Youth Justice in Scotland: a guide to policy, practice and legislation

Theory and Methods

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1. Introduction

This chapter outlines the theories and methods underpinning effective practice with children and young people involved in offending behaviour.

There is a growing awareness that law, policy and practice should be directed by evidence and aimed at achieving meaningful outcomes for children, young people and families rather than simply effective processes. Rights and standards set internationally by United Nations Convention on the Rights of the Child (UNCRC) and associated guidance promotes a social educational paradigm consistent with Kilbrandon principles (Kilbrandon 1964, UNCRC 198).

To formulate and deliver effective, outcomes-led interventions, practitioners must have an understanding of the dynamics of offending and desistance and what supports it, as well as what assists desistance and social integration. The age, stage and social context of the young person, along with their cognitive, social and emotional development, should inform the intensity, duration and sequencing of content and delivery of any programme of work. This implies the need to work holistically with young people and their families to address the complex needs and issues associated with youth offending.

2. Child Development

Children and families and youth justice social work practice (including, preventive practice) is informed by child development theories which collectively emphasise the need to promote positive social and emotional development to reduce vulnerability to future offending. Some examples of these theories are:

- resilience, vulnerability and protective factors
- attachment theory
- brain development

Research suggests that positive environmental factors, such as a positive parent child relationship, effective parenting and good social experiences are factors that promote resilience in children and young people (Daniels and Wassel 2002).

Additionally, what is crucial is to keep in mind is the importance of upbringing, first promoted in Scotland by Kilbrandon (1964) considering that beyond formal education a degree of social education was necessary in the wider development of children and young people. Smith and Whyte (2008) refer to Kilbrandon taking a European humanistic view of child development as a shared responsibility that goes beyond formal education, recognising that for young people who offend, a degree of “re-upbringing” may be required for both young people and parents to strengthen the natural learning processes.

If we consider the link between Kilbrandon and GIRFEC there is also a responsibility on those working with young people to evaluate their role in the upbringing of young people and the development of wider social learning. GIRFEC wellbeing indicators guide this philosophy in terms of consider the holistic needs of the child.
Resilience

Building resilience is a key theme in all work with children, young people and their families and is underpinned by Getting It Right for Every Child (GIRFEC). Social Work, Education and Health services all emphasise the importance of building on strengths and increasing the protective factors in children and young people whose situation indicates that they are at greater risk of developing social and psychological problems, including offending.

While some personal and social factors are strongly associated with offending, there are important aspects of life which can protect children and young people against risk. The development of resilience is a result of interpersonal processes that reduce the impact of adverse biological, physical and social factors which threaten a child’s health and well-being. Resilience has been described as ‘an interaction between risk and protective factors within a person’s background, which can interrupt and reverse what might otherwise be a damaging process’ and ‘normal development under difficult conditions’ (Fraser and Galinsky, 1997).

The GIRFEC framework (Scottish Government 2008) recommends that practitioners consider a range of factors related to the domains of vulnerability set out in the resilience matrix. These include; vulnerability and resilience, protective environment and adversity to make sense of/assess the strengths, and needs of individual children and young people (see Chapter 4). Promoting resilience seems to imply the need to attend to the principles that underpin an asset based approach within communities as described above.

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. 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; and
- A sense of self efficacy; a sense of mastery and control, along with an accurate understanding of personal strengths and limitations.

The majority of children and young people develop resilience from the people who surround them: their parents or carers, families and significant others (Black and Lobo 2008). Activities and services delivered by local communities or by practitioners should promote the development of:

- Emotional wellbeing, including empathy
- Good social skills including empathy, communication, and pro-social behaviour
- Conflict resolution/Problem solving skills
- Sense of self-esteem and self-control
- Sense of hope, motivation for personal achievement
- Positive peer group influence
- Positive, supportive and caring adults in their life
- Opportunities for meaningful participation
- Access to wider support networks (e.g. football team, faith based networks etc)

A wide range of practice examples and programmes which are underpinned by the importance of promoting resilience are provided in sections of this guidance on Early and...
Effective Intervention and Managing High Risk also in relation to developing empathy and conflict resolution see victims and community confidence.

Vulnerability and Protective Factors

Major contributory factors for children and young people resulting in offending behaviour include:

**Loss:** serious rejection from own family, bereavement

**Family:** poor parenting, neglect, abuse, domestic abuse, parental substance use, separation form family, significant health problems

**Education:** low attainment, poor attendance, school exclusion

**Individual:** low self-esteem, low resilience, substance misuse, poor social skills, early evidence of aggressive behaviour, cognitive and moral development

**Community:** poverty, victimisation, availability of drugs

In contrast, Farrington et al (2012) suggest factors which may reduce the risk of children from becoming involved in offending or promote desistence behaviours include:

- Strong bonds with family
- Educational Attainment and positive education experiences
- Opportunities for involvement in families, school and community
- Social learning skills through positive peer influences
- Strong community and neighbourhood links.

