



# West Lothian Youth Justice Development Plan 2016-2021

**Preventing Offending  
Getting it right for children  
and young people**

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# Introduction

Preventing offending is integral to West Lothian's vision to help make Scotland the best place to grow up – Getting it Right for Every Child in Scotland.

The 2008 'Preventing Offending by Young People – A Framework for Action' document was a significant shift towards prevention and early intervention, combined with interventions to manage high risk and build community confidence. This was followed by 'Preventing Offending by Young People: A Framework For Action – Progress (2008-2011) and Next Steps'. This report demonstrated what had been delivered under the five key strands of the Framework since 2008.

The most recent strategy 'Preventing Offending Getting it right for children and young people' sets out the priorities for 2015 to 2020 building on the progress already made. The priority themes are: advancing the whole system approach, improving life chances and developing capacity and improvement. Partnership working has been a crucial element in the successes achieved within West Lothian and will remain integral to the delivery of this Development Plan.

The West Lothian Youth Justice Development Plan 2016-2021 is the second of its kind and aims to consolidate recent positive Whole Systems Approach practice developments whilst also aspiring to the new priorities set out by the Scottish Government. This, alongside continuing to implement the Getting it Right for Every Child approach, will ensure we respond to the needs of and enhance the life chances of young people.

**The recent publication of the Scottish Government's Youth Justice Strategy for Scotland, 2015-2020 provides a strategic focus on advancing the Whole System Approach, improving life chances and developing capacity and improvement.**

# Background

## Key Documents:

**Preventing Offending by Young People – A Framework for Action (2008, 2012).**

**Children's Hearings (Scotland) Act 2011.**

**Children and Young People (Scotland) Act 2014.**

**Getting It Right for Every Child (GIRFEC).**

**Preventing Offending Getting it right for children and young people 2015-2020.**

**National Standards for Youth Justice Provision in Scotland.**

Whilst this development plan builds on the foundations of the success of the previous development plan, it is important to recognise the key documents and legislation that inform and underpin the West Lothian Youth Justice Development Plan 2016-2021. Partners' must also consider youth justice in the broader context of children's services and its links with the Single Outcome Agreement (SOA); Integrated Children's Services Plan (ICSP).

Positive alternatives, prevention and ensuring that appropriate interventions are in place where children and young people are involved in offending, are part of a broader approach to tackling inequalities and promoting social justice.

This child-centred preventative approach focusses on the following national outcomes:

- Ensure communities are safe from crime and disorder.
- Improve life chances for children and young people involved in or at risk of offending.
- Enable all children and young people to be confident individuals, effective contributors, successful learners and responsible citizens.

The Council has set eight priorities in the current Corporate Plan (2013-2017) in consultation with the local community, partners, stakeholders and staff. These priorities represent all the vital activities that the council will undertake in order to achieve better outcomes for West Lothian.

The following illustrates where the West Lothian Youth Justice Development Plan 2016-2021 will *directly* contribute to a council priority.

Council Priorities	Youth Justice Strategy
1. Improving the employment position in West Lothian	✓
2. Improving attainment and positive destinations for school children	✓
3. Delivering positive outcomes and early intervention for early years	
4. Improving the quality of life for older people	
5. Minimising poverty, the cycle of deprivation and promoting equality	✓
6. Reducing crime and improving community safety	✓
7. Protecting the built and natural environment	
8. Delivering positive outcomes on health	✓

The overall objectives of the Youth Justice Provision in Scotland and West Lothian aim to:

- Provide quality youth justice processes and practice.
- Provide an appropriate range and availability of interventions for children and young people involved in offending behaviour.
- Promote early and effective intervention.
- Ease the transition between the children's hearing and adult criminal justice systems.
- Ensure that secure accommodation and detention is used only when it is the most appropriate disposal and that consideration has been given to alternatives.
- Improve information and assistance provided to victims of youth offending and local communities.

