

Conference Of Youth Justice

24th January 2005 – Dynamic Earth, Holy
rood, Edinburgh.



Copyright © 2006 Scottish Association of Children's
Panels (SACP).
All Rights Reserved

The conference was held in the Stratosphere of the Dynamic Earth Building in Holyrood Road, opposite the new Scottish Parliament building. It was very ably chaired by Brian Taylor, Political Editor, BBC Scotland.

The day was divided into four sessions, broken by refreshments or lunch, with four speakers in each of the first three sessions, followed by time for questions, and electronic audience response to set questions.

First to speak was COLIN MacLEAN, Head of Children, Young People & Social Care Group, SEED, whose topic was the 'Policy Background'. Apparently ministers know that the majority of young people do not offend. They want to develop stronger, safer communities, but youth crime can blight these and drags not only communities down, but especially drags down the young people involved.

Ministers want to support these young people to change their behaviour and attitude, and have developed a strategy to do this, setting a target of a 10% reduction by 2003-06.

1) Reducing Offending: an extension for six months of the Fast Track Hearings pilot to address this, while an evaluation is being made.

2) Implementing National Standards: - to be done by 2006. SCRA website publishes quarterly data

3) Intervention and Prevention: The total volume of programmes available should be in line with the number of young people offending, but these programmes are only right if the offending goes down. However much money is put in, there are a finite number of people capable of delivering such programmes. Must ask 'is it cost effective in reducing re-offending?'

Complementary are the programmes of preventative work – ministers give this a high priority.

4) Anti-social Behaviour Act: Gives intensive support and monitoring. Dialogue after the legislation helps us work with the Act, which lots of us disagreed with. He thought 'tagging' would be a useful tool for Hearings, but was only to be used as an alternative to 'secure', and as part of a 'package'. Where electronic monitoring was recommended, ministers expect it to be implemented.

ASBOs – a last resort when the young person fails to comply. A hearing can force its decision to be adhered to – the Local Authority is required to perform this duty.

5) Support Hearings: The review showed support for the system, but there are concerns about its implementation. Ministers are looking at Hearings in conjunction with other supports for children.

6) Modernising Secure Estate: There are to be an additional 29 places. The quality is to be improved, and support put in place to prevent young people coming back into secure.

7) Leadership /Working Together: There are a range of issues to be addressed here.

Organisations need to collaborate on;

Decision-making; Planning:Accountability : Staff Support:Resources:Focuson Outcomes.

There should be local solutions for local problems. The co-operative approach gives better outcomes for Young People.

All this provides a significant challenge. Ministers are providing the framework, tools and resources to lead to improved outcomes.

DAVID SMITH, Professor of Criminology, Edinburgh University spoke on the 'Causes of Youth Crime and Trends'. Trends in recorded crime come from 4 sources:

a) as recorded by the Police,

b) as in the Scottish Crime Survey,

c) in perceptions of crime, and

d) the number of young people

being processed by the Youth Justice System. Crime fell in 1992 – 99, then there was a 4% increase in 1999 - 2003. The total picture of police recorded crime is down, but recorded violent crime went up as a percentage of the total. Minor property crime went up between 1999 – 2003, but housebreaking and vehicle theft went down. Fear of crime went down from 44 to 28% in 2000, with perceived problems about young people hanging about in groups down from 59 to 40%.

Perceived worry about being a victim of crime also went down.

Referrals and convictions of Young People:

- a) Offence referrals stable between 1988 – 2001
- b) Convictions of 16 – 17 year olds went down
- c) offence referrals to the Reporter stayed almost the same, while the conviction of children under 16 went down.

Crime peaks at age 18, the risk factors being impulsivity, criminal family, family deprivation, neighbourhood deprivation, early parenting, moral beliefs.

Risk factors for offending: being a victim of crime; having delinquent friends; lifestyle of hanging about in pubs, clubs etc.

Moffitt's Theory of Offender Types:

- 1) Life Course offenders - starts early and continues
- 2) Adolescence – limited offending; - this is normal – it is part of growing up

The best training can change young people's behaviour, but actual systems do not deliver the best programmes promptly to the young people. Arrest can increase the chance of re-offending, but overall, Juvenile Justice has little or no effect on behaviour.