Attachment Theory

Attachment is an emotional bond to another person. Theories on attachment reveal how attachment to primary caregivers, and the caregiver’s ability to respond, may affect a child’s social and emotional development. The central theme of attachment theory, according to Bowlby; is that parents and carers who are available and responsive to an infant's needs establish a sense of security in the child (Ainsworth 1978).

Shaw et al (1996) describe that failure to form secure attachments early in life can have a negative impact on behaviour in later childhood and form a pathway into behavioural difficulties.

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. Recent research suggests that early attachment related issues, limited social supports and trauma may have a significant impact into adult life (Besser and Neria; 2011).

Characteristics of Attachment

**There are four key factors to be cognisant of when observing attachment between a child and parent;**

**Safe Haven:** When the child feels threatened or afraid, he or she can return to the caregiver for comfort and soothing.
Secure Base: The caregiver provides a secure and dependable base for the child to explore the world.

Proximity Maintenance: The child strives to stay near the caregiver, thus keeping the child safe.

Separation Distress: When separated from the caregiver, the child will become upset and distressed (see Ainsworth 1978; Main and Solomon, 1986).

Children can also form attachments to other significant adults beyond their parents and to their peers at all stages of their lives, which may impact positively or negatively on their social and emotional behaviour (Daniels and Wassell, 1999).

This would suggest that intervention should focus on assisting the child to develop other positive relationships both within and beyond their extended family and within different settings, such as schools or youth groups. Practitioners, particularly those involved in prevention, should be aware that, while attachment theory focuses particularly on the relationship between the parent/caregiver, usually the mother and the child, there is a need to assist the child to develop other positive relationships.

Brain development theory

Early years

Research into brain development offers a neurological perspective on the damaging effects of pre-birth and early childhood abuse, neglect and exposure to violence, including domestic abuse, on infant brain development. It is argued that poor parental attachment relationships and direct and indirect exposure to abuse and trauma impact negatively on brain development, and can engender emotional and behavioural problems that continue into adulthood. Bruce Perry (1996, 2002), for example, outlines the potential impact of neglect and trauma on infant development. The first growth period for a child’s brain is in utero up to the first three years of life. This period of time is therefore particularly significant in terms of prevention and early intervention. Many psychologists consider that where the emotional damage has been severe, the child or young person will display high levels of anxiety and present as being on constant “high alert”.

Adolescence

Although relatively new, brain development theories provide the practitioner with a neurological basis for positive intervention with young people throughout adolescence and into adulthood (Hasset, 2003). Research suggests that the brain continues to develop and is not fully developed until about 21 years, with the second key stage for both growth and re-sorting undertaken during adolescence. The brain changes significantly in early adolescence, becoming particularly malleable and open to development, meaning that this stage is a crucial point in supporting young people who are at risk of or are involved in offending behaviour, supporting them to development positive behaviours, whilst recognising that, at this stage, young people will engage in risk taking behaviours, for which they require support to navigate and manage this transitional stage in their development safely.

The physiological changes taking place within the brain during adolescence, lead to a decrease in reasoned thinking and an increase in impulsivity and risk taking behaviour, which can be a feature of ‘normal’ adolescence (Sebastian et al 2009). Practitioners should
be aware that in adolescence this is a key feature of young people’s development and need to assess which behaviour’s may be part of this developmental phase versus which behaviours may require intervention to prevent young people learning or developing negative pathways, which may lead to more problematic and longitudinal behaviours.

It is suggested that an increase in positive activity, such as, physical activity, individual interests and reading (Smith et al, 2010; SG 2013) can impact on future outcomes for young people, including the development of strengths and protective factors, such as problem solving (Brendro and Longhurst, 2009; Sapouna, 2011). This may reduce the likelihood of involvement in offending behaviour.

3. A Youth Justice Approach

A youth justice approach to working with young people often involves the use of bespoke programmes and tools to assess risk and provide tailored interventions which address criminogenic need alongside other social needs which can be identified through the GIRFEC wellbeing indicators. This approach can sometimes be in the form of a discrete intervention to address specific concerns regarding offending behaviour, although it also involves undertaking a holistic assessment of needs in line with GIRFEC outcomes, so to include wider welfare or child protection concerns. A recent evaluation of literature into desistence from offending behaviour in young people (Sapouna, 2015), suggests such interventions should be part of a holistic assessment process and that practical supports, made available as required, may assist the desistence process.

