

Mental Health and Youth Justice

Mental health is a state of wellbeing in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community ([The Mental Health of Children and Young People A Framework for Promotion, Prevention and Care \(Scottish Executive 2005\)](#))

1. Prevalence: for the general population of young people, it is estimated that:

- 80% have good health/ wellbeing; 20% experience poor mental health; 10% experience an identifiable mental disorder. 145 young people under 16 were admitted to psychiatric hospitals in 2011/12; 154 in 2010/11 in Scotland.
- Mental health is recognised to be a significant need for young people involved with youth offending services in Scotland particularly for young people in custody or secure care.
- Many mental health needs of young people in youth justice services may be met through an appropriately informed, resourced and supported multi-agency and multi disciplinary approach. Nonetheless, availability and access to appropriate mental health assessment and services is very variable and, with exceptions, is in need of improvement.

2. The mental health needs of young people who offend are complex and diverse. High risk young people do not form a homogeneous group and have a wide range of experiences and diverse needs for support and/or containment ([Young Minds 2010](#)). The Mentally Disordered Offender (MDO) policy for Scotland ([MEL, 5 \[1999\]](#)) stresses that *although many mentally disordered offenders may be diagnosed as having more than one psychiatric condition, it is often the combination of medical and social factors which leads to their offending behaviour*. Young people's mental health needs must be considered in the context of their personal, social and environmental circumstances. The range of specific mental health needs for young people who offend may include: Anxiety; Depression; Self Harm; ADHD; ASD; Attachment Disorder; PTSD; Eating disorder; Psychosis. Issues concerning attachment and trauma are common for young people in [youth justice](#). Early onset psychosis is less common but if recognised, should be responded to as the consequences of failure to treat such a condition can be serious and may pose high risks to self or others.

3. Universal Services and Early Intervention (EEI) have a key role and duty within GIRFEC policy. EEI is especially important for those who have complex needs; may be difficult to engage; and whose behaviour causes concern.

Early identification and response to need is equally essential to promote longer term health and wellbeing. In the first place this is the responsibility of universal services and should be family and community based. When a young person is within youth justice services, their mental health needs must be considered, assessed and addressed. This may involve: family focused work; counselling; personal support; CAMHS; and diversion where appropriate depending on level of risk. The context and nature of intervention should take account of:

- the relationship between the young person's mental health and the offending behaviour (if any).
- whether or not any intervention to address the mental health needs should be associated with any statutory conditions relating to the young person
- whether or not the young person is on remand; in secure care; or serving a custodial sentence ([CEL\(2009\)16](#)). Here, mental health difficulties can present as more acute; the young person's vulnerability to depression, anxiety and self harm may increase as may the risk of suicide for some.

4. Local Authority and MHO duties Sections 25 to 27 of the *Mental Health (Care and Treatment) (Scotland) Act 2003* identify a range of duties on local authorities to provide services designed to promote the well-being and social development and to have sufficient Mental Health Officers (S32) to discharge the functions of the Act.

5. Practice Identify your local MHO(s) and other relevant providers and become familiar with their capacity to provide support for young people in terms of the 2003 Act. Mental Health (Care and Treatment) (Scotland) Act 2003. Volume 1 of the Code of Practice provides guidance in relation to work with children and young people (ref). Further information can be found in [NDT Practice Guidance](#).

From a paper by Ed Finlayson amended by Bill Whyte