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Evaluation of Early and Effective Intervention (EEI) and Diversion from Prosecution in Dumfries and Galloway

July 2011

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Introduction

This report evaluates two core aspects of Early and Effective Intervention (EEI) in Dumfries and Galloway: Multi-Agency Case Progression (MACP) and Diversion from Prosecution (DP). The report was commissioned and funded by Dumfries and Galloway Constabulary, on behalf of Dumfries and Galloway Youth Justice Strategy Group.

Methodology

The study adopts a multi-method approach to data collection, utilising both qualitative and quantitative approaches.¹ This research methodology consisted of two core strands:

Research and Statistical Analysis: Collation and analysis of open-source data on youth offending in Dumfries and Galloway, policy documentation relating to Youth Justice in Dumfries and Galloway, and existing data held in relation to MACP by respective partner agencies; a survey of schools participating in EEI; collation and analysis of policy documentation relating to 16 and 17 year olds in the criminal justice system and diversion from prosecution; analysis of quantitative data held by COPFS, Dumfries & Galloway Constabulary and Dumfries & Galloway Youth Justice Team on 16 and 17 year olds participating in the diversion service and those within the wider CJS.

Qualitative Data-Collection: A total of 14 individuals with involvement in MACP in Dumfries and Galloway were interviewed, including representatives of police, education, social work, youth justice, health, and third sector agencies; along with 9 stakeholders in the diversion service, including representatives from COPFS, Dumfries & Galloway Constabulary, Dumfries & Galloway Youth Justice Team, Sacro and the SCRA. An MACP meeting was also observed. Two interviews with young people who had participated in the diversion service were also undertaken. All interviews were digitally recorded, with the permission of interviewees; transcribed and analysed.

¹ All research procedures adhere to the Data Protection Act 1998, and the Freedom of Information Act 1998. The research was conducted in accordance with the professional ethical guidelines of the British Society of Criminology (<http://www.britisoccrim.org/codeofethics.htm>), and went through a formal ethical review process at the University of Glasgow.

Policy Context

The Scottish Government policy document *Preventing Offending by Young People: A Framework for Action* (2008) outlines a number of strategies aimed at preventing offending involving young people. Underpinned by the principles of the policy document *GIRFEC: Getting it Right for Every Child*, one of the core strategies within this framework is early and effective intervention – emphasising timely, supportive and appropriate interventions for diverting young people from further offending. Two core strands of activity revolve around EEI and Diversion from Prosecution.

Early and Effective Intervention (EEI)

In line with these overarching policy documents, Early and Effective Intervention (EEI) is a nationally agreed process, which focuses on timely and appropriate interventions for children and young people who offend. It is embedded in Dumfries and Galloway in the Dumfries and Galloway Youth Justice Strategy 2009–2012. The national ‘Implementation Guidance’ for EEI identified the following key benefits for young people:

- More timely and effective intervention with a young person, coming together on a multi-agency basis as appropriate;
- Access to a broader range of interventions which offer better opportunity of improved outcomes through greater inclusion of partners;
- A release of operational staff time back to front-line services through a reduction in bureaucracy as demonstrated in the EEI evaluation;
- Potential to more effectively undertake an audit of local need in respect of the services and interventions required at local level.

Diversion from Prosecution

The *Framework for Action* document, whilst placing strong emphasis on 8-16 year olds and preventative work, states explicitly that there is a need to ‘sustain attention on the successful transition to adulthood, particularly the vulnerable period between 16 and 21’ (Scottish Government 2008a: 4), specifically through multi-agency work. One strand of this work focuses on ‘diversion from prosecution’ programmes, which diverts alleged offenders from prosecution to social work. The option to divert to social work pre-dates all of the diversionary measures introduced in Scotland in the last decade; though use of this option has been shown to be patchy and varied (Bradford and MacQueen 2011). Building on the recommendations laid out in Scotland’s Action Programme to Reduce Youth Crime (Scottish Executive 2002) and the National Standards for Scotland’s Youth Justice Services (Scottish Executive 2002), the Dumfries and Galloway Youth Justice Strategy 2004-2006 outlined a commitment to providing more opportunities for the diversion of 16 and 17 year olds. The strategy set out in action point 30 of the document led to the implementation of the Diversion from Prosecution Service for Young People in February 2005 and the continued commitment to its provision is explicit in the current Dumfries and Galloway Youth Justice Strategy 2009-2012.

Executive Summary

In 2002, an audit of youth crime and justice in Dumfries and Galloway identified a need for development of services focusing specifically on young people who offend – with particular emphasis placed on the lack of mechanisms for diversion from the Children’s Hearing system for under-16s, and the adult criminal justice system for 16-17 year-olds (Buist and Whyte 2002). Since 2002, with the development of specialist youth justice services in Dumfries and Galloway, clear inroads have been made in addressing these gap areas. Dumfries and Galloway have placed early intervention at the heart of its Youth Justice Strategy, and have contributed a range of innovative practice developments in line with national guidance and policy.

The current evaluation found the implementation of Early and Effective Intervention (EEI) in Dumfries and Galloway to be well-advanced and well-integrated, with robust evidence of success in decreasing numbers of referrals to the Scottish Children’s Reporter Authority, and with relatively few repeat referrals to the process. Qualitative interviews with key staff revealed widespread satisfaction with the process, specifically on four key areas: a timely response to young people who offend; a reduction in paperwork, and an ability to focus on more challenging cases; a consistent, appropriate and proportionate response to young people who offend; and an informed, holistic view of the young person for participating agencies. In a climate of diminishing resources and economic uncertainty, the EEI process in Dumfries and Galloway stands as a sound model for collaborative and effective working relations in dealing with early intervention.

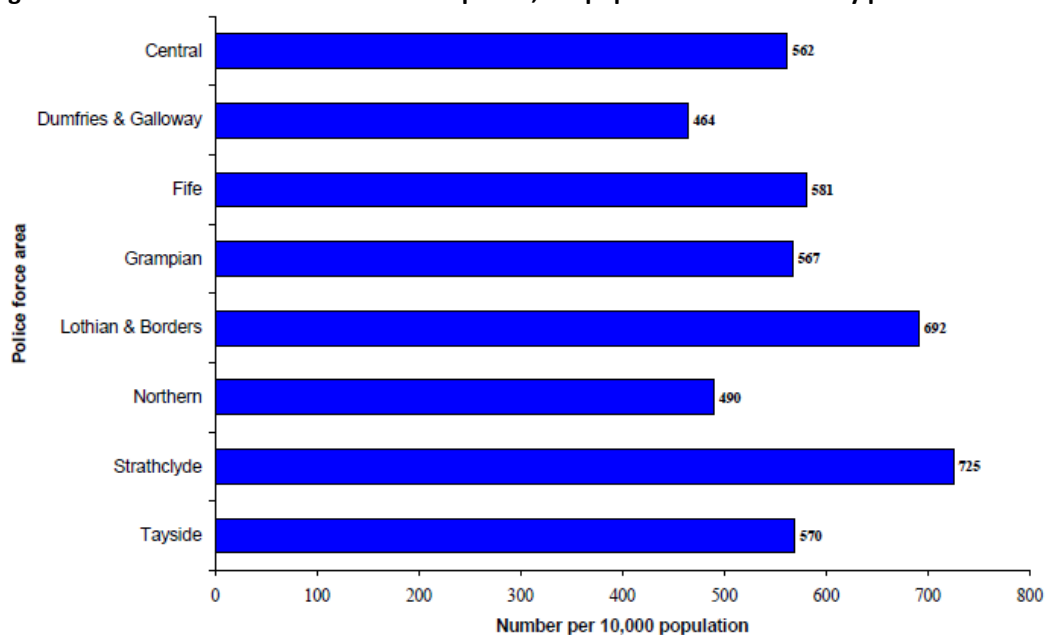
In relation to 16 and 17 year olds committing low level offences, the Youth Justice team have successfully run a diversion from prosecution scheme since 2005. Stakeholders identified the following as key factors facilitating the continued successful operation of this service: shared values and support from all agencies; individual personalities; size and locality; and simplicity of the service. Key barriers to furthering this success were cited as: loss of key supportive individuals from the core agencies; fluctuating referrals numbers; and a lack of communication between the prosecution service and the other agencies. Beyond the fundamental aim of reducing the numbers of 16 and 17 year olds prosecuted in court, there are a number of other long and short term impacts that the diversion service could have on young people, with a case study analysis indicating that young people with very different needs find the experience of participation in the Youth Justice Diversion Scheme both positive and beneficial. Measurement of impact for more in-depth analysis could be achieved through consolidation of existing feedback resources.

The robustly integrated nature of the Youth Justice Team in Dumfries and Galloway creates a firm grounding for the operation of both Multi-Agency Case Progression and Diversion from Prosecution. This level of integration must be consolidated and developed if the principles and practices underpinning the Scottish Government policy ‘Whole System Approach’ are to be effectively implemented.

Youth Offending in Dumfries and Galloway

Dumfries and Galloway is a large, sparsely populated local authority area within the South West of Scotland Community Justice Authority – with a population of 148,600 in an area of 6,426 km². This population is most densely clustered around the two principal conurbations, Dumfries (pop: 43,000) and Stranraer (pop: 10,000) with the remainder housed in smaller communities spread across the local authority area. As illustrated in Figure 1, Dumfries and Galloway has the lowest recorded crime rate of all the Scottish Police Forces.²

Figure 1: Total number of crimes recorded per 10,000 population in 2009-10 by police force area



Source: Scottish Government (2010) *Recorded Crime in Scotland, 2009-2010*.

The imprisonment rate in Dumfries and Galloway was 132 per 100,000 for 2009-10, well below the national average of 191. In 2009-2010, there were 24 young offenders imprisoned in the Scottish prison estate with Dumfries and Galloway as their home local authority (Scottish Government 2010) – while this is not available as a proportion of population, it is below average for local authority areas in Scotland. In terms of youth crime, Figure 2, below, demonstrates the level of youth crime (8-17 years) in Dumfries and Galloway for the past two years. The majority of youth crime in Dumfries and Galloway comes under the heading of Group 6 (other crimes, including crimes against public order, handling offensive weapons and drugs) and Group 4 (crimes of dishonesty), making up 41% and 34% of crimes, respectively, in 2009/10. In a pattern mirrored across Scotland, there have been significant reductions in all groups of youth crime since 2008/09 (Scottish Government 2010: 27).

² For a comprehensive overview of data on crime and offending in the South-West Scotland Community Justice Authority, see Convery, C. (2007).

Figure 2: Level of detected youth crime, 2008/09-2009/10, Dumfries and Galloway

	2009/10	2008/09	Performance
Level of detected youth crime (8–17 years old)			
• Group 1 crimes	11	19	8 ▼
• Group 2 crimes	14	25	11 ▼
• Group 3 crimes	332	373	41 ▼
• Group 4 crimes	573	842	269 ▼
• Group 5 crimes	155	198	43 ▼
• Group 6 crimes	809	1018	209 ▼
• Group 1–6 crimes and offences	872	n/a	n/a

Source: Dumfries and Galloway Constabulary Performance Statistics, 2010, p.7.

Relative to the seven other police forces in Scotland, however, both the number of crimes and the number of offenders are relatively low. In 2009-2010, Dumfries and Galloway contributed approximately 3% to the overall figure of detected youth crime, and 2% of detected youth offenders, in Scotland – with 2,475 recorded crimes and offences carried out by 872 offenders in 2010 (Scottish Policing Performance Framework 2010: 27).

A. Multi-Agency Case Progression

Overview of MACP

Since March 2010, Dumfries and Galloway have implemented Early and Effective Intervention through a *Multi-Agency Case Progression* (MACP) process for children and young people (8-15) involved in offending and/or antisocial behaviour. This section of the report outlines the strategic and operational structures involved in the MACP process as it operates in Dumfries and Galloway. The table below outlines the composition of agency representation in the MACP process.