The main policy area that guides youth justice practice is the Whole Systems Approach (WSA). Published by the Scottish Government in 2011, it is underpinned by GIRFEC and the findings of the Edinburgh Study of Youth Transitions and Crime (hereafter the Edinburgh Study) (McAra, L & McVie, S; 2010). WSA focusses on five key strands of practice:

- Early and effective intervention
- Opportunities to divert young people from prosecution
- Court support
- Community alternatives to secure care and custody
- Managing high risk, including changing behaviours of those in secure care and custody
- Improving reintegration back into the community

4. Working with Children and Young People who offend

Working with young people who offend involves a holistic approach to meeting needs, whilst at the same time, offering early and effective interventions which are timeous, age and stage approach and address criminogenic needs.

The WSA (2011) set out that those working with young people who offend should focus on providing early and effective interventions and where possible, divert young people away from formal systems which may lead to compulsory measures, prosecution or custody.
This approach outlines that where young people continue to offend and cannot be diverted away from formal systems due to the frequency or severity of their offending behaviour, and all other options have been exhausted, robust community alternatives to secure care and custody should be considered (UNCRC). Where there are no alternatives to secure care or custody, the approach highlights the need to clear pathway planning from the point that young people enter secure care or custody, support and contact during this time and planning and support on returning to the community.

Where young people present as “high risk” in relation to their offending behaviour being serious or prolific in nature, the WSA advocates that practitioners consider effective ways of working with this group, including using evidence base assessments, risk assessments and intervention programmes.

Services need to be integrated for the purpose of sharing information and to ensure processes and services across both children’s and adult services are effective for young people. Children should be helped to take responsibility for their decisions and actions in accordance with their stage of development and understanding. The labelling of children’s behaviour as criminal can be harmful as it has potential to stigmatise and reinforce negative self-image and behaviour (Sapouna, 2015).

5. What is the ‘Evidence Base’?

Before describing the evidence base for working with young people who offend in Scotland, we must firstly understand the meaning of the term. Mair (2005) states:

“‘Evidence based’ implies that careful thought has gone into any decisions, that a variety of material and data have been sifted, considered and applied to the issues in question; that developments are based on consideration of all available and relevant past knowledge and experience and that full account has been taken of possible futures” (pp. 257-277)

Risk-Factor Paradigm

The risk factor paradigm’s focus is primarily on those who have been involved in a pattern of offending that is concerning in nature or frequency. Identifying risk and protective factors may allow those working with young people who offend, or are at risk of offending to address issues of concern through the early identification of needs to be addressed and protective factors to be promoted.

Whilst this paradigm forecasts a range of potential problem areas for young people which may lead to future offending behaviour, it cannot go as far as to suggest which young people may desist from offending behaviour and according to O’Mahoney (2009) ignores crucial factors such as individual agency and social disadvantage.

The Edinburgh Study (2010), a longitudinal study of pathways into and out of offending behaviour, criticises the risk factor paradigm, with the authors taking the view that it is unhelpful in identifying which young people may desist through a natural process and those who will continue to offend. The study followed a cohort of 4,300 young people in Edinburgh
who started high school in 1998. A key finding of the study was that young people fell into different categories in terms of when they desisted from offending behaviour. Some young people’s offending was described as early onset, in that they began to offend prior to their teenage years and would desist by mid-teens, others would begin to offend in their early teens and desist towards their late-teens or early twenties. The authors suggest that key factors for this group in terms of desistance included factors such as maturation and the development of meaningful relationships. A further group were found to start offending as children and progressed on a trajectory of continued offending behaviour into later adulthood.

Following the conclusion of the study the authors highlighted four key findings that should influence Scottish policy;

1. Persistent/serious offending behaviour is associated with social adversity and history of personal history of victimisation
2. It is difficult to identify those at-risk of offending early on due to labelling and stigmatising and offending may be maintained by contact with services
3. There a critical moments in the early teenage years that can be pathways out of offending
4. Diversion from formal systems can assist with the desistence process

Considering the impact of WSA policy and the conclusions and recommendations from the Edinburgh Study, there is evidence to suggest that the policy of maximum diversion and early intervention which steers young people away from formal systems may have a positive impact on recidivism.

Comparing statistics relating to offence referrals to the Children’s Reporter in 2003/04 there were just over 16,000 referrals. Ten years later, in 2013/14 this had reduced to 2,800 referrals (SCRA).

