

## **CHAPTER 6**

### **Early and Effective Intervention**

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#### **APPENDIX 1**

#### **BIBLIOGRAPHY**

## I INTRODUCTION

This chapter focuses on Early and Effective Intervention with children and young people who are at the early stages of being involved in offending behaviour

### i. Definition

- a) There is a degree of overlap between the terms Prevention and Early Intervention. For the purpose of the Practice Guidance the distinction between “prevention” and “early intervention” is based on the following definitions, from [Moira Walker \(2005\)](#) and from the [Framework for Action \(2008\)](#):
- 'Prevention' refers to activities to stop a social or psychological problem arising in the first place.'
  - Prevention services are available as part of universal provision.
  - 'Early intervention' is activity aimed at halting the development of a problem which is already evident.
  - Early Intervention is targeted assistance for vulnerability towards offending and other problems.
- b) The distinction between the two terms relates to the stage of problem development, rather than age of the child or length of time the child has been known to a particular agency. Early intervention includes services to halt the development of specific social or psychological problems, irrespective of the age of the child or young person.
- c) There can also be confusion between the terms Early Intervention and Diversion. In this Context, the term Diversion means diversion from formal proceedings. (Whyte 2008)
- d) Diversion may be from both the **Children’s Hearings System** and the **Criminal Justice System**.
- e) Particularly for under 16 year olds diversionary resources are sometimes but not always the same universally available resources that constitute preventive provision.
- f) By its nature early intervention is not solely a youth justice agenda and therefore this chapter has relevance for a range of workers including:
- Social work children and families staff, including youth justice, managers and practitioners;
  - Staff from specialist health and agency settings;
  - Staff from a wide range of agencies who may be involved in Early and Effective Multi Agency processes: police, education, health, social work, community safety, community learning and development, housing, voluntary agencies and SCRA;
- g) Practitioners and managers working with children and young people including those who offend should be aware of the importance of Prevention and Early Intervention in respect of the Early Years Framework
- h) Early Intervention within this chapter focuses on the needs of children and young people aged 8-18 years. Although the age of criminal responsibility for children within the Children’s Hearings’ System is currently still 8 years, early and effective intervention processes should be welfare

based. Therefore the focus is on the age and developmental stage of each individual, and the responsibilities of the parent or carer in respect of their child's developmental needs.

- i) This **Practice Guidance** considers Early and Effective Intervention within the context of the legal frameworks for children and criminal justice services relating to single and multi agency work with 8 to 18year olds in Scotland. It links early and effective processes and practice to risk factor identification and theories of desistance.

## ii. **General Principles**

- a) Children and young people who start to offend may come from a range of social backgrounds and cultures, and possess a wide range of both personal difficulties and individual strengths requiring a range of responses;
- b) The majority of anti social behaviour and youth offending takes place in areas of economic and social deprivation, where there are less opportunities for pro social activity than in better off areas, and where social controls are frequently poor. Early intervention has implications for community planning strategies if it is to be effective in reducing offending
- c) What is described as anti social behaviour by an individual may fall within the parameters of normal adolescent behaviour, as opposed to criminal behaviour, although seen as unacceptable from an adult perspective;
- d) Research indicates that poor parental supervision and monitoring is a key feature for young people who offend;
- e) Many young people who are charged with an initial offence never commit any further offences, even without any formal intervention. The family's parenting skills, emotional support and pro social values prevent further offending;
- f) Early involvement in formal systems such as the Children's Hearings System and social work is statistically likely to result in an increase in offending behaviour by labelling and stigmatisation;
- g) Referral of young people with low levels of offending to formal youth justice programmes may risk the negative effects of labelling and net widening.
- h) Early intervention through diversion away from formal systems into pro social activities and supports within universal services is likely to reduce low level offending;
- i) Some children and young people who start to offend will, without the appropriate intervention and services, continue to offend. Effective early intervention requires decision makers to have a basic knowledge of relevant child development and youth justice theory;
- j) Early and effective intervention should focus on developing strengths, resilience and a positive sense of identity rather than depending on risk assessment as a deficit model;
- k) Some children and young people have many complex needs resulting from earlier trauma, entrenched family difficulties, limited parenting skills, and sometimes coupled with pro criminal values. Early and effective intervention in respect of offending should be multi faceted based on a comprehensive assessment of need;
- l) Research brought together by Blyth and Solomon (2009), indicates that early intervention is most effective on a long term basis when supports are universally offered as part of the local culture thereby avoiding stigmatisation. This is applicable both to early years' parenting support and parenting programmes for the parents of adolescents;

## iii. **Which children and young people should be considered for early intervention?**

- a) Children and young people who become involved in offending behaviour will have a wide range of developmental needs, strengths and vulnerabilities. Practitioners making assessments and taking decisions in respect of early and effective intervention with children and young people should do this with reference to [GIRFEC principles and the GIRFEC Practice Model](#). Fuller information on the getting it right for every child programme can be found in Chapter 4 Appendix 1. By doing so, those working with children and young people will be able to **identify** those children and young people most likely to benefit from early intervention; **assess** the individual needs of the child or young person and their families; **plan and manage** interventions that promote the strengths and resilience of children, young people and their families.
- b) Early and Effective intervention assessment and decision making should either be multi agency or be made in consultation with staff from other relevant agencies.
- c) The age, gender and maturity of the child or young person should be considered when making assessments in respect of early and effective intervention. A basic knowledge of youth justice theory should underpin decision making. (See Chapter 3).
- d) Multi agency decision makers should be aware of the significance of chronologies and use them as part of the assessment process to determine the appropriate level of intervention.
- e) Inadequate parental monitoring and supervision is a key feature of much youth offending ([Smith D S 2004](#)). Assessments and decisions should include whether the parent or carer also requires support and how this could be offered. For under 16 year olds the possibility of care and protection concerns should not be ruled out.

## II EARLY INTERVENTION – THEORETICAL BACKGROUND, LEGISLATION AND POLICY

### i. Introduction

- a) This section provides a brief background to early intervention practice in Scotland and how the political and legal framework has influenced this. Further information can be found in Appendix 1.
- b) Key messages include:
  - Early intervention is not a new concept. It has been embedded in Scottish legislation and practice through the [Social Work \(Scotland\) Act 1968](#) for nearly fifty years. Welfare and youth offending are not mutually exclusive;
  - Early and effective intervention and prevention have been policy in Scotland for the last decade;
  - Staff using the [2004 Anti Social Behaviour](#) legislation as a tool for early intervention should ensure that while supporting victims they also ensure that intervention with young people involved in anti social behaviour is effective in terms of promoting their welfare needs as well as behaving in a responsible manner. Labelling children and young people as offenders should be avoided.
  - Early and effective intervention processes and practice should be embedded in the GIRFEC approach.
  - Early intervention has its critiques –some of these based on early intervention policy and practice in other jurisdictions and are not necessarily directly applicable to Scotland.

### ii Key policy and legislation

- a) Early intervention practice with its welfare based focus continues to be at the heart of Scottish policy and legislation relating to children and young people. Relevant legislation and policy is listed below:
- [The Kilbrandon Report, 1964](#), underpinned the Social Work (Scotland) Act 1968 and established the **Children’s Hearing System** in Scotland, which emphasised the importance of **early intervention** to prevent the development of future problems, linking these needs of children and young people who offend and those in need of care.
  - There is an underlying theme of early intervention within the [Children’s \(Scotland\) Act, 1995](#) with its focus on minimum intervention, no formal intervention unless this is in the best needs of the child (known as the ‘no order’ principle) and the focus on providing support to children in need.
  - [Scotland’s Action Programme to Reduce Crime, 2002](#) encompassed Effective Early Intervention and Prevention as an opportunity to address the underlying problems of children and young people who offend at an earlier stage
  - [The Anti Social Behaviour etc \(Scotland\) Act, 2004](#) introduced a second system of early intervention with children and young people considered to be involved in anti social behaviour as outlined in Chapter 1.
  - The [Getting it right for every child \(GIRFEC\)](#) programme which has been developed since 2006 emphasises the ethos of Kilbrandon within current youth justice policy. It draws on the themes that intervention should be appropriate, proportionate and timely. Its priorities underpin early and effective intervention:
    - acting early on concerns or in response to a crisis to prevent escalation or deterioration;
    - recognising children and family pressures, building on strengths;
    - promoting the child’s resilience;
    - children’s plans and activities should be linked to outcomes;
  - [Preventing Offending by Young People; a Framework for Action 2008](#) emphasises that continuum of support from universal provision through to specialist targeted provision most effectively meets the needs of children, young people and families at different ages and stages across the life course. Equal weighting is given to Early and Effective Intervention as to the other three themes of Prevention, Managing High Risk and Victims and Community Confidence.
  - [A Multi Agency Early and Effective Intervention Implementation Guidance 2009](#) presents practice guidance to professionals from all agencies who work with children who are beginning to offend or whose problematic behaviour is resulting in processes which indicate that they may be at significant risk of becoming involved in offending. It presents a multi agency implementation model to assess the needs of children and young people who start to offend and divert them away from statutory measures of care through decisions that enhance the wellbeing of the child or young person rather than increasing the risk of future offending.
- b) A full account of multi agency early and effective processes and practice is found in Section 2 of this chapter.
- c) More detail on the background to early and effective intervention can be found in Appendix 1 of this chapter.

### iii Messages from Research

#### a) Predictive Factors

##### When a child starts to offend may be an indicator of future serious offending

- Many research studies stress the importance of age and stage in determining likelihood of future serious offending. There may be significant offending trajectories for children who start to offend at the pre/early adolescence stage, and those who start in their teenage years. **Moffitt(1993)** differentiates between:
  - early onset;
  - life course;
  - persistent; and
  - adolescent limited anti social behaviour.
- Features of the early onset group include neuro-cognitive deficits, adverse parenting, family and environment and uncontrolled temperament.
- Significant features of those who start offending in adolescence are social factors including the influence of deviant peers.
- It is not always easy to distinguish between the two types in adolescence, but their histories and adult outcomes are different.
- **Lipsey and Derzon (1998)** rank predictive characteristics of violent or serious delinquency (at age 15-25) at age 6-11 and age 12-14.
  - For 6-11 year olds, the highest predictors are general offences, substance use, being male, family socio economic status and anti social behaviour.
  - For 12-14 year olds the highest ranking is social ties and anti social peers, followed by general offences. Slightly weaker predictors include aggression, school related issues, IQ, and psychological conditions.
- **McAra and McVie (2010)** note both similarities and differences in respect of early and late onset of offending. In particular early onset children are more likely to live in a broken home, in a deprived area. They are more likely to be known to agencies by age 5. They are eventually more likely to truant or be excluded from school and become more frequent serious offenders.

#### b) Early onset offenders

- Findings indicate significant differences between children under 12, who possess a cluster of risk factors, offend and are much more likely to go on to become serious, persistent, violent or sexual offenders; and those who start offending later on in adolescence. Although not all will go on to offend in adulthood, they possess vulnerabilities which require to be addressed to increase the likelihood of a positive adulthood.
- Children who start offending or demonstrating significant emotional and behavioural difficulties under 12 are two or three times more likely to become involved in long term persistent and serious or violent offending than their peers (**McGarrell 2001**)
- Clusters of risk factors have significance; a 10 year old exposed to 6 or more risk factors is 10 times more likely to commit a violent act by age 18 than a 10 year old exposed to 1 risk factor (**Herrenkohl et al 2000**)
- Exposure to early trauma predisposes children to future violent offending:

- **Ford J et al (2007)**, specifically consider children and young people's exposure to traumatic events in respect of levels of subsequent offending. They note a strong link between the witnessing of trauma in early childhood, internal problems e.g. depression and anxiety, and externalised difficulties e.g. aggression, conduct problems, oppositional defiant behaviour. This is linked with increased risk of involvement in child welfare and juvenile justice systems. It suggests an early onset trajectory for offending;
- **Fraser et al in their Youth Violence in Scotland literature review (2010)** provide a comprehensive consideration on factors that predispose towards violent offending;
  - Research with adult offenders with a long term pattern of serious and violent offending frequently highlights:
  - a background of childhood abuse or neglect, domestic abuse
  - poor parental attachments;
  - a much higher than average experience of being in public care
  - behavioural problems;
  - early onset offending;
  - truancy and poor educational outcomes.

#### c) Late Onset Offending

- Young people who start offending later on may also fall into different groups in terms of risk factors, offending patterns and desistance. Some will be involved in relatively minor offending over a few years and stop around 16 or 17. Others may continue, often into their early 20's, committing serious, or violent offences.
- **The Edinburgh Study of Youth Transitions in Scotland** provides a Scottish perspective on predictive factors, outcomes in respect of offending. Their findings include:
- Aspects of parenting were good predictors of juvenile delinquency at age 13. Important factors (**Smith 2004**), include parents' tracking and monitoring behaviour, the child's willingness to disclose information to their parent, parental consistency, and reduced parent/child conflict and excessive punishment
- There is an overall correlation between levels of offending and poor neighbourhoods(Smith 2004)
- Offending at age 15-16 is associated with school truancy and exclusion at age 13 and 14 (**Smith 2006** )
- Poor parental monitoring, weak attachment to school, leisure –hanging around. involvement in bullying, an impulsive, risk taking personality, friend's involvement in offending; ( **McAra and McVie, 2010, Smith D 2004**)
- Risk factors associated with offending may develop later on, are not necessarily linked to poor socio-economic backgrounds, but may be linked to significant family crises;
- An association between children and adolescents who witness or become victims of violence, experience traumatic stress and are involved in offending. They consider how the stress of the juvenile justice system of court hearings, detention and imprisonment can exacerbate an already underlying trauma and thereby increase the risks of violent offending; (Ford et al).

d) The case study below highlights the relevance of research in practice:

#### iv Case study 1: Lee

Lee, age 12 has been charged with stealing a golf club out of a sports shop.