# **Key Agencies and Partners**

**West Lothian Criminal and Youth Justice Service.**

**Police Scotland.**

**Scottish Children Reporter's Administration (SCRA).**

**Scottish Prison Service.**

**Residential Schools.**

**Secure Care Providers.**

**Procurator Fiscal Service.**

**Education.**

**NHS Lothian.**

**Youth Inclusion Project.**

**Youth Action Project.**

**West Lothian Drug and Alcohol Service (WLDAS).**

**Other 3<sup>rd</sup> Sector Providers.**



The continued success of West Lothian's Youth Justice Development Plan 2016-2021 relies on key agencies and partners.

No one agency has sole responsibility for supporting young people to make positive lifestyle choices. For those young people who do become involved in offending each must be adequately supported by a range of agencies working effectively together with the ultimate aim to reduce the level of offending and antisocial behaviour in West Lothian.

The introduction of the Whole System Approach in West Lothian in 2011 ensured partners worked together to put in place a streamlined and consistent planning, assessment and decision-making process for all young people under 18 who offend, ensuring they receive the right help at the right time.

The main ethos of the Whole System Approach suggests that many young people could and should be diverted from statutory measures, prosecution and custody through early intervention and robust community alternatives. Recent evaluation of the Whole System Approach found that this approach has been a galvanising factor in driving improvements in partnership working, information-sharing and shared learning across agencies and in turn improving outcomes for children and young people.

# GOVERNANCE

The following represents the revised governance arrangements within West Lothian. This new structure aligns with the Scottish Government's Community Justice Redesign which sees the replacement of the eight Community Justice Authorities (CJA's), covering Scotland's 32 local authorities, with a model which sees the local planning and delivery of community justice services on a partnership basis under the existing 32 Community Planning Partnerships (CPP's). The Youth Justice Service is included within this redesign where Youth Justice will be embedded within the work of Community Planning. This redesign has brought the strands of Reducing Re-offending and Community Safety together and are now under the label of 'Safer Communities'. This new structure for governance of Community Justice and Community Safety is shown in the chart below.



The Youth Justice Sub-committee, as part of this new governance structure, will take forward the priorities of the Youth Justice Development Plan 2016-2021.



## **West Lothian has an overall crime rate less than the Scottish Average**

## **The implementation of EEI has contributed to a dramatic reduction of referrals to the Children's Reporter.**

## **Review of Previous Development Plan**

The Youth Justice Development Plan 2012-2015 saw the most significant developments for services to young people who offend in West Lothian. It was during this period that the development and integration of the Whole System Approach was fully implemented. Key achievements and developments over this period have included:

- The further development and implementation of Early and Effective Intervention (EEI) to extend this to include 16 and 17 year olds.
- A reduction in the use of residential schools and secure accommodation.
- The completion of all Social Work Reports on under 18 year olds being completed by the Youth Justice Service with Community Payback Order's being case managed by the Youth Justice Service.
- Increased use of Diversion from Prosecution for under 18 year olds.

## **Many girls and young women involved in offending have histories of trauma and vulnerability.**

**"Secure is a place for people**

**Who have done something bad**

**I'm not a bad person.**

**All I did was run away**

**And then I had nowhere to stay"**

**(Excerpt from a poem by a young woman)**

**In Scotland the peak age of offending for men, which was 18 in the late 1980's, is now 23. The peak age of offending for women has increased from 18 to 30.**

- More robust planning processes are in place to improve the effectiveness of community re-integration of young people leaving HMP Polmont.
- The offer of support to under 18 year olds appearing in Court.
- Development of intensive packages to target young people who pose a medium/high risk of re-offending or harm.
- The development of the Young Almond Project which aims to address the gender specific needs of young women and girls who pose a risk to themselves. There was a slight increase in young women and girls offending in 2013-2014 and it is hoped this trend will decrease.