There is a demand from the public for intervention to be seen to be punitive – this is harmful to the people punished. Likely success in changing the young people is unlikely to be improved by the programmes presently in place. We can't be optimistic, but have to keep trying. !!!!

BARONESS VIVIENNE STERN CBE, Convener, Scottish Consortium on Crime & Criminal Justice.

Vivienne Stern really woke us up with her direct delivery on 'The Best Interest of the Child: Locking Up Children – An International Perspective'

The US has 4.6% of the world's population and 23% of the world's prisoners

Canada has 0.5% of the world's population and 4/10 of 1% of the world's prisoners.

The message is "Beware of the influence of the big neighbour to the south!"

She said she is bewildered by the Government's insistence on pursuing policies that contravene all sorts of Human Rights Conventions etc., eg private secure institutions for children convicted by Youth Courts, which are provided by companies that provide security guards, not education or child care expertise. Presumably 'bad children' need places of punishment!

In 2002 the UK was criticised for contravening the Rights of the Child – children aged 12 – 14 were deprived of their liberty, in bad conditions, places of detention etc. The Government's attitude is that 'children in custody are not just children' – and they declined to respond to the criticism.

In April 2003 another child died in custody. Children are strip-searched, and restrained to be undressed when they object. Too many are dying in custody – we should be shouting about it! ASBOs – an 11-year old in Yorkshire. This child has a huge range of problems. From the age of 6 he was a fire-raiser, but nothing was done. Now he might get a place in a residential unit! Young People 'simply existing' is a major concern. She ended with a plea to 'Treasure the Hearing System'

After the first break the next speaker was BERNADETTE MONAGHAN, Director, APEX Scotland, who work to improve the employability of offenders, ex-offenders and young people at risk. She started by asking why, if crime rates have fallen and offences are stable, are we becoming less tolerant to young people?

We seem to expect young people to have sorted themselves out by age 16, before they are abandoned to the Courts. Literacy and Numeracy (or rather, lack of them) can be a severe handicap. Without these basic skills, young people cannot participate – yet they are still slipping through the net.

Of the young people at risk that APEX worked with last year, looking at their employability needs, 50% went on to training, education or jobs.

Part of addressing offending behaviour is to look at the wider range of issues in a young person's life. If they have the structure of a job, there is less chance of them being able to offend.

NCH and APEX projects are far more cost-effective than the massive amounts of money that Audit Scotland shows are being spent on the 1200 hard core persistent offenders.

Venture Trust runs a programme for offenders, based in Applecross, and it has been shown that taking part improved employability for 3 months after the course finished.

In Glasgow, money was applied for from the SE, targeting the 15 ½ year olds who had been excluded from school. It was found that the target group was too old, and the course should be aimed at 15 year olds. Referrals came from Educational Psychologists, but not all children needing the course were being dealt with by the Educational Psychology Teams, so that was changed. It was realised that a lot of young people could not cope with the number of workshops expected, so that was changed to more 1:1. Now there are 2 days of group work and they finish with a ½ day.

Employers were found to be very wary – APEX works with Educational Gateway, where placements are needed for 6 weeks. It was important to try to keep in touch later, with follow-up support.

KATY MacFARLANE, Policy & Education Officer, Scottish Child Law Centre spoke next and her remit was ‘The Human Rights of Young People and the Justice System’.

Human Rights v ASBOs

Human Rights are the fundamental rights we can expect, and come from the European Commission on Human Rights. The Government has to carry out legislation that complies. These rights are the cornerstone of a civilised society, otherwise we fail, with no consistency, and no uniformity.

The UK has also agreed to investigate and adjudicate on contraventions. If we believe laws do not conform, we have a right and duty to challenge them.

If there is no significant increase in anti-social behaviour, why do we need all these measures? Do these Young People just annoy us?

The SE seems to be confident that there is compliance with Human Rights, but how can they be so sure?

1) Dispersal v right to freedom of assembly: - there is already legislation to deal with this. Young people are being denied the right to associate with their peers.

2) Vulnerable Child who meets on welfare ground the criteria for secure v Tagging: - the whole ethos of the Hearing System is that we deal in a holistic way with the background of the child, and not the punishment of the child. Welfare needs affect the outcome.

3) Extension of Restriction of Liberty Orders: - these are punitive – when did we start punishing children?

