

Key messages from the Centre for Youth & Criminal Justice

The Centre for Youth & Criminal Justice (CYCJ) is dedicated to supporting improvements in youth justice, contributing to better lives for individuals, families and communities.

This briefing paper summarises some of the key findings and messages from CYCJ's work over the past three years. It draws on research; feedback from practice and policy; and reflections about how to better support children and young people involved in, or on the edges of, offending to flourish.

Summary

1. Low level offending is a common feature of childhood as children grow and test boundaries, but for a small percentage of children the frequency and severity of their offending causes a major concern. The number of reported offences committed by children and young people has reduced dramatically during the last five years and the number of young people in secure care and custody has fallen in parallel.
2. There is a growing body of evidence which shows that children involved in a pattern of offending, or who are involved in more serious offences, are almost always our most vulnerable, victimised and traumatised young people. The link between vulnerability and offending is retrospective not predictive, in that most children who experience adverse childhood experiences and trauma do not go on to seriously offend, but children who are involved in serious offending or frequent offending almost always have experienced trauma.
3. Contact with the youth justice system is ironically the biggest factor in whether someone will continue offending. Wherever possible the best course of action is to NOT intervene as a 'justice' service, but to provide support via universal services (health, education, welfare) and focus on building relationships, strengths, skills, opportunities and hope. The more we can do to keep children in school (especially children whose behaviour is challenging) the better.
4. Mental health is a major issue for this group of children but we often respond to mental health crises rather than looking to help children manage their experiences and emotions (self-regulation) at an early stage. One initiative which would address this would be for clinical psychologists to be embedded in social work teams throughout Scotland to provide this early stage support.
5. Children aged 12 to 18 are still routinely prosecuted in adult courts, where children are unable to understand the language and processes, the risk of re-traumatising is high and their needs are not taken into account. We suggest that for all under 18 year olds the presumption should be that they will be dealt with through the Children's Hearing System.
6. We have seen significant successes through the introduction of the Whole System Approach and we suggest extending the approach to at least young people up to the age of 21, as they do not fully develop until their mid-20s and thus require specific support to address risk and needs.
7. There would be value in examining the legislation and policy surrounding Movement and Restriction Conditions (MRCs) and to be more creative in how we apply such measures. There are possibilities including using MRCs as an alternative to a custodial sentence or remand, or using a MRC as part of 'step up' or 'step down' from secure care.

Children and offending in Scotland

To some extent offending is a 'normal' part of growing up and most young people 'grow out of it'

Edinburgh Study

Low level offending is a common feature of childhood as children grow up and test boundaries, but for a small percentage of children the frequency and severity of their offending causes a major concern:

- **95%** of children in Scotland commit an offence at some point in their childhood, usually low level (stealing from mum's purse, graffiti, underage drinking). Research highlights a natural maturational tipping point for the majority of children.
- **5%** of children come into contact with the police for their offending behaviour, and children are responsible for around **6%** of all offending. More than half (**54%**) of detected crimes by young people aged 8 to 17 were 'miscellaneous' offences which are predominantly minor compared to crimes of violence which only made up **1%** of all crimes and offences by children (2012-13, Scottish Policing Performance Framework).

There is a growing body of evidence that children involved in a pattern of offending, or who are involved in more serious offences, are almost always our most vulnerable, victimised and traumatised young people. The link between vulnerability and offending is retrospective not predictive, in that most children who experience adverse childhood experiences and trauma *do not* go on to seriously offend, but children who are involved in serious offending or frequent offending *almost always* have experienced trauma:

- **81%** of children under the age of 12 who were referred to the Children's Hearing System because of a pattern of offending had parents who posed a risk to them; **43%** had mental health difficulties; **70%** had educational problems; **30%** had been the victims of physical or sexual abuse (SCRA, 2016).
- Children involved in violent offending at age 15 are significantly more likely than their peers to be victims of crime; have problematic health risk behaviours including self-harm and para suicide; have weak bonds to parents and school; have personality functioning issues; be involved in bullying others; have experienced family turbulence and social deprivation; have friends involved in offending (McAra & McVie, 2010).
- **76%** of children who pose the most serious risk to others, supported by our IVY (Interventions for Vulnerable Youth) Project, have experienced domestic violence and **88%** some other form of maltreatment
- **70%** of young people placed in one secure care centre had a previous or current mental health diagnosis (Rossie, 2015). More than half of young women placed at another had experienced six or more adverse childhood experiences, sometimes referred to as ACEs (Kibble, 2016).
- About **60%** of children and young people supported by youth justice services have speech, language and communication needs, which have often gone unrecognised.
- Looking at experiences of bereavement in Polmont YOI, over three-quarters of the young men had experienced traumatic bereavements (murder, suicide etc); and two-thirds suffered from substantial bereavements (four or more). The complex emotions associated with this are often manifested as anger, difficulty concentrating, risk-taking behaviour and substance misuse, and are subsequently interpreted (and therefore responded to) as bad behaviour from a very early age.
- The impact of being taken into out of family care and the multiple moves of home setting which can happen in our care system constitutes trauma and multiple losses. Some young people currently in secure care had 22 different care placements by the age of 15 (Secure Care National Project, CYCJ). All of these responses create additional losses and can often re-traumatise children and young people.

"How many more people do I have to see die? I'm only 19 and that's five people died already and I keep thinking to myself 'are the rest of them gonna die?' And then I'll grow up alone"

Young person in Polmont, Vaswani, CYCJ, 2014

What improves things and what makes things worse?

The number of reported offences committed by children and young people has reduced dramatically during the last five years and the number of young people in secure care and custody has fallen in parallel. The Whole System Approach and wider GIRFEC programmes along with the coordination of activity through the YJIB (Youth Justice Improvement Board) and the CHIP (Children’s Hearing Improvement Partnership) have resulted in a clearer collective mission, stronger partnerships, improved communication and greater collaboration across agencies and services.

Case Study: Kate

“For me, what worked was having positive influences in my life”

Kate’s earliest childhood memories are of violence. She spent the majority of her teenage years locked in a cycle of ‘offending and getting caught’. It was only when she received a supervision order instead of a custodial sentence that she began to turn her life around.

What helped Kate was the support that she received from a few special people who believed in her and saw her as “not an ex-offender, not a case, but as a young woman with my full life ahead of me”. Kate is now working full time and studying, determined to give her little boy the life she never had. Yet she wonders how different things could have been “if someone had taken the time to reach out to me, and show me other options besides fighting, drinking and belonging”.

- Children who are supported by youth justice services have a range of complex needs but also have strengths, and if given the right support and opportunities at the right time many can and do flourish. Evidence suggests that there are a range of factors that can protect children from the most negative consequences of the trauma they have experienced. The key ones are having strong, positive relationships, particularly with an adult - someone that cares, supports and believes in them.
- Contact with the youth justice system is ironically the biggest factor in whether someone will continue offending. Wherever possible the best course of action is to NOT intervene as a ‘justice’ service, but to provide support via universal services (health, education, welfare) and focus on building relationships, strengths, skills, opportunities and hope.
- School can be an important factor in keeping children focused on more positive destinations, but at least 80% of young men in Polmont had experienced school exclusion (CYCJ, 2014). It can be difficult for children who are experiencing disruption and/or trauma to sit in a traditional classroom setting. Their behaviour can be challenging for schools, but the more we can do to keep children in education, ideally in their peer group and school, but if not, in more nurturing spaces where they can focus on dealing with their issues and receive extra support for additional learning needs, the better.
- Where children and young people’s needs are such that they do require to be looked after away from home, there are a number of examples of innovative and evidence based methodologies being delivered in Scotland. ‘Trauma informed care’ is an important approach, where multi-professional teams around the child underpin everything they do with awareness and understanding of the impact of trauma and adverse childhood experiences. Central to everything is the quality of the relationships between the carers and the young people.

“Look at us now and at what we’re all doing (referring to the young people’s successful lives as young adults) that’s down to these guys (the care staff) always being there for us and believing in us...They’ve known me since I was 14 and I’m 19 now. To be honest, they’re like my family”

Care experienced young adults speaking with the secure care national project, CYCJ 2015

- We can break up positive relationships, take children away from their loved ones, schools and communities, and exacerbate issues by placing children in environments with other troubled and traumatised children. We also often move children from placement to placement, as we struggle to understand and meet their needs first time.
- Young people in care experience a form of ‘double jeopardy’ as in addition to already sharing many of the same risk factors as other young people prosecuted for offending behaviour, by being placed in care they are often exposed to further risk factors. These include the loss of attachments to friends and family, disrupted education and new peers who might already be involved in offending. Similarly, a range of placement specific risk factors have been identified including: placement stability; the age range of young people housed together; and the likelihood of being criminalised for behaviour which, were they at home with parents or other carers, would be unlikely to result in the police being called (CYCJ, 2016).
- As a system we can also be lax at giving children the support they need to process what has happened to them, often not dealing with low level mental health issues or helping them work through the difficulties they experienced until this become a serious problem. The resources for helping these children deal with trauma and difficult experiences at an early stage are not always there and instead we spend resources on responding to more serious issues as they emerge.

What should we do to improve things?

Find out more about what helps - Most children who have experienced trauma, abuse and adversity do not go on to offend. This encourages us to ask why not? Why do some young people experience similar things but go on to offend or end up in the prison system and others don't? There have been a range of recent studies on the links between childhood experiences and offending (SCRA, CYCJ) but we need to learn more about what works and what helps.

Use what we *do* know, to do what we know helps - We know there are a range of things that can protect children from some of the worse implications of trauma/adversity and promote their wellbeing:

- Relationships** We need to ensure that all our formal policies and service structures recognise that the more we can do to love, care and support these children, and show them that there is hope, the more they can achieve. This means structuring interventions and services in ways which *promote* trust and healthy relationships rather than constraining and “proceduralising” the adult/young person relationship.

“All I needed was just one person not to give up on me”

“It’s crucial that every young person has at least one significant other that they can go to”

Care experienced young people talking about the importance of relationships

- Reframing ‘preventative intervention’** Where young people are identified as being on the edge of offending (in primary schools and communities) our Whole System Approach needs to understand their behaviour as responses to trauma, and adversity and expression of needs. We have done a lot of work in Scotland to identify low level offending early and respond to behaviour in ways that challenge it but should ensure this is always done through a supportive lens that avoids labelling children as ‘criminal’, thus encouraging further disengagement and a sense of hopelessness. Where we do need to manage the risks that children who pose a real and significant danger to others present, we should do this by improving the knowledge and skills of professionals to effectively manage risk through a *strengths-based* lens.

- c) **School inclusion** The more we can keep children (including and *especially* children whose behaviour is challenging) in school wherever possible, the better. Schools have a vital role to play in terms of positive intervention and support as above. This involves training and supporting teachers to better understand and address trauma and challenging behaviour, and providing specialist services within schools, such as nurture rooms and school inclusion units for those struggling in a classroom setting.
- d) **Improving the support we provide around mental health and wellbeing** to address the trauma underpinning offending (in age/stage appropriate ways). Young people who present with the highest risk and need are frequently unable to access psychological assessment or therapy from mainstream services, and we often respond to mental health crises rather than looking to help children manage their experiences and emotions (self-regulation). The IVY Project demonstrates that joint working between clinical psychology and social work professionals can meet the needs of young people at high risk of offending, but IVY is a unique model in this respect. Embedding more clinical psychologists in social work teams across Scotland might be a way to build on the success of this pilot project, providing benefits such as improving workforce capacity, but most importantly, overcoming many of the challenges young people face when attempting to access psychological assessment and therapy.

“Found it a valuable tool in putting things in perspective and allowing us the time to develop our understanding of the young person”

Feedback on the IVY (Interventions for Vulnerable Youth) Project

- e) **Children first approach** We pride ourselves on the Kilbrandon principles and our Children’s Hearing System, yet we still have more children and young people aged 16 to 18 on remand or in prison settings than in secure care. As well as managing the risks posed by these children we need to care and support them to maximise their life chances and minimise the likelihood of them re-offending. Therefore we suggest secure care is a more appropriate setting than a prison or Young Offender Institution.

To further support a focus on the child we suggest that for all under 18 year olds there should be the presumption that their case would be dealt with by the Children’s Hearing System. The ultimate aim should be that no child under 18 should be prosecuted in adult Courts where children are unable to understand the language and processes, there is a risk of re-traumatising and the focus is not a welfare based system which takes account of their needs as well as their deeds. This would ultimately not only be in line with the requirements of the UNCRC but would meet the Scottish Government’s aim of Scotland being the best place to grow up - Getting it Right for Every Child (Scottish Government, 2015).

- f) **Extending the Whole System Approach** Through the introduction of the WSA, many changes were made to the way we deal with young people involved in offending behaviour to ensure they are better supported by the systems and processes in place to meet their needs and address risk. There is an argument to extend the WSA to young people up to age 21 as a minimum. This would also be in line with other European countries who treat all young people in their early 20s as juveniles.
- g) **Alternatives to secure care and custody** We have suggested there is a need to examine the legislation and policy surrounding the use of Movement and Restriction Conditions (MRCs) and be more creative in how we apply such measures. There are future possibilities that would require legislation change, such as, young people being remitted to the Children’s Hearing System from Court for a MRC as an alternative to a custodial sentence or remand, or the use of a MRC as part of ‘step-up’ or ‘step-down’ from secure care. The meaning of a community alternative package needs to be defined with clear guidance provided on this, outlining the importance of such packages for young people who offend.