Additionally, it is not just referrals to the Children’s Reporter that have changed since the introduction of these policy areas. Police Scotland report that in terms of crime detection between 2008/9 and 2012/13 there was a reduction in young people being detected for crime of 45%. http://www.gov.scot/Publications/2013/11/6914/4

6. Core principles of effective practice

The core principles for effective practice in youth justice practice in Scotland are defined by the findings of the Edinburgh Study (2010) and put into practice through the implementation of the WSA and the Scottish Governments strategy refresh. These are as follows;

1. Early and effective intervention should be targeted at all young people where there is a concern, given that theories such as the risk-factor paradigm cannot indicate those who are on a trajectory towards further offending behaviour.
2. Maximising diversion from formal systems using proportionate and timeous interventions, and divert young people from secure care and custody by the use of alternative services wherever possible.

3. Support young people to manage the transition to adulthood through education; training and employment, whilst also supporting those who have experienced care or custody, or entering into adult justice systems by offering intensive support.

4. Maintaining young people within mainstream education and maximising school inclusion.

5. Serious offending is assessed and addressed appropriately by recognising the support required by young people who are vulnerable and experience adversity, that matches the level of risk identified, and improving the quality of relationships.

**EEI/Diversion**

Maximum diversion from formal systems such as, the Children’s Hearing System and adult Court promotes desistence in young people. According to the EEI Core Elements document those involved in anti-social and/or offending behaviour should be identified early on, using a multi-agency screening approach. EEI considers a range of interventions which are appropriate to the age and stage of development of the young person, are holistic in responding to their needs and offer timely support to improve behaviour. By screening young people, early interventions negate the need for young people to be referred to Children’s Reporter.

Where young people are reported to the Procurator Fiscal, the provision of a Diversion from Prosecution Scheme provides an opportunity to assess the needs of individual young people and divert them to training/education and/or to address their behaviour, as an alternative to being dealt with in court.

Sapouna et al (2015) highlight that whilst diversion to schemes which provide education, training/employment are helpful, crucially, they suggest that to promote desistence, such activities need to be those that result in meaningful work and provide some sense of reinforcement regarding being part of society. For example, the authors suggest that low income, short term employment or temporary training schemes which may not lead to meaningful employment are unlikely to assist youth people in desisting from offending behaviour longitudinally.

(For further information please see section 6 on EEI).

**Alternatives to secure care and custody** should be used for young people wherever possible. At times, this won’t be possible due to the risk they present to self/others, but community based services are more effective (Scottish Government; 2011b) in reducing offending behaviour and having more positive outcomes for young people than being removed from their families/communities, losing employment or existing accommodation (Sapoua 2015).
Reintegration and Transitions

Court support

Since 2008 there has been growing support for making changes to how young people who enter the Court system are supported. The Prison Commission report, Scotland Choice (2008) and the Edinburgh Study (2010) both highlighted that in respect of needs under eighteens are significantly different to adults. Amongst other issues, the Scotland’s Choice report highlighted that a large proportion of young people in custody had either been in care as a child or had issues relating to speech, language or communication needs. This report highlighted the difficulties young people face when trying to understand legal processes and their consequences.

Additionally, the Edinburgh Study promotes the idea that young people should be steered away from formal systems where possible (2010). Court support therefore has a role in trying to support young people to attend court to understand the process and its outcomes, to try and prevent future appearances in this system.

Another factor in the recognition that the approach to young people should be different comes from the United Nations Convention on the Rights of the Child and associated guidance (SG, 2010) which states that those under eighteen should not be involved in systems designed for adults.

Secure Care and Custody

The overall aim of reintegration and transition support is to ensure that vulnerable young people, who have experience of secure care or custody, receive appropriate support when returning to the community.

The Scottish Government, in their reintegration and transitions guidance describe that good practice in supporting young people experiencing transitions within care or custody settings involves ensuring that attention is paid to meeting young people’s needs in a holistic way. In managing the transition between secure care and custody it is necessary to:

• Plan for a young person’s transition out of secure care or custody at the point of entering the system

• Ensure that all under 18’s have a child plan and that this is regularly reviewed by the lead professional

• Assessment and risk assessment tools should be used to inform the child’s plan, these should be reviewed and updated as necessary and take into account underlying issues associated with offending behaviour

• A young person’s family should be supported to be involved in care planning for the young person as much as possible

• Work towards having structures in place to support the young person when they return to the community including training or employment and accommodation.
School Exclusion

The Edinburgh Study (2010) highlights the link between young people who have been excluded from school and involved in offending behaviour. Since this study was published, much work has been undertaken to encourage schools to be innovative and work with a range of partners to support children and their families to maintain positive links between the child, the school and the child’s family. As a result, the total number of exclusions reduced from 44,794 in 2006/07 to 21,955 in 2012/13.