- **Scenario 1** – Lee says he took it because his friends all play golf, his parents do not work, and he has cannot go golfing with them without a club. None of his family or his friends has ever been involved with the police before.

*The risk of future offending according to predictive factors is limited and any intrusive form of intervention may risk an increase in offending. Lee may benefit simply from a warning with no further intervention.*

- **Scenario 2** – Lee won't say why he took it. He comes from an area where many boys are involved in gang fighting. He is frequently in trouble at school as are some but not all of his siblings. His mother is a volatile community activist, well known to agencies. His sister has won dance medals for Scotland. His aunt is a foster carer, well thought of both by agencies and in the community. His father is thought to work abroad.

*There are some risk factors present including the nature of the area, poor family relationships and weak attachment to school. In this scenario further assessment of the family situation and further information from school would be required to determine appropriate focus of intervention.*

- **Scenario 3** – Lee won't say why he took it, but was in the company of older boys known to police and social work when charged. He rarely attends school, and when there is verbally aggressive to teachers and bullies others. The family recently moved to the area 6 months ago. Police report a recent incident of domestic abuse within the household.

*There are a number of predictive factors that suggest risk of future offending, including his lack of social ties and the group he has chosen to associate with, his behaviour in school and his exposure to domestic abuse. More comprehensive multi agency information gathering and assessment, including information from agencies in the area in which the family used to live is required. Some form of intervention focusing on his behaviour may benefit Lee. Other members of the family may also benefit from support including parenting*

- **Scenario 4** – Lee's family has been known to social work and addiction services in the past. He and his younger siblings were on the Child Protection register a few years ago due to concerns of neglect. The school frequently notes concerns about hygiene; Lee has few friends and frequently appears depressed.

*Areas of potential concern but intervention would need to focus in the first instance on whether or not there were child protection concerns.*

- **Scenario 5** – Lee's father is currently in prison on an assault charge. His brother is on probation and is believed to be involved in money lending. His mother is deceased. Lee's school attendance is good although he is wary of engaging positively with teachers and often appears sullen and withdrawn. He was on his own when he stole the golf club;

*There are a number of concerns including family history of offending and anti social behaviour. The death of his mother may have had an impact on the social cohesion in the family. He personally seems to have some areas of strength and the focus should be on building these areas and his resilience.*

If Lee were female and had stolen a bottle of perfume, the decisions in respect of early and effective intervention would need to take into account the fact that formalised early intervention for girls and young women, by itself can raise the level of risk of future involvement in offending.

### III EARLY INTERVENTION AND RISK ASSESSMENT – MESSAGES FROM LITERATURE

#### Summary

Youth justice practice has most recently been informed by the use of formal risk assessments. However many children and young people involved in low level offending are already known to other agencies and consideration should be given about how to best deal with the situation. Research shows that children and young people involved in low level offending dealt with by formal youth justice processes have become stigmatised or criminalised at too early a stage. Use of formal risk assessments such as Asset or YLSI with this group can increase risk of further offending. Further information on the use of risk assessment tools can be found in Chapter 4 Early stigmatisation increases the levels of offending for children and young people who were statistically unlikely to reoffend.

#### a) Key messages

- Young people are by definition “at risk” because of their relative powerlessness in society compared to adults. Much risk focussed intervention is adults “doing things **to** as opposed to **with**” young people on the basis of knowing what is best and right for young people. The traditional risk factor paradigm should link the risk focus with the expressed needs of young people and identification of factors that encourage positive, pro social behaviour; (**Case 2006**) This perspective sits within a welfare model of early intervention that takes account of children’s and young people’s views.
- Young people are being criminalised at an earlier age and for a wider range of behaviours than ever before, with society holding children and parents solely responsible for youth offending and minimising the state’s responsibility to ameliorate the social conditions within which, as identified in the Edinburgh studies, the majority of youth offending emerges; (**Barry and McNeill 2009**).
- The risk assessment procedures used to predict the risks posed by children and young people with problematic behaviours, and which determine the extent of intrusion into young people’s lives, are often inaccurate. Use of them increases “labelling” (**ibid**);
- Overemphasis on the use of risk factors as basis for preventive and early intervention practice with children and young people creates a double bind of risk factor analysis: while 50% of eight year olds in whom significant behavioural problems were identified went on to develop further social problems by age seventeen, the other 50 % did not. This poses ethical problems of unnecessary, stigmatising formal intervention; (**France et al 2010**)
- Holistic effective prevention and early intervention practice emphasises building strengths rather than focusing on levels of risk. For instance lack of parental supervision is identified as

a common risk factor for engagement in youth crime. France et al (**ibid**) suggest that lack of supervision is taken not as a sign of parental delinquency (negative) but as an indicator of parents/carers who need support to succeed in parenting goals (positive). Children must be protected but as part of a comprehensive support plan.

#### vi **Desistance and Early Intervention**

- a) It is important to understand not only why children and young people start to offend, but also at what stage and why they are likely to stop, if decisions on whether or not early intervention and diversion are to be justified.
- b) Desistance theory (Maruna 2001) suggests that children and young people may stop offending according to their experiences in respect of 3 stages of development:
  - They may outgrow certain behaviours as they mature (Maturational Reform)
  - They may develop new or strengthen existing positive relationships, gain employment, go to college which provides the motivation to stop offending (Social Bond theory);
  - They may change the way in which they make sense of their situation and themselves which impacts positively on their own behaviour (Narrative theories) (see Chapter 4 Theory and Methods);
- c) There is a certain low level of offending that some would regard as a feature of adolescent behaviour which may occur at the stage of development when young people start to challenge perceived adult authority, and which will simply run its natural course. Historically this might compare to youngsters stealing apples from a neighbour's garden or stealing a chocolate bar as a "dare"; legally theft but more commonly viewed as mischief. Such behaviour would not automatically warrant formal intervention or be seen as the road to a life of crime.
- d) A majority of those assessed as pre-delinquent only ever get involved in very minor offending; many only offend once. "Doing nothing" or **Radical non intervention**, avoids the labelling process, overuse of formal assessments and involvement in formal systems that may increase offending (Edwin Schur 1973).
- e) In a society where previously non criminal behaviours are now criminalised, radical non intervention could have a place for those involved in desistance, prevention and early intervention (Sheldon 2004).
- f) Radical non intervention, or doing nothing, chimes with the 'no order' principle of the **Children (Scotland) Act (1995)**.
- g) System contact impacts negatively on patterns of desistance from offending. They consider the key to reducing offending lies in minimal intervention and maximum diversion. Young people assessed to be at low or low/medium risk of future offending should not be involved in formal youth justice interventions (**McAra and McVie 2010**)

#### vii **Early Intervention and Child Development Theory**

- a) Knowledge about children's physical and emotional development and theories about the impact of this on their personalities, behaviour and ultimately their life chances has become more complex over the decades. Practitioners working with children and families with emotional and behavioural difficulties and/or offending behaviour seek to understand the reasons as to why some children from similar backgrounds appear to have no problems within family, school, and

community settings while other children's behaviours create problems for themselves and other people.

- b) Awareness of different child development theories can provide the practitioner with possible insight into the underlying roots of individual strengths and vulnerabilities. The practitioner may be able to use a theoretical understanding to provide the most appropriate supports and services, and to assist the development of a constructive and pro social professional relationship with individual children and families
- c) Practitioners involved in early and effective intervention should be familiar with the theoretical perspective offered in respect of resilience, attachment and brain development. More detailed information can be found in chapter 3 Theory and Method chapter, through the attached links.

#### **viii Resilience, vulnerability and protective factors**

- a) Building up resilience should be a key focus for early and effective intervention. Resilient children and young people are more likely to overcome difficulties presented to them by life circumstances, be able to make positive life choices and have better long term outcomes.
- b) **Gilligan 1997** describes the three fundamental building blocks of resilience as:
  - A secure base whereby the child feels a sense of belonging and security
  - Good self esteem, an internal sense of worth and competence
  - A sense of self efficacy; a sense of mastery and control, along with an accurate understanding of personal strengths and limitations.
- c) The GIRFEC practice model and its contribution in terms of the [Resilience Matrix](#) are outlined in chapter 4 Good Practice Principles.

#### **ix Attachment**

- a) Attachment is an emotional bond to another person. Theories on attachment contribute to understanding of how attachment to primary caregivers and the caregiver's ability to respond may affect a child's social and emotional development. Research suggests that failure to form secure attachments early in life can have a negative impact on behaviour in later childhood and throughout the individual's life. Children diagnosed with oppositional-defiant disorder (ODD), conduct disorder (CD), or post-traumatic stress disorder (PTSD) frequently display attachment problems, possibly due to early abuse, neglect, or trauma. Research also suggests that insecure attachments can have a negative impact on later life outcomes including offending into adulthood.
- b) Some, but not all, children and young people who become involved in offending behaviour, may have attachment difficulties that manifest themselves in social and emotional behaviour difficulties within school and the community as well as in home or care settings. The younger a child starts to offend, the more likely the child is to have difficult home circumstances, and possibly attachment difficulties.
- c) The development of attachments to adults and peers is a key component of early and effective intervention. ECI professionals should children and young people with insecure attachment patterns will require more comprehensive assessments in order that appropriate agencies can work with the child or young person and their family (Howe 1999).

x **Brain Development**

- a) There is a growing body of research that suggests that brain development can offer a neurological perspective on the damaging effects of pre birth and early childhood abuse, neglect and exposure to violence on infant brain development and the resulting negative impact on a range of life chances, including the likelihood of future, serious offending ([Perry, B, Farmer, R.L.](#))
- b) Whether or not a child or young person's involvement in offending is in part due to impaired brain development can only be determined by someone with the appropriate medical training and expertise. However current research suggests that environmental factors including services can influence brain development in adolescence and into adulthood, and have a positive impact on children and young people adversely affected,
- c) [Hassett](#) (2009) outlines how practitioners from a range of agencies can positively impact on the development of adolescents, referring to current brain development research while noting that this research is still in its infancy and the importance of not over interpreting or interpreting too simplistically.
  - Adolescence and young adulthood is a developmental period which offers a time of great potential for change in respect of brain development. There is an increased vulnerability to negative environmental experiences as well as enhanced receptivity to positive life experience – both of which are thought to have long term consequences on adult life.
  - Brain development research also notes how chronic stress and neglect sensitize certain neural pathways and over-develop the limbic region of the brain involved in anxiety and fear. This often results in the under-development of other regions of the brain. Chronic stress resulting from fear, violence, abuse, hunger or pain focuses the brain's resources on *survival* and other areas of the brain are not "available" for learning social and cognitive skills. This can result in permanent damage to brain development at an early age.
  - However, many such children will be known to health, education and in some cases, social work services from an early age. Many may have behavioural and educational difficulties and family problems and attachment difficulties stemming from early childhood experiences.
  - Research suggests that early and effective intervention for children who offend pre 12-13, already known to agencies because of other difficulties benefit from focused multi agency response to maximize their resilience and build on their strengths to avoid possible lifetime problems with offending, addiction and mental health.
  - Problematic behaviour which precedes early offending – such as aggression, school truancy and exclusion - is often observed in the last years of primary school and in early secondary school i.e. the transition years. Holistic preventive activities should be offered at this stage to children and families rather than waiting for additional problems to emerge.
- d) Good practice suggests that:
  - Professionals working with pre and early adolescents should **proactively** include the promotion of activities that are educational and pro social for the child or young

person and, where appropriate, their family within the Single Plan as a protective factor;

- Most adolescents experience difficulties with analysing problems and emotional regulation, associated physiological development. Young people's attitudes and actions are also influenced by peer group, national and local youth culture in ways that alienate adults. It is important that early intervention professionals avoid criminalising "normal" adolescent behaviour and seek to support them individually or as groups through positive activities and positive role models or pro social modelling which will strengthen positive brain development at this optimum period in their lives;

The case study below highlights some issues relevant to considering early intervention.

#### **xi Case study 2: Pedro**

Pedro, 14 and his friends, aged between 14 and 16, generally meet up on Friday and Saturday evenings in summer and go up into the fields behind a housing estate. They are several hundred yards away but the distant noise can be heard in the nearby houses. There can be up to 20 young people. The young people generally leave after a few hours; very occasionally a few take a short cut through a private garden.

One evening a neighbour calls the police to complain about the noise. The police find the young people drinking and smoking cannabis. They are unhappy to be told to move on as they do not consider that they are causing a disturbance to anyone. Pedro and a friend become verbally aggressive towards a police officer who charges them with a Breach of the Peace.

Pedro has never been charged with any previous offence. He tends to stay out till after 11pm at weekends, coming home under the influence, but his mother finds it easier to let him get on with his life as he has never brought any trouble to the house. His school attendance could be better and teachers find it difficult to motivate him in class although he usually avoids getting into trouble. In first year he showed an aptitude for playing drums, but has not pursued this further.

One or two of his weekend friends, though not those in school, are on supervision through the Children's Hearing for minor offences or due to family concerns. One of them was recently charged with theft of prescription drugs – he was on his own at the time.

