

Policy Briefing

CHILDREN'S HEARINGS SYSTEM

Children in Scotland has prepared this briefing in regard to the following motion for debate in the Scottish Parliament on **Thursday 13th September 2001**:

S1M-2205 Bill Aitken: Juvenile Justice—That the Parliament recognises that the Children's Hearings system as at present constituted is manifestly failing to deal with criminal and offending behaviour and calls upon the Executive to carry out a full review of Scotland's system of juvenile justice, such a review to include consideration of giving Children's Hearings an increased range of disposals.

The key issues identified by Children in Scotland with regard to this matter are as follows:

- **A National Strategy and Framework – the Youth Crime Review 2000**

The Scottish Executive undertook a Review of Youth Crime in 2000 with the publication of *It's a Criminal Waste – Stop Youth Crime Now* a report of the Advisory Group on Youth published in June. Central to the review was the proposal of a national strategy and consultation was sought on this.

Children in Scotland believes that the most fundamental issue regarding the matter of Children's Hearings is the establishment of the national strategy and framework. Children in Scotland has recommended that for this strategy to be effective, the following key elements should be incorporated:

- A statement of purpose and guiding principles
- A focus on outcomes and strategic objectives related to these outcomes
- Clear lines of accountability and responsibility at national and local levels
- Support for joint working

A copy of Children in Scotland's Consultation response to *It's a Criminal Waste – Stop Youth Crime Now* can be obtained from Douglas Hamilton on 0131 222 4212 or dhamilton@childreninscotland.org.uk

The Response from the 'Think Tank' - a group of senior representatives from a range of organisations involved in children's services, criminal justice voluntary organisations, the police, prison service, the SCRA and included Children in Scotland - to the Youth Crime Review Recommendations was issued in September 2000. This response welcomed the moves for a consistent national framework, arguing that this strategy needs to be focussed on the children and young people in the system and include a clear statement of purpose with a set of guiding principles. Furthermore, these core principles should follow the principles of the UNCRC, with the best interests of the child and the child's right to express an opinion and be heard in judicial/administrative procedures being paramount.

The aims and objectives of the strategy need to be related to outcomes, with an understanding of the current level of provision. A national strategy needs to engage those working at the local

level, with partnership between community agencies, clear standards guiding local delivery, planning and evaluation, opportunities for planning and review and monitoring of the response to interventions all being key.

- **The existing system**

For the **Scottish Children's Reporter Administration (SCRA)**, the fundamental feeling is that the *system* at the moment does provide an excellent framework for addressing the behaviour and the underlying difficulties of children in the context of their families and the communities in which they live.

However, as was recognised in the Youth Offender Review, *It's A Criminal Waste: Stop Youth Crime Now*, there is an urgent need to improve the range and effectiveness of services that work with troubled children's and their families. There are increasing examples of effective services in Scotland which are decreasing the rate of youth offenders and operating within the scope of the Children's Hearing System and the pressing need is to replicate that success throughout Scotland.

Examples of successful schemes currently operating include: a programme in the Scottish Borders working with the Youth Offending Co-ordinator which has seen a reduction in the youth offending and significantly a decrease in the number of offender referrals; the SACRO project in Fife which works in active partnership with the SCRA on victim offender mediation schemes and; the FREAGARRCH project run by Barnardos in Alloa and Polmont.

Research evidence from across the UK and Internationally shows an increasing effectiveness in the way services are delivered. There is no doubt, however, that more does need to be done. One key recommendation from the Review was that a Youth Offending Strategy needs to be put into place with clear outcome related objectives needed in order to reduce offending and SCRA believes this is the way forward.

Alan Miller, Principal Reporter of SCRA, said: "Real improvements in how we address the needs and deeds of children and young people can be driven and measured if we put in place a national youth offending strategy focussed on clear and challenging outcomes for the hearing system as a whole".

- **Working together : the need for greater resources**

For **Barnardos**, which currently operates 6 services across Scotland aimed at working with young people who offend, what is essential is a range of resources and services to address the issues of youth offending. The Children's Panel system is capable of dealing with a full range of offences and Barnardos feels that an increased range of disposals is not the way forward, but rather more resources are needed for Children's Hearings to use.

The Scottish Executive allocated funds following the Youth Crime Review and whilst this is welcome, there are not the necessary social work resources to address these issues and existing resource provision is patchy. What is needed is greater resources for the statutory and voluntary sectors to meet the needs and deeds of youth offenders.

An example of a Barnardos project aimed at tackling youth offending is the CHOSI (Challenging Offending Through Support and Intervention) project which works in partnership with North Lanarkshire Council Social Work Department and is supported by other agencies. It is an prime example of what greater resources applied to this issue could bring: not only producing an 80%

reduction in offending over a 2 year period, but increasing the skills, positive behaviour and lives of the young people involved, in the communities in which they live.

A view from a Children's Panel Chairman:

The **Chairman of the East Lothian Children's Panel** comments:

"The recommendations of the Youth Crime Review were accepted in full by the Executive and areas for pilot schemes to implement them are presently being identified.

It has been accepted that Hearings will need a wider range of disposals and all parties were invited to comment in the consultation process of the Review.

It should be remembered that without exception young offenders have welfare needs too, a premise put forward by Kilbrandon which is as true today as it ever was, and meaningful solutions will only be achieved if this is recognised.

Of course Youth Justice must be tempered with the needs of society, and secure accommodation remains a disposal open to Hearings, but it must be remembered that all research demonstrates that punitive measures alone merely exacerbate the problems. The hearings system itself has stood the test of time in dealing with young people in an holistic way. The Children's Panel Chairmen's group is confident that, given the resources, the Hearings System can meet this challenge and prevent the early ingress of young people into the criminal justice system from which the vast majority do not meaningfully emerge.

Background information:

Most recent Written Answer concerning Children's Panels

Bill Aitken (Glasgow) (Con): To ask the Scottish Executive how many reports made by the police to the Reporters to the Children's Panels in (a) Glasgow, (b) Edinburgh, (c) Aberdeen and (d) Dundee are currently not actioned.

Holding answer issued: 20 August 2001 (S1W-17214)

Nicol Stephen: The Principal Reporter is required by the Children's (Scotland) Act 1995 to investigate each report. Action can and frequently does occur without a children's hearing being necessary. A child will be referred to a hearing only where supervision on a compulsory basis appears necessary. Information about the progress of reports is a matter for the Scottish Children's Reporter Administration. The information requested is not held centrally.

Bill Aitken (Glasgow) (Con): To ask the Scottish Executive what steps are being taken to ensure a consistency of approach by Reporters to children's panels throughout Scotland.

Holding answer issued: 20 August 2001 (S1W-17216)

Nicol Stephen: The Scottish Children's Reporter Administration (SCRA) was established in 1996 to ensure a consistent approach by Reporter staff is achieved. I have asked the Principal Reporter and his response is:
SCRA have placed particular emphasis on the need to share casework information amongst professional staff and several initiatives have been launched to improve the quality of such communication with the ultimate objective of improving consistency.

SCRA's internal practice guidance notes give direction on the standards of service expected. The introduction of a casework investigation framework has also promoted further standardisation.

Overall patterns of decision making by reporters are influenced by significant local variations in levels of need, referral practice by other agencies and the type and range of resources to work with children and families."