- **Police:** Three police personnel are involved directly in MACP, all of whom form part of the Family Protection Unit Team: one Youth Justice Assessor, one Youth Justice Police Officer, and one Police Sergeant (EEI Co-ordinator). The police role in EEI consists of initial decision-making, MACP gate-keeping, and information-sharing. The police, as referring agency, take the lead in MACP.
- **Education:** A Pupil Support Officer based in the Youth Justice team acts as the education representative in MACP, representing schools across Dumfries and Galloway. The role consists primarily in liaison between schools and EEI, information-sharing and assistance in decision-making.
- **Social Work:** Children and Families Social Work (CFSW) are represented in the MACP by a Team Manager and the Senior Social Worker from the Youth Justice Team. The role for social work in EEI consists mainly of information-sharing and assistance in decision-making.
- **Youth Justice Practice Team:** As well as the various representatives from partner agencies contributing to the Youth Justice team, the meeting is chaired by the Youth Justice Manager. This role is principally that of coordination.
- **Sacro:** As part of EEI, the Service Level Agreement (SLA) between Youth Justice and Sacro has changed to low-level support beyond Restorative Justice, when required. The Sacro role consists mainly of information-sharing and service-provision.
- **Health:** One health representative attends on behalf of Integrated Substance Services (ISS) and Child and Adolescent Mental Health Service (CAMHS): carried out by an ISS representative on part-time secondment to the Youth Justice team. The role for health in EEI consists mainly in information-sharing and service-provision.
- **Antisocial Behaviour Team:** The Dumfries and Galloway Antisocial Behaviour Team are involved in the MACP process. The role for ASB in EEI consists mainly in initial decision-making, and to a lesser extent information-sharing and service-provision.
- **Crannog:** One representative of Crannog is involved in MACP, but only to a limited extent. The role consists in information-sharing and service-provision.

EI Process

Developing the model of EI set out in the document *Multi-Agency Early and Effective Intervention: implementation Guidance*, the MACP process in Dumfries and Galloway consists of three main stages, summarised below. These three stages are elaborated and analysed in the section that follows.

Summary of EI Process in Dumfries and Galloway

➤ **EI stage 1: Referral and Initial Decision-Making**

A young person who presents concern on offending or anti-social behaviour grounds is brought to the attention of the Youth Justice Assessor, working within the Family Protection Unit of Dumfries and Galloway Constabulary. After checking that the young person is not already an 'open case' with Scottish Children's Reporter Administration (SCRA), the Assessor completes an initial set of police checks, and determines the most appropriate intervention to address need and risks: a Formal Police Warning, Police Restorative Justice Warning, MACP Meeting or a referral to SCRA.

➤ **EI stage 2: Referral to MACP meeting**

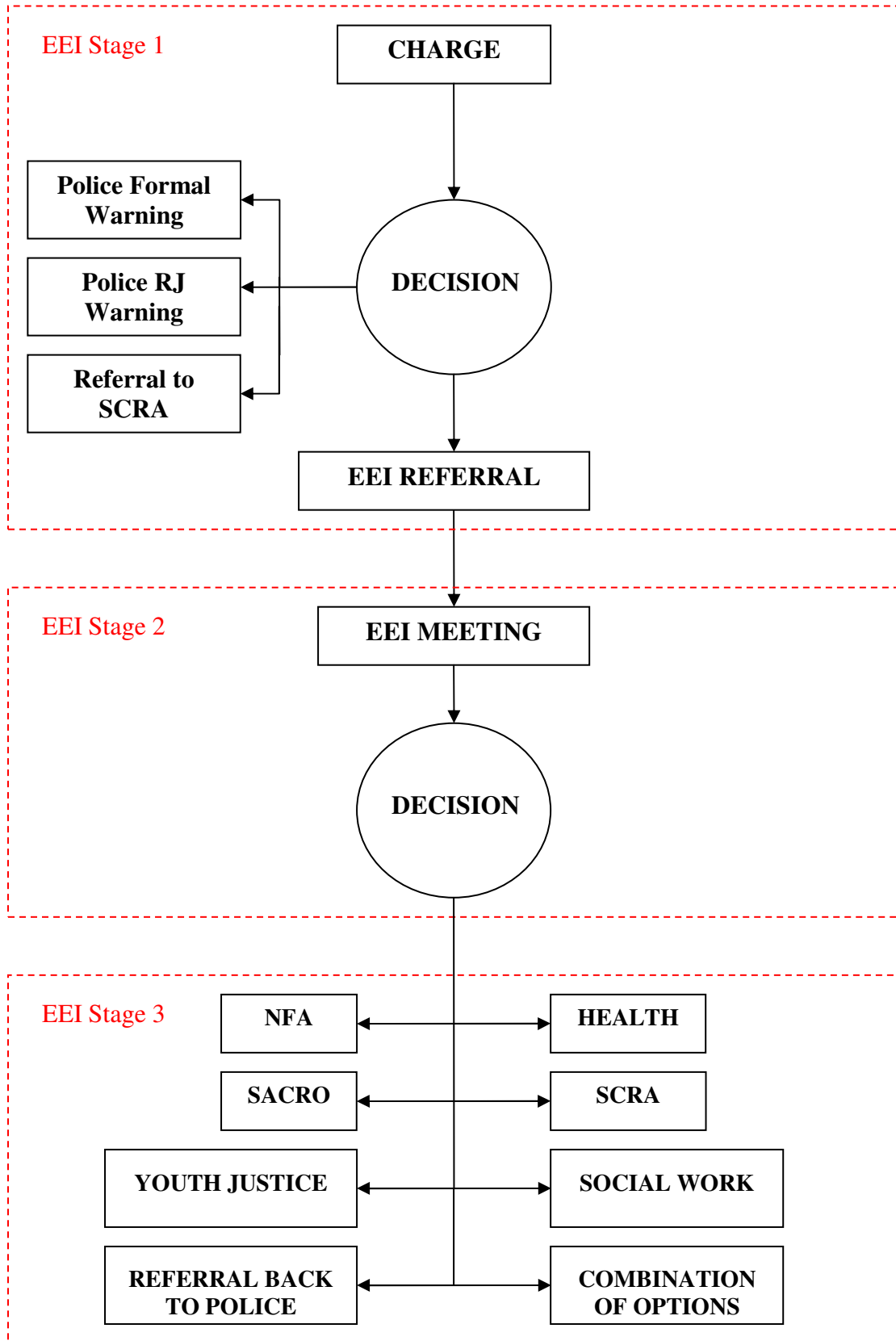
For those cases requiring an MACP meeting, the names of individuals being referred are circulated round the multi-agency partners (Education, Social Work, Health, Youth Justice, Sacro, Crannog, Anti-Social Behaviour Team) for representatives to gather relevant information. A further, more detailed set of police checks are also carried out at this stage. At the meeting, each of the multi-agency partners feeds information on the case to those present, and a discussion takes place as to the most appropriate intervention.

➤ **EI stage 3: Decision and Disposal**

After consideration of this holistic view of a young person – incorporating school record and progress, social work contact and concerns, engagement with health services, welfare concerns and previous offending – the various options for disposal are discussed. The range of disposals are wide and flexible, but revolve principally around voluntary engagement with Sacro, Youth Justice, or Health, referral to SCRA, remittance to Universal Services or a referral back to the Police for a Direct Measure.

Figure 3, below, illustrates the progression of a case through this process.

Figure 3: Illustration of EEI MACP process in Dumfries and Galloway



EEl stage 1: Referral and Initial Decision-Making

Dumfries and Galloway Youth Justice Strategy 2009-2012 identifies the coordinator role as being crucial to the operational success of EEl. In Dumfries and Galloway, this coordination role is carried out by an EEl coordinator (Detective Sergeant), supported by a Youth Justice Assessor who is funded by Youth Justice and based within the Family Protection Unit of Dumfries and Galloway Constabulary. The referral process is outlined below in an EEl 'aide memoire' supplied to police officers, supplied in Appendix A.

In the first full year of EEl implementation (April 2010 to March 2011), 735 young people aged 8-15 were referred to the Police Youth Justice Team on offence grounds in Dumfries and Galloway. Referrals are based on two principal grounds: offending and antisocial behaviour. For offence referrals, an email is sent to the Public Protection Information Mailbox indicating that an offence has taken place, with a reference to the relevant IMAGE report. Thereafter the Youth Justice Assessor conducts a series of initial checks on police databases (listed in Appendix B), and arrives at a decision for disposal. Though judged on a case-by-case basis, the criteria for assessment revolve around a holistic view of police data on the individual, family, and background. This criterion incorporates (but is not limited to):

Criteria of Assessment: Initial Decision-Making

- Previous offences, welfare concerns, convictions, antisocial behaviour, EEl referrals;
- Admission/denial of the offence;
- Escalation of offending;
- Failure of previous measures;
- Willingness of parent and young person to engage with youth justice.

Based on a sliding scale of seriousness of offence, and concern over the young person's background or circumstances, the following disposals are available:

- *Police Formal Warning:* A formal letter of warning, addressed to both the young person and the parent, or a meeting in the Police Station with an Officer informing them of the charge (Appendix E). Used in cases involving low-level offending where no welfare concerns identified. An admission is not required.
- *Police Restorative Justice Warning:* A formal meeting between the young person, parent, and a police officer trained in the use of restorative warnings, to discuss the offence.³ Used in cases involving low-level offending where no welfare concerns are identified and the offence is admitted.
- *MACP Meeting:* The MACP process is described in more detail below, under EEl Stage Two. Used in cases involving offending, where the young person does not fit the criteria for a Police Direct Measure, or where there are welfare concerns identified through initial police checks.

³ For more information on restorative warnings, see:

http://www.restorativejusticescotland.org.uk/html/police_warnings.html

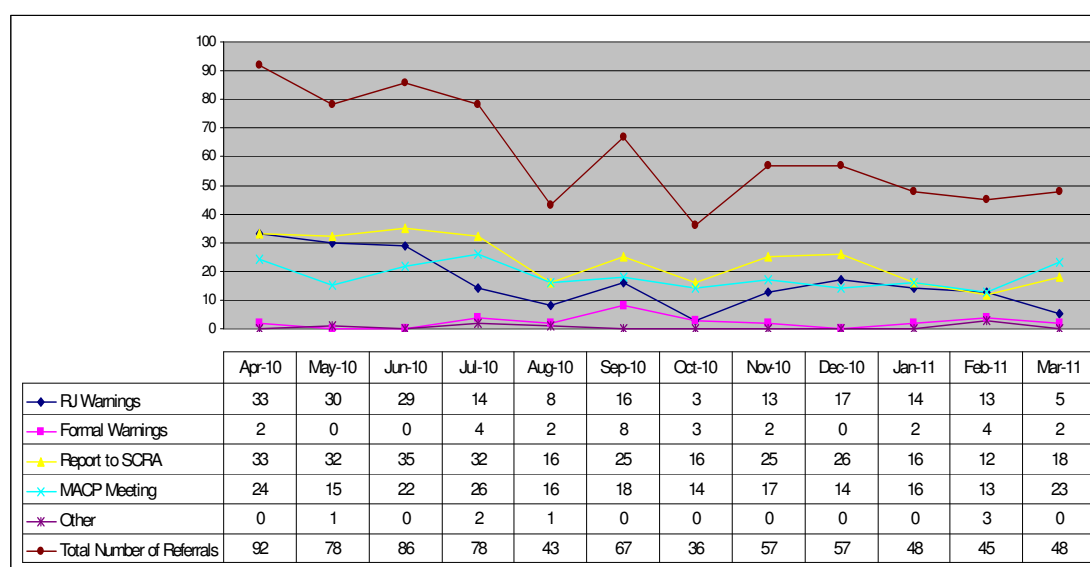
- *Referral to the Children’s Reporter:* Where the individual is already being dealt with by the Children’s Reporter (an ‘open case’, or subject to ‘Supervision Requirement’) or it is deemed appropriate due to the seriousness of the offence, the case is remitted to SCRA for disposal.

For antisocial behaviour,⁴ information is shared between the Police Youth Justice Team and the Anti-Social Behaviour Team. A discussion regarding the most appropriate disposal takes place between the Youth Justice Assessor and ASB Liaison. In this case, two additional disposals are available:

- *Anti-Social Behaviour Warning:* A warning letter issued by the Police (Appendix F); then ASB would have no further involvement.
- *Anti-Social Behaviour Case Disposal:* If there have been a number of incidents, or an escalating level of involvement, the case may be referred to case-progression. If this concerned a small number of low-level, minor offences, then the case would go to ASB Team to speak with the child in presence of their parents.

