key worker service to young people residing at Blair House, the facility for 16 & 17 year olds males. The first formal meeting with young people at Blair House was in August 2010. This was the first of eight meetings there would be with young people. After this initial period, key workers attended for additional sessions.

Young people were informed of the Key Worker initiative within the 16+ Learning Choices pilot. They were also informed of the type of activities and programmes that could be on offer over an eight week period. Although the Key Workers made suggestions on the type of activities etc the young people could engage in, young people were also asked what they wanted to do. A non formal learning programme was developed that included activities such as CV construction, Arts & Crafts, Independent Living topics, and discussions. These workshops were primarily developed to enable key workers to develop a positive working relationship with the young people involved.

Up-2-Us

Up-2-Us provide an intensive support service to girls and young women 15-18 years leaving the secure estate and Cornton Vale through their dedicated girls project Time for Change. Time for Change offers its service to young people in the West of Scotland; where girls are referred by other local authorities they ensure that links are made to projects from their home area. Where girls self refer and this generally applies to girls in Cornton Vale, with the girl's permission we make links with the social worker if one is allocated.

The Resource Team also provides a purchased service to local authorities to support high-risk young person at transition or as a preventive measure.

Both projects offer an intensive support service tailored to individual need and this includes flexible working arrangements and 24/7 service access. The Resource Team also provides registered accommodation in the form of respite and wrap around care packages in a tenancy supplied by the referring authority and developed in collaboration with the referrer.
Sometimes young people move on to another full time placement out of the home area after secure accommodation and similar problems emerge at the point of reintegration – for example unsuitable tenancy allocation, return to local children's unit. Both projects can become involved in providing support at that point.

Families Outside

Families outside provide support to the families of people in custody at whatever stage they need it. This can be when they are preparing for a possible remand or sentence, during

custody, in preparation for release, and after release. This includes families of young people and, of course, for the young people themselves if they need support with family issues (e.g. with their own children, or if they have other family members in prison). We link directly with prisons for this work, for example receiving referrals from Family Contact Officers, but also receive referrals through our Helpline. This can include referrals from guidance teachers, family members, health workers, prison staff, etc. We also receive from and make referrals to other organisations (both statutory and voluntary) where appropriate, such as if they offer more specialised support they are better placed to provide. Again, our focus is very much on the family, though sometimes helping the young person is what helps the family most.

Venture Trust

The Inspiring Young Futures (IYF) programme aims to help vulnerable, "hard-to-reach" young care leavers and young carers (aged 16-19) to make a successful transition into adulthood and independent living. Children who have been in care account for 49% of the under-21 year olds in contact with the criminal justice system[114], and 29% of young males and 44% of young females in custody have spent time in care[115]. The IYF programme is certainly not a direct alternative to custody, but, given the preponderance of looked after young people in the criminal justice system, the programme can be considered as early intervention and/or preventative work to build confidence, motivation, employability and a range of vital lifeskills, to help participants avoid negative choices and situations in future.

The programme provides long-term commitment, founded upon extended community-based activities accelerating towards an intensive wilderness personal development journey, and culminating in support to move onwards into adulthood and independent living. The three phases of IYF are:

- Phase 1: "Get involved" (1-to-1 and group-based personal development and activity sessions in and around local communities).
- Phase 2: Intensive Wilderness Personal Development Journey (to ignite aspiration, motivation and lifeskills for independence and adulthood).
- Phase 3: "Move on" (support and advice to enter and sustain positive destinations in employment, education, training and independent living).

Includem

Overall the community reintegration work Includem provides to young people is a relationship based approach rooted in cognitive and child development theories and desistance research. Focus is on the fundamental importance of building and sustaining meaningful one-to-one caring relationships with young people based on trust. The quality of the relationships determines the quality of the outcomes that can be achieved. It is this relationship that unlocks possibilities for change.

Support is based on core elements, most importantly:

- persistence and stickability ie a non-rejection referral policy, dogged determination & engagement with young people and see past their presenting behaviour;
- consistency of one-to-one worker and young person relationship; and

[114] Centre for Social Justice, "Couldn't Care Less" report, 2008, http://www.centreforsocialjustice.org.uk/client/downloads/Couldn't%20Care%20Less%20EXECUTIVE%20SUMMARY%20WEB.pdf

[115] HM Inspectorate of Prisons and Y.J.B., "Children and young people in custody 2006-2008", 2008

- help and support at times of need, including a 24/7 helpline for young people and their parents/carers.

Includem's model of practice allows workers to undertake structured one-to-one work focussing on each young person's specific individual needs and risks, helping them to set goals and take actions towards a better life.

On returning from secure care, custody (or a residential placement) Includem will provide intensive support as part of a Supervision Requirement, until this requirement ends and therefore the statutory funding ends. This can range from a few months up to several years. After this point Includem offers Transitional Support to all those young people who need it, on a voluntary basis. This project can support young people up to the age of 24 .

Appendix 4

Scottish Prison Service

In accordance with the SPS Strategic Framework for the Management of Young People in Custody, young people coming into custody, regardless of their status are offered access supportive sessions where available, such as:

- youth work;
- fitness and stress;
- local community supports Mentors (Mentors UK, Includem, Life Coaching);
- referrals to appropriate supports (such as Phoenix Futures, SDS, housing); and
- healthy relationships

All convicted young people serving seven days or more will receive a Core Screen interview, carried out by a competent SPS staff member, within 72 hours of admission. All referrals identified through the Core Screen interview will be made in accordance with the Core Screen guidance.[116]

Young People will be allocated to either Enhanced or Standard Integrated Case Management (ICM). ICM is multi-agency process designed to ensure individuals in prison are helped and supported to deal with their social or personal difficulties so that they are less likely to re-offend when they are released.

Young people will be encouraged to think about the areas of their life that they need to change, to make plans for their release and to decide what prison activities will help them to make a successful return to their community when they are released.

The Standard ICM Route is usually for those serving less than four years in custody and who will not have statutory social work involvement post-release. Staff should support young people to reach their goals and to discuss their progress with their family. The Enhanced ICM Route is usually for prisoners who are sentenced to more than four years, and who will have social work involvement when they are released from prison. Young people on both ICM routes will contribute to a Community Integration Plan which will be very much a part of the young person's single plan.

Where an individual is subject to post-release supervision, the prison Governor will ensure relevant notification is issued to the supervising local authority within 14 days of receipt of the relevant information from the court. Such notification will include a request to appoint a lead professional for the young person and all relevant documentation will be copied to them upon receipt of such information from the court.

Plan-B

Plan-B is a new programme, led by Barnardo's Scotland and bringing together voluntary agencies along with statutory provision to provide a co-ordinated and structured programme of support based on the needs of individual young people. It operates in both HMYOI Polmont (Blair House) and HMP and YOI Cornton Vale. It also actively develops support for young people on their return to their communities across Scotland by linking young people with existing provision and resources.

[116] http://www.sps.gov.uk

Plan-B builds on young people's strengths, including relationships with significant others. It maximises the impact of current provision by enabling a coordinated, partnership approach.

Plan-B provides young people with a tailored plan of support along with an exit strategy for their return to the community, or transition to an adult establishment. One of the key features of this service is that each young person will own their Plan-B and be a partner in its success.

Partnership and collaboration

As is evident from this report, effective partnership working is critical to improving the outcomes for young people in prison and on their return to the community. Plan-B involves a continuous process of engagement with statutory and voluntary agencies to support young people's access to the services they require and to agree the best approach for joint-working. This includes all aspects of a young person's life. However, at the point of release young people can be especially vulnerable and key factors such as on-going support, housing and accommodation, access to specialist services and to opportunities such as training, skills and employment make a significant difference to the young person and the likelihood of their return to custody.

The Plan-B process – in Prison

Young men in Blair House, Polmont aged 16-17 and young women aged 16-21 in Cornton Vale will be eligible for Plan-B. Detailed referral criteria have been agreed with each establishment and will be subject to review as the service develops.

The first steps in Plan-B include a preliminary assessment which includes meeting individual young people to identify their strengths and support needs. This process also draws on other available information, for example, an SER, where available. Following this initial process each young person has a bespoke Plan-B that includes access to the services and supports they require. This includes specialist services where possible. Typically, Plan-B addresses: wellbeing and self-confidence; peer and family relationships; substance use and self-harm; learning, training and skills development; rights, responsibilities and life skills; preparation for transitions.

The Plan-B co-ordinator works closely with the prison team to ensure young people have access to the services they need. The Co-ordinator also seeks additional resources and services in order to address any gaps in delivery. Plan-B is designed to maximise existing resources and to enable effective partnerships to develop. It is not intended to duplicate that which already exists. All participating agencies should benefit from the process and, essentially young people can expect a more co-ordinated and meaningful approach in addressing their needs and preparing them for return to the community or transition to an adult prison.

The Plan-B process – in the community

Plan-B includes an exit plan detailing the support young people will access on their return to the community, and any advance work or contacts to be undertaken prior to that event. This includes relationships with family or significant others, and with agencies with whom the young person has established a relationship. Access to community based services varies across Scotland. Where there are no apparent resources, Barnardo's will provide a 'Plan-B Coach' who will provide initial, short-term support for the young person and assist in ensuring access to pre-identified services. In any case, relationships will be developed at the earliest stages and, where possible, key staff will make a minimum of two prison visits to meet with the young person pre-release and then arrange to meet them at the point of release. The initial stages of Plan-B have been encouraging in this respect and it would

appear that both young people and participating agencies are benefitting from a shared, partnership approach to working with young people on their release.

Plan-B in Blair House, Polmont is funded by the Robertson Trust for three years whilst Plan-B in Cornton Vale is funded by 'Breaking the Cycle', also for three years. A continuous evaluation process across the life of the programme in both establishments will enable all partners to address learn about effective processes and to address issues that will arise.

Plan-B is a new service which aims to draw together the wide range of supports and activities that young people could have access to in a way that enables the participation and ownership of the young person. Plan-B is currently undergoing a Test Phase. This ends on the 31st of May 2011 (4 months) and will enable Barnardo's, SPS staff and partners, to test and develop the model, ensuring that, from assessment through to delivery, the process is effective.

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