Curriculum for Excellence (CfE) places emphasis on establishing and maintaining positive relationships as part of its broader purposes. The Behaviour in Scottish Schools Research (2012) demonstrates that investing time and resources into improving relationships and behaviour in establishments leads to positive outcomes around inclusion, engagement and achievement in the short term, community safety and cohesion in the longer term. Promotion of positive behaviour through whole school ethos and values is recognised as the most helpful approach to improving behaviour.

Assessment

High quality assessment is the first step in identifying which children and young people require services and the type and intensity of service provision they require and in guiding appropriate action planning. Undertaking different depths of assessment in response to different levels of risk and complexity presented by individuals is important.

Young people who present a significant risk of harm to others through violence or harmful sexual behaviour represents a small but significant cohort of young people. The priorities set out in terms of practice for this group include ensuring the use of effective interventions, risk assessment tools and systems, such as, providing care and risk management to manage the risk that this group of young people pose.

To support practitioners with this, the Scottish Government (2014) published Care and Risk Management (CARM) guidance as an appendix to the Framework for Risk Assessment, Management and Evaluation (FRAME) (2011).

Care and Risk Management (CARM)

In managing the risk posed by young people, the Scottish Government recognised the need to have a consistent national framework, which paid cognisance to both the care and risk management needs of young people who pose a risk in relation to their offending behaviour.

The publication of CARM in 2014 http://www.gov.scot/Publications/2014/12/6560/8 aims to ensure that young people’s needs are meet holistically in line with GIRFEC whilst at the same time ensuring that case management practice adheres to individualised assessment and risk assessment, is proportionate to the risk the young person poses and includes information sharing between relevant agencies.
FRAME

The Framework for Risk Assessment, Management and Evaluation (FRAME) (2014) http://www.gov.scot/Publications/2014/12/6560 provides guidance in relation to how a range of agencies should assess, manage and evaluate risk. Led by the Risk Management Authority (RMA), the guidance is supported by a range of agencies including the police, criminal justice social work and the Scottish Government. Whilst the focus of FRAME relates specifically to risk assessment and management, it promotes the need for comprehensive assessments of need in line with GIRFEC principles.

FRAME describes there being five standards in assessing and managing risk, which are rights base and evidence-led in their approach whilst also promoting defensible decision making.

**Standard 1 – Risk assessment** - Those working with young people displaying offending behaviour should following the principles of identifying, analysing and evaluating risk, as well as, using appropriate, evidence based risk assessment tools to assist in this process.

**Standard 2– Planning and responding to change** – risk is dynamic and therefore, those working with young people should ensure that a Child’s plan is proportionate to needs and risk, whilst also ensuring regular review of risk assessments and plans to acknowledge the dynamic nature of risk.

**Standard 3– Risk management** – Measure is place for young people should be robust and ensure the safety of others, however, measures put in place should be review to ensure they are proportionate to risk and are not too stringent to relaxed.

**Standard 4– Inter-agency working** – In line with GIRFEC, FRAME sets out that those involved with young people should; be clear of their shared tasks, roles and responsibilities and make sound decisions based on the sharing of information, assessment and analysis of the information available.

**Standard 5– Quality assurance** – Set out that those working with young people should have relevant training to equip them to work in an effective way with children, young people and their families, as well as, understand the risk and needs of this group. FRAME outlines that risks and needs should be communicated clearly and effectively.

**Risk Need Responsivity Model (RNR)**

Many policy-makers have drawn selectively on the research evidence-base, rather focusing on change 'within the individual. As mentioned earlier, the risk paradigm has heavily influenced policy and practice in the past. One theory that relates to this is the RNR model. Developed by Andrew and Bonta (1990), they suggested that to address offending behaviour the primary focus should be on; identifying risk (risk principle), address needs only associated with offending behaviour (needs principle) and respond to these needs by with appropriate treatment (responsivity principle).

Although Ward and Maruna (2007) refer to RNR as the "premier" model of offender treatment, they point to desistance studies as providing evidence that developing more adaptive self-narratives is associated with reducing and ending offending and approaches
such as RNR tend offer a narrow focus on risk and criminogenic need. Progressively, McAra and McVie (2010) highlight the importance of an individual approach to managing risk.

**Structural Professional Judgement (SPJ)**

The concept of structural professional judgement (SPJ) is described as focussing on individual’s behaviour and their context (Guy et al. 2012) as well as, guiding professionals towards specific interventions which relate to individual needs. It involves assessing through identifying risk factors, analysing their relevance, considering potentially risky scenarios, and weighting items considered by a structured tool in accordance to their relevance to the individual. This offers a richer approach in the form of formulation which guides practitioners towards management planning by considering the factors most relevant to the young person’s situation. See the section entitled Managing High Risk for further detail.