Figure 4, below, illustrates trends in disposals at this initial stage of decision-making from April 2010 to March 2011. As is demonstrated in the graph, the majority of initial referrals result in RJ warnings, referrals to SCRA, or referrals to a MACP meeting. While the overall number of referrals (and therefore the level of youth offending) has declined gradually over the reporting period, the number of referrals to MACP meetings has remained relatively consistent, at around 15-20 per month. This is explained largely by the decrease in the proportion of referrals to SCRA over the reporting period.

Figure 4: Disposals after initial decision, April 2010 to March 2011



Source: MACP Police Youth Justice Assessor

⁴ The definition is ‘a person causing alarm and distress to another person not of the same household.’

EI stage 2: Referral to MACP meeting

Where a decision is taken to proceed to an MACP meeting, the reporting police officer carries out a home-visit to inform the young person and parents of the decision, and the procedure. Names of individuals referred to case progression are then circulated around the agencies with information-sharing responsibilities in MACP. Briefly the checks carried out by each agency are as follows:

- *Police:* More detailed checks of PNC, criminal history, domestic abuse, and intelligence databases are carried out according to a pro-forma (Appendix C) by the Youth Justice Assessor, in consultation with the Youth Justice police representative. Where there is uncertainty as to what information should be shared, cases are referred to the Detective Sergeant with oversight of the Family Protection Unit.
- *Education:* The education representative checks schools database for the following information: 5-14 levels, current courses, behaviour and attendance, exclusions, and name of pupil support PT. The representative also emails the PT informing them that charge has taken place, and is due to be discussed at case progression; and requests further information on progress, relationship with staff, relationship between home and school, leaver destinations. There is no pro-forma for this information.
- *Social Work:* The social work representative checks through social work databases (Frameworki and Blue-Sky) for current involvement, and contacts the relevant senior social worker for up-to-date information. There is no pro-forma for this information.
- *Health:* The health representative checks the ISS and CAMHS databases for agency involvement and key worker, and contacts the key worker for more up-to-date and detailed information. No clear information-sharing protocol is in place, but it is mostly generic information that is shared.
- *Sacro:* Sacro receive a list of cases to be discussed at subsequent Multi Agency Case Progression Group meetings. Sacro youth justice team discuss and research referrals for meetings.
- *Crannog:* Crannog make an initial check of records for current engagement with the project.

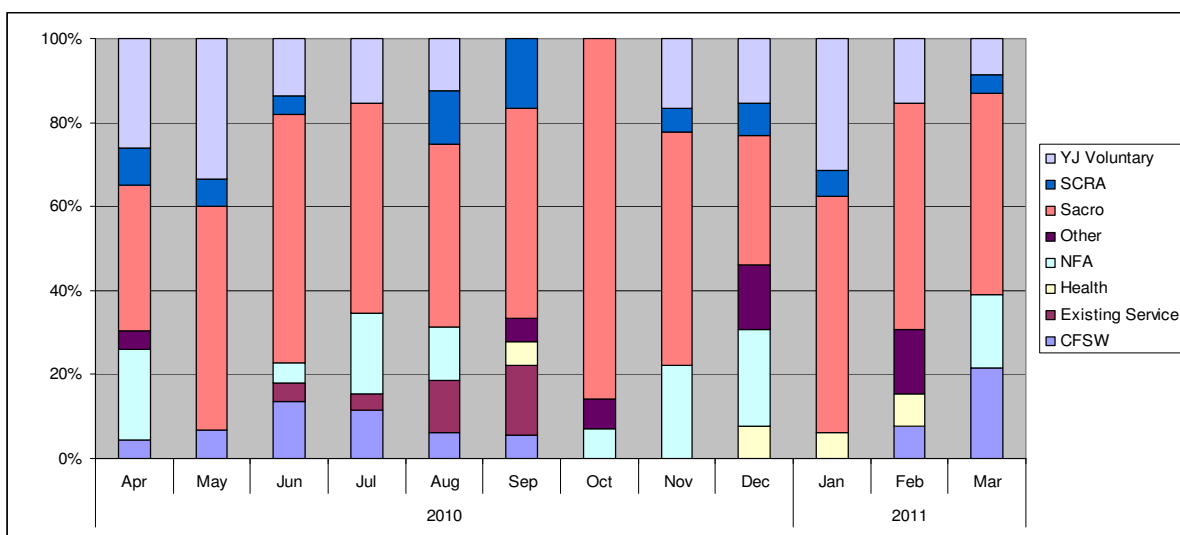
The MACP meeting takes place weekly, on Thursday mornings, and is chaired by the Youth Justice Manager, or a senior police officer. As well as the agencies tasked with information-sharing, a senior representative of Children and Families Social Work, attends to contribute to deliberation and decision-making. At the meeting, each of the multi-agency partners feeds information on the case to those present, and a discussion takes place as to the most appropriate intervention.

The police checks form the basis of the 'Referral Document', which is completed with a brief overview of the information shared by each agency – this completed document acts as the minute for each meeting, which are circulated after the meeting (Sample provided in Appendix B). Thereafter, the social work representative puts the minute onto the social work database (Framework i), and the education representative informs the school of the decision and shares any relevant information.

EEI stage 3: Disposal and Data-Collection

For the period April 2010 to March 2011, there were 223 referrals to MACP. Of these, approximately 75% were male and 25% female; 87% were aged 12-16, and 13% aged 8-11. The majority of referrals were for assault, vandalism, BOTP and theft. Figure 5, below, illustrates a breakdown of the disposals within MACP for the period March 2010 to March 2011. As can be seen, the majority of referrals were to Sacro (consistently around 50%), YJ Voluntary (15-20%), Children and Families Social Work (5-10%), SCRA (5-10%), Health (<5%), Existing Service (<5%), Other (<5%), or No Further Action (10-15%).

Figure 5: Proportion and Number of Disposals from MACP Meeting, April 2010-March 2011



	2010										2011		
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
CFSW	1	1	3	3	1	1	0	0	0	0	1	5	
Existing Service	0	0	1	1	2	3	0	0	0	0	0	0	
Health	0	0	0	0	0	1	0	0	1	1	1	0	
NFA	5	0	1	5	2	0	1	4	3	0	0	4	
Other	1	0	0	0	0	1	1	0	2	0	2	0	
Sacro	8	8	13	13	7	9	12	10	4	9	7	11	
SCRA	2	1	1	0	2	3	0	1	1	1	0	1	
YJ Voluntary	6	5	3	4	2	0	0	3	2	5	2	2	

Source: EEI Database, extracted from records held by Youth Justice Team

Children and Families Social Work: If a welfare concern has been identified in the MACP meeting, the police can complete an official concern form; informing CFSW of recent concerns. If work is already underway with CFSW, the case might also be remitted for continuing work. This may occur in conjunction with other disposals.

Existing Service: Where the young person is already receiving a service from one of the participating agencies, or beyond (for example, through the Area Review Group in Education), the case may be remitted to that service for consideration.

Health: If it is felt that there are mental health or substance misuse issues involved in the case, the MACP meeting can refer the individual on to CAMHS or the Integrated Substance Service (ISS) for young people, or initiate an initial visit from the CAMHS/ISS representative for further assessment. This may occur in conjunction with other disposals.

No Further Action: If it is felt that the needs of the young person are being met within Universal Services (as per GIRFEC), the case can be labelled 'No Further Action' and the information from EEI shared with appropriate partners (i.e. education) to assist with appropriate service provision.

Other: Where appropriate, there are a range of other disposals available to the MACP meeting, such as an Anti-Social Behaviour Agreement (2 in Feb 2011), a formal police warning (1 in April 2010, 1 in October 2010), or a combination of Sacro plus another intervention (1 in September 2010, 2 in Dec 2010).

Sacro: Sacro provide a range of interventions as directed by the MACP Group, ranging from a single-visit to a full programme of work, with restorative justice as an option.

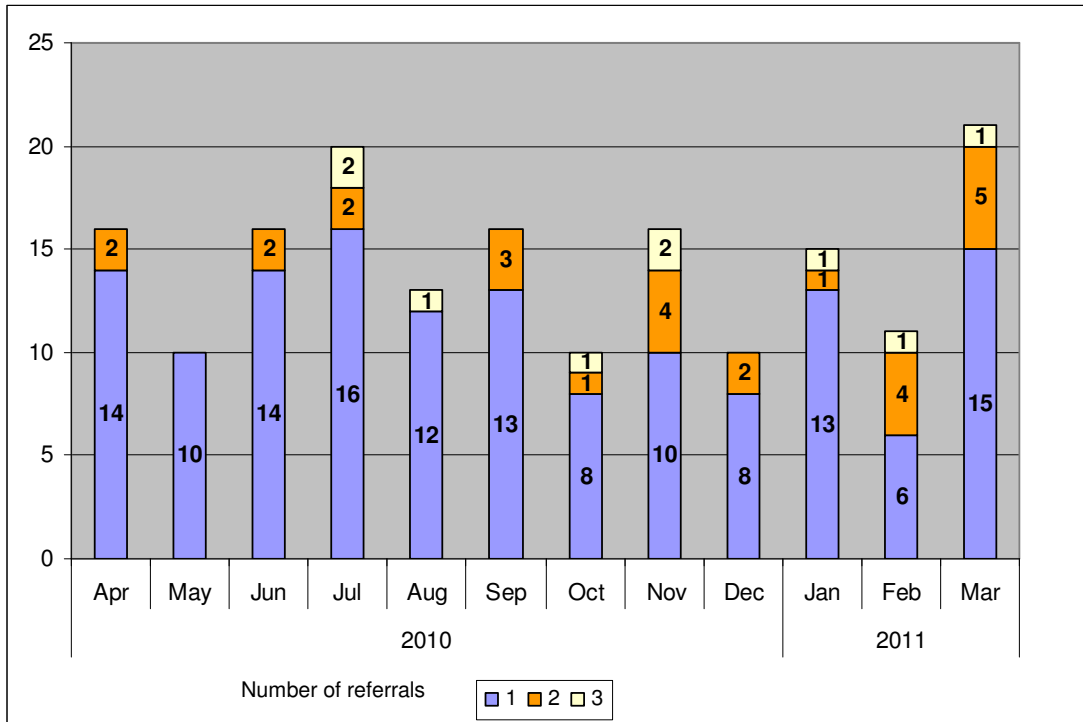
SCRA: Where sufficient concerns and/or needs are identified at MACP, a referral can be made to SCRA for consideration of statutory intervention.

Youth Justice (Voluntary): Where deemed appropriate by MACP, a referral can be made to the Youth Justice Team for voluntary support. The support offered by the Youth Justice Team at this stage is at a similar level to what is provided to a young person subject to a Supervision Requirement.

Currently the only outcome data routinely recorded relates to Sacro interventions. A quarterly report, consisting of trend data on number of referrals (by age/gender/locality) and type of intervention, is prepared for the Youth Justice Strategy Group meeting; along with evaluation data from parents and young people participating in the service. For example, for the last reporting period (January 2011: 94 referrals) referrals, 49% of interventions consisted of a single visit, 7% two visits, 27% some form of victim awareness training, and 9% a restorative justice conference. Currently data on repeat offending after involvement in the MACP process is recorded via analysis of repeat entries of offenders in the EEI database.

Figure 6, below, illustrates trends in repeated referrals to MACP in Dumfries and Galloway, from April 2010 to March 2011. As is evident, the majority of referrals remain sole referrals; indicating that the 'light-touch' approach to intervention is both appropriate and timely. There does, however, appear to be a gradual increase in the number of individuals referred on two or more occasions, particularly during February and March this year. If this pattern continues, it will warrant further investigation on the basis of ongoing quality assurance.