We have qualified rights under Human Rights, restricted or limited for Public Safety. How can ministers be sure they are not overdoing it, restricting rights in the name of public safety?

ASBOs must respond to a ‘pressing social need’. Has the State justified restricting Human Rights to your satisfaction?

Has the pressing social need been addressed in a way that minimises the effect on our Human Rights? Criminalising Young People draws them into and through the Court System.

‘Young People and the Social Work System’ was the remit of MAIRI BRACKENRIDGE, Justice Services Manager, South Lanarkshire Council.

From a SW perspective, the Young Person has experiences as a victim as well as an offender – how do we break the cycle?

From a personal perspective – Motivation: Belief in social inclusion: Improve the opportunities for individuals: Strategies developed from the experience of service users. We must build on what we know works, and develop resilience.

Implications for practice:

Understanding the importance of the relationship between the Young Person and the worker

Ensure early intervention

Holistic assessment

Match services to the assessed need

Right level of intervention

Better support for parents

Develop services to address the impact of abuse

Timeous decisions

Social Work can be a positive experience, because of the relationship between the young person and the worker. This can be important in leading to the Young Person making changes in their lives.

JACKIE ROBESON, Head of Practice, SCRA had the remit “Scotland Under Siege? Challenging the Perception of Youth Crime”

How does public perception square up to reality? We often think we know what the public thinks of youth crime. Do we? A major survey in England & Wales in 2003 highlighted:

- 1) Young people are less respectful now
- 2) Believe the number of offenders has risen
- 3) Most overestimated the proportion of crime for which young people are responsible, and overestimated the numbers of young people who will be re-convicted Youth Crime is not perceived as the most important issue.

The Scottish Council Foundation Report found that the public:

- a) didn't know much about the Hearing System
- b) the more information they had, the less they wanted custodial sentences
- c) specific and factual views may not accord with reality
- d) concern that services are effective

Most children referred are not referred again. It is a small proportion of Young People who are responsible for the highest proportion of offences

1200 persistent offenders - = 0.12% of all our children

A high proportion have previously been referred on welfare grounds

>50% have alcohol or drug use

1 in 5 have mental problems

All have experienced problems at school

4 out of 5 had problems with their peer group, and 75% with family relationships

63% experienced adversity with the family

Tackling Youth Crime:

- 1) Deliver prevention wherever possible
- 2) Deliver effective intervention where necessary
- 3) Hold together different strands of the Young Person's life
- 4) Focus on family circumstances and effective parenting
- 5) Be flexible, and directed

Programmes must be targeted

The first speaker after lunch was RUTH STARK, Professional Officer, British Association of Social Workers, speaking on “Early Intervention”

Society seems to have an expectation that SW can see ahead and intervene to prevent harm done by one person to another!

Skewed relationships between parent / child can alter behaviour.

How do children and Young People get involved in lifestyles that bring them into the justice system?

Where there is risk, there is need Projects online today could have helped deal with some of the situations cited. Exploring someone's private world is a skilled job and a position of trust.

Professionals and families have to share information to allow early intervention.

We must develop ways of listening to children. Joint interviews between police and SW are not the only way this should be conducted, and courts should be aware of this. (ECHR talks of privacy, and the right to family life)

There is a complex multi-dimensional set of issues. SW can help Young People and families to understand this, and how things can be progressed.

We are not providing the services at the front line.

BILLY NICOL, Youth Justice Adviser, SACRO spoke about Restorative Justice, with skill and humour. The voluntary sector is doing a lot to help the situation .

Restorative Justice is an all-encompassing approach, and addresses the human consequences of offending behaviour. Usually meet the Young Person first, in their home, with their family.

There is a need to focus on preparation – on both sides. It is a re-building of healthy relationships.

SACRO does not use the word 'victim' – it is the person affected by the harm done.

It is the offender who is the person responsible for the harm.

Youth Justice Services:

- 1) Restorative practices - voluntary , balanced
- 2) Restorative Justice Conferencing
- 3) Face-to-face Mediation
- 4) Shuttle Mediation
- 5) Victim, drug and road traffic awareness programmes
- 6) Risk and need assessment using “what do you think?” and restorative justice.