Formulation as part of SPJ process assists practitioners in developing an evidence-based explanation of a young person’s offending behaviour, considering the form that the behaviour takes, factors that may trigger behaviour and factors that maintain it (Johnstone & Dallos, 2006; Tarrier, 2007).

**National Risk Framework**

In adhering to good practice and holistic working, those focusing specifically on risk associated with offending behaviour, should also be mindful that young people may experience other forms of vulnerability and victimisation not associated with offending behaviour.

The National Risk Framework (Calder, et al 2012) aids the assessment and intervention planning process broadly speaking, for children and young people where welfare and/or child protection concerns exist. The purpose of the tool is to support practitioners from a wide background in the process of identifying, analysing and managing risk. This guidance was developed in collaboration with the Scottish Government to assist with the conceptualisation of risk across various domains of practice.

Whilst this framework is not specific to youth justice practice, it is beneficial to consider applying this framework to ensure that risk, in its broadest sense, is addressed in a holistic way. For example, a young person who may be displaying offending behaviour may also be a victim of violence at home by parents, constituting a child protection concern. The risk to the young person may therefore need to be assessed alongside the risk posed by the young person’s offending behaviour.

**Identifying Risk Factors**

A range of factors contribute to the risk of offending and can be targeted for remediation.

**Individual factors** include; anti-social tendencies (McGuire et al., 2002), low levels of self-control and/or impulsiveness (McGuire et al., 2002), substance misuse (Audit Scotland 2001), poor parental supervision (McGuire et al., 2002), Woolham 2003), experience of bereavement (Vaswani 2013)
Social Factors are; negative or anti-social peer associations (Andrews and Hoge 1999, Audit Scotland 2001, Hawkins et al. 2000), socioeconomic status (Farrington et al. 2012), neighbourhood issues (Farrington et al. 2012)  

Vocational factors; low educational achievement (Audit Scotland 2001), other school and/or employment problems (McGuire et al. 2002)  

Community factors include; social exclusion (Woolham 2003), high crime levels in community (Hawkins et al. 2000), availability of drugs and weapons (Hawkins et al. 2000).  

7. Desistance (When, how, and why?)  

The principles of effective practice and effective relationships provide a guide to how practitioners can approach work with individual young people in a way that addresses needs and risks and is also sensitive to the personal context and characteristics. However, for practitioners interested in reducing reoffending, it is essential to understand the “change agents” (McCulloch and McNeil 2008:157) involved in ending offending – the process of ‘desistance’. Desistance research considers when, why and how change occurs and stresses the requirement for intervention to be highly individualised and to reflect differing needs according to age, gender or ethnicity. Crucially, work associated with desistance often focuses on hope based strategies and the promotion of motivational work, including the perspectives described by Maruna (2001) below. A good example of desistance practice is the Good Lives Model (Ward 2002) (see below); however, Andrews et al (2011) expressed concern about theoretical perspectives which he described as “focusing on hope alone”. In context, Andrews et al (2011) were not describing the Good Lives Model as a theory that only focusses on hope, rather, they point out that irrespective of the type of intervention being used, attention should always be paid to addressing evidence based criminogenic factors.  

Maruna (2001) identified three broad theoretical perspectives important to understanding desistance:  

**Maturational Reform Theories** focus on the established links between age and certain criminal behaviours. The age-crime curve remains the most robust and yet the least understood empirical observation in criminology, although it is not without its critics. The suggestion here is that children and young people can outgrow certain behaviours as they mature.  

**Social Bond Theories** suggest that if the individual has family ties, positive social relationships and are in education or employment, they are less likely to offend as they have more to lose than those who have no social bonds. Where these ties exist, they create a reason to ‘go straight’. Where they are absent, people who offend have less to lose from continuing to offend. The responsibility of entering into new relationships, gaining employment and, possibly parenthood, can give the young person a greater stake in their own community and future thus encouraging their motivation to desist from further offending behaviour.  

**Narrative Theories** stress the importance of subjective changes in the person’s sense of self-identity, personal and social ‘connectedness’ or integration, which in turn are reflected in changing motivations, greater concern for others and consideration of the future. The way
the young person makes sense of their situation, the changes they make and the way they view and value themselves can have an impact on their own behaviour, concern for others and more consideration as to their own future (Maruna, 2000).

These three theoretical perspectives are interconnected and stress the importance of the relationships between ‘objective’ changes in a person’s life and ‘subjective’ assessment of the value or significance of these changes. They support the case for more holistic responses and suggest that the ‘key’ to stopping offending is likely to reside somewhere in the interface between developing personal maturity, changing social bonds associated with life transitions and individual subjective narrative constructions built around key events, transitions and changes. For example, McAra and McVie (2010) highlight that additional to maturation, positive relationships may play a key part in desistence, such as, a young person developing a meaningful relationship. Aligning this to GIRFEC and current practice the “my world triangle” highlights that in a young person’s “wider world” there is a need for support from family, friends and others.

While offence focussed work must be undertaken in most cases, the social needs of the child or young person must also be addressed. To develop a motivation to change behaviour and/or attitude in a young person, firstly we must address negative behaviours or attitudes displayed by others around the young person. For example, where parents or carers collude with the young person’s behaviours or role model the behaviours being displayed by the young person, these need to be tackled first for the young person to be able to consider alternatives that are being proposed within structured interventions.

Social learning theory, also known in the past as differential association-reinforcement theory (Burgess and Akers 1965) refers to observable behaviours which a young person displays and proposed that offending and challenging behaviour is constructed in a similar way to conforming behaviours, in that, both are learned through social structures, an individual’s person situation and encounters with others in either an positive or negative way. Social Learning (Akers and Jensen 2006) can both support and counter act offending behaviour, in that, where a young person’s social learning e.g. from parents, carers and peers supports offending behaviour it is likely that the young person, in turn, will become involved in similar behaviours. Social learning theory tells us that where a young person has experienced negative learning in the past, this can be addressed by providing pro-social learning opportunities. These can include, spending time with peers not involved in negative behaviours, as well as, activities and learning opportunities that challenge negative behaviours by others, offering positive alternative experiences.

8. What might work?

Relationship between worker and client

As stated above, the relationship between client and worker is seen as pivotal in promoting or hindering desistance. McNeill 2002 described optimism, trust and loyalty as being essential to effective working relationships with clear roles, boundaries and mutual expectations.

The quality of relationships young people experience is a key factor in building on their strengths as well as helping to manage risks, thereby increasing the likelihood of a
successful intervention and improved outcomes. Recognising the strengths and potential of young people rather than focusing solely on problems to be fixed is important to desistance.

Green et al (2013) suggest genuineness and advocacy as important elements of the working relationship for young people and Milbourne (2009) highlighted that in the context of relationship development, trust is a significant factor in motivating young people to engage with adults, pointing to previous negative experiences within the context of statutory services and residential care as impacting on a young person’s ability to trust others.

Research on effectiveness has shown that the way professionals approach work with their clients can impact on the whole package of care. Simple positive actions such as returning telephone calls, not cancelling appointments and texting appointment reminders are seen as beneficial and may improve outcomes. Even in short meetings, how workers interact with clients can have a major impact. Trotter (1999) suggests that successful outcomes are strongly related to the quality of the interaction between worker and client. Workers who can positively influence their clients are more likely to be enthusiastic, warm and optimistic, using creativity and imagination.

All of the above indicate that promoting positive behaviours, listening, challenging, showing respect and understanding and including young people in decision making are all essential in relationship building and positive outcomes.

**Good Lives**

The Good Lives Model (Ward 2002) is a strengths-based and holistic approach to working with adults and young people who have been involved with offending behaviour and is broadly congruent with theories relating to desistance. It emphasises positive goal attainment and argues that this will be more effective in motivating individuals to change than models that are exclusively about working on deficits, ‘risk factors’, offending behaviour and the avoidance of risky situations that might lead to ‘relapse’.

The model proposes that individuals commit crimes because they are attempting to meet basic needs (e.g. autonomy and independence, acceptance from peers, being active and avoiding boredom etc.) which they cannot meet in healthy ways for particular social or individual reasons. Concentrating on the needs met by the behaviour – what Ward describes as ‘primary goods’ – can make the behaviour intelligible to the individual and those who will be providing interventions. Ultimately the Good Lives Model approach to treatment is identifying needs that were being met through inappropriate means and identifying goals which would allow the individual to meet their needs in more appropriate ways. As Ward states:

“We have been so busy thinking about how to reduce …crimes that we have overlooked a basic truth: recidivism may be further reduced through helping offenders to live better lives, not simply targeting isolated risk factors” (Ward et al., 2006).

For some people the offending may be directly related to the acquisition of a primary good e.g. committing an offence because it will make you more respected amongst your peer group. Sometimes the relation will be indirect: committing an offence through boredom because an individual lacks sufficient activity and structure in their life. Most offending will
involve meeting a range of different needs at different levels, and a ‘Good Lives’ formulation will involve a collaborative approach working out what needs were met by the behaviour and how the meeting of those needs in positive ways can become the primary focus of an intervention plan.