Figure 6: Number and proportion of repeated referrals to MACP, April 2010-March 2011



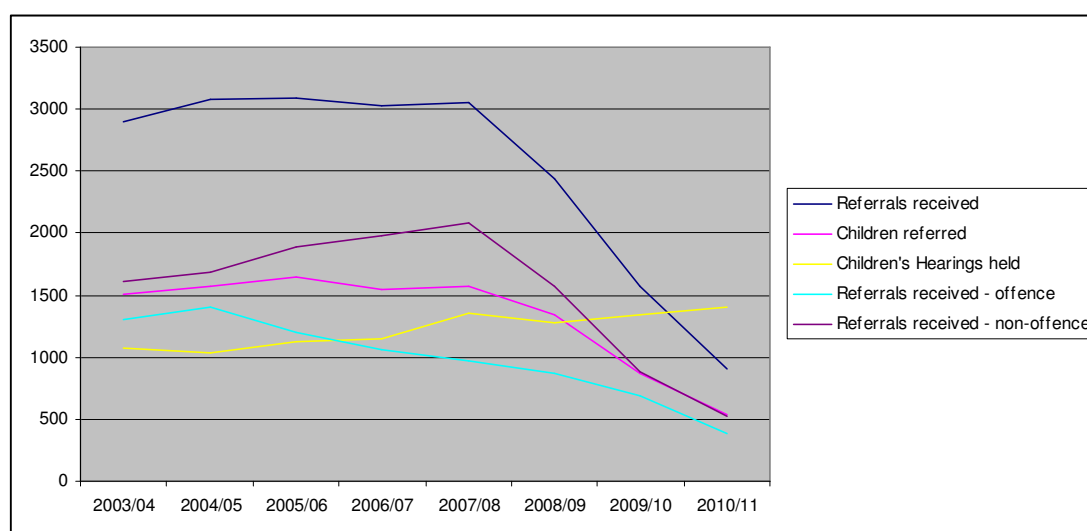
Source: EEI Database, extracted from records held by Youth Justice Team

Impact of EEI on referrals to SCRA

In 2010, the research consultancy *Consulted Ltd* published an evaluation of several early pilot schemes in Early and Effective Intervention in Dundee, Fife, Edinburgh City, Renfrewshire and Glasgow South. One of the key findings of the evaluation was that the introduction of EEI resulted in significant reductions in the number of referrals being made to SCRA, with a corresponding increase in the range of interventions available prior to referral to SCRA. In Dumfries and Galloway, the current evaluation found a similar decrease in the number of referrals to SCRA during the period of EEI.

Figure 7, below, and Table 1, overleaf, illustrate the alterations in the number and nature of referrals to SCRA in Dumfries and Galloway over the past eight years. In Dumfries and Galloway, while the number of referrals, and children referred, to SCRA has been declining markedly since 2007/08, this decrease has become more pronounced since the introduction of EEI. As indicated in Table 1, while 2008/09-2009/10 saw a 35.9% decrease in overall referrals (2,446 to 1,569), this figure decreased by a further 42.1% (1,569 to 908) during the EEI period. For referrals on offence grounds, a similar pattern is evident. While there was a 20.8% decrease (874 to 692) in referrals for 2008/09-2009/10, since the introduction of EEI this has dropped by a further 44.4% (692 to 385). During this time, while referrals received on non-offence grounds have decreased steadily, the number of Children's Hearings held has increased gradually.

Figure 7: Referrals/Children referred to SCRA, Dumfries and Galloway, 2003/04-2010/11

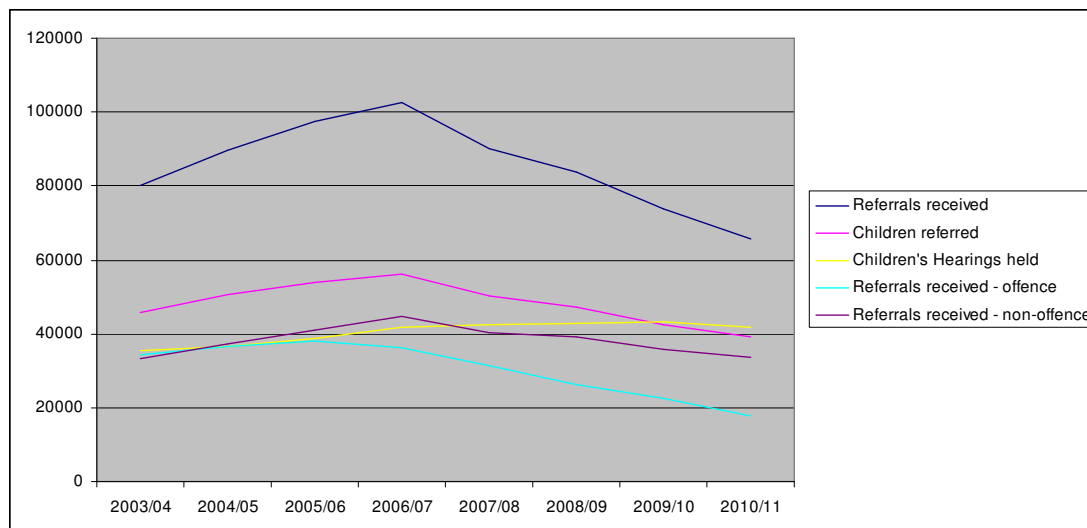


Source: Extrapolated from SCRA Online Dashboard, June 2011

These decreases compare favourably with national trends. Figure 8, below, and Table 2, overleaf, illustrate the same trends for Scotland. As is evident, while the decrease in referrals to SCRA in Dumfries and Galloway is echoed at national level, it is clear that the reductions in referrals, and children referred, is declining at a more gradual rate. For example, overall referrals received at a national level decreased by 11.9% from 2008/09-2009/10 (83,742 to 73,783) and 10.8% from 2009/10-2010/11

(73,783 to 65,824). For referrals received on offence grounds, the national total decreased by 14.0% from 2008/09-2009/10 (26,251 to 22,585), and by a further 21.8% for the period 2009/10-2010/11 (22,585 to 17,667). In this context, it is important to note that Dumfries and Galloway represents only a very small fraction of national referrals – 1.4% for the reporting year 2010/11.

Figure 8: Referrals/Children referred to SCRA, Scotland, 2003/04-2010/11



Source: Extrapolated from SCRA Online Dashboard, June 2011

Table 3, overleaf, expands on this trend in reporting the number of children/referrals received on offence grounds that resulted in a Children’s Hearing, for both Dumfries and Galloway and Scotland, for the years 2008/09-2010/11. While it is clear that these figures have decreased significantly in Dumfries and Galloway since the introduction of EEI – a 40.7% decrease in referrals from 2009/10-2010/11 (150 to 89), and a 37.9% decrease in children referred (58 to 36), in both cases a marked further reduction from previous years – this decrease is also reflected at a national level, though at a slightly less marked rate. For Scotland as a whole, for the reporting period 2009/10-2010/11, there was a 39.0% decrease in referrals resulting in a Children’s Hearing, and a 34.6% decrease in children referred. While the introduction of EEI has resulted in a marked decline in referrals resulting in a Children’s Hearing on offence grounds in Dumfries and Galloway, this reflects a more general national trend. Nonetheless, it is clear that the scale of these reductions has been more marked in Dumfries and Galloway than at a Scotland-wide level. Though an explanation for this national trend is outwith the scope of the current evaluation, it is likely that the roll-out of EEI practices at a national level is an important element in the decrease.

Table 1: Referrals/Children referred to SCRA, Dumfries and Galloway, 2003/04-2010/11 (including % change)

	Year										% change	
	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	08/09-09/10	09/10-10/11		
Referrals received	2,904	3,082	3,085	3,032	3,051	2,446	1,569	908	-35.9%	-42.1%		
Children referred	1,513	1,566	1,644	1,541	1,573	1,336	871	531	-34.8%	-39.0%		
Children's Hearings held	1,075	1,030	1,119	1,144	1,360	1,272	1,347	1,399	5.9%	3.9%		
Referrals received - offence	1,300	1,404	1,195	1,061	976	874	692	385	-20.8%	-44.4%		
Referrals received - non-offence	1,605	1,684	1,891	1,975	2,077	1,573	879	524	-44.1%	-40.4%		

Source: Extrapolated from SCRA Online Dashboard, June 2011

Table 2: Referrals/Children referred to SCRA, Scotland, 2003/04-2010/11 (including % change)

	Year										% change	
	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	08/09-09/10	09/10-10/11		
Referrals received	80,018	89,879	97,590	102,787	90,167	83,742	73,783	65,824	-11.9%	-10.8%		
Children referred	45,793	50,531	53,883	56,199	50,314	47,178	42,532	39,217	-9.8%	-7.8%		
Children's Hearings held	35,493	36,472	38,734	41,891	42,302	42,866	43,164	41,825	0.7%	-3.1%		
Referrals received - offence	34,316	36,387	38,090	36,148	31,355	26,251	22,585	17,667	-14.0%	-21.8%		
Referrals received - non-offence	33,379	37,462	40,931	44,629	40,204	39,105	35,735	33,710	-8.6%	-5.7%		

Source: Extrapolated from SCRA Online Dashboard, June 2011

Table 3: Children/Referrals received on offence grounds where Reporter's Decision was to arrange a Hearing, Dumfries and Galloway and Scotland, 2008/09-2010/11 (including % change)

	Year			% change		
	08/09	09/10	10/11	08/09-09/10	09/10-10/11	
D&G	Referrals	172	150	89	-12.8%	-40.7%
	Children	53	58	36	9.4%	-37.9%
Scotland	Referrals	4,682	3,768	2,297	-19.5%	-39.0%
	Children	1,717	1,397	914	-18.6%	-34.6%

Source: SCRA

Key Benefits of EEI in Dumfries and Galloway

This section of the report will draw on the research findings to outline the key benefits of the EEI process for children and young people, and for the partner agencies involved, with particular reference to alterations in the level of service relative to the previous system of operation, in which all referrals would go to the Children's Reporter in the first instance. Before outlining the key benefits of EEI, it is important to contextualise the process in terms of the previous system of operation. Pre-EEI, young people aged 8-15 who offended and did not fit the criteria for a Police Restorative Justice Warning would be reported directly to the Children's Reporter, who had a similar set of initial disposals as the Youth Justice Assessor now has, namely:

- Referral back to Universal Services (NFA)
- Referral to Sacro
- Referral to MACP Group
- Referral to Scottish Children's Reporter Administration (SCRA)

The initial evaluation of EEI identified the following key benefits of diverting lower-tariff cases from the Children's Hearing System (Consulted 2010). With reference to both these findings, and the previous system of operation, this section of the report will outline the key benefits of the EEI process, as it operates in Dumfries and Galloway. These key benefits revolve around four points:

1. A timely response to young people who offend
2. A reduction in paperwork, and an ability to focus on more challenging cases.
3. A consistent, appropriate and proportionate response to young people who offend
4. An informed, holistic view of the young person for participating agencies

A timely response to young people who offend

The national Consulted Evaluation, mentioned earlier, found that interventions were 'delivered more rapidly for a significant proportion of young people who are being engaged on offending grounds' (Consulted 2010: 10). For one pilot area in Edinburgh, between June 2008 and February 2009, '44 (10%) necessitated a referral to the Reporter, with the remaining 90% (due to the weekly meeting cycle) being engaged with on average in less than 10 working days'.

In the present evaluation of Dumfries and Galloway, though no hard data was available for the evaluation, several interviewees highlighted the alteration in timeliness between the previous and current systems. As one service-provider commented: 'It's so much simpler, kid's get seen so much quicker...and they're more responsive cos you're seeing them quicker: they remember the offence.' A representative of SCRA, interviewed for the present evaluation, similarly stated that:

I think it makes sense, and it is about getting the child the help when they need it at the right time. And rather than it being referred to us, and that bureaucracy, they're still getting the same help.

Though data is not routinely collected on the length of time between the initial referral, the MACP meeting, and the delivery of an intervention, there is little doubt that the process operates in a time-efficient manner – meetings tend to occur within a minimum of two weeks of the initial offence, an intervention (where appropriate) delivered within two weeks of the meeting. The length of time between offence and intervention, therefore, is likely to be 2-4 weeks. From the point of view of the young person involved, there are clear benefits to a timely intervention – representatives of both Sacro and social work spoke of young people being far more likely to remember the offence in this time period, with a correspondingly greater likelihood of engagement. From the point of view of this evaluation, it is strongly recommended that this length of time be routinely recorded and incorporated into quality assurance processes.

A reduction in unnecessary paperwork, and a corresponding ability to focus on more challenging cases.

One of the key findings of the national Consulted evaluation was the overall reduction in paperwork for Social Work, Police, and SCRA; coupled with a corresponding increase in time dedicated to more demanding or complex cases. In the current evaluation of Dumfries and Galloway, recent statistical evidence from SCRA indicates marked decreases in referrals on offence grounds since the introduction of EEI, and sizeable reduction in the number of offence-referrals resulting in a Children's Hearing. Interviewees for the current evaluation similarly identified time-saving as a key benefit of the EEI process. A social work representative, for example, commented:

I'm writing relevant reports. Because I believe that going into people's houses and asking intrusive, personal, private questions...you should have to justify why you are doing that. Not because it's a process that you have to follow, that's not a satisfactory enough answer, as far as I'm concerned. Now, if I'm being asked to write social background reports, I can quite confidently and assuredly tell the family, 'this is why I am doing this.'