Overall, during the period 2012-2015 there has been a continued positive trend in relation to young people and offending in West Lothian. This positive trend may be due to:

- Continued commitment to a multi-agency service provision.
- A "Rights Based Approach" in dealing with young people who offend.
- Commitment to ensuring a highly skilled workforce in terms of being able to provide a range of interventions and support.
- Commitment to the continued development and implementation of Early and Effective Intervention strategies in relation to young people who offend.

## **Advancing the Whole System Approach**

## **Improving Life Chances**

## **Developing Capacity and Improvement**

### **Preventing Offending Getting it Right for Children and Young People**

The recently published National Youth Justice Strategy for Scotland – “Preventing Offending Getting it Right for Children and Young People” has continued to focus on developing a “Rights Based” approach to young people who offend whilst also taking into account the key drivers emerging from the Children and Young People (Scotland) 2014 Act. The Strategy builds on the substantive progress of the last seven years through its continued commitment to the core elements of the ‘Whole System Approach’ and specifically the continued development and implementation of Early and Effective Interventions.

This National Youth Justice Strategy states that where children are involved in, or at risk of offending, then an integrated approach is required – tackling deeds while taking account of wider needs. Children and young people should be kept out of the criminal justice system and where offending does take place, effective and timely interventions are needed to address that behaviour and its causes.

Positive alternatives, prevention and ensuring appropriate interventions are in place where children and young people are involved in offending, are part of a broader approach to tackling inequalities and promoting social justice.

The National Strategy highlights the priority themes and these are:

- Advancing the Whole System Approach
- Improving Life Chances
- Developing Capacity and Improvement.

The West Lothian Youth Justice Development Plan 2016-2021 will take forward these priorities and more specifically:

- Gender specific approaches for young women and girls who are at risk to themselves and others
  - Child Sexual Exploitation
  - Ensure timely and effective mental health services are available when needed.
  - Alternatives to residential schools, secure care and custody.
  - Managing high risk offenders including sexual offending.
  - Serious Organised Crime.
  - Contribute to a local strategy on Counter Terrorism.



## Implementing the 2016-2021 Youth Justice Development Plan

This section of the development plan is based on the following documents:

- ‘Preventing Offending by Young People – A Framework for Action – Progress (2008-2011) and Next Steps’.
- ‘Whole System Approach in Dealing with Young People who Offend’
- ‘Preventing Offending Getting it Right for Children and Young People’.

The Whole System Approach is not being formally extended to age 21 but as part of the Community Planning arrangements West Lothian is committed to extending aspects of youth justice to under 21’s. The key priority is to ensure that children and young people receive appropriate services which help to address and minimise offending and improve life chances.

The Whole System Approach (WSA) embodies the principles of GIRFEC and with this a focus on preventative, multi-agency approaches to ensure the best outcomes for children and young people. The implementation of the Children and Young People (Scotland) Act 2014 requires aspects of the Whole System Approach to be updated, for example, to integrate the single Child’s Plan. Any targeted intervention such as diversion from prosecution and some form of Early and Effective Intervention (EEI) will require a Child’s Plan to be in place.

The Whole System Approach (WSA) covers six core areas:

- Early and Effective Intervention (EEI)
- Opportunities to divert young people from prosecution
- Court Support
- Community Alternatives to residential school, secure care and custody
  - Managing high risk including changing behaviour of those in residential school, secure care and custody
  - Improving reintegration back into the community.
  - Related to each of these themes, specific guidance and toolkits have already been published to support the realisation of WSA in practice. These include the:
    - Alternatives to Secure Care and Custody Guidance
    - Reintegration and Transitions Guidance
    - Framework for Risk Assessment, Management and Evaluation (Frame): For children and young people under 18 Guidance
    - Diversion from Prosecution Toolkit
    - Youth Justice Programme
    - Assisting young people in Court Guidance.