The model is sometimes described in opposition to the RNR model and the idea of relapse prevention. Although the model incorporates a critique of the RNR approach, the authors of ‘Good Lives’ have recently argued that the model is a refinement of the RNR approach (Ward et al 2007).

Although the Good Lives Model has a twin focus of enhancing well-being and reducing harm, good practice still requires professionals to conduct a needs/risk assessment and implement risk management processes to promote individual and community safety at the start of and throughout the work.

The Good Lives plan in all cases will then go on to outline ways of helping the individual address areas of dynamic risk, as the internal or external obstacles that frustrate and block the acquisition of primary human goods are, generally but not exclusive, crime sustaining (criminogenic) needs. Because of this, a well prepared Good Lives plan will address areas of dynamic need/risk, but in a way that allows the individual to make sense of why these areas of risk and deficits are a problem for them within the context of their life. Importantly, it helps the individual move and progress in a way that will allow them to evidence a reduction of the risk they may present.

A Good Lives plan may include a range of goals defined by a young person (e.g. having a girlfriend, owning a motorbike, learning about mechanics at college, having your own place to stay, living an offence free life etc.). Under these aims can be mapped out what the individual needs to do to achieve these goals, how specific pieces of work could contribute to these goals and how other people can help the individual achieve these goals. Areas of criminogenic need highlighted by use of structured assessment tools could then be addressed through individual work, family work and other forms of support (e.g. issues with problem solving, building and sustaining relationships, emotional self-control, relapse prevention skills, managing conflict within the family, alcohol issues etc.) alongside wider social needs relating to education and employment and positive social networks and leisure pursuits.

The Good Lives approach has been associated with work with sex offending, although the authors are keen to emphasise that it can be applied to work with adults and young people involved in all forms of offending (Ward and Maruna 2007). It is primarily a theory-driven approach, foregrounding desistance, rehabilitation/re-integration and the importance of relationships in work with individuals who offend.

There is no single ‘manual’ or accredited programme with respect to the Good Lives Model – it is a broad rehabilitation theory rather than a programme. However, there are a number of trainers in Scotland who are able to provide training in how to apply the model to working with young people in a child-centred way. In Scotland, the model is more commonly referred to as the Safer Lives Model. Further details on trainers are available from the Centre for Youth & Criminal Justice.
Limitations of the Good Lives Model approach

To date, it lacks a strong empirical evidence base, although there are a number of ongoing evaluations of the approach taking place internationally, in the UK and in Scotland (see www.goodlivesmodel.com). Also, in considering the use of a Good Lives approach, a particular challenge in motivating young people and setting goals relates to the availability of opportunities for which they are interested in and willing to engage. When working with young people who experience social disadvantage, poverty and deprivation there may at times be limitations to the quality of activities or resources that can be made available to support a good lives plan.

Whilst there are critiques around both the Good Lives and RNR models in responding to assessed risks and associated needs, within the area of assessment, structured professional judgement appears to be showing promise in aiding practitioners towards assessments beyond the use of structured tools and similar to the ideas behind the Good Lives Model, focusing on the individual more in terms of their particular risks and needs.

9. Conclusion

This section has emphasised the importance of acknowledging the different needs and strengths of each individual so that any planned intervention is person-centred. Assessment, which is the starting point of intervention, needs to take account of the “differences” which would include gender, ethnicity, physical or learning disabilities and learning difficulties. Assessments should be informed both by FRAME and underpinned by the use of CARM as discussed earlier. These policies inform the intensity, duration and sequencing of intervention and the processes to manage risk, if any may be required. This should be included in the child’s plan and reviewed regularly, not only to assess progress, but also to highlight any relevant changes in the child or young person’s situation.

In meeting both the social and crime sustaining (criminogenic) needs of a child or young person who is displaying offending behaviour, it is important that intervention does not stigmatise or further label them and their families. This, in conjunction with the recognition of any existing strengths and/or protective factors that may be further developed in order to motivate, enhance resilience, build human and social capital and effect positive change, will encourage responsive participation and increase the probability of the effectiveness of any programme of work.
10. Bibliography


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Annex 1

Resilience Matrix

- **Resilience**
  - Characteristics that enhance normal development under difficult conditions

- **Adversity**
  - Life events or circumstances posing a threat to healthy development

- **Vulnerability**
  - Characteristics of the child, the family circle and wider community which might threaten or challenge healthy development

- **Protective environment**
  - Factors in the child’s environment acting as buffers to the negative effects of adverse experience