Police and SCRA representatives also identified the decrease in paperwork as a key benefit of EEI. Whereas under the previous system each reporting officer would complete a full report for SCRA, and SCRA would deal with each individually, the central coordination function now takes up the administrative burden for police officers, and eases the administrative burden on SCRA. As a representative of SCRA states, in relation to the change in referrals:

There are less inappropriate referrals and in the majority of cases assessments are requested. A higher percentage of our referrals result in a hearing decision as compared to those two years ago.

Though there has been no data collected to test this alteration, one indication is the nature and form of the referrals over time. A police representative noted, for example, that the initial referrals to MACP were prolific offenders, whereas now the more serious offenders have been directed to SCRA, and only lower-tariff offenders are referred to MACP. It is recommended, for quality assurance, that measures are put in place to record the nature and form of case-referrals for future analysis.

A consistent, appropriate and proportionate response to young people who offend

One of the key drivers for EEI at both national and local level is the principle, from The Kilbrandon Report, of minimal intervention; and correspondingly the use of statutory measures as a last resort, where voluntary measures have been exhausted. In effect, the EEI process dispenses with the gate-keeping function of the Children's Reporter for all referrals, replacing this with the EEI process. A key aim of EEI, therefore, is to reduce the burden on the Children's Hearing System, and to implement appropriate, proportionate voluntary measures without recourse to the Reporter. Interviewees strongly emphasised this proportionality of response and intervention as central to the EEI process. Representatives from education, Sacro, SCRA and social work, for example, commented that:

It's allowing a lighter touch intervention as necessary to try and get a bit of work, a bit of guidance, in a young person's life, before they get to the stage where you have to look at going to the Reporter and statutory measures.

I believe that they get a far more proportionate response to what brought them to the police's attention than what they had previously.

Key is proportionality. Previously would go to the reporter, and a social worker would be sent over to deal with what is actually a relatively minor offence, not warranting statutory intervention. The young person thinks 'Oh, I've got a social worker now'.

The help that they [young people] are currently getting through case progression they would have got anyway through the hearing system, without going to a hearing...It isn't much different to what we're already doing, except they've taken SCRA out of it. And maybe that's correct. Why should the state be involved at that point?

While the EEI process has not been running for long enough to carry out a full evaluation of effectiveness, a number of preliminary points can be made. First, as illustrated in the section on 'Repeat Referrals', there have been relatively few cases that have returned to MACP – indicating that an appropriate and timely intervention has occurred within the young person's life. Second, the main service provider, Sacro, has experienced only 2 refusals for voluntary work out of 100. This demonstrates that interventions are being made at an appropriate stage – under the previous system the figure was closer to 20 refusals. Sacro representatives felt that this resulted from the time elapsed between offence and intervention, and the

higher likelihood that more offending had occurred in the interim – taking that young person beyond the scope of a voluntary measure. Feedback from young people participating in the service, as well as with parents, has been positive; though more work could be done to follow up on evaluation.

Representatives of the key partner agencies involved similarly identify consistency of response to youth offending as a core strength of the EEI model in Dumfries and Galloway. Due to there being a single point of contact for all youth offending in the area, decision-making is bound by the same criteria in each case. While the system is flexible enough to incorporate case-by-case discretion, the unification of systems to a single point of contact simplifies bureaucratic procedures for police officers making referrals, and for the allocation of work among partner agencies. The ‘wraparound’ nature of the MACP meeting also ensures that young people involved in the service receive a consistent approach.

An informed, holistic view of the young person

Under the previous system, initial decision-making was reliant on the information supplied or requested from the initial referral – a process that could take time, and could result in a disproportionate level of input. The quick turnaround for MACP meetings, coupled with the range of participating agencies, ensures that a more informed, holistic view of the young person is presented earlier in the process. As well as improving consistency of service, this also has a range of indirect benefits for participating agencies. Several interviewees highlighted the subtle, but significant, alterations in their approach to youth justice that had been occasioned by their participation in the group. Representatives from police and social work, for example, commented that:

Coming from a police background, I’d normally be worrying about the offence, but people from a social work background will be more worrying about what’s going on in the background.

I think there’s been a lot of education. I think we’ve educated the police – they might say they’ve educated us – but I think the areas of black and white have gone much more to grey. I think they have come on board more so from the beginning point to where we are now. I think they’re much more understanding and can see a lot more of the grey areas.

These comments point to a shift within the occupational cultures of participating agencies, towards a more rounded and holistic view of young people who offend. The police, for example, have begun to refer certain cases whereby no specific charge has been brought, but rather that there is a concern on welfare grounds.

Overall, responses from the EEI School Survey indicate that the holistic information supplied through EEI has been helpful. Though several schools identified that the information was already known or available (through the Police School Liaison Officer), in almost all cases there were instances where EEI information was particularly pertinent.

Strengths of EEI model in Dumfries and Galloway

In addition to the generic benefits outlined, the evaluation also identified a range of strengths specific to the EEI model in Dumfries and Galloway – factors that have played a pivotal role in enabling the benefits mentioned above. These strengths are summarised below under the following three headings:

1. Close-knit working relations between partner agencies
2. Shared agendas and strong leadership
3. Integration of voluntary sector

Close-knit working relations between partner agencies

Several interviewees referred to the close-knit working relations between partners as being a core strength of the EEI Process in Dumfries and Galloway. Given the level of overlap between the Youth Justice team and MACP (approximately 80% of key MACP representatives are all or part-funded by Youth Justice), the strength of the Youth Justice team in Dumfries and Galloway – co-located, with a cohesive and coherent set of working relationships – is a key foundation for the working relations in EEI. Representatives from police, social work, and the voluntary sector highlighted the importance of a strong Youth Justice team in the delivery of EEI in Dumfries and Galloway. A police representative, for example, noted that the key strengths of MACP are ‘the people that are there, the relationships, the information-sharing...it’s consistent, with the same people, and balanced, with different opinions.’ Sitting behind this pattern of working relations, it is important to note, is the simple fact of geographical proximity – all of the partner agencies are centrally based in Dumfries, and work together on a regular basis. Several interviewees identified this as a contributory factor in enabling the close-knit working relations discussed.

Shared agendas and strong leadership

A number of representatives from key partner agencies referred to strong leadership and shared agendas as a key strength of Youth Justice generally, and MACP specifically. A social work representative, for example, commented that:

I think it’s about relationships, about inter-agency relationships. About people being respectful of other agencies....I think we have exceptional relationships with colleagues in the police, colleagues in education.

The location of police representatives of Youth Justice within the Family Protection Unit is a good example of the shared agendas at the heart of EEI in Dumfries and Galloway – the public protection agenda of the police fits closely with the Kilbrandon ethos of social work, and the GIRFEC principles of education and Youth Justice. These strong relationships emerge from shared agendas at both an organisational and individual level – many interviewees commented on the importance of personalities and shared agendas within EEI. The following comments are drawn from representatives of police and social work:

Some of it is personalities. When something comes out from government, we're not just going 'oh well, forget that' until we're told to do it, we're looking at it and thinking, 'can that help, can it not'. And maybe it's because it's a similar group of people as well.

If there's a commitment and a belief then I think it goes through all the individual agencies. Because they come together once a week here, and then go off – the police go back there, and the school rep goes back there – and everybody goes back to doing. But that commitment to come together, discussing these young people, in as holistic a way as possible.

There's a passion. People want to be in this team and they want to be working.

I think there's trust and respect between us now. We've had to earn that from one another, from the police, education, social work, health. We've had to earn it.

A number of interviewees also pointed to the importance of strong leadership in instigating both the structural foundation for EEI, and encouraging the working culture mentioned. As one member of the Youth Justice team noted:

If your manager is motivated and thinks dynamically the chances are that filters through the whole team, because people who don't think like that would get fed up and leave.

Integration of voluntary sector

The integration of the voluntary sector into the EEI process was also highlighted as a unique strength of the Dumfries and Galloway model. Sacro Dumfries and Galloway recently extended their remit beyond purely restorative interventions, to incorporate more generic interventions for young people who offend. This programme of work is funded directly by Youth Justice, and now accepts some 98% of referrals from the MACP process. This institutional arrangement has particular benefits for both Sacro and the MACP process more generally. Without attachment to a statutory agency (such as police or social work), Sacro workers are viewed by young people as neutral; and are therefore a crucial way of engaging with young people who may not have engaged directly with statutory agencies.

Key Issues for Development

While the EEI process in Dumfries and Galloway demonstrates a range of benefits, and core strengths, there are a number of areas that would benefit from further development. This section of the report details these key issues for development, highlighting the areas that are recommended for further attention and growth. Where relevant, these issues are set against the agreed EEI developments contained within the Dumfries and Galloway Youth Justice Strategy. The areas are grouped into the following headings:

1. Terms of Reference
2. Information-sharing Protocols
3. Informed Consent
4. Cooperation and Communication
5. Review and Quality Assurance
6. Publicity and Promotion
7. Victims of Crime

Terms of Reference

The Dumfries and Galloway Youth Justice Strategy sets out the following key milestones with regard to setting out terms of reference for EEI:

- **Agree the terms of reference of the EEI process** – the status of the EEI process is one that needs to be formally agreed and signed off.
- **Set out the involvement of Partners and the terms of reference of the EEI process in a single protocol document** – this document will also include the key working principles for the process covering aspects such as attendance at meetings, commitment of resources and the exchange and sharing of information etc.

While the general terms of reference have been signed off by senior representatives of each partner agencies, and generic information relating to protocols can be collated, there has not yet been a formalisation of EEI terms of reference for participating agencies. While it is evident that the individuals involved in MACP have developed their respective roles and remits to accommodate the new process, there is a lack of overall understanding of respective roles within the process. In the interests of transparency, continuity of service in the event of staff turnover, and clarity of respective roles, it is recommended that the terms of reference and protocols involved in EEI should be formalised at both individual agency and collective MACP level.

In this regard, the police have recently established a protocol document, setting out the terms of reference, and key information relating to MACP – both for internal and external publication. This protocol document stands as an important model of good practice for other agencies participating in MACP, and should form the basis of a collective protocol.

Recommendation 1: The terms of reference for EEI, and the formalisation of procedures into a single protocol document, should be prioritised. The protocol developed by the police should operate as an example of good practice in this development.

Information-Sharing Protocols

The Dumfries and Galloway Youth Justice Strategy set out the following key milestone with regard to setting out information-sharing protocols for EEI:

- **Establishment of data sharing protocols** – this should take cognisance of the national eCare Data Standards as they develop and ensure compliance with relevant data standards and the Government Protective Marking Scheme.

Information-sharing lies at the heart of the EEI agenda, and the evaluation identified both strengths and weaknesses in information-sharing processes as they operate within the Dumfries and Galloway model. Overall, the level of information supplied during meetings was comprehensive and relevant, with particularly cogent input from Police, Education and Social Work partners. Police information-sharing protocols were governed by principles of child protection, and involved a pro-forma (Appendix C) and sign-off by a senior officer. Education and social work information-sharing were governed, respectively, by principles of child protection and GIRFEC, but neither used a standard pro-forma with sign-off at a strategic level. With regard to *strategic level* data-sharing protocols, however, there was an overall lack of clarity on the nature and level of information that could be shared by participating agencies, with particular ambiguity relating to Health representatives. The process would therefore benefit from greater transparency of the nature and extent of information that can be shared as part of MACP.

Recommendation 2: The information-sharing policies and practice of each participating agency should be formalised, with particular reference to the nature and extent of information that will be shared at MACP meetings. This should be completed by each participating agency and signed off at a senior level. This could incorporate a pro-forma for what information will be shared.

These issues were clearest with regard to information-sharing by representatives of Health, with specific concerns raised in relation to the lack of clarity on information that could be provided by the health representative. Interviewees reported an inconsistent level of information, and a difficulty in distinguishing between information from ISS and CAMHS. An additional difficulty identified was in collating the relevant information within the one-week turnaround. Unlike education and social work, data from ISS and CAMHS is not centralised or accessible; and information-flows are thus reliant on being able to speak to key workers, often working irregular hours. At a strategic level, it is clear that there has been no formalisation of protocols either with regard to level of health disclosure, or the flow

of information to or from MACP. At an operational level, there appears to be a more general lack of clarity on the role of ISS within the Youth Justice team.