#### **Is Pedro's behaviour anti social, criminal or within the parameters of normal adolescent behaviour?**

*His behaviour could be seen within the parameters of normal adolescent behaviour but there are risk factors including lack of parental concern, use of drugs and alcohol and changed behaviour in school which may be areas of concern. A worker receiving this would need to gather further information to decide whether or not intervention was required.*

*It would however be important to look with other agencies particularly youth and leisure services at why young people congregate here – is it for example because they have nowhere else to go? Could some alternative solution be found that encourages young people to do other things? The young people should be actively involved in considering alternatives.*

**Would this be any different if the boys were drinking and smoking cannabis behind buildings by a public right of way behind the shops?**

*There may be different attitudes towards this – depending on the environment, this type of behaviour may be seen to be more acceptable. However, it has perhaps more potential to lead to other difficulties – for example more opportunities for confrontation with other young people - and as alcohol is being used, the potential for violence in these confrontations. Depending on who owns or manages the shops there may also be the potential for racial confrontation. All of these could lead to an escalation of difficulties.*

*However a multi agency approach has the potential as above to look with the young people at more productive ways of using their time.*

*Further information would be required to determine the most positive course of action with Pedro.*

**Is criminalising Pedro's behaviour likely to be more or less effective in respect of future offending?**

*Yes – it provides a label which at this stage is not helpful. There are apparently other issues in Pedro's life that require investigation to determine the appropriate focus of intervention.*

**What would the best form of early intervention be for Pedro?**

*Further initial enquiry would need to be made before a decision is reached on whether Pedro requires some more focused intervention. This should be done before a decision is made to carry out a full assessment – which research shows increases the risk for Pedro.*

**How might professionals from universal services support Pedro and his friends positively and proactively?**

*As mentioned above, youth and leisure services have a potential role to play.*

*Education should also be engaged to determine whether there are ways to engage Pedro more positively in school. For example, whether he could re-engage some way in music.*

*Health services have a potential role in addressing the impact of substance misuse.*

**If it is common practice for Pedro and his friends to come home late at night and under the influence on a regular basis at weekends how could agencies best support parents in respect of monitoring and supervision?**

*Workers would need to engage parents in the process and consider what factors may influence their lack of control over their young people. A parenting programme focussing on adolescence may be of benefit, particularly one which focuses on supporting parents to draw up consistent rules with young people and considering how these are managed. If leisure or youth services are involved it might be considered whether at least some of the parents could be involved on an active basis providing some volunteer support to the young people.*

**Pedro is 14 years old – is there a care and protection concern?**

*Yes. He is still a child. His mother's attitude requires further investigation and focusing on care and protection or welfare issues may be the most appropriate way of managing this situation.*

#### **IV EARLY AND EFFECTIVE INTERVENTION WITH UNDER 16 YEAR OLDS**

##### **i. The Scottish Multi Agency Early and Effective Intervention Processes**

- a) The majority of local authorities have developed multi agency EEI processes as an early intervention response to offence charges which might otherwise have automatically resulted in a referral to the Children's Reporter to decide how to proceed. The models set up enable decisions to be made on a multi agency basis which are appropriate, proportionate, timely and which, wherever appropriate, divert children and young people away from formal processes while addressing identified needs on a voluntary basis at an early stage. Agencies will normally be represented by managers rather than practitioners with the authority to make decisions on the appropriate allocation of referrals.
- b) "Formal agency involvement at early stages of offending can contribute to labelling processes within agency working cultures and serve to recycle certain categories of children and young people into the youth justice system, whilst other serious offenders escape the tutelage of the formal system altogether. Statistically the deeper a child or young person penetrates the formal system, the less likely they are to desist from offending. The key to reducing offending lies in minimal intervention and maximum diversion" ([McAra and McVie, 2007](#)).

##### **ii. Background**

- a) The development of formal early and effective intervention processes was informed by data from SCRA research report [Children referred to the Reporter with a Low Level of Offending \(2007\)](#). The data, from 2 local authority areas, indicated that:
  - 52-55% of all offence referrals to the **Reporter** are for low level offences (breach of the peace, assaults, vandalism).
  - In 59% of the referrals no formal procedures were taken by the **Reporter**.
  - 25% were considered not to require compulsory measures of care due to action taken by families or use of voluntary measures.
  - Only 3% of low level offence referrals resulted in a children's hearing.
- b) This low conversion rate of referrals to **Children's Hearings System** was considered to be a poor use of Police, Reporter, Social Work and Education resources in terms of the high number of written reports and assessments completed which many months later resulted in No Further Action being taken.
- c) Multi-agency Early and Effective Intervention processes are founded on the principles of GIRFEC as expressed in the [Framework for Action](#):
  - "Where the need for intervention has been identified, relevant agencies must act promptly, and in line with what other agencies are doing, to provide responses that are **timely, proportionate, effective and that inspire community confidence**. It is crucial that all agencies are able to provide **early and effective responses** based on an appropriate

**assessment** of the individual's circumstances, not least so that children and young people can relate their actions to the impact and consequences and learn from this experience”,

- d) A number of Scottish local authorities had already developed multi-agency systems and processes to assess and respond early to both offence and non offence referrals which had reduced the high number of referrals to the **Children's Reporter** which after an often lengthy period of time, resulted in No Further Action decisions.
- e) The **Scottish Government** worked with five local authority areas that had developed multi agency screening processes: Renfrewshire, Dundee City, Edinburgh City and Fife and Glasgow South – to map and independently evaluate the early and effective intervention processes. The development of the approach in each area was informed by the 4 four key elements –
  - Delivery of better outcomes for children and young people
  - Ensuring that interventions are appropriate, proportionate and timely
  - There being a clear link to victims/reassuring communities
  - All collective decision being captured and reviewed within a child's plan
- f) **The Multi Agency Early and Effective Intervention Implementation Guidance 2009** provides practical guidance for local authorities on how to set up a local multi agency Early and Effective Intervention process which will identify support and improve outcomes for children and young people who have just started to offend. Key points include:
  - The decision and any subsequent plan made for each child referred is proportionate to their level of need and risk.
  - Referrals to the **Reporter** or to Social Work should only be made when either the seriousness of the offence or child protection concerns indicate a need for a more comprehensive assessment and / or a need for statutory measures of care.
  - The Screening Group co-ordinator and chairperson may come from any agency.
- g) Membership of the multi agency EEI groups varies according to local need and ability of agencies to attend. Key partners should include the Police, Social Work, Education and Health, Community Safety, Housing, local voluntary organisations and Youth, Leisure and Community Learning services.
- h) Multi Agency EEI approaches are recommended to all local authorities as a quick effective way of responding to offence referrals. Practitioners should be aware of their own agency's early and effective intervention processes.
- i) Decision making takes a staged approach according to information sharing protocols and initial assessment based on need and risk.

### iii. Evaluation of Multi Agency EEI Processes

- a) Multi agency EEI processes have been evaluated by **Consulted Ltd.** They reported that multi agency early & effective processes had delivered a range of positive benefits including:
  - Improved response to children's needs and risks, with better information available to partnerships ensuring provision is better aligned to identified need.
  - More efficient and effective delivery of interventions from the perspective of operational staff.
  - Development of genuine partnership working based on an ethos of problem solving
  - Realisation of efficiencies particularly in the deployment of operational staff with more police officer hours being released back to operational duties, Reporters freed to

concentrate more effectively on cases of greater concern or complexity and social workers freed from what they see as artificial timescales.

- b) This report did not evaluate the effectiveness of early intervention decisions and plans in terms of short and long term outcomes for children referred on offence grounds.
- c) **SCRA** commissioned follow on research on the five pilot areas in terms of interventions and outcomes for children and young people after 12 months against the GIRFEC outcomes: safe, healthy, achieving, nurtured, active, respected, responsible, and included. It also looked at the impact of the screening processes on referrals to the **Reporter** and on the number of children requiring compulsory measures of supervision.
- d) The research report [Early and Effective Action Screening Groups](#) considers both offence and non offence referrals and processes.
- e) Conclusions include:
  - Process outcomes, in terms of use of professionals' time and reduction in unnecessary report requests and children's hearings continued to be very positive.
  - There was a lack of common protocols/processes around how EEI multi agency screening groups operate and make decisions.
  - It was therefore not yet possible to know in systematic way what the effect the EEI multi agency screening processes have on delivering early and effective actions and better short and long term outcomes for children.
- f) **The Whole Systems Approach**, launched in Aberdeen in 2010 and supported by the Scottish Government, takes a holistic, welfare based approach to all children and family referrals. The system is based on around three times weekly multi agency pre referral screening meetings, including Police, Education, Health and Social Work. Only relevant referrals, both non offence and offence referrals are sent on to the **Children's Reporter**, thus freeing up professionals time to provide support to children and young people when they need it. A **Procurator Fiscal** participates in pre referral meetings on a weekly basis making definitive decisions at that meeting in respect of young people to being diverted from prosecution avoiding the normal time lag entailed in police reports being sent to the **Procurator Fiscal's** office. Initial evaluations are positive. It is envisaged that this approach will be further developed across Scottish local authorities

#### iv. **Good Practice Principles and Practice for Multi Agency EEI Groups**

- a) There are a number of principles which should underpin protocols which inform multi agency EEI processes in respect of children and young people who offend. These would include:
  - The sharing of information between agencies;
  - Referral criteria;
  - Agencies required to attend;
  - The level of information required for the meeting;
  - Decision making process including time required for each assessment;
  - Responsibility of agencies ensuring agreed action is implemented;
  - Agency/agencies with responsibility for co-ordination;
  - Administration before, during and after the meeting;
  - Recording of data;
  - Systems for review and evaluation;

- Communication with parents, children and young people;
  - Consideration of victims' needs.
- b) Representatives of each partnership agency attending the meeting and therefore involved in making decisions for individual children and young people should be familiar with core child development and youth justice theory in order to make appropriate decisions for each individual child or young person. Partners should be fully aware of their local authority child protection procedures and have a working knowledge of the **GIRFEC programme**. An understanding of the [Well Being Indicators](#) and the [Resilience Matrix](#) as outlined in Chapter 4 and its application in respect of early and effective assessment and intervention is essential.
- c) Children and young people who are already on supervision for non offence grounds may start to offend. Current practice varies as to whether or not children subject to supervision requirements are discussed at multi agency screening groups, diverted to the allocated social worker or referred directly to SCRA.
- d) Whatever the process, it is essential that the allocated social worker, who may be a generic children and families' worker, is aware of the additional supports that the child or young person and their family may require to prevent further offending.**
- e) Multi agency groups require knowledge of locally available supports and resources and relevant contacts in order to be able to effectively divert children and young people from formal processes.
- f) Multi agency groups should have a link to youth justice strategic groups and community planning processes.

**v. Assessment and Decision Making**

- a) Decisions made at EEI meetings must be based on as full consideration as possible based on the multi agency information presented. In some cases the information provided by the agencies may be limited because that is all that is available, as in case studies 3 – 5 (below).
- b) As outlined in Chapter 4 , partners should understand the importance of the child or young person's chronology in informing the decision, and include historical information that may have relevance to the process. Information on the format of a case chronology can be found in the [SWIA Practice Guide](#).
- c) Practitioners involved in EEI multi agency groups should be aware of the findings of the [SWIA Western Isles report, an inspection into the care and protection of children in Eilean Siar](#), which highlighted the importance of historic information informing decision making.
- d) The recommendations of paragraphs 153 and 171 with regard to interagency chronologies highlight the need for all agencies to appropriately record and share information, even at the Early and Effective Intervention stage.

- e) EEI group members should also be familiar with the [Review of the management arrangements of Colyn Evans by Fife Constabulary and Fife Council](#). This SWIA/HMIC Review of the management arrangements of a young person convicted of the murder of a young woman in 2005 notes that had relevant information from education and health been made available at a much earlier stage this could have contributed to an understanding of the young person's situation. Had the young person had been referred to a multi agency meeting at an earlier stage, and all the available information considered, including historical information, that a different decision may have been taken in respect of intervention.
- f) The multi agency group should also take account of other relevant factors in their considerations including:
- Gender difference. Most research studies focus on the needs of boys rather than girls. There is a developing body of knowledge about girls and young women. The most up to date is included in this practice guidance ([link](#)). However as has already been indicated in this chapter formalised early intervention can increase the risk to girls and young women of further involvement in offending and it may be more relevant to consider the role of informal networks in addressing the behaviours of girls and young women.
  - Ethnicity. The group will need to be aware of cultural bias or racial stereotyping in decision making and ensure that participants are able to challenge any prejudices that exist.
  - Learning disability? People with learning disabilities are overrepresented within the prison population. Children and young people who have a learning disability may require specific early intervention which focuses on the needs and risks associated with their disability.

**vi. Case Study 3 - Paul, aged15**

Paul has been charged with an assault on a 13 year old boy in the company of others. It was 8 pm. The younger boy sustained no injuries, but was very scared and his mother was outraged and phoned the police.

No further action was taken by the multi agency EEI group on a vandalism charge two months earlier.

**Police** - Paul is involved in group who are sometimes involved in gang fighting. Paul's mother has said that Paul will be grounded as "hitting younger people is unacceptable".

**Social Work** - Family not known

**Education** – in 4<sup>th</sup> year, an average pupil, who sometimes verbally challenges authority, and who occasionally truants. He is expected to obtain average passes in 4 or 5 subjects and leave school at the end of the year. His parents are not particularly involved with the school but have never caused any problems either.

**Health** – No known concerns

**Community Safety** - Complaints from the community that the 13 year old had done nothing to provoke and that "these boys are being allowed to get away with anything."

*Professionals making a decision in respect of Paul should take into account a range of factors as identified in Section 1. These might include peer group influence, anti social attitudes, relatively positive school profile, and normal adolescent development.*

*They should consider that this is an offence that appears to have a victim, and that a community safety issue appears to be emerging.*

*They might consider the risks of Paul becoming labelled as a result of this charge.*

*They should consider what early intervention might be required in terms of Paul's needs.*

*They should also consider whether any action is required in respect of the victim's and community confidence.*

#### **vii. Case Study 4 –James, aged nearly 13**

James has been charged with attempting to break into a locked car. He is referred to the local multi agency early and effective screening group.  
Information from agencies is:

**Police** – James was found by local police officers attempting to break into a car at 8pm. he was alone. A previous charge had appeared to have resulted in no further action by the Reporter. This was a charge of shameless indecency but this information has not previously been shared on a multi agency basis.

**School** – James is in 2<sup>nd</sup> year. He does not relate well to peers. He has a pattern of truancy, and presents aggressive behaviour within school. His parents do not seem to be able to control him. Teachers are providing behavioural support within school to little effect. The school referred James to the Reporter who took no further action.