# The 2016- 2021 Youth Justice Development Plan focuses on key areas



## **KEY AREAS OF FOCUS FOR THE 2016-2021 YOUTH JUSTICE DEVELOPMENT PLAN**

The following key areas have been identified in support of the successful implementation of this development plan and incorporate the Scottish Government's priority themes for 2015-2020 which are Advancing the Whole System Approach, Improving Life Chances and Developing Capacity and Improvement:

- Early and Effective Intervention.
- Diversion from Prosecution
- Alternatives to residential school, secure care and custody
- Assisting young people in court
- Managing Risk of Serious Harm including young people who are sexual offenders
- Reintegration and Transitions: Youth justice practice at the interface of the Children's Hearings System and the Criminal Justice System
- Divert children and young people from Serious Organised Crime
- Equipping practitioners with appropriate skills to recognise and work with those at risk of Child Sexual Exploitation
- Working closely with colleagues to ensure timely and effective services to respond to mental health and well-being needs.

- Minimise risk in relation to the impact of New Psychoactive Substances (NPS) on children and young people
- Victims and community confidence
- Support to vulnerable girls and young women
- Planning and performance improvement.

## **ADVANCING THE WHOLE SYSTEM APPROACH**

### **1. Early and Effective Intervention**

Early and Effective Intervention (EEI) was a fundamental element of the West Lothian Whole System Approach Development Plan 2012-2015 and remains one of the most crucial elements of this development plan. There has been a range of benefits through the implementation of the EEI process. These include:

- Interventions delivered more rapidly.
- A broader range of interventions being used prior to a referral to the Reporter.
- Reduction in referrals being made to the Reporter.

#### **Actions:**

- Continue to enhance effective liaison between key partners and the 3<sup>rd</sup> sector in providing timeous and appropriate support to young people who offend.
- Ensure that young people at risk from disengaging from education are identified early and supported.
- Continue to ensure that where possible young people are kept out of formal criminal justice systems and to support the retention of 16 and 17 year olds in the Children's Hearing System.
- EEI in West Lothian will continue to focus on the wellbeing needs of children and young people aged 8 to 18 years using the principles of GIRFEC.

### **2. Diversion From Prosecution**

The approach is designed to prevent a person, who has committed a relatively minor crime and does not represent a

**"Supervision requirements should not automatically be terminated when a young person is sentenced in court**

significant risk of harm to the public, from being prematurely dealt with through the criminal justice system. Diversion is a 'direct measure' as an alternative to prosecution. The established Youth Justice Diversion from Prosecution Service for under 21 year olds has contributed to diverting low level offenders from formal prosecution processes.

**Actions:**

- Continue to expand this service and work across agencies to ensure an effective uptake of this option.
- Continue to develop more robust systems with Police Scotland, Procurator Fiscal Service and the Youth Justice Service to ensure that this option is considered for young people under 21 years.

**3. Alternatives to Residential School, Secure Care and Custody**

West Lothian Youth Justice Service remains committed to providing a range of supports to some of our most vulnerable and at risk young people. This is especially aimed at those young people who are at risk of secure accommodation and those at risk of being accommodated in non Local Authority placements.

**Actions:**

West Lothian Youth Justice Service aim to continue to develop:

- Movement Restriction Conditions
- Intensive Support and Monitoring Service (ISMS).
- Community Payback Orders which will be more age appropriate, creative, dynamic and include New Ways and Constructs Programmes.
- More integrated approaches involving education and employment services.

**4. Assisting Young People in Court**

There are some young people who may not be suitable for diversion and are therefore required to appear in Court. Scottish Prisons Commission data shows that many of these

**“the small number of children and young people involved in sexually harmful behaviour, sexual offences and serious violent behaviour who present a risk of serious harm the focus should be the level of risk posed and the needs of the young person”**

**“having considered all other options including a movement and restriction condition, secure accommodation is considered necessary”**

**Children’s Hearing  
Scotland Act 2011.**

young people have poor literacy and numeracy skills, and poor communication skills.

**Actions:**

Court support will therefore be offered to target groups and will include

- Increased use of Supervised Bail
- Provide basic information of the service.
- Commission 3<sup>rd</sup> sector providers to help support young people in court.