Recommendation 3: Clarification of the role of Health within the MACP process should be prioritised at both a strategic and operational level. This should involve senior-level agreement on behalf of both ISS and CAMHS, and operational agreement with the health representative.

Cooperation and Communication

While the level of cooperation and communication between Youth Justice, Social Work, Police, Education and third sector partners was generally very good – as discussed above under the heading of ‘Core Strengths’ – the evaluation identified clear issues with regard to cooperation and communication with Health and Anti-Social Behaviour representatives; and to a lesser extent SCRA. These issues will be taken in turn.

With regard to health, the principal issue identified was a lack of clarity of the role of health within MACP, and a corresponding lack of clarity regarding cooperation and communication between the EEI process and health agencies. Specifically, the health representative was unclear as to what information could or should be shared; and although the representative ostensibly represented ISS and CAMHS, there have been very few referrals to either agencies during the lifetime of EEI.

Recommendation 4: The role of health within the MACP process should be reviewed and clarified. It is suggested that this takes place within a more general clarification of the role of health within Youth Justice.

Several interviewees identified issues with cooperation and communication with the Anti-Social Behaviour team – and there was recognition from both MACP representatives and ASB that this was the case. The first issue relates to communication at the initial decision-making stage – until recently, referrals could be made to both the Anti-social Behaviour team *and* the EEI process, and both teams could instigate an intervention, resulting in mixed messages for the young person involved. This issue has been previously identified by the Police Youth Justice Assessor, however, and work is ongoing to improve communication. While these developments have improved the level of communication between Police Youth Justice and ASB, among other partners there remains a *perceived lack of cooperation* of the Anti-social Behaviour team with the MACP process, leading to a devaluing of their role and input. While at a strategic level the value of ASB was recognised, there was some level of uncertainty and hostility at an operational level. It is therefore recommended that attention is given to encouraging a greater level of cooperation and communication between ASB and other service providers, to ensure both unity of purpose and mutually beneficial working relations.

Recommendation 5: Measures should be put in place to increase cooperation and understanding between ASB and other partner agencies. For example, reciprocal operational visits between ASB and other service providers may enhance unity of purpose, and improve outcomes for children and young people.

With regard to SCRA, it is clear that the introduction of EEI process has resulted in a reduction in the number of referrals on offence grounds, and has therefore impacted on the nature and volume of cases referred to the Children’s Reporter. While SCRA have been involved in the development of EEI in various formal and informal ways, it is recommended that this continuing involvement be routinised, to ensure effective working relations and the development of a unified strategic vision.

Recommendation 6: Current informal involvement of SCRA in EEI should be routinised and formalised, to ensure effective working relations and the development of a unified strategic vision.

Informed Consent

While there was general agreement that parents and young people should not attend the meeting – given that disposals would be voluntary anyway, and this might unnecessarily complicate proceedings – concern was expressed by a number of interviewees about the issue of parental consent with regard to information-sharing. While each individual agency has grounds for the sharing of information – as discussed above – there was a feeling that the parent and young person could, and possibly should, know more about the process prior to the information being shared; and have the right to challenge information-sharing if appropriate. Under the current system the following GIRFEC principle is applied:

GIRFEC places a lower threshold on information sharing, encouraging agencies to share information around concern if relevant at an earlier stage, and significantly where there may be no overt legal basis to do so

It is recommended that consideration be given to incorporating this principle in MACP documentation, possibly extending this to communication with parents and young people.

Recommendation 7: Consideration should be given to incorporating a more robust statement of information-sharing practices in EEI documentation and communication with parents and young people.

Review and Quality Assurance

The Dumfries and Galloway Youth Justice Strategy set out the following key milestone with regard to review and quality assurance for EEI:

- **Identification (and subsequent review) of partners to be involved in the EEI Process** – this should include all partners who can provide relevant information and/or offer an intervention.
- **Establishment of audit and quality assurance process** – rigorous audit and QA are a central element in delivering improved interventions and should include ‘Monthly Monitoring’ and ‘Quarterly Case Reviews’.

While there is an established process of review and reporting on the EEI process in Dumfries and Galloway, the parameters of review and quality assurance – particularly with regard to evaluation – would benefit from clarification. For example, there should be a regularised review of the contribution of partner agencies, and consideration as to whether all of the needs of referrals could be met within existing agency provision. Similarly, while data is routinely collected and collated on the EEI process, it is unclear what measures are being used to determine effectiveness or efficiency within the service. It is therefore recommended that audit and quality review procedures be clarified.

Recommendation 8: Audit and Quality Review procedures should be clarified and formalised, with specific measures put in place to evaluate progress against relevant indicators. It is suggested that the following measures might be used:

- **Length of time between offence, meeting, and intervention**
- **Number of cases referred to EEI (should level out unless there is a significant alteration in the overall pattern of youth offending in the area)**
- **Number of repeat referrals**
- **Number of referrals to SCRA**

With regard to quality assurance, although Sacro report on interventions and activity, there is no other formal review mechanism to assess the nature or form of intervention that has occurred. While there is an argument that this is unnecessary – the purpose of EEI is light-touch intervention, rather than long-term engagement – a significant number of interviewees expressed frustration at being unable to know ‘what happened next’, or indeed that an intervention has occurred. It is therefore recommended that consideration be given to the addition of an agenda item labelled ‘review of action points’ is added to the MACP meeting, to further develop trust, cohesion and collective responsibility within the group.

Recommendation 9: Consideration should be given to the addition of an agenda item labelled ‘review of action points’ is added to the MACP meeting, to further develop trust, cohesion and collective responsibility within the group.

Publicity and Training

The Dumfries and Galloway Youth Justice Strategy set out the following key milestone with regard to publicity and training for EEI:

- **Promote the new process** – research indicates that the process has to be sold to each agency and at all levels within the agency for all benefits to be realised. To achieve this a programme for promoting EEI is to be drawn up which is accompanied by appropriate literature and briefings to ensure it is fully understood.

There was evidence from all agencies that further promotion and training of the new MACP arrangements are necessary to encourage more awareness and understanding of the system. The police in particular have demonstrated good practice in this area, with training sessions and briefings currently delivered to probationers and community beat officers on EEI. Other partner agencies, in particular social work and education, identified a further need for information-sharing. One school representative commented, for example, that ‘school pupil support staff still generally unaware of the practice and a presentation to relevant staff would be beneficial.’ In this regard, police practice in delivering presentations stands as an example of good practice; presentations to relevant practitioners may improve service provision and ease of information-sharing.

Recommendation 10: The EEI Process should be publicised more effectively within the relevant areas of each partner agency, specifically through presentations delivered to front-line staff in participating agencies.

B. Diversion from Prosecution

16 and 17 year olds in the CJS in D&G

This section presents an analysis of data held by the Dumfries and Galloway Constabulary and the Crown Office and Procurator Fiscal Service (COPFS). The aim of this analysis was to examine the flow of 16 and 17 year olds who have committed low level offences through the criminal justice system in order to assess the level of throughput and to assess what proportion of all cases involving 16 and 17 year olds committing low level offences were currently being referred to the Youth Justice Diversion Scheme.

Obtaining data

The data analysed in this section was sought by specific request. Requests were made in writing to the key agencies and data was provided to the research team in an anonymised format. This was a necessary approach as the publicly available data did not allow the key research questions to be answered. For example: public D&G police performance data breaks cases down by crime type but not severity, and aggregates data on 8-17 year olds; South West Scotland CJA performance data aggregates data on 16-20 year olds; and the Scottish Government Criminal Proceedings data aggregates all local authorities and all under 21s.

A set of questions for data interrogation were sent to the agencies and these are provided in Appendix G in this report. Essentially, the questions sought to obtain anonymised individual level data to ascertain both broad figures and individual characteristics, such as previous police contact and previous referrals to the procurator fiscal. However, the time period for the evaluation was short and this meant that it was not possible for the agencies to provide all the information requested. Nevertheless, both agencies compiled a large amount of data within the timeframe, allowing a basic analysis to be undertaken.

It should be noted that the analysis presented in this section of the report ought to be treated with a degree of caution. Analysis of case flow through the criminal justice system is difficult to achieve as it requires the 'linking up' of different data systems both within and between different agencies. It was beyond the scope of this particular study to provide such a 'link up' and thus the findings here do not truly capture case flow between agencies. It is intended that any findings and conclusions drawn be treated as indicative only.

Dumfries and Galloway Constabulary data

Dumfries and Galloway Constabulary provided information on all cases referred to the procurator fiscal involving 16 and 17 year olds alleged to have committed low

level offences⁵ from 2004 to the end of 2010. In addition, separate information was provided on the number of cases dealt with by way of formal Adult Warning and Fixed Penalty Notice, from 2006 and 2007 onwards respectively. While not the focus of this analysis, it is worth noting that the range of charges listed in the database was broad, including: assault, wilful fire-raising, a range of theft charges, breach of the peace and vandalism.

Between 1st January 2004 and 31st December 2010, 5,468 individuals were referred by Dumfries and Galloway Constabulary to the procurator fiscal in respect of 8,220 charges. It has not been possible within the timeframe of the evaluation to identify how many of these referrals featured the same individual and therefore what proportion involved repeat offenders. Information was available on whether the case file cited the individual referred as having previous convictions. A total of 3,302 referrals cited the individual as having previous conviction. Given that the number of times each individual is listed in this referrals database is unknown, there is little that can be concluded from this figure. However it could be argued that this indicates a high proportion of individuals referred to the procurator fiscal were repeat offenders. Moreover, it is likely that there are a high proportion of referrals considered by the procurator fiscal where, by virtue of the criminal history of the individual concerned, are unlikely to be referred on to the diversion scheme.

Of the 5,468 referrals made to the procurator fiscal, only 958 were in respect of a female alleged offender. This matches with more broad patterns of gender differences of individuals involved in the criminal justice system, although, not knowing the proportion of repeat offenders here limits the power of this suggestion.

A total of 969 individuals are recorded as having been jointly referred to the procurator fiscal and the SCRA. It was indicated in the course of this research that the procurator fiscal will allow the SCRA to proceed in the overall majority of cases that are jointly referred in this way. Combining with the figures on referrals with previous convictions listed, this leaves a total of 3,667 individuals referred to the procurator fiscal who were either jointly referred, had previous convictions, or both, and are therefore, arguably, unlikely to have been considered for diversion to youth justice.

The following table breaks down the volume of individuals referred to the procurator fiscal by year:

⁵ The decision as to what constituted a 'low level offence' was taken within Dumfries and Galloway constabulary. The research team did not make any further case selection other than to omit all road traffic offences from the analysis.

Table 4: Volume of referrals per year, 2004-2010

Year	Outcome		
	Referred to PF	Joint referred to PF and SCRA	Total
2004	892	195	1,087
2005	828	224	1,052
2006	822	155	977
2007	658	116	774
2008	500	83	583
2009	414	99	513
2010	402	108	510

As can be seen, the numbers of referrals, both single and joint, has declined sharply in recent years. This would appear to coincide with the introduction of police direct measures. However, looking to the numbers of cases involving 16 and 17 year olds resulting in the issue of a Fixed Penalty Notice does not appear to account for the drop in numbers referred to the procurator fiscal, due to a similar pattern of year on year decline:

Table 5: Comparison of FPN issue against referrals to PF

Year	Fixed Penalty Notices	Referrals to PF (single and joint)	Total
March 2007 – end March 2008	140	736	876
April 2008 – end March 2009	108	599	707
April 2009 – end March 2010	74	493	567

Data on the use of adult warnings for 16 and 17 year olds was also available, but not disaggregated by year. Between April 2006 and December 2010 it is recorded that 239 adult warnings were issued to 16 and 17 year olds. This is a relatively small figure and again does not appear to account for the drop in referrals to the procurator fiscal. Differences in recording practices may offer some explanation as to the apparent decrease in overall case volume here, but further research is needed in order to explain the patterns observed.

Crown Office and Procurator Fiscal Service data

The central Crown Office and Procurator Fiscal Service provided data to the evaluation that had already been retrieved from the wider management information system for a previous Scottish Government request. The data details case marking outcomes in respect of all 16 and 17 year olds referred in Dumfries and Galloway and therefore the cases represented are from a 'wider net' than those in the Constabulary dataset. Data on case marking was provided with a monthly

breakdown for April 2009 to end March 2010 with additional 'snapshot' figures provided for September and March from September 2005 to March 2010.