Evaluation:

41% of Young People returned questionnaires

100% recommended Restorative Justice

94% of all action plans and agreement were reached

successfully

Recidivism is looked at in conjunction with the police

“Custodial Sentencing” was the remit of BILL MILLAR, Governor, Polmont Young Offenders Institution, Scottish Prison Service.

He classifies 16 – 18 year olds as young adults.

'Prisons' = universities of crime

Has 500 convicted offenders. They are not an average cross-section of the community. 60% have basic literacy problems. They are likely to live in an area of high crime, and their peers likewise.

They have not been subject to good parental advice. They think it is not 'cool' to conform.

Can they emerge from this to be better citizens?

Prison is good at protecting the public from those who would do it harm, but recidivism rates are high. There is a need to get the participation of the Young Person, so that the the Young Person can gain confidence and self-esteem. There is a comprehensive assessment on admission, trying to identify the needs as the basis of a services plan.

The longer the sentence, the greater the range of things they can tee into. Some are very short terms, which makes it very difficult to do meaningful work. There is a need for programmes .

'Lifeline' addresses drug issues.

Prison tries to develop skills which make the young people more employable – plumbing, plastering etc

Outcomes are enhanced if work can be done with other agencies, eg APEX, SACRO, Phoenix House etc.

There is a youth centre, and the Jobcentre Plus is also involved.

Polmont operates the Duke of Edinburgh Award Scheme, and has had a gold medal winner.

A lot of the young people make good use of their time. Custodial sentences can be positive if the individual makes use of the policies and resources.

MARK LAING, Managing Director, Simmers of Edinburgh Ltd.gave the businessman's perspective, with a remit of “Corporate Social Responsibility – How Business Can Help to Reduce Young Offending”

It is in the best interest of business to work with young people. This is not just to eliminate vandalism, but is about employment. A more prosperous community will contribute to society.

Business can :

- a) provide role models
- b) expand horizons
- c) raise expectations
- d) raise self-esteem

Business can get into schools and bring the world of work into the classroom (Simmers Biscuit Challenge). There is a need to be able to relate what they do at school with what the world of work offers. It gives the young people a chance to work with outside people who are not known to their teachers.

Several big businesses are willing to participate and give young people a chance (as well as Simmers), eg Transco, John Lewis etc. It can be a difficult area for businesses, and the experience must be a two-way street for the business and the young person

After the afternoon tea break, the last speaker spoke on behalf of ALEX CRAWFORD who was too nervous to speak for himself to such a gathering. Alex is a Young Offender, and he was telling his story.

“ Alex is 23 years old and originally from Maryhill, Glasgow. Currently in custody at HMP in Tayside, he is due to be paroled at the end of May. He successfully graduated from the Prince’s Trust 12-week team in Arbroath in November 2004 on day release. He led the team on the Community Project, using labouring skills from previous short-term employment. His honesty throughout the team, about the choices he made in life with regard to offending, and his subsequent prison sentences, had a positive impact on the other team members’ anti-social behaviour. Since his graduation, Alex has secured a work placement and is committed to overcoming barriers to ensure a brighter future for himself.”

The final session before Brian Taylor summed things up and sent us on our way, was a “ Challenge the Panel session. The panel was:

SANDY JAMIESON, Chief Executive of INCLUDEM (an organisation dedicated to the intensive support of the most vulnerable and chaotic young people in trouble)

JOE CONNOLLY, Depute Director of Children’s Services, NCH Scotland

SUSAN GALLAGHER, Head of Youth Justice Services, Victim Support Scotland

CHARLIE CAIRNS, Area Manager, Lower Clyde Greenspace project

INSPECTOR TOM HALBERT, Strathclyde Police

The comments that came from panel session that hit home were the almost unanimous ones that the Antisocial Behaviour Legislation was totally unnecessary, as there were in place already ways of dealing with it; that having to ‘disperse’ crowds of youngsters was not something the police wanted to do, as again there was already in place law to cover the situation. It was Government looking to re-election, talking to focus groups and acting on perceived problems raised by them, rather than accepting professional advice and the audited facts, that had brought this Legislation to fruition.

It was a very worthwhile conference, with good speakers some of whom gave interesting food for thought, and others who re-inforced things we already knew – VALUE THE HEARING SYSTEM!

I understand the full text of the conference will be on the Scottish Executive Website by the end of February.

--

joyce noble