**5. Managing Risk of Serious Harm including young people who sexually offend**

There are a small but significant number of children and young people in Scotland who present a risk of serious harm to themselves and others as a result of their involvement in harmful sexual behaviour, sexual offending behaviour and/or serious acts of violence. Effective management of offenders is embedded in good risk management and risk assessment.

These children and young people who require a level of risk management in the community represent a wide group extending beyond individuals who exhibit violent or harmful sexual behaviours, and could include children who are extremely vulnerable or who experience mental health difficulties.

**Actions:**

West Lothian Youth Justice approach to risk will be focused around the following areas:

- Multi-Agency Assessment, Planning and Working with Children and Young People who Present a Serious Risk of Harm (informed by the Scottish Government “Framework for Risk Assessment Management and Evaluation (FRAME) – Planning for Local Authorities and Partners”).
- The use of CARM (Care and Risk Management) for under 18 years (2017).

- 
- The use of the SARA Risk Assessment tool in relation to domestic abuse.
  - Relevant Criminal Justice Social Work related procedures including - National Outcomes and Standards for Social Work Services, Risk Management Authority Guidance for Risk Assessment, Multi Agency Public Protection Procedures (MAPPA).
  - The Youth Justice Service will continue to identify and disseminate good practice on multi-agency responses to managing high risk, use Aim 2 as the main assessment tool in relation to sexualised offending, ASSET Risk Assessment and to offer more intensive, focused packages of intervention on a structured basis.
  - Continue with the use of YLS/CMI.
  - Ensure transitional support for young people coming back to the community with a strong focus on employability and housing need.

**“Good Practice in transitions is crucial in achieving positive outcomes”**

### **Whole System Approach**

#### **6. Reintegration and Transitions**

Services that form part of the Whole System Approach to improve reintegration and transitions to support young people and reduce offending include:

- Employability Services
- Appropriate and supportive accommodation for those leaving secure care and custody
- Full assessment of substance misuse and mental health needs.

#### **Actions:**

- Develop protocols to improve transitions within the community and increase the use of voluntary throughcare.
- To ensure the key areas listed above are met and meet the individual needs of the young person.
- To maximise the potential of the Children's Hearing System especially for 16 and 17 year olds.
- Support reintegration of young people from custody and secure to allow them to move onto and sustain positive destinations.

# The Vision for Scotland:

## A safer, fairer and more prosperous country free from the harm caused by Serious Organised Crime.

### Scottish Government

- Support young people and families during all periods of transition, especially within the crossover between child and adult services.
- Improve transitions between children's and adult justice systems, where needed. Transitions must be planned and supported and take account of Corporate Parenting responsibilities, including the extension of rights of previously looked after young people.
- Ensure that young people who have disengaged from education or have left school are supported to re-engage and participate in learning, training or an Activity Agreement to develop the skills they need.

#### **7. Divert children and young people from Serious Organised Crime**

West Lothian Youth Justice Service is taking action to divert children and young people from serious organised crime – linking with the national strategy on Serious Organised Crime and Counter Terrorism Strategy.

The overall aim is to reduce harm caused by Serious Organised Crime and will deliver this through the following objectives:

**DIVERT:** To divert people from becoming involved in Serious Organised Crime and using its products.

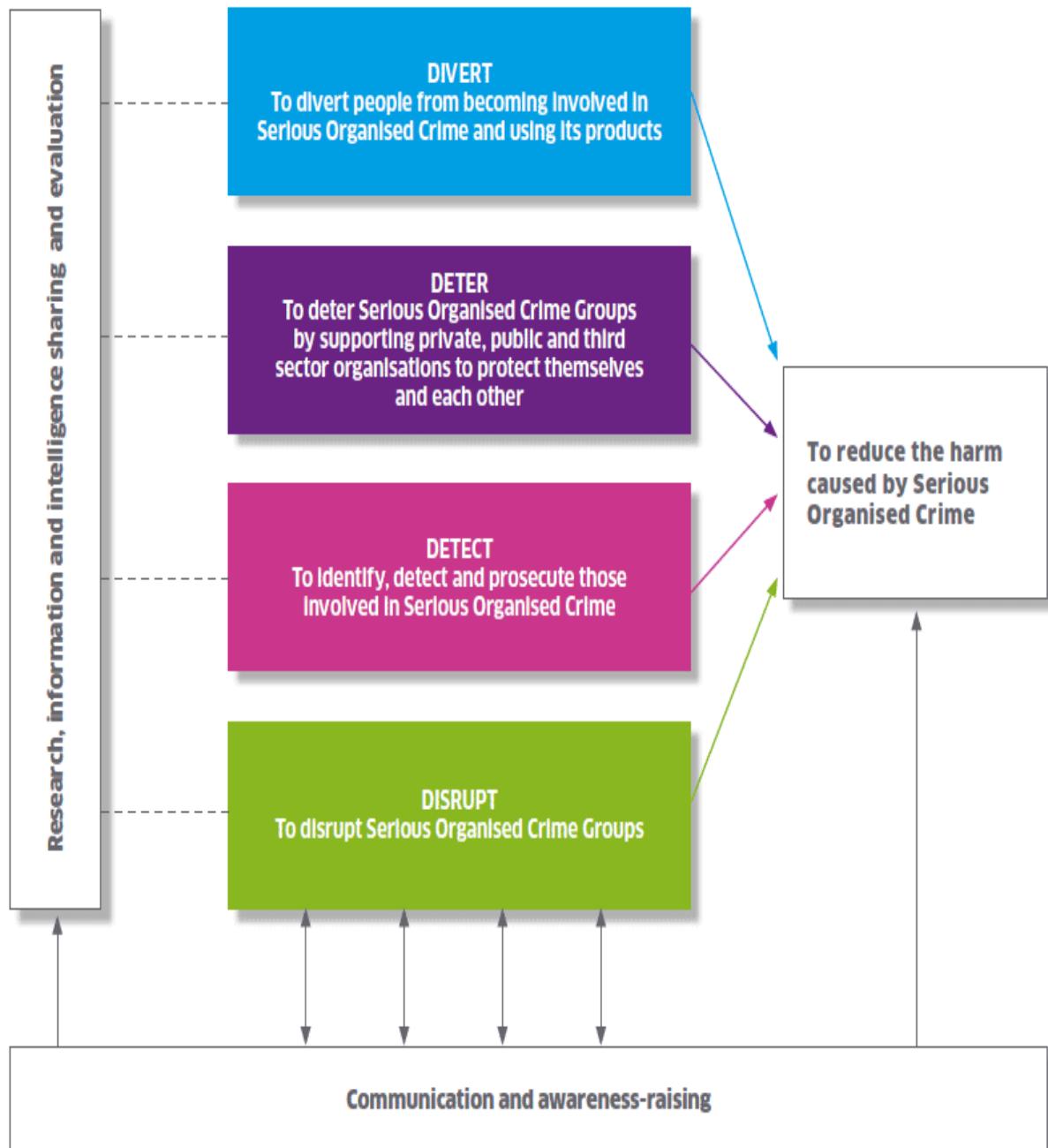
**DETER:** To deter Serious Organised Crime groups by supporting private, public and 3<sup>rd</sup> sector organisations to protect themselves and each other.

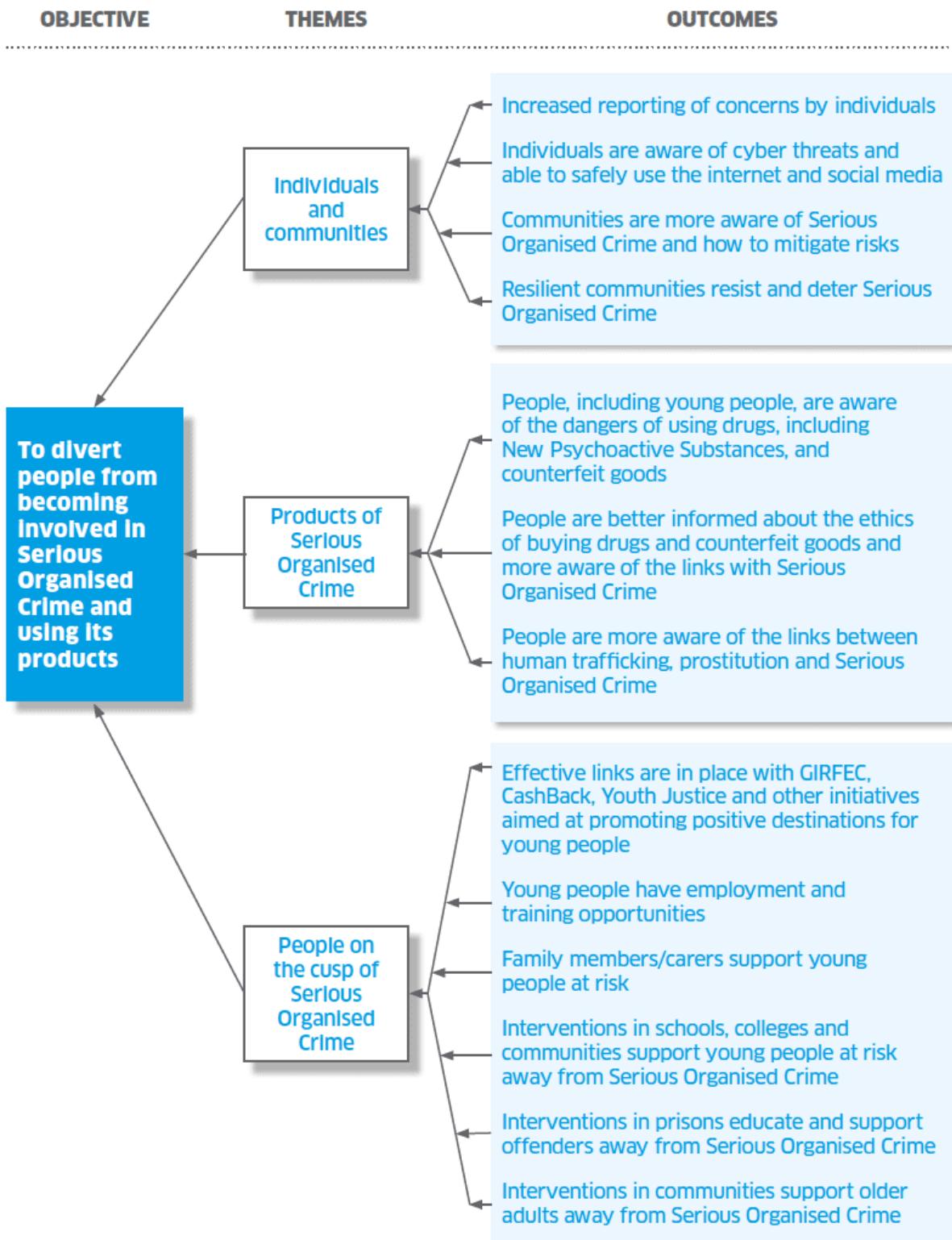
**DETECT:** To identify, detect and prosecute those involved in Serious Organised Crime.

**DISRUPT:** To disrupt Serious Organised Crime Groups.

#### **Actions:**

- The Youth Justice Sub-Committee to take forward the DIVERT strand of the National Strategy (as illustrated below).
- To contribute to Corporate activities as required. Ensure staff are fully trained to recognise the signs of children and young people being exposed to Serious Organised Crime.
- Contribute to processes and protocols to ensure information sharing between key agencies.
- Contribute to a local strategy to recognise and prevent radicalisation.





**Most children and young people who offend will mature into responsible adults. The labelling of children's behaviour as "criminal" can be harmful, as it has potential to stigmatise and reinforce negative behaviour**



## **IMPROVING LIFE CHANCES**

### **8. New Psychoactive Substances**

New Psychoactive Substances (NPS), have risen to prominence in recent years, and concerns continue to be raised about the impact of these substances on individuals. Much is still unknown about the scale and associated harms of NPS use in Scotland, although there are indications that some NPS can cause a range of physical and psychological symptoms among users. Although this is a new area of work it will be progressed through the Youth Justice Subcommittee in order to develop an appropriate strategy in accordance with new legislation.

#### **Actions:**

- Develop a fuller understanding of the effects and prevalence of NPS in West Lothian and to liaise closely with the 3<sup>rd</sup> sector and other agencies to share information.
- To enhance the knowledge base and skills of those working with young people.

### **9. Victims and Community Confidence**

West Lothian has a clear commitment towards safer and stronger communities. Awareness raising within communities enhances the feeling that crime is being tackled. This can be achieved by working with local partners, supporting community events and acknowledging the positive contributions young people can make in helping make communities feel safer.

**“Effective working with girls and young women who have been drawn into the criminal justice system is considerably hampered by a set of interrelated problems”**

**Actions:**

- Explore the development of restorative practices.
- Ensure victims rights and needs are systematically reflected in the work undertaken with young people who offend.
- Promote community engagement and help develop their understanding of young crime and Youth Justice with a focus on positive outcomes and trends.

**10. Vulnerable Girls and Young Women and Child Sexual Exploitation**

It has been well documented that most girls and young women involved in offending behaviour have histories of trauma and vulnerability. A “welfare” approach recognises that this group are often “vulnerable” but not necessarily “risky”. This approach has recognised that that girls and young women require a more gender specific response and risk factors associated with their offending relate to poor parenting, a dysfunctional family environment and absconding.

A correlation exists between the victimisation and abuse of girls and young women and high risk behaviours such as substance misuse, self harm and suicide and these can contribute to truancy, absconding, drug and alcohol misuse and sexual exploitation.

Gender specific responses to vulnerable girls and young women and child sexual exploitation are priorities for West Lothian.

**Actions:**

- Pilot the Young Almond Project as a gender specific response to meet the specific needs of girls and young women who offend.
- Ensure there is appropriate staff in place to be responsive to young women and girls in crisis.
- Ensure staff are trained in recognising and responding to those at risk of Child Sexual Exploitation.

In addition to these actions West Lothian has a commitment to work in partnership to strive to improve access to mental health services for both male and female vulnerable groups.

## **DEVELOPING CAPACITY AND IMPROVEMENT**

There will be a strategic focus on:

- Supporting workforce development and encouraging a culture of continuous learning and improvement.
- Sharing knowledge and skills across geographical and professional boundaries .
- Improving systems and making best use of performance information nationally and locally.
- Develop a shared dataset and performance framework to monitor trends and assist in targeting of resources, workforce development and practice.
- Develop a local suite of performance indicators which align with national and local priorities.

The West Lothian Youth Justice Development Plan 2016-2021 maintains a commitment to ensure that good practice is informed by best knowledge and evidence particularly in the areas beginning to emerge as new priorities.

Partnership working has been a crucial element of success in preventing offending and will remain integral to the delivery of this development plan.

Leadership and sustained commitment from all partners will help achieve our vision for children and young people.

## **CONCLUSION**

The West Lothian Youth Justice Development Plan 2016-2021 will take forward actions through the annual Youth Justice Sub-Committee Action Plans.

Nationally, there is likely to be strategic arrangements which enable partners to support and drive implementation forward.

West Lothian Youth Justice Services will continue to strive to meet the national and local priorities whilst adapting to a changing landscape including the most recent consultation on the Minimum Age of Criminal Responsibility which is likely to raise the age of criminal responsibility from 8 years to 12 years.

Crucially, the delivery of this strategy will require the ongoing commitment, leadership and partnership working which has been integral to current successes.

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