For the period April 2009 to end March 2010, a total of 479 case marking outcomes are recorded for 16 and 17 year olds in Dumfries and Galloway. The following table demonstrates the different outcomes recorded:

Table 6: Case marking outcomes for 16 and 17 year olds 2009/10

Broad Category	Marking Group	Total
1. No Action		46
No Action total		46
2. Direct Measures ⁶	1. Alternative	101
	3. Fiscal Fine & Compensation	4
	4. Compensation	8
	5. Fiscal Fine	30
	7. Fixed Penalties (Road traffic only)	6
	8. Possible Diversion	107
Direct Measures Total		256
3. Court Proceedings	1. Solemn	19
	2. Summary	125
	4. District	33
Court Proceedings Total		177
Grand Total		479

It is interesting to note that 63% (302) of all cases were marked for no further action or for diversionary measures. The decision to refer an individual to the Youth Justice Diversion Scheme is recorded under the heading 'possible diversion', which also applies to the decision to refer an individual to the local driver improvement scheme. Thus it is not possible to ascertain how many of the 107 outcomes recorded under 'possible diversion' were referral to Youth Justice, and therefore not possible to calculate what proportion of all direct measures outcomes this would represent.

The table also illustrates that less than half of the cases marked for direct measures fall under the 'possible diversion' heading. Excluding the fixed penalties for road traffic offences, 42 cases resulted in some form of financial penalty and 101 are recorded as 'alternative', which includes referral to the SCRA and fiscal warnings. It is not possible to determine what proportion of the 'alternative' markings were fiscal warnings, but it does appear that there were a reasonably high proportion of cases marked for direct measures in 2009/10 that may have been suitable for a referral to

⁶ For the purposes of recording here, COPFS have placed all diversionary measures under the heading 'direct measures'.

the Youth Justice Scheme. However, a further analysis of the cases would be required to make this statement with any degree of certainty.

Discussion and Conclusion

Given caveats to the data outlined above, it is difficult to draw firm conclusions on the basis of the figures presented here. Nevertheless, there are indications in the data provided by COPFS that there may be cases referred to the procurator fiscal, where direct measures have been applied, where diversion to Youth Justice could be an appropriate alternative. A further finding is that, although individual data was not available to assess repeated police contact, the volume of low level cases is high enough to demand substantial resource input from Dumfries and Galloway Constabulary.

Summary

- Data on the throughput of 16 and 17 year olds in the criminal justice system in Dumfries and Galloway was available for analysis but the timeframe of this evaluation precluded any 'link up' between the data from key agencies
- Although crude, the available data suggests that there may be the potential for more cases to be referred to the Youth Justice Scheme but that any alteration to the process of throughput would have resource implications to consider

An Overview of the Diversion from Prosecution Service for Young People

Background to the diversion service

The commitment to providing a diversion service for 16 and 17 year olds in Dumfries and Galloway was formalised in the Dumfries and Galloway Youth Justice Strategy 2004-2006⁷. Action Point 30 of this document outlined the commitment to introduce the service and in February 2005 the Diversion from Prosecution Service for Young People was launched. The core aim in establishing the service was to reduce the number of 16 and 17 year olds being prosecuted for low level offending behaviour in the courts and to provide a quick and responsive intervention for young people as close as possible to the time an offence was committed.

Stakeholders in the diversion service

The core agencies involved in the diversion service are: Dumfries and Galloway Youth Justice Team (both strategically and operationally); Dumfries and Galloway Constabulary; and the Dumfries and Galloway Procurators Fiscal⁸. The diversion service is supported through the Youth Justice Team core budget and the investment of a seconded police constable from Dumfries and Galloway Constabulary. Through this evaluation, it became clear that the design and development of the service and the process for diverting 16 and 17 year olds was facilitated by the existence of the multi-agency youth justice strategy group and was very much a collaborative process between the Youth Justice Team and the Area Procurator Fiscal.

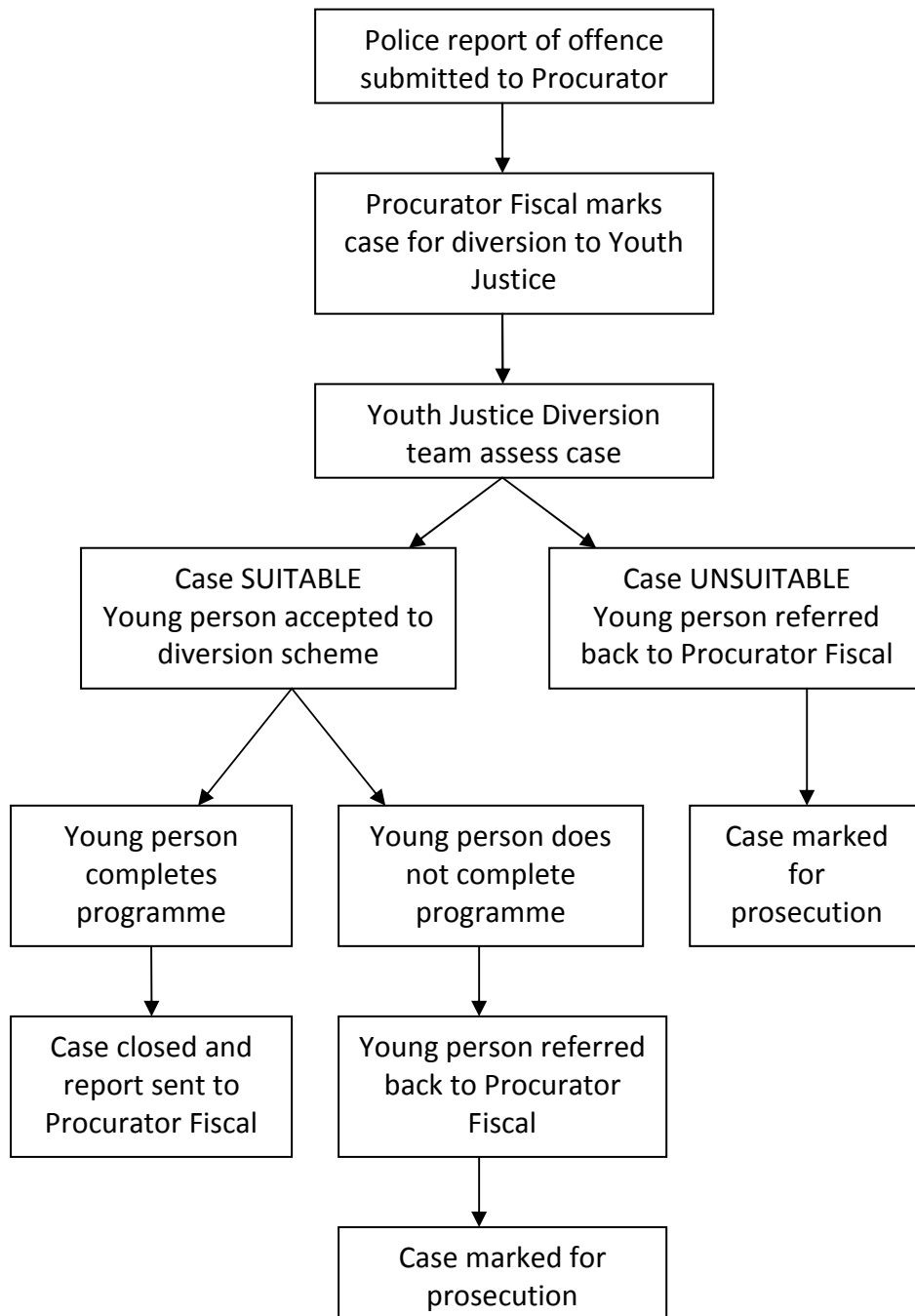
The diversion process

Figure 9 illustrates the process of diversion:

⁷ D&G Youth Justice Strategy 2004 – 2006 (last accessed 15th April 2011)
<http://www.dgcommunity.net/dgcommunity/xdocuments/19418.pdf.ashx>

⁸ In the early stages of designing the service, the SCRA were also a stakeholder. However, the SCRA are clear that there is a legal distinction between the 16 and 17 year olds reported to the Procurator Fiscal that fall under their remit, i.e. those on existing Supervision Orders, and those that are referred to the diversion scheme. Thus, SCRA are not to be considered as an active stakeholder here. Nevertheless, representatives from the SCRA were clear that the viewpoint of the organisation as a whole was supportive of the diversion service and recognised the 'shared agenda' between the agencies.

Figure 9: Overview of diversion process



Role of the key stakeholders

As Figure 9 shows, each stakeholder undertakes a distinct role at each stage in the process of diversion. The police provide the initial report of the offence and its circumstances to the Procurator Fiscal and the Procurator Fiscal then has to decide which of the available options to apply in that case. When a decision is made to divert a young person from prosecution to the diversion scheme, the diversion staff within the Youth Justice Team then has to assess the young person for suitability. A

young person may be unsuitable for the scheme for a variety of reasons: they may not meet the criteria for acceptance; their offence and behaviour may render them unsuitable; they may deny the charges made against them; or they may choose to not engage with the service. In any of these circumstances, the diversion team then refer the young person back to the Procurator Fiscal who will mark the case for prosecution.

Where a case is suitable, the young person is accepted by the service. Once a young person completes the work of the programme a report is sent to the Procurator Fiscal informing them of the outcome and the case is closed. Where a young person fails to complete the programme, they are referred back to the Procurator Fiscal whereupon the case is marked for prosecution.

While this is a rather simplistic overview of the diversion process, it can be seen that the process relies on continuous communication and information flow between the various stakeholders, and while the roles of these stakeholders may be distinct (information providers, referrers, service deliverers) they are interlinked and successful implementation is dependent on cooperation at all stages.

What the diversion service offers to young people

The core element of the diversion service is an educational groupwork programme. This consists of 6 weekly sessions aiming to provide young people with information and raise their awareness on a number of issues. The structure is as follows:

- Offending behaviour and victim awareness
- Drug and alcohol awareness (spread over 2 sessions)
- Personal safety/ sexual health awareness
- Antisocial behaviour
- Employment and education

The service also offers one-to-one support for young people. This allows those young people who find it difficult to participate in the group sessions, whether due to locality or other personal reasons, to undertake the same educational work and allows additional support for those in need. Where necessary the diversion service staff will facilitate access to other support services, such as housing, for young people.

Who delivers the diversion service

One-to-one support for young people is provided by a Community Support Worker and a Social Work Assistant from the Youth Justice Multi-agency Team. The groupwork programme is delivered by the same team with the seconded Police Constable, and input for some sessions is provided by specialist staff from key agencies, such as Sacro, CAMHS and Careers Scotland.