**Social work** – James was referred to social work 4 months ago by the school. He has been referred to clinical psychology. According to the Reporter he took no further action in respect of the school referral because he was receiving support from school and clinical psychology. Social work records indicate that James's mother is rarely in and does not keep appointments.

**Health** – According to records James had a normal birth and attained his normal developmental milestones at age 4. He moved to Scotland at age 4 and James seems to have had no significant health issues since.  
He was referred to clinical psychology by the school and attended spasmodically. No formal assessment has been made.

**Youth Services** – James does not seem to attend any formal clubs. However other young people have been overheard calling him derogatory names. He seems to have few friends and wanders by himself.

*For consideration:*

- *There can be complexities in sharing information that is considered 'soft' information. In this case as no further action was taken on the previous charge it is unproven and James and his parents*

*have not had the opportunity to accept or reject the grounds of referral. The local protocol would have to be explicit of what information can be shared to inform decision making but also how confidential information that has not established will be handled and recorded on file.*

- *The statement that James' parents cannot control his behaviour needs to be explored within the meeting in order to provide more explicit information to determine what the best course of action is.*
- *James's family are not engaging with social work on a voluntary basis. He is considered a low level case in terms of the allocated social worker's caseload. She considers school to be the lead agency.*
- *The information provided suggests that education were sufficiently concerned about James's behaviour to make a referral to clinical psychology. However information about the family's poor engagement and subsequent failure to carry out an assessment was not followed up by Health, Education or Social Work.*
- *James is charged with a relatively minor offence, which appears to be a first offence. Early and Effective Intervention in such cases is often to divert away from formal measures. However there are unanswered questions in the case synopsis that would need to be addressed before a properly informed decision could be made.*
- *Group members might want to consider whether a more comprehensive multi agency assessment is required to inform the decision making in respect of both referral to the Reporter and future intervention.*
- *Group members should also agree on the basis of information received who is the lead agency.*

**viii. Case 5 – Lisa age 14**

Lisa has been charged with theft of a bottle of vodka in the company of another girl. She appeared to have been drinking. She became aggressive during the course of arrest, lashing out and refusing to get into the police car. She was additionally charged with a breach of the peace.

**Police** – one previous charge of breach of the peace in the company of a group of young people who frequently offend. She received a police warning. Police were called to a disturbance at Lisa's house 2 months ago – no charges were made.

**Social Work** – Lisa has a brother aged 10 and lives with her mother. Social work were involved 4 years ago due to child protection concerns; Lisa and her brother were found unattended by a neighbour at 10.00pm. Her mother had been out at a social night and the babysitter appeared to have left once the children were in bed. It was described at the time as a one off incident. Lisa's mother had engaged with social work on a voluntary basis for 9 months. Due to no further concerns, the case was closed.

**Education**- Lisa has 70% attendance. She is generally quiet and uncommunicative in class, and with teachers, but gives no great cause for concern. She has a small group of friends who have been known to bully other girls. Lisa is below average ability.

**Health** – Lisa has missed inoculations because she has not been in school. Her primary 7 medical indicated that she required major dental treatment – not known if this happened.

**Community Learning** – Lisa sometimes attends a local youth group run by a voluntary agency. She does not engage in group activities but is friendly to project workers on a superficial basis.

*For consideration*

- *Girls and young women who offend frequently experience high levels of vulnerability.*
- *Concerns have been raised relating both to Lisa and also in respect of her home/family circumstances. It is likely that there are many factors contributing to Lisa's poor school attendance, involvement in a negative peer group and offending. There are also health concerns. A comprehensive integrated assessment may be necessary to consider whether compulsory measures of care are required.*
- *Lisa's attendance at the youth club indicates the potential for positive intervention*

*Further information and good practice principles will be found in chapter 9 Work with Vulnerable Girls and Young Women: good practice principles when it is completed ([hyperlink](#))*

**ix. Early Intervention with young people already known to specialist children's services.**

- a) There is a clear overlap in this section between prevention and early intervention. Some children and young people already known to social work, health and education for welfare or care and protection may have particular vulnerabilities in respect of future offending. Early intervention in terms of promoting strengths and resilience in a planned way within the Child's Plan may be relevant to a number of vulnerable groups, including children and young people who are subject to a statutory supervision order for non offence grounds.
- b) Communication and learning difficulties
- There is a significant correlation between specific difficulties, such as conduct disorder, and particularly ADHD and offending ([Panko 2005](#)). Other young people who have a specific learning difficulty such as Autism may find themselves being charged as a result of behaviour associated with the difficulty ([Bishop 2008](#)).
  - Those working with young people with specific conditions should research the nature of these conditions so that they can access appropriate services and supports at an earlier stage.
  - We know that adults with communication and learning difficulties are over represented within the adult criminal justice system. and it is important that early intervention supports children and young people to avoid formal involvement in the future.
- c) Young People with problematic alcohol use
- There is increasing evidence to suggest that offending is frequently carried out by young people who are under the influence of alcohol. Use of drugs and alcohol and its association with offending is described in more detail in chapter 5 Prevention.
  - Practitioners involved with EEI should consider whether alcohol or drug use has contributed to the offending behaviour, a referral to an appropriate service to assess the nature of the young person's alcohol or drug use, and its association with other negative behaviours may be more appropriate than a referral to SCRA.
  - An Early Intervention approach forms part of the **North Ayrshire Youth Alcohol Pilot**, a partnership between the Police, Action for Children, North Ayrshire Council and SCRA. One strand of the Service is diversionary and targeted towards young people, not known to Children and Families Services, who come to the attention of, or are arrested by the

Police for alcohol related offences or anti social behaviour. Young people identified in this way are given the option, with parental permission, of engaging in an 8 week alcohol awareness programme as a direct alternative to a formal referral to the Authority Reporter and the subsequent need for statutory social work investigation on behalf of the Scottish Children's Reporters Administration.

- Social work practitioners working with children and young people where alcohol or drug use has become an issue should be aware of potential associations with offending, particularly when the child or young person has other vulnerability factors such as a negative peer group, poor parental supervision or emotional and other behavioural difficulties. By addressing the underlying issues and promoting resilience may prevent escalation of behaviour into the committing of offences.

d) Children who are victims of domestic abuse

- **Holden 1998** notes that 40% of children from families characterised as domestically violent exhibit clinically significant behaviour problems. This contrasts with 10% of children from non violent families.
- **Fraser et al 2010** in their literature review indicate that young people and adults involved in serious and violent offending are significantly more likely to have been brought up in families where violent conflict was present, and to have witnessed or been aware of frequent domestic abuse. Children exposed to frequent maternal conflict and violence may develop attachment difficulties and emotional problems that will last into adulthood.
- Domestic abuse has been shown to be a risk factor for children and young people who go on to commit violent offences. Many violent offenders have been brought up in violent households and witnessed conflict and aggression between their parents and other relatives from a young age. Adolescents who have or who continue to live within an atmosphere of violence are more likely to see aggression as the most effective way of dealing with problems within the community, school or domestic settings. Frequent witnessing of violence, whether very young or adolescent, is likely to have a significant emotional impact which may result in serious trauma, have a negative impact on their mental health and affect their ability to succeed within school, workplace or personal relationships.
- Where a child or young person who has been charged with an offence, but is known to have been exposed to violence, or where there have been previous domestic abuse concerns, the impact of that needs to be considered. The assessment needs to look at the child or young person's resilience and how well they might be supported by key people within universal services such as health, education or from voluntary sector services. Domestic abuse is rarely an isolated incident and the impact on children and young people may be underestimated in terms of poor outcomes including future offending.
- Early intervention in respect of children, young people and domestic abuse should focus on ensuring that their individual welfare needs are being met as well as on the safety and welfare needs of the non abusing partner.

e) Children and young people who are looked after and accommodated

- While there are many young people brought up in foster care and residential settings who have positive outcomes, young people who offend are statistically more likely to

have been looked after in public care. [Scottish prisons commission report](#) data indicates that a Scottish prisoner is 13 times more likely to have been in care than the average prisoner. Within the [Edinburgh Study of Youth Transitions and Crime](#) sample over 75% of young people in residential care by age 16 had a criminal conviction by age 22.

- Research by [Darker 2008](#) in England and Wales notes that the youth offending rate was 3 times higher for young people in care than within the general population; and of the 30% of the whole sample who offended when in residential care, only 3% had offended prior to accommodation and stopped thereafter, the remaining 27% either continued to or started to offend while accommodated.
- Young people in care are more likely to have some or many of the factors associated with offending behaviour: truancy, exclusion from school, conduct orders including ADHD, drug use. They are also much more likely to have attachment difficulties as a result of family neglect and abuse. Behavioural problems leading to placement breakdown and multiple placements are likely to exacerbate attachment disorders and other risk factors associated with offending.
- The placement of a non offending young person in a residential setting may bring them into a more negative peer group in respect of offending.
- Unfortunately challenging behaviour in residential settings can result in police involvement, often incurring charges for the young people involved, despite the fact that equivalent behaviour within most family setting would not have resulted in the police being called or charges preferred.
- [Paul 2008](#) outlines these concerns, noting the skills and ethos required to foster a preventive approach which is supportive to all, thereby reducing the likelihood of young people becoming involved in violence and offending in residential settings. The paper supports good communication between social workers, residential workers and specialist education and health professionals to increase protective factors and resilience through involvement in leisure activities, support in school, family contact where appropriate, and supporting and encouraging children and young people to develop positive relationships with key professionals, carers and others.
- Social workers, residential workers and foster carers should ensure that vulnerable children and young people in their care are as little influenced as possible by more negative peers within the care placement or community through promoting and supporting them within education and pro social activities.
- Accommodated young people who are charged with an offence should not automatically be excluded from the benefits of an EEI multi agency approach in conjunction with discussions between allocated social worker, residential worker and reporter.

f) Young people who have left care

- Young people in public care “leave home” on average between 16 and 19, many years younger than the average young person living in the community. Even after a successful care placement they are likely to become more emotionally and physically vulnerable when leaving home and frequently link in with an equally vulnerable and offending peer group.
- The local authority has a clear duty of care to care leavers (see chapter 2), this support is normally provided by children and families or leaving care/throughcare workers. It is important that leaving care support continues even where young people are involved

with youth or criminal justice systems. This needs led support, referred to as Pathways Planning not only helps young people to make the transition to adult life, but in the long term will be of benefit to any children they may have.

- The majority of care leavers are subject to a statutory supervision requirement after their 16<sup>th</sup> birthday. Good practice with care leavers whether or not involved in offending is for them to remain within the **Children's Hearing System** for as long as possible after they have left care in order to reduce the likelihood of early entry into the **Criminal Justice System** with the risk of remand and short sentences, both of which are likely to increase the frequency of offending without addressing the underlying issues. (see section 3 and Transitions chapter).

#### x. Early and Effective Intervention Resources

- a) Although formal multi agency early and effective intervention groups are now in place in most local authorities, many children and young people can be referred to such activity without being considered by the multi agency EEI group. Many consider that effective early intervention should be diversionary, avoiding labelling through formal involvement in specialist services and avoiding compulsion. Some children and young people may already be involved in formal proceedings such as the **Children's Hearings System**, but not for offence grounds.
- b) Other settings which may refer children and young people to diversionary activity include:
  - Looked after reviews
  - Leisure activities arranged by residential workers and foster carers
  - Individual support offered by education staff in primary and secondary schools
  - Resources and support accessed by education and health staff for young people with particular difficulties such as ADHD which are associated with a risk of offending
  - Projects organised at a general level for young people considered at risk of offending, both by Police and Community Safety but also through the **More Choices, More Chances** strategies at local level.
- c) The term "diversionary activity" is used in a number of settings and can be offered by universal services: education, community learning/youth services, third sector youth projects, community safety services and universal sports, art, drama, music and outdoor projects. Families may benefit from programmes enhancing their parenting skills. Members of multi agency EEI groups and other staff in health, social work and education should be aware of the available local resources which will best meet the assessed needs of children, young people and their families, develop and enhance their skills and emotional development. Although these services can be offered to children and young people as a means of diverting them away from future offending, there is a lack of formal evidence of what works best in this context to support children and young people to stop offending.
- d) These activities can offer positive experiences for children and young people, which alongside protective mechanisms that promote resilience can have a positive impact on children and young people. Protective mechanisms include reducing sensitivity to risk through experiences of successful coping, parental monitoring of social activities, promoting self esteem and self efficacy through coping with stressful situations, access to positive opportunities for change and growth within schools, and accessible recreational activities within communities.

- e) However for some children and young people early intervention in respect of offending may require a more specialist, focussed response. This is considered under the Early Onset group heading.
- f) The following examples are not comprehensive but are approaches that have been developed which are believed to be effective with children and young people at risk of offending.
- g) The examples are not all evidence based; that is to say that they have never been formally evaluated. They are however approaches which are valued by practitioners, children, young people and their families. It is therefore in the interests of all that practitioners working with children and young people involved in diversionary work and the diversionary projects themselves, evaluate the services in respect of individual outcomes.
- h) Practitioners' own personal skills  
Practitioners using pro-social modelling techniques, regardless of agency, achieve better outcomes with young people who offend. Research by [Trotter \(1999\)](#) indicates that better outcomes are achieved by probation workers who use pro social techniques and present pro social values with offenders.  
Young people who have been on supervision for school related issues may be at risk of becoming involved in offending. They may have poor relationships with adults. Developing a constructive, positive relationship with a social worker or teacher over a period of time may in itself be a significant factor in influencing a young person to make positive choices.  
For this to be effective with looked after children and young people, social workers and others should consider the frequency of contact required with the individual child or young person, outside formal meetings, to develop a meaningful relationship which can form the basis for change.  
Those working with children and young people need to provide a positive role model. This may include:
- a. positive body language – attentive listening, clear language, smiling, using praise;
  - b. avoiding cancelling meetings if at all possible; if a meeting is cancelled offering an explanation;
  - c. being on time; answering phone calls;
  - d. being well-presented and appropriate in behaviour and use of language
  - e. placing value on positive and non criminal activities and associations – family, non criminal friends, hobbies, attending school.
  - f. respecting others' feelings
  - g. encouraging achievable goals and being optimistic
  - h. not colluding with negative values, activities or associations

Further information on Chris Trotter and [pro social modelling](#) can also be found in chapter 4 Theory and Method.

- i) Mentoring  
Mentoring programmes offer support to children and young people through frequent, regular contact with a socially positive adult or older peer. A pro-social modelling approach underpins mentoring schemes, reinforced when the mentors are recruited from the local neighbourhood. A well established local mentoring scheme can assume a wider, preventive significance in terms of developing social capital within the local community. Local volunteers develop a better

understanding of the needs of local young people; young people can develop mutual respect for older people.

Local mentoring schemes can help communities develop a shared responsibility for their young people.

The positive relationship between mentor and child or young person may empower them to take positive but difficult decisions for themselves. Young people may be supported to take up new leisure interests and hobbies which in turn promote self esteem and contribute to the development of a more pro social identity. This may lead to doing better at school, getting a job and avoiding pro-criminal peers.

There is some longitudinal data in respect of outcomes although more systematic and evaluations are needed to evidence outcomes.

- **Dumfries and Galloway Youth Mentoring Service** notes that between 2007 and 2009 85% of those receiving a service were supported to access education, employment, training opportunities, had healthier lifestyles and engaged better with their communities. The service uses local volunteers and works with Youth Justice and the Young People's Integrated Substance Service: [www.dumgal.gov.uk](http://www.dumgal.gov.uk).
- Jolliffe and Farrington carried out a meta-analysis of studies examining the effect of mentoring programmes on re-offending rates. They describe mentoring as "the contact of a less experienced or 'at-risk' individual with a positive role model [who can] provide guidance, advice and encouragement". Their findings indicate that mentoring was associated with a small reduction in re-offending on average, with the positive effects generally not lasting past the mentoring period. The authors conclude that mentoring is a promising, if still unproven, approach and that the programmes where contact with the mentor was more frequent and prolonged and where the mentoring was not the only intervention delivered had the greatest effect on reoffending.
- The YMCA, in partnership with ADSW and the Violence Reduction Unit have developed a **Plus One** model of mentoring working in partnership with schools, police and social work in three local authority areas. The mentoring model is based on a mentoring project in the Borders where 4 years on young people continue anecdotally to have positive outcomes. It is an early intervention model to prevent offending through promoting resilience as a means of reducing risk. The pilot is being evaluated by Dundee University. Blazek et al (2011) first year evaluation report, **plusonementoring**, notes promising outcomes "in tackling the majority of areas of wider need that are considered as risk factors for future offending among young people". The programme targets young people in the 8-14 age group who have been assessed as being at high risk of future offending, a significant number of whom (51%) had a police record at the time of their referral, and who were not deemed to require more specialised services.
- **The Scottish Mentoring Network** offers information, advice and support to mentoring projects. The site includes a **Guide to Effective Mentoring Practice for Young People, 2006** by the Government in Victoria, Australia;

j) Restorative Justice

Restorative practices are used to assist the child or young person who has committed an offence and the victim of the offence. From an early intervention perspective restorative practices are used within schools as part of anti bullying initiatives and have been used as an alternative to exclusion. Exclusion is a significant risk factor associated with offending. Both being bullied and

being a victim of bullying and indeed of a crime can be risk factors for future offending. In principle therefore restorative practices in school could be successful as preventive method in respect of offending.

Many local authorities in Scotland use restorative justice processes within their own services or purchased from voluntary providers as part of a strategy to tackle anti social behaviour and low level offending, including by young people. Multi agency screening groups refer young people to restorative justice providers as an alternative to a referral to the reporter.

There are however some concerns about the effectiveness of restorative practices within early and effective intervention. A critique is found in Sherman and Strang (2007). Sherman indicates that restorative justice works best for most persistent offenders, and for victims of violence rather than property crime. It works better with adults than young people and is least effective with minor offenders.

Available evidence suggests caution in using restorative justice as diversion in respect of early and effective intervention for the following reasons:

- There is a balance to be sought in terms of a young person taking responsibility for a crime against a victim and being labelled through the process as “a young offender”, when a minor offence **may** have been committed.
- The formal restorative process may increase a negative identity and run the risk of net widening.
- Further evidence about the risks associated with using restorative justice with the wrong children and young people can be found in the evaluation of Glasgow’s restorative justice pilot

Multi agency partners often include restorative justice professionals who should be able to advise their colleagues as to the types of support they offer. For instance the **RAMPS** service offered by Renfrewshire Council includes a befriending service and offers support to parents and carers. **SACRO** in Aberdeen City offers a range of restorative support and groupwork programmes as reparation and early intervention for low level offending as a partner in the Whole System Approach.

Restorative Justice and Restorative Practice are discussed in more depth in Chapter 9: Victims and Community Confidence.

#### k) Universal Youth Services

Attachment to and attainment at school, pro social peers and positive interests, and leisure pursuits all form strong protective factors against offending. Children and young people at risk of offending are less likely to engage in positive individual or group leisure activities, and there are less opportunities in disadvantaged neighbourhoods.

Early and effective intervention assessment and practice should seek to include young people in resilience promoting leisure activity wherever possible. Such involvement will not only divert from anti social activity; young people may develop confidence and skills which will enhance CVs for employment and training, develop interests that last into adulthood, and enable them to become part of a more outward looking peer group.

Children and families and youth justice practitioners should develop working links with local universal services including community learning, voluntary organisations and local schools, as well as specialised sports and arts resources. Workers should consider how these can be made more accessible to children and young people who live in socially disadvantaged communities

and are less able both in terms of finance, confidence and parental support to attend activities outwith their local area.

Multi agency EEI groups require representation from local community learning/youth work agencies who can take the lead for particular young people, identify universal generic and specific leisure resources and identify gaps to take into more strategic discussions, including possibilities for funding through the Cashback for Communities scheme.

Practitioners should seek out local resources. The following may be useful:

- [Young Scot](#) provides a list of youth groups and organisations on a regional basis. The list is not comprehensive. The website is aimed particularly at young people.
- [Youthlink Scotland](#), is the national agency for youth work and can provide helpful links to local resources. Youthlink Scotland assesses applications for Cashback for Communities projects. The organisation is committed to contribute to Youth Justice.
- Local authority **More Choices, More Chances** links may provide information on local programmes aimed at young people not in education, employment and training.

#### l) Targeted Early Intervention and Prevention Programmes

These may be run by local authority social work children and family sections under a youth community support umbrella, community safety services, or purchased from providers. This can be considered early intervention tag in respect of improving resilience and protective factors through a social learning approach, developing social skills and problem solving, improving self esteem and self confidence.

Such work can be very valuable for young people who are already within formal agency system for non-offence grounds, including those involved for care and protection reasons, where poor parenting styles and supervision increases risk factors.

Practitioners should be mindful that groupwork programmes do not inadvertently net widen, in terms of addressing offending issues with non offenders.

Outdoor based programmes such as offered by [Fairbridge in Scotland](#) and [Venture Scotland](#) may provide positive based leisure experiences with personal development programmes which increase self esteem, self confidence and social development. Continuity of positive relationships with adults on the programmes could also strengthen positive outcomes.

Professionals should establish links with local programmes and opportunities through the [Duke of Edinburgh's Award](#) scheme.

[The Personal Development Partnership](#) is a youth engagement initiative funded via the Scottish Government's CashBack for Communities programme. It is a partnership between– Fairbridge in Scotland, [Venture Trust](#), [Prince's Trust Scotland](#) and Venture Scotland and with local authority More Choices, More Chances coordinators and the private sector.

The partnership offers tailored programmes of personal development to young people aged 14-19 who are identified as being on the cusp of offending or involved in anti-social behaviour The aim is that young people who go through the project will develop skills that allow them to go on to employment, further education or training. The PDP is working in **Glasgow, Edinburgh** and

**Dundee** and targets young offenders, looked after children, school leavers and young people already involved in drug or alcohol abuse.

m) Single Interest activities

There is evidence that creative and physical activity increases levels of serotonin in the brain, and resulting feelings of happiness and a sense of well being. This in itself may help some young people to move on from problematic alcohol and drug use and association with low level offending.

**The Inspiring Change Project**, based at Motherwell College aimed at developing engagement, literacy and numeracy skills of young offenders in Polmont and adult prisoners through involvement in music, drama and art projects is an example of how creative activity could have wide ranging benefits on those involved in offending.

It is difficult for young people “locked” in an anti social peer group to break away. Involvement in a particular interest group, bringing with it the possibility of new friends, may assist the young person to “rewrite their own narrative” in terms of identity.

The challenge for EEI practitioners is to access such opportunities on a voluntary basis for young people when such activities, if available, are often considered “uncool”, and when many young people are not confident outside the local neighbourhood. While there is little concrete evidence linking involvement in a leisure pursuit and crime reduction it would seem reasonable to assume that they can play a significant part in reducing risk factors for offending.

Creative and sporting interest and achievement can cut across ability levels. The more creative and physical sports options available on a universal basis within communities, the more accessible they become to children and young people who are at risk of offending. Practitioners should link into Community Planning processes to identify diversionary resources and resource gaps which might be developed through available funding streams such as Cashback for the Community or Big Lottery Funding.

xi. **Early Intervention within a Community Safety Focus**

- a) The Anti Social Behaviour legislation introduced in Scotland in 2004 introduced a second system of early intervention with children and young people considered to be involved in anti social behaviour as outlined in Chapter 1 led to the creation of new local authority services designed to intervene early with young people involved in often low level offending, and bringing to the fore the interface between the needs of children and young people and those of the communities in which they live.
- b) Early intervention processes include making young people formally subject to **Acceptable Behaviour Contracts (ABCs)** and diversionary activities such as midnight football. In many areas police decide not to charge children and young people but use the services offered by Community Safety teams as a form of early intervention.

- c) Children and young people do better within stable communities, and safer communities should therefore result in a reduction in youth crime. However agencies and professionals should ensure that focussed early intervention does not mix low level and persistent offenders and risk net widening, i.e. by involving children and young people at low risk of future offending in formal systems which, evidence suggests, may result in an increase in offending (Whyte 2008, p7)
- d) Long term outcomes of targeted early intervention on an individual within a community safety context are not yet clear. It is however important that early intervention and diversionary activities are sustainable. When young people become involved in a project introduced locally for twelve weeks only they will need something to replace the activity, or support to access activities further afield if there is to be a long term change in behaviour.

**xii. Early and Effective Practice with the 'Early Onset' Group**

- a) Although early and effective work should contain the opportunity for building on strengths for all children, children under 12 who are involved in anti social behaviour and offending (the Early Onset group) invariably require a comprehensive assessment, including family history and dynamics. These children are likely to be the most disadvantaged, where there may be significant family and social problems, behaviour and learning difficulties and poor adult attachments. In some cases their needs may have been already have been fully assessed through child protection or additional support for learning processes. They may be in foster care. They may also find it most difficult to sustain mainstream youth activities without focussed support from adult leaders or project workers.
- b) Even if children are already involved in specialist services such as social work or health, for non offence grounds, practitioners should review the Child's Plan if the child starts to become involved in offending.
- c) A 10 year old, previously unknown to services who is charged with offences and discussed at a multi agency EEL meeting, may have underlying issues which have to be investigated as well as considering using diversionary practices. In particular, for any child who is offending, there needs to be an investigation of the quality of parenting, including whether there is a lack of parental supervision.
- d) Early intervention in respect of offending with emotionally traumatised children might include work on attachment issues with specialist services in conjunction with specific diversionary activities to promote resilience and the ability to benefit from more universal services. *It is important to recognise that even though around half of children previously involved in child protection processes do not go on to offend, it will not be clear which half.* Resilience promoting activity combined with parenting and educational support and psychological support if required can reduce the key risk factors for offending and enhance positive outcomes for this group of children many of whom statistically go on to become serious or violent offenders.
- e) Practitioners could help children develop a particular skill, interest or aptitude for an activity alongside a positive role model, adult or peer. Prioritising this work at primary school level would assist the child during transition into secondary school. This area of work, which could include mentoring, has tended to be less prioritised in favour of the development of youth justice programmes which are more evidence based.
- f) **Stop Now and Plan (SNAP)** is a cognitive behavioural programme aimed at children under 12 on the cusp of offending. It helps children and their parents to regulate their angry feelings and resolve conflict through planning alternatives to acting impulsively. It was developed by the Child

Development Institute in Toronto, has been evaluated positively there. It has been piloted in Glasgow and in East Dunbartonshire.

- g) Social work practitioners should also link with colleagues in Education Services in terms of what support can be offered in a familiar setting. Many Scottish primary schools offer [Seasons for Growth](#) programmes for emotional support for children and young people have experienced change, loss and grief associated with death, family breakdown, or any other form of separation. They may also offer out of school activity clubs.
- h) **Barnado's Scotland** through their Youth Involvement and Matrix projects offer support to under 12's in respect of developing emotional resilience with children and their families with an early intervention focus. These projects may also have relevance for children in this group who are beginning to offend and whose developmental trajectory suggests that they are at high risk of long term and serious offending.
- i) [Multi Systemic Therapy](#) pilots providing short term but intensive service to families in crisis are being piloted in Glasgow and Fife. This approach is targeted at those families in which the child young person is at risk of coming into care and aims to prevent family breakdown, prevent or reduce offending and improve educational outcomes. Such intervention is costly but has been shown to help children and young people with the most concerning behaviours. Further information on Multi Systemic Therapy can be found in chapter 4 Theory and Method. ([hyperlink](#))
- j) Chapter 5 Prevention contains comprehensive information about different types of diversionary Prevention and Early and Effective Intervention approaches and resources ([hyperlink](#)).

### xiii. Working with Parents

- a) The majority of risk factor lists associated with offending includes aspects of parenting. It may be difficult for the practitioner to influence parents' pro criminal attitudes. There is however also a strong correlation between children and young people's offending and poor and coercive parenting, poor parental supervision including tracking and monitoring of young people and difficulty in dealing with parent/child conflict ([Smith 2004](#))
- b) Most local authorities have developed their own parenting strategies for parents. Professionals involved in early intervention processes should be aware of local parenting programmes offered at a universal or specialist level for parents of adolescents.
- c) [Triple P Positive Parenting Programme](#) is one of the only [evidence-based parenting programmes](#) available worldwide, founded on over 30 years of clinical and empirical research. It is a parenting and family support strategy that aims to prevent severe behavioural, emotional and developmental problems in children by enhancing the knowledge, skills and confidence of parents. Teen Triple P Positive Parenting Programmes are aimed at parents of teenagers. Triple P is offered in a number of local authorities.
- d) [Handling Teenage Behaviour](#) is a course for professionals aimed at supporting parents and teenagers used by a number of local authorities. The aim of the training is to equip all parents/carers and adults who work with teenagers to understand and handle teenage behaviour, to build confidence, self-esteem and skills as well as encourage involvement in the community
- e) The **Criminal Justice Social Work Centre** has commissioned from the Institute of Family Relations training for social work practitioners on a family based intervention pilot developed for adolescents and their families, based on systemic family based therapy currently being piloted in

Glasgow. The approach holds possibilities for practitioners working with adolescents who are beginning to be involved in offending.

- f) [Support and Services for Parents: A Review of the Literature in Engaging and Supporting Parents \(2008\)](#) can be found on the Scottish Government website. It concludes that:
- Direct child development work, parent training and school based provision is most effective for primary aged children
  - Structured family work alongside community programmes is effective for adolescents
  - Multi system approaches work best with older adolescents.

**xiv. Early Intervention and Learning and Communication Difficulties**

- a) There is emerging evidence and European consensus that ADHD and other communication disorders are a significant risk factor for offending. The English [Youth Crime Action Plan 2008](#) p28 notes that nearly 40% of high rate offenders have been diagnosed as suffering from ADHD (**Oggers 2007**). This is four times more commonly found among high-rate offenders than infrequent offenders. There is emerging evidence and European consensus that many children with ADHD are missed by services as children, but who later go on to offend. A multi agency working group in Glasgow is writing a multi agency care pathway for children under 18 who present ADHD difficulties and who will require appropriate assessment and specialist intervention early on to avoid later difficulties. A diagnosis of ADHD may be classed as a disability under the [Disability Discrimination Act 1995](#) depending on its impact on day to day life. Professionals and agencies require to bear this in mind in terms of offering early intervention support to children affected by ADHD.
- b) Young people with autism may also become involved in offending. “Recent public cases have led to suggestions that there may be an excess of violent crimes amongst more able people with autism or a diagnosis of Asperger’s syndrome”. (**Howlin, 2004: 301**). This becomes critical for 16/17 year olds who could suddenly become involved in the adult criminal justice system:
- Workers involved in Early Intervention should ensure that they have a basic awareness of ADHD, autism and other communication disorders, have links with relevant Health and Psychological Service colleagues in terms of assessment, advice and support. The work of [Bishop 2008](#) may assist the youth justice or Early Intervention practitioner in respect of linking particular learning difficulties
  - The [Communication Trust](#) leaflet [Sentence Trouble](#) provides information for youth offending professionals and volunteers to help improve understanding and communication with children and young people, with communication needs.
  - The [Sentence Trouble](#) website is focussed on issues around young people with communication issues, including dyslexia and autism who become involved in offending
  - **Anderton 2007** provides a guide to what professionals should recognise as the social impact of ADHD from the perspective of a former UK senior police officer.

**xv. Early and Effective Intervention in respect of Violent Behaviour**

- a) A theoretical perspective and multi faceted response required to reduce and prevent violence is provided within chapter 5 prevention. Violent behaviour can result from a complex association

between environmental, individual and family factors and prevention involves work within the same three domains.

- b) Some of the multi agency work with young people could appropriately be described as early and effective intervention. For example, [the Community Initiative to Reduce Violence \(CIRV\)](#) is a multi-agency initiative designed to reduce gang violence across Glasgow. The initiative is a focused deterrence strategy, modelled on world-recognised best practice. It works by encouraging better coordination and targeting of existing resources towards high-risk street gang members who do not traditionally engage *effectively with services*.
- c) The partnership involves police, health, education, social work, community safety, the voluntary sector and the local communities in East and North Glasgow. It aims to both prevent young people in gangs to get involved in violence, and also with young people whose violent behaviour has already led to police charges.
- d) CIRV straddles Prevention and Early and Effective Intervention. Much of the intervention comes from self referral, with the deterrence message that if any gang member is alleged to have committed further assault or murder the whole gang will be pursued, thus encouraging both the individual and the group to take responsibility for their behaviour. The initiative offers a wide range of interventions to help young people to deal with issues of addiction, abuse and alienation; increase their involvement in the local community and with education, employment and training. A range of methods are used, including mentoring, conflict awareness training, programmes delivered within primary and secondary schools and case conferences, as outlined in the [CIRV Progress Report, 2010](#)
- e) The evaluation strategy focuses on outcomes in respect of violence, health and lifestyle and to what extent the initiative has brought about behavioural change.

#### IV Early Intervention in respect of Transitions for 16 & 17 year olds

- i. Young people who have not previously been involved in the Children's Hearings System and who are convicted post 16 are however more likely to receive a custodial sentence by the age of 19 than their counterparts who were on supervision through the Children's Hearing System. Early and Effective Intervention focuses in the main on 16 and 17 year olds and some 15 year olds in terms of diversion from the criminal justice processes.
- ii. Overarching principles
  - a) The rights of children and young people
  - b) Most young people aged 16 and 17 who commit crimes are regarded as adults in terms of the relevant Scottish legislation dealing with structural responses to their offending behaviour. Depending on whether or not they are already on supervision through the Children's Hearing System and the seriousness of the offence will influence whether their offences are dealt within the Children's Hearings system or within the adult Criminal Justice system. There is however a tension between the latter approach, where young people are dealt with as adults, and the [UN Convention on the Rights of the Child](#) (UNCRC). The UNCRC directs that young people aged 16, 17 and sometimes 18 who offend should be managed within a welfare based system such as the Children's Hearings system.(see chapter 1). Scots law generally places them within the adult Criminal Justice system making very little allowance for their age or stage of maturity. This in turn has a bearing on the support and intervention available to the young person and the potential to reduce the offending behaviour and increase positive outcomes for the young person.
  - c) Under the ***United Nations Convention on the Rights of the Child*** a child is defined as a person of less than 18 years. (Hyperlink chapter 2)
  - d) Within the [Children \(Scotland\) Act \(1995\)](#) a child is:
    - Under 16 years (universal)
    - Up to 18 ( i.e. aged 16 or 17) if on supervision within the Children's Hearing System.
  - e) Within the [Criminal Procedure \(Scotland\) Act 1995](#) the definition of a "child" includes 16 and 17 year olds who are subject to a supervision requirement.
  - f) The importance of the UNCRC has been recognised by the European Court of Human Rights. The human rights of children and the standards to which all governments must aspire in realising these rights for all children are set out in the convention on the Rights of the Child (Sahin v Germany Chamber Judgement of the ECHR, July 8 2003) (hyperlink chapter 1).
  - g) There is therefore the potential for a young person under 18 dealt with by the adult Criminal Courts to claim that such a trial breached their right to a fair trial under [article 6 of the European Convention on Human Rights](#).
- iii. Best Practice under current Scottish legislation

Youth Justice social work managers and practitioners are signed up to the [Scottish Social Services Council's Code of Practice for Social Service Workers](#). Under this, managers and practitioners have a responsibility to protect the rights and to promote the interests of service users. They have a duty to ensure that they are aware of all relevant legislation in respect of young people who offend and to promote the use of any legislation which allows the offences of a 16 or 17 year old to be dealt with by the Children's Hearing System, so long as this is deemed to be in the young person's best interest and does not compromise public safety.

- iv. The following legislation and guidance has relevance to young people aged 16 and 17 who offend:  
[The Criminal Procedure \(Scotland\) Act 1995 section 49\(b\)](#) states that the court can refer a young person over the age of 16, but not within 6 months of their 18<sup>th</sup> birthday, to the Reporter to arrange a children's hearing for advice or disposal if the accused has pleaded guilty or been found guilty in a summary case. A court can only do this if a hearing has already advised that the case should be remitted back to the children's hearing.  
Where a young person is 16 or 17 and subject to a supervision requirement, the High court may and the Sherriff shall request the Reporter to arrange a children's hearing for the purpose of receiving advice.
- v. [The National Objectives for Social Work Services in the Criminal Justice System: Standards- General Issues \(2004\), chapter 9, section 132](#), states that under existing legislation, in respect of young people not within 6 months of attaining 18, the court can refer the case to the Reporter for advice on disposal i.e. disposal could be dealt with at a Children's Hearing. This applies to all 16 and 17 year olds, including those not subject to a supervision requirement through the children's hearing and who are not within 6 months of their 18<sup>th</sup> birthday. Certain offences are statutorily excluded.
- vi. **Good practice** - Best practice would suggest that social work advocate on the young person's behalf to the procurator fiscal in terms of consideration of sentencing options, where the youth justice social worker's assessment is that the 16 or 17 year old young person's needs, including resources or programmes to address his/her offending behaviour, would be most effectively met through disposal within the Children's Hearings System,
- vii. [The Lord Advocates Guidelines to Chief Constables Reporting to Procurators Fiscal of Offences Alleged to have been Committed by Children](#), revised in 2010 revises the categories of offences for which children and young people, including those aged 16 and over, on supervision orders require to be reported jointly to the Reporter and Procurator Fiscal.
- viii. [The Joint Agreement in relation to the Cases of Children jointly reported to the Procurator Fiscal and Children's Reporter \(2010\)](#) sets out the scope, timescales and criteria for sharing information between COPFS and the Reporter to the Children's Hearing. The purpose of the agreement is to ensure that appropriate support, information-exchange and consistent decision-making are in place for young people who have been charged with an offence.
- ix. A child is defined as being either under 16 years, or over the age of 16 but who has not attained 18 years, and in respect of whom a supervision requirement is in force. The agreement details the information which the Reporter is required to provide to the Procurator Fiscal to assist his decision making in respect of prosecution or referral back to the Reporter.

- x. For children over the age of 16 the presumption is that the Procurator Fiscal will deal with the offence. In taking a decision not to prosecute the Procurator Fiscal should take into account the gravity of the offence and frequency of the offending. He/she should also consider the presence of any significant health or developmental issues such as ADHD or learning difficulties that may indicate that the young person's needs and behaviour are better addressed within the Children's Hearings System. (CSA 1995, Section 22).
- xi. **Good practice.** Although the information supplied by the Reporter includes contact details of the young person's social worker and details of services and programmes currently in place, good practice would suggest that the allocated social worker is proactive in contacting the Procurator Fiscal in order to offer his/her own assessment of the child's needs particularly in respect of 16 and 17 year olds on supervision in order to inform the Procurator Fiscal's decision making.
- xii. Young People who were on supervision at their school leaving date (referred to as care leavers) are eligible for Throughcare and Aftercare as set out in the [Children's \(Scotland\) Act 1995](#) and [Supporting Young People in Scotland Leaving Care Regulations and Guidance 2004](#). The local authority has a duty to provide advice, guidance and assistance to young people who were previously looked after and accommodated up to age 19 unless they are satisfied that their welfare does not require this. The local authority has a responsibility to consider providing support up to the age of 21 if requested by the young person. Support may therefore continue until 21 or 25 if the young person requires this to complete an education or training course.
- xiii. Many care leavers are vulnerable in respect of mental health; alcohol and substance use; relationship difficulties; and can be isolated when they leave residential or foster care. As a result they can drift towards anti social peer groups even when they have thrived in foster or residential care.
- xiv. Best practice in respect of youth justice and care leavers is outlined in section 4
- xv. The Purpose of Early Intervention
  - a) Early intervention in respect of 16 and 17 year olds in transition focuses on good practice which diverts young people away from the formal adult criminal justice system. Research suggests that prosecution in an adult court is more likely to lock young people in a cycle of offending for many years, whereas they could be more effectively dealt with in the community leading to a lower rate of recidivism. (It is nevertheless accepted that there are a small number of young people whose alleged offences may be so serious that public safety issues override any consideration of early intervention).
  - b) Early intervention within this context should encompass both young people who have been previously been referred to the Children's Hearing System on offence grounds, and/or may already be subject to a supervision requirement; and other 16 and 17 year olds reported to the Procurator Fiscal who were not previously referred to the Reporter.
- xvi. Messages from literature
  - a) There is evidence to indicate that young people who become involved in the adult criminal justice system at an early age are more likely to be repeatedly involved in criminal justice services than offenders who are first sentenced at an older age.

- b) **McAra and McVie (2007)** indicate that 12% of young people in the Edinburgh Transitions sample convicted of offences by age 19 had received custodial sentences. Of these a large number had been previously involved in the Children's Hearings System and had a high level of needs at the point of transition. A disproportionate number were placed in custody by age 19 compared to young people convicted post 16 with no history of involvement in the Children's Hearings System. National recidivism rates for short custodial sentences for young people are on average 75%.
- c) Almost 60% of the Edinburgh cohort convicted by age 19 had a history of involvement with the Children's Hearings System at some stage in their lives.
- d) **McAra and McVie (2010)** also identify a "late onset" group of young people who are first charged with offences at age 15/16, having had no previous offence referrals to the Reporter. This represents over 40% of those in the sample who were convicted by age 19. At age 12, these young people evidenced few concerns from police and within education, were from more stable homes and neighbourhoods. However poor parental supervision, truancy and school exclusion became a feature of this group at age 15.
- xvii. This demonstrates the need to identify best practice in terms of multi agency prevention services to 13,14 and 15 year olds (see Prevention chapter 5) to reduce the likelihood of young people first becoming involved in offending around their 16<sup>th</sup> birthday. It also highlights the need for all agencies to be familiar with and use available legislation and practice models to ensure that young people's offending and welfare needs can be addressed within the Children's Hearings System and children's services at an early stage.
- xviii. The focus of early intervention practice for 16 and 17 year olds is therefore within a range of contexts:
- Young people on supervision for offence grounds leading up to or after their 16<sup>th</sup> birthday.
  - Accommodated young people on supervision at their 16<sup>th</sup> birthday where there are vulnerabilities which may increase the likelihood of them becoming involved in offending as care leavers.
  - Young people on supervision for non offence grounds leading up to or after their 16<sup>th</sup> birthday.
  - Young people not known to social work who present risk factors such as family relationship difficulties, lack of parental supervision, truancy, exclusion at age 14/15.
- xix. The diversionary work as described in Section 2 Resources section has relevance for all the above.
- xx. The first three groups are, or potentially could be in transition from the Children's Hearing System to Adult Criminal Justice Systems. It is important that they remain on supervision, where they will generally be jointly reported to the Reporter and the Procurator Fiscal, increasing the possibility that services will be offered in the context of the Children's Hearing System.

xxi. Community Planning partners could have an important role in prevention by considering how best communities and professionals engage with and support the young people within the fourth group and their families, some of whom will develop into “late onset” offenders, and will be referred directly to the Prosecutor Fiscal.

xxii. Policy Perspective

- a) The current administration and their partners are working to reduce reoffending by young people under the age of 18 through the [Young People Who Offend Project](#) of the Reducing Reoffending workstream and the [Whole Systems Approach](#). This also links to Scottish Prison Service policy. The Preventing Offending: A Framework for Action (2008) applies also to young people in transition (hyperlink section 2; html).
- b) The Young People Who Offend project is reviewing the current systems, processes and practices in place for dealing with the offending behaviour of young people under the age of 18 who are dealt with in the courts or are presenting a risk of serious harm to themselves or their communities. It is seeking to reduce the number of young people entering the adult criminal justice system.
- c) Current policy acknowledges the evidence that failing to provide effective support to 16 and 17 year olds locks them into a cycle of reoffending and may result in repeated imprisonment and that short custodial sentences provide limited opportunities for young people to engage in behavioural change or education programmes that can significantly reduce reoffending. One of the project’s aims is to ensure the availability and support the utilisation of diversion schemes as an alternative to prosecution. The Young People Who Offend project is also considering alternatives to secure care and custody
- d) [An Advisory Group on Youth Crime \(2008\)](#), made a number of key recommendations in respect of 16 and 17 year olds who offend. These included an expansion of all diversion schemes to 16 and 17 year olds, and an expansion of bail information and supervision schemes for 16 and 17 year olds.
- e) The Report identified the need to have a better balance between welfare and justice systems of dealing with offending by 16 and 17 year olds and recommended that the Justice System:
- f) Divert as many as possible of those involved in **minor** offences out of the system altogether, and
- g) Delay as long as possible the entry of the more persistent minor offenders into the adult system.
- h) This approach suggests that 16 and 17 year old offenders should be dealt within a strengthened Hearings system and given access to a wider repertoire of services”
- i) The report suggested a bridging pilot whereby the majority of 16 and 17 year olds are fast tracked by the Police to the Procurator Fiscal; that the Procurator Fiscal, taking full account of public interest and public safety would refer as many young people as possible back to the Reporter, and that as many young people as possible would be dealt with within the community.
- j) This recommendation was not taken forward. However, the report also recommended arrangements at local level to co-ordinate action on a multi-agency basis to address the needs and deeds of young offenders.

xxiii. Whole Systems Approach

- a) Scottish Government policy of multi agency Early and Effective Intervention processes and groups has expanded to include 16 and 17 year olds charged with an offence. Known as the Whole System Approach the multi agency EEI group membership incorporates a representative

from the Procurator Fiscal Service. . His/her decision as to whether or not to refer back to the Reporter, to use diversion or to prosecute is based on a multi agency assessment, made within days of the young person being charged.

- b) The Whole Systems Approach was piloted in Aberdeen in May 2010 with a significant increase in the percentage of cases considered appropriate for diversion. It is now being rolled out across other local authorities enabling an early and effective intervention approach to be taken with 16 and 17 year olds who offend.

xxiv. Transition from Children's Hearing system to Criminal Justice system.

- a) Many looked after young people have their supervision orders terminated just before or soon after their sixteenth birthday. Although many young people are keen to become independent of adults, including social workers, at this stage of their development, social workers need to consider what is in the best interests of the young person they are working with. Young people may remain subject to a supervision requirement until their eighteenth birthday in order that their welfare needs may be addressed. A young person's offending is not always to be considered as a welfare concern, and the commission of offences - deeds - becomes separated from the young person's needs once he or she becomes 16, despite the fact that they are linked.
- b) Termination of the supervision order may be regarded as one way of assisting a young person to move towards independence. It is however essential that the social work practitioner considering a recommendation of termination takes into account whether the young person is currently involved in offending or anti social behaviour and if it is likely that he or she may become involved in such behaviour in the foreseeable future and may benefit from services available through the Children's Hearing System.
- c) **Practice Example.** In Edinburgh City Council it is normal practice for an updated Asset assessment of need and risk to be completed by social work youth justice practitioners on all young people subject to supervision requirements on offence grounds prior to making a recommendation that the supervision order should be terminated.
- d) For many young people a key factor in respect of maturation and desistance from offending is their involvement in employment or training. Assessment around termination of supervision orders at 16 should consider whether further support in respect of employment and training, which could reduce the chances of a young person becoming involved in the criminal justice system at an early stage. The local authority's duty as corporate parent towards all looked after young people, and particularly those in residential or foster care, is crucial in respect of avoiding early termination of supervision requirements. Accommodated young people are at particular risk of early involvement in the criminal justice system. Other key risk factors at this stage include truancy, exclusion, negative peer group/gang involvement and substance use.
- e) In the wider population, 16 and 17 year olds are still very dependent on their families for support and generally speaking remain home based until well into their twenties. In many respects, they are not full citizens until 18. In most other European countries they would legally still be considered minors.
- f) Within some Scottish local authority areas, youth justice teams work with young people aged 16 and 17 regardless of whether they are being dealt with by the Children's Hearing or Criminal Justice systems. A 16 year old on supervision for offence grounds and a 16 year old serving a probation order will have the same or similar developmental needs requiring a seamless approach which is better managed within one team able to welfare needs as well as deeds through a Risks, Needs and Responsivity approach (RNR) as outlined in chapter 3

- g) However the reality is that many 16 and 17 year olds prosecuted within the criminal justice system are managed by adult criminal justice workers, even when a young person may also be a care leaver for whom the local authority has a duty of care under the Children (Scotland) Act (1995). This duty includes ensuring that a **Pathways Plan** is in place and is regularly reviewed. (see chapter 1). Where a 16 or 17 year old care leaver is on probation to an Adult Criminal Justice social worker, the Children and Families' social worker may recommend termination of supervision even if this may not be in the young person's best interests in terms of their welfare needs. Unless the care leaver remains allocated within a Children and Families team, the corporate duty of care, including Throughcare and Aftercare duties such as Pathways Planning and Reviewing, would have to be undertaken within an Adult Criminal Justice Team.
- h) There is no evidence to suggest that the majority of young people on probation orders have better outcomes than those subject to supervision requirements. They are more likely to breach their probation order, immaturity being a key factor in their difficulty in meeting the demands of the order. The groupwork interventions available within adult criminal justice teams are generally neither aimed at nor accredited for under 18 year olds. Young people involved in the criminal justice system at an early age are more likely to end up being sentenced to a series of remands and short sentences, with very poor outcomes. Young people on probation allocated within youth justice teams are more likely to have access to age appropriate accredited programmes to address their offending behaviour, as well as their welfare needs being addressed within a children and families context.
- i) Good practice guidance in respect of Early Intervention with 16 and 17 year olds suggests that:
- j) Social Work practitioners, their managers and children's panel members consider seriously the implications of terminating supervision orders in terms of outcomes for the young person.
- k) Social Work managers consider whether outcomes for 16 and 17 year olds subject to criminal justice processes will be improved if they are managed within Children and Families Youth Justice teams.
- l) Sheriffs when sentencing 16 and 17 year olds should consider whether the resources required to address the young person's offending could be more effectively provided by remitting the case back to the Reporter.

xxv. **Diversion from Prosecution**

- a) The national Diversion from Prosecution scheme, rolled out in 2000/2001, applies to offenders of all ages; 16 and 17 year olds are one of the target groups. The approach is designed to prevent a person, who has committed a relatively minor crime and does not represent a significant risk of harm to the public, from being prematurely up-tariffed through the Criminal Justice System. Diversion is a 'direct measure' as an alternative to prosecution, available to the Procurator Fiscal in all areas where there are diversion schemes. Procurators Fiscal are responsible for identifying which of the accused reported to them by the police are potentially suitable for diversion into social work interventions. Procurators anticipate this will have more beneficial impact on future offending behaviour than a prosecution.
- b) In relation to young people diversion can be a particularly useful intervention with positive outcomes in respect of reoffending. Most current youth justice diversion schemes adopt a deferred prosecution model and prosecution is suspended until the young person has successfully completed the diversion programme. An agency such as social work, addiction services or restorative justice manages the diversion programme. Normally a young person on diversion is involved in individual and /or groupwork

- sessions which cover a range of areas such as offending behaviour, alcohol and drug use, social skills, education, employment and training and problem solving. A report on progress would be required by the Procurator Fiscal after 3 months.
- c) Diversion may be considered early intervention, but it should not be considered a replacement for police warnings or other kinds of direct measures such as Procurator Fiscal warnings, compensation offers or Procurator Fiscal fines. There is a danger of net widening if diversion is used where other direct measures would be less intrusive and equally or more effective.
  - d) The experience of the well established Youth Justice Diversion from Prosecution scheme in Dumfries and Galloway suggests that careful preparation, close links between the local authority Youth Justice Service and the Procurator Fiscal, and good background information from the police can result in positive outcomes. Between May and August 2010, 80 young people were diverted in Dumfries and Galloway; only 5 have reoffended. The current Diversion from Prosecution pilot in Ayrshire is based on the Dumfries and Galloway model of diverting young people to a 6 week social work programme of work.
  - e) Nationally the use of diversion from prosecution has halved since 2005, the reasons for which are unclear. Greater use of good youth justice diversion from prosecution schemes would reduce the volume of court reports and probation orders; and promote positive outcomes for young people committing low level offences; but also in certain circumstances, more serious offences can be addressed by offering programmes which address offence and welfare needs in a time frame much closer to the date when the offence was committed.
  - f) A national [Toolkit for Diversion from Prosecution](#) has been devised by the Crown Office and Procurator Fiscal Service (COPFS), Local Authorities, the police and the third sector, which will offer detailed guidance on establishing and maintaining a youth justice diversion scheme.

xxvi. Resources

- a) It is essential that young people aged 16 and 17 who are on supervision and those who are diverted from prosecution receive the necessary support and services to promote employability skills and develop the confidence, self respect and motivation to succeed in adult life. Practitioners should support young people to become involved in projects and services that may divert them from further offending and the criminal justice system. This is relevant both for young people aged 16 and 17 leaving secure accommodation, including girls who may have been placed there primarily for welfare reasons, and for those on supervision.
- b) [The Time to Change project](#) is a Scottish government pilot in partnership with [Up-2-Us](#) to help high risk and extremely vulnerable girls aged 15-18 learn to live safely in the community and avoid long-term careers in the criminal justice system. This process includes working with the young women to achieve early discharge from secure accommodation and assist with the transition from secure accommodation or prison to life within the community. The progress is being evaluated in association with University of Glasgow.
- c) The [Princes Trust](#), [Venture Scotland](#), [Venture Trust](#) and [Fairbridge Scotland](#) offer a range of opportunities to assist young people to get out of the cycle of offending and support them into training or employment.

- d) Opportunities offered by the [Learning 16+ strategy](#) and [More Choices More Chances](#) (hyperlink Prevention chapter 5) can offer early intervention support to 16 and 17 year olds.

## APPENDIX 1

### BACKGROUND POLICY AND LEGISLATION

#### Early Intervention - Scotland between 1964 and the late 1990s

One of the main recommendations of the 1964 [Kilbrandon Report](#), which formed the basis of the **Children's Hearings System** in Scotland, was the value placed on **early intervention** to prevent the development of future problems. Kilbrandon saw the problems of children and young people involved in offending and those who were in need of care and protection as stemming from the same source of failures in upbringing or social malaise, and advocated **early and minimal intervention** based on a social educational model of care involving generic social work. It draws attention to the importance of avoiding stigmatising children. The linking of the child welfare and juvenile offending approaches within one legal system reflects this at a time when the creation of the **Children's Hearings System** was a response to juvenile offending, with the majority of referrals being offence based rather than care and protection referrals.

The welfare approach to youth justice in principle continues in Scotland today although Kilbrandon's social education model has been replaced by the welfare focused paradigm of the [Getting it right for every child \(GIRFEC\) programme](#)

From the late 1990's youth justice practice developed a distinct approach, incorporating the evidence based What Works? agenda, with use of targeted interventions based principles of risk, need and responsibility, on risk assessment and the risk factor paradigm, as outlined in more depth in Chapters 2 and 3 ([hyperlinks](#)) similar to that used within youth offending teams in England and Wales.

#### Early Intervention in Scotland from 2000 - 2007

Early Intervention since 2000 has essentially been influenced by two developments, the Scottish legislative amendments to the [Children \(Scotland\) Act \(1995\)](#) in 2004 and the development of the risk factor paradigm.

[Scotland's Action Programme to Reduce Crime, 2002](#) included Effective Early Intervention and Prevention as an opportunity to address the underlying problems of children and young people who offend at an earlier stage. Its recommendations included the establishment of multi agency teams in all local authorities to consider all youth crime issues, covering preventive measures as well as rehabilitation programmes and initiatives.

The [Anti Social Behaviour legislation introduced in Scotland in 2004](#) introduced a second system of Early Intervention with children and young people considered to be involved in anti social behaviour as outlined in Chapter 1. It introduced new local authority services designed to intervene early with young people involved in often low level offending, and brought to the fore the interface between the needs of children and young people and those of the communities in which they live. The emphasis on promoting safer neighbourhoods which underpins these amendments contrasts with the overarching principles of the **Children (Scotland) Act (1995)** itself and with those of the **Children's Hearings System**.

This has given rise to concerns that the youth justice system over the last 10 -12 years had become less welfare oriented. Burman et al (2006)<sup>1</sup> contrasted the welfare ethos of the **Kilbrandon Report** with the raft of new youth justice orders introduced in 2004 and concluded that a more punitive youth justice system in Scotland had developed which was no longer weighted towards welfare and early intervention.

The [Audit Scotland report, 2007](#) noted the need for Prevention and Diversion to reduce the levels of offending and improving the life chances of young people. It also acknowledged the tensions between the ASBO/community safety approach and a welfare approach which places children and the centre of decision making. This issue continues to challenge Early Intervention practice today.

### **Early Intervention Policy in Scotland since 2007**

The ***Getting it right for every child*** (GIRFEC) programme which has been developed since 2006 emphasises the ethos of Kilbrandon within current youth justice policy. It draws on the themes that intervention should be appropriate, proportionate and timely. Priorities include

- acting early on concerns or in response to a crisis to prevent escalation or deterioration,
- recognising children and family pressures, building on strengths,
- promoting the child's resilience.
- Children's plans and activities should be linked to outcomes.

[Preventing Offending by Young People; a Framework for Action \(2008\)](#) emphasises that continuum of support from universal provision through to specialist targeted provision most effectively meets the needs of children, young people and families at different ages and stages across the life course.

The Framework highlights the importance of universal early intervention 'pick up' mechanisms. Equal weighting is given to Early and Effective Intervention as to the other three themes of Prevention, Managing High Risk and Victims and Community Confidence.

Current policy emphasises the need for a multi agency **early and effective** response to problematic behaviour based on an appropriate assessment of the individual's circumstances.

A [Multi Agency Early and Effective Intervention Implementation Guidance \(2009\)](#) presents practice guidance to professionals from all agencies who work with children who are beginning to offend or whose problematic behaviour is resulting in processes which indicate that they may be at significant risk of becoming involved in offending. It presents a multi agency implementation model to assess the needs of children and young people who start to offend and divert them away from statutory measures of care through decisions that enhance the wellbeing of the child or young person rather than increasing the risk of future offending.

Early and Effective Intervention emphasises the use of multi-agency processes within a GIRFEC context which reduce the number of offence referrals to the Children's Reporter resulting in no further action. It emphasises the multi agency role of services, in taking responsibility for early intervention diversionary action plans.

A full account of multi agency early and effective processes and practice is found in Section 2 of this chapter

### **Early Intervention in England and Wales**

There are significant differences in respect of early intervention and youth offending systems in England and Wales from that in Scotland. Early intervention is firmly placed within the Criminal Justice legislative framework south of the border. For instance non compliance with an early intervention process is formally recorded on the young person's criminal record. The legislative basis for early intervention and how it is delivered should be considered when reading critiques of early intervention practice in youth offending.

## BIBLIOGRAPHY

Anderton, P. (2007) *The Tipping Points: What Professionals Should Recognise as the Social Impact of ADHD*

Barry, M. and McNeil, F. Eds (2009) *Youth Offending and Youth Justice*: Jessica Kingsley Publishers

Bishop, D. (2008) 'An Examination of the links between Autistic Spectrum Disorder and Offending Behaviour in Young People', *Internet Journal of Criminology*  
<http://www.internetjournalofcriminology.com/Bishop%20-%20Autistic%20Spectrum%20Disorders%20and%20Offending%20Behaviour%20in%20Young%20People.pdf>

Blazek M., Brown D. M., Smith F.M, van Blerk L. (2011) *Plusone mentoring*, Scottish Institute for Policing Research, University of Dundee [http://www.sipr.ac.uk/downloads/plusone\\_evaluation.pdf](http://www.sipr.ac.uk/downloads/plusone_evaluation.pdf)

Blyth, M. and Solomon, E. (eds) (2009) *Prevention and Youth Crime, Is Early Intervention Working?* Bristol: The Policy Press

Boyd S and Clark H, The Communication Trust: Every Child Understood. Sentencing,

Case, S. (2006) 'Young People 'At Risk' of What? Challenging Risk-focused Early Intervention as Crime Prevention', *Youth Justice*, Dec 2006, 6:3

Crown and Procurator Fiscal Service (2010), *Joint agreement in relation to the cases of children jointly reported to the Procurator Fiscal and Children's Reporter*

Crown and Procurator Fiscal's Service (2010), *Lord Advocate Guidelines - Offences committed by children*

Darker, I. (2008) 'An Analysis of Offending by Young People Looked After by Local Authorities', *Youth Justice*, August 2008 8: 134-148, Sage Publications

Dumfries and Galloway Council (2007), *Someone To Talk To Up-Date report*, Mentoring Service, Youth Justice team, Dumfries and Galloway Council

Farmer, R.L. (2009): *Neuroscience and Social Work Practice: The Missing Link* Thousand Oaks, CA: Sage, 2009.

Ford, J., Chapman, J F., Hawke, J and Albert, D. (2007) *Trauma among youth in the juvenile justice system: critical issues and new directions*. National Center for Mental Health and Juvenile Justice Research Brief, Department of Health and Human Services.

France, A. Freiberg, K. and Homel, R. (2010) 'Beyond Risk Factors: Towards a Holistic Prevention Paradigm for Children and Young People', *British Journal of Social Work*

Fraser, A., Burman, M., Batchelor, S. and McVie, S. (2010), *Youth Violence in Scotland Literature Review*, The Scottish Centre for Crime and Justice Research.  
<http://www.scotland.gov.uk/Publications/2010/10/07105517/0>

Gilligan, R. (1997) 'Beyond Permanence? The importance of resilience in child placement practice and planning', *Adoption and Fostering*, 21, 1, 12-20.

Hassett, A. (2009) *Presentation: Adolescent Brain Development, What does it mean for Families and Working with Families?* South East Primary Mental Health Workers Conference in Brighton on 5th November 2009. CAMHS Practice Improvement Programme, Canterbury Christchurch University

Herrenkohl, T. I., Maguin, E., Hill, K. G., Hawkins, J. D., Abbott, R. D., & Catalano, R. F. (2000). Developmental risk factors for youth violence. *Journal of Adolescent Health*, 26, 176-186.

Her Majesty's Government(2008), Youth Crime Action Plan 2008  
<http://www.justice.gov.uk/publications/docs/youth-crime-action-plan.pdf>

Holden et al, (1998) in Calder M, (2004), *Children Living with Domestic Violence, towards a Framework for Intervention*, Dorset: Russell House Publishing.

Howlin, P. (2004) *Autism and Asperger Syndrome: Preparing for Adulthood, 2nd Edition*, Routledge: Oxon.

Howe, D., Brandon, M., Hinings, D. and Schofield, G. (1999) *Attachment Theory, Child Maltreatment and Family Support, a Practice and Assessment Model*: Basingstoke: Palgrave

Jolliffe, D. and Farrington, D. P. (2007) *A Rapid Evidence Assessment of Mentoring*. Research Study. London: Home Office

Lipsey, M and Derzon, J. (1998) 'Predictors of violent or serious delinquency in adolescence and early adulthood: a synthesis of longitudinal research', in R. Loeber and D. Farrington (eds) *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, Thousand Oaks, CA: Sage Publications

Maruna, S. (2001) *Making Good*, Washington, DC: American Psychological Association

McAra, L. and McVie, S. (2007) Youth Justice? The Impact of Systems Contact on Patterns of Desistance from Offending, *European Journal of Criminology*

McAra, L. and McVie, S. (2010) *Youth Crime and Justice: Key Messages from the Edinburgh Study of Youth Transitions and Crime*, [\*Criminology and Criminal Justice\*, 10\(2\), 179-209.](#)

Mcgarrell, E. (2001) 'Restorative Justice Conferences as an Early Response to Young Offenders', in B Whyte *Young and Persistent: Recent Developments in Youth Justice Policy and Practice in Scotland* Youth Justice August 2003 3: 74-85, Sage Publications.

Moffit, T. (1993) 'Life-course-persistent and adolescent-limited anti-social behaviour: a developmental taxonomy', *Psychological Review*, Vol 100, Ch 4, pp674-701

Oggers (2007) Predication of Differential Adult Health Burden by Conduct Problems by Subtypes in Males; *Archives of General psychiatry*

Panko, T, (2005), Pathways from Childhood Conduct Problems to Adult Criminality

<http://www.personalityresearch.org/favicon.ico>

Paul, S. (2008), 'Reducing Offending in Residential Child Care', *Scottish Institute for Residential Child Care (SIRCC) Practice Paper in Residence no. 9*

[www.sircc.org.uk](http://www.sircc.org.uk)

Perry, B.D. (2002), 'Childhood Experience and the Expression of Genetic Potential: What Childhood Neglect Tells us about Nature and Nurture' in *Brain and Mind 3: 79-100*, Kluwer Publications, Netherlands

Schur, E. (1973) *Radical Non-Intervention: Rethinking the Delinquency Problem*: Englewood Cliffs, NJ: Prentice-Hall  
Scottish Executive (2002), Scotland's Action programme to reduce Youth Crime.

Scottish Children's Reporters Administration (2007), *Children Referred to the Reporter with Low Level Offending*, SCRA Information and Research Team, November 2007.

Scottish Executive (2002), *Scotland's Action programme to Reduce Youth Crime*, Edinburgh: Scottish Executive

Scottish Executive (2007) *Report on Advisory Group of Youth Crime*, Edinburgh: Scottish Executive

Scottish Executive (2007), *Dealing with Offending by Young People, performance update*, Edinburgh: Scottish Executive

Scottish Government (2004), [\*\*The National Objectives for Social Work Services in the Criminal Justice System: Standards- General Issues \(2004\), chapter 9, section 132\*\*](#), Edinburgh: Scottish Government

Scottish Government (2008), *Preventing Offending by Young People: a Framework for Action* Edinburgh: Scottish Government

Scottish Government (2009), *Multi-Agency Early and Effective Intervention Implementation Guidance and Evaluation*. Edinburgh: Scottish Government

Scottish Government (2011), *Diversion from Prosecution Toolkit-Diverting Young People from Prosecution, Young People Who Offend: Managing High Risk and Transitions* Edinburgh: Scottish Government

Scottish Government, *Getting It Right for Every Child Publications* Edinburgh: Scottish Government

Social Work Inspection Agency, (2005) *Review of the management arrangements of Colyn Evans by Fife Constabulary and Fife Council*, Social Work Inspection Agency/HM Inspectorate of Constabulary. Edinburgh: Scottish Executive

[http://www.scswis.com/index.php?option=com\\_docman&task=cat\\_view&gid=310&Itemid=703](http://www.scswis.com/index.php?option=com_docman&task=cat_view&gid=310&Itemid=703)

Schur, E. (1973) *Radical Non-Intervention: Rethinking the Delinquency Problem*: Englewood Cliffs, NJ: Prentice-Hall

Sheldon, R. G. (2004), *Resurrecting Radical Non Intervention: Stop the War on Kids*, Center on Juvenile and Criminal Justice University of Nevada, Las Vegas <http://www.cjcj.org/files/radical.pdf>

Sherman, L. and Strang, H. (2007) *Restorative Justice: The Evidence*. London: The Smith Institute

Smith, D. (2004) *Parenting and Delinquency at ages 12 to 15*, The Edinburgh Study of Youth Transitions and Crime, Research Digest no 3. ([www.law.ed.ac.uk/cls/esytc/findings/digest3.pdf](http://www.law.ed.ac.uk/cls/esytc/findings/digest3.pdf))

Smith, D. (2006) *School Experience and Delinquency at ages 13-16*, The Edinburgh Study of Youth Transitions and Crime, Research Digest no 13 ([www.law.ed.ac.uk/cls/esytc/findings/digest13.pdf](http://www.law.ed.ac.uk/cls/esytc/findings/digest13.pdf))

Strathclyde Police; Violence Reduction Unit(2010), Community Initiative to Reduce Violence, Third Quarter Progress Report, May 2010  
<http://www.actiononviolence.org.uk/sites/default/files/documents/CIRV%20Third%20Quarter%20Report%20May%202010.pdf>

Trotter, C. (1999) *Working with Involuntary Clients: A guide to practice*, Sage: London, Thousand Oaks and New Delhi

Walker, M. (2005) *The Statutory Social Worker's Role in Prevention and Early Intervention with Children*, 21st Century Social Work. Edinburgh: Scottish Executive.

Western Isles Report, (2005) *an inspection into the care and protection of children in Eilean Siar*: Social Work Inspection Agency, Edinburgh: Scottish Executive. [SCSWIS - Downloads | Inspections | Social Work Inspection Agency archive publications | Archived Publications](#)

Whyte, B. (2008). *Youth Justice in Practice, Making a Difference*. Bristol: Policy Press