Operation of the Diversion Service

This section presents an analysis of data held by the Youth Justice Team to examine its operation in more detail. Looking at all cases referred from inception to March 2011 this section is structured under the following headings:

1. Number of referrals
2. Basic profile of young people referred
3. Take up and completion
4. Data issues

Number of referrals

Since February 2005 there have been 793 referrals to the diversion service. Of this figure 43 (approximately 5% of all referrals) have been assessed as unsuitable, meaning that the young person or the case itself did not meet the service criteria. For the unsuitable cases, the date of referral to the service is available in 32 cases. Table 7 below shows the yearly breakdown of referrals:

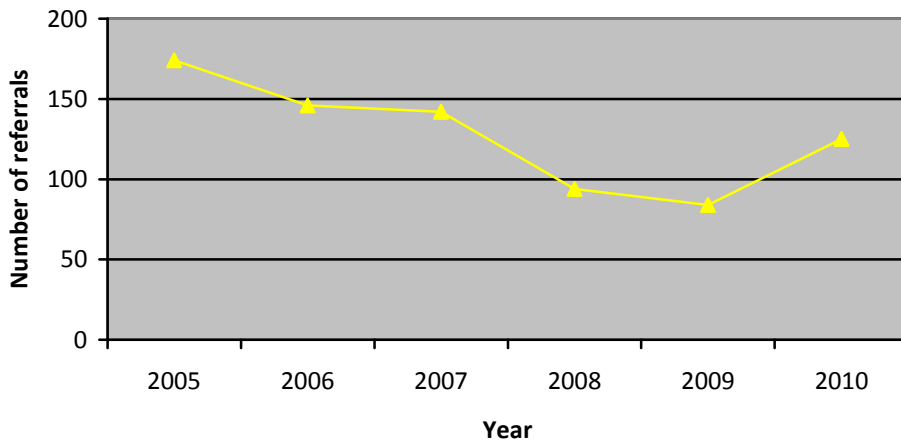
Table 7: Referrals to the Youth Justice Diversion Scheme per year

Year	Total no. of referrals	No. of referrals deemed unsuitable	Unsuitable referrals as % of total referrals
2005	174	1	-
2006	146	2	1%
2007	142	12	8%
2008	94	7	7%
2009	84	6	7%
2010	125	3	2%
2011*	14	1	-
Total:	779	32	

* to beginning of March only

As can be seen above, there has been some degree of fluctuation in the numbers referred since 2005. While the proportion of unsuitable referrals has remained low, the overall number of referrals dropped substantially in 2008 and 2009 to just over half the number received in 2005. This has risen again in 2010 but it may be speculated that the numbers will continue to fluctuate over time. Figure 10 below further illustrates the pattern 2005-2010:

Figure 10: Referrals to the Youth Justice Diversion Scheme per year



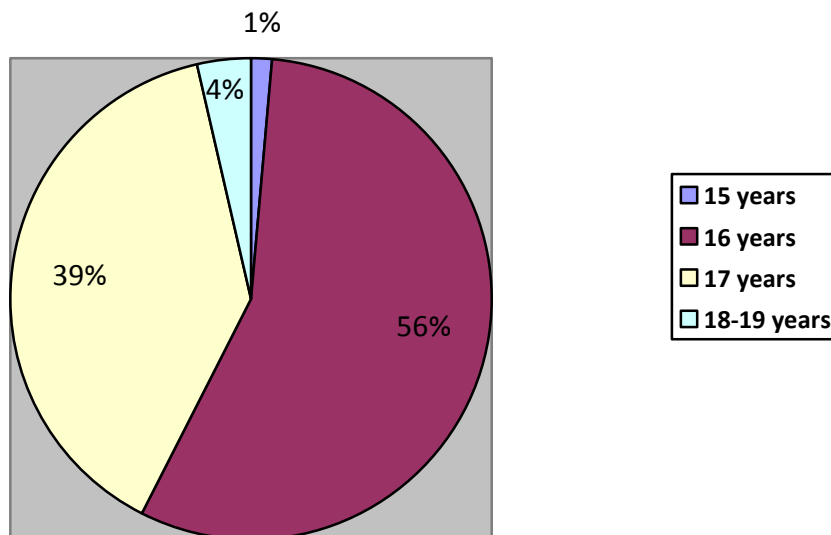
Basic profile of young people referred

The Youth Justice Diversion Service database holds information on the basic profile of the young people referred. Below is an examination of age, gender, locality, ethnic background and offences committed.

Age

Figure 11 below illustrates that the overwhelming majority of referrals to the diversion service are of 16 and 17 year olds:

Figure 11: Age of Youth Justice Diversion Scheme participants (n=791 participants)



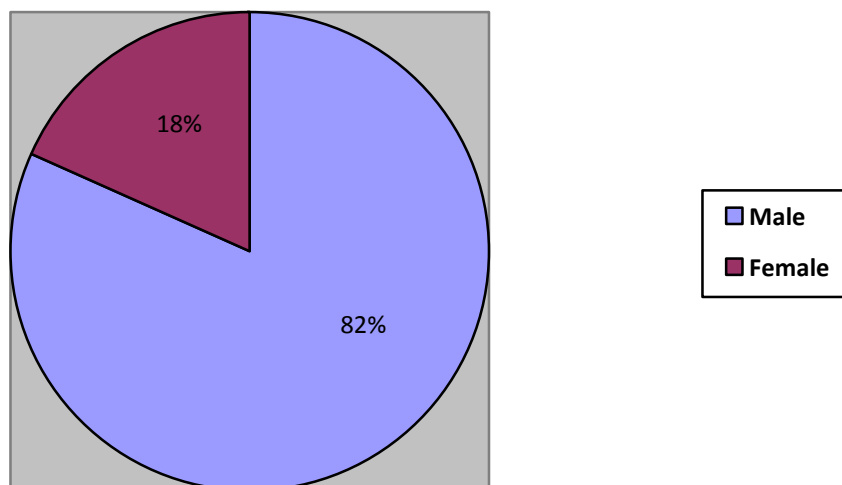
However, it is also shown that a small number of older (29) and younger (11) teenagers have been referred. While this means that these individuals did not technically meet the criteria for the service (i.e. being aged between 16 and 17

years), it has been noted that the service is flexible enough to accommodate those who may have passed the age threshold but whose circumstances and maturity are such that it is recognised they may have similar needs to those who are younger and may benefit from the service. Occasionally the service ends up dealing with some young people who are jointly reported and in relation to whom the Children’s Reporter have agreed that their present offences should be dealt with by the Procurator Fiscal. These young people are usually subject to a supervision requirement through the Children’s Hearing System and the use of Diversion is an attempt to encourage engagement or a greater impact through the threat of potential prosecution should they not comply.

Gender

Figure 12 below shows that the majority of referrals to the diversion service are male. The pattern found here is largely congruent with wider patterns with the broader criminal justice system:

Figure 12: Sex of Youth Justice Diversion Scheme participants (n=791 participants)



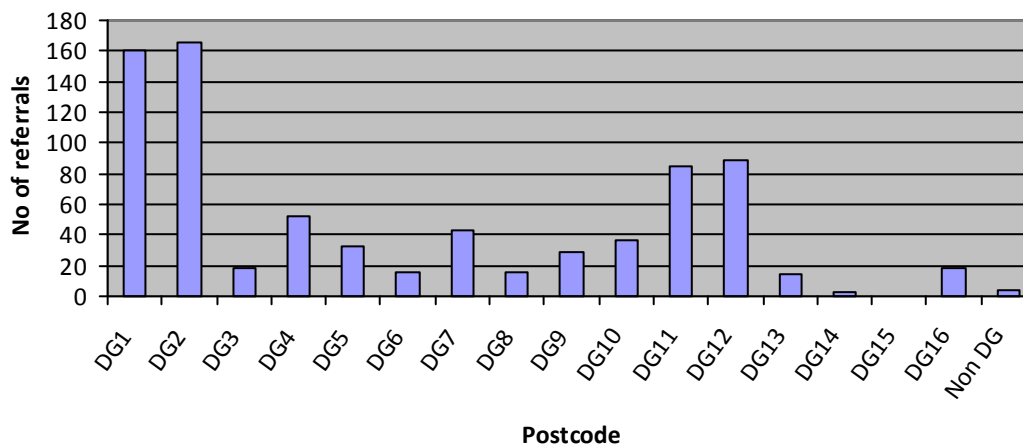
Ethnic origin of young people

The vast majority of the young people referred to the diversion service are listed as ‘UK White’. Only 10 are listed differently, with 5 stated to be ‘other ethnic group’, 3 as ‘Irish’, one as ‘Italian’ and one as ‘Pakistani’.

Where the young people live

For the purposes of this analysis, the first half of each young person’s postcode was used. Figure 13 below shows that the majority of referrals were of young people living in Dumfries or the immediate surrounding area:

Figure 13: Where participants in the Youth Justice Diversion Scheme live



Offences leading to referral

The current youth justice diversion service database lists the offences that each young person has been charged with. However, this is not recorded in a standardised manner and it is a recommendation of this evaluation that this be considered for future monitoring and evaluation purposes. The current database appears to list all charges from each referral in a single column, although there is an option for separating out a maximum of three charges and listing each separately. Using the latter recording method would be preferable for analysis purposes. Moreover, the database needs to be set up in such a way that each charge is recorded in a standard way so that when running simple analyses it is easy to quantify how many young people have been referred for what offences. Within the timeframe of this evaluation, there has not been the scope for the research team to undertake a process of data ‘cleaning’ and so the analysis presented in this particular section is somewhat crude. Adopting a more effective standard way of capturing this data would allow more sophisticated analysis to be undertaken in the future.

Of key interest for this report are the range of offences for which young people are being referred and the number of offences that each of the young people have committed within the single incident leading to their referral. As expected, the most common offences for which young people are referred are breach of the peace, vandalism, assault, and theft. However, the total range of offences listed in the database is much wider and includes *inter alia* breaches of the Communications Act 2003 and the Criminal Law (Consolidation) (Scotland) Act 1995, drug offences, fireraising, fraud, malicious mischief, and housebreaking.

It appears from the data that the majority of young people are referred to the diversion service on the basis of a single offence. However, in 208 cases young people have been referred for a range of charges, for example three counts of assault or a combination of breach of the peace and vandalism and so on. Given the

aims of the diversion service and its underpinning philosophies, it would perhaps be interesting to know whether the Procurator Fiscal had taken any further action in respect of any of the charges, or whether the diversion response is to the case as a whole rather than a single charge within it.

Indicators of need

The Youth Justice Diversion Service database also contains some crude indicators of the level of need of the young people referred to the service.

Living with parents

The diversion worker records whether or not a young person is living with 'both parents', 'one parent', 'one parent plus partner' or 'neither'. In this particular column, there was a lot of missing data (over 100 cases were blank), but analysis showed that 150 young people, or 19% of the total referred, did not live with either parent. While it is not possible to say whether these young people were living with another adult, such as a grandparent or other family member, acting as their guardian (whether formally or otherwise), it appears that there are a large number of young people referred to the service who are not residing in a family home and may be needing additional supports as a result.

Known by other services

Whether or not the young person was known to other services is also recorded by the diversion worker. In 254 cases, 32% of the total referrals, the young person is recorded as having been previously known. While this is itself indicative of some level of need, it may be worthwhile considering expanding the information held here to be clearer about what previously identified needs might have been. This could be as simple as listing which services the young person was known to, for example educational support or children and families social work and so on.

'Looked after' status

The diversion worker records which of the young people previously held 'looked after' status, which is indicative of a high level of need having been identified at some point in their childhood. Ninety six young people, or 12% of the total referred, had previously been looked after. Bearing in mind that those young people referred to the Procurator Fiscal with an *existing* Supervision Requirement are referred back to the Children's Reporter for low level offending behaviour, this is a relatively high number of young people presenting with this level of need.

Take up and completion

Finally, the data held by the youth justice team allows an examination of the numbers of young people referred who went on to participate in the service, and went on to complete the programme.

How many young people took part in the diversion service

From the database it appears that of the 793 referrals listed, 659 (83%) met the service criteria and were assessed as suitable for participation. Of the 90 young people who met the service criteria but were assessed as unsuitable, information on the reason for this is available in 37 cases. Eight were living outwith the Dumfries and Galloway area, 24 refused to comply, and 5 are listed as other.

From the 659 who were accepted onto the diversion programme, 361 were prescribed the groupwork programme. This means 298 were offered an alternative to the groupwork programme, which can happen for a number of reasons, such as a young person residing in a particularly isolated rural location within the region, having limited access to transport or be in employment or training when the groupwork programme is being delivered. One-to one sessions are delivered in a number of ways depending on the young persons needs and learning style, this varies from a condensed version of the groupwork programme to a bespoke programme based on identified and/or assessed needs. Many young people are also referred onto other services and agencies for support on a voluntary basis

Completion rates

Rates of completion of the diversion programme are comparatively high. Of the 361 young people prescribed the groupwork programme, 2 were still ongoing and 359 cases were closed. Of the 359 closed cases, 36 (10%) had failed to complete. In other words, 90% of the young people had successfully met the requirements of the programme.

Of the 298 young people offered an alternative to the groupwork programme, 3 were still ongoing and 295 cases were closed. Of the 295 closed cases, 42 (14%) had failed to complete. In other words, 86% of the young people had successfully met the requirements of the programme.

Data issues

The present Youth Justice Diversion Service database holds information about each young person that has been referred to the service and as such provides an invaluable tool for monitoring and evaluation purposes. However, the accuracy of the data held and the potential to do further analysis is currently limited by inputting and maintenance issues.

The database received by the research team was blank in some of the cases listed in a number of key fields. Although the extent of missing data is relatively low, it does limit the accuracy of the figures quoted in this section of the report and reduces the effectiveness of the database in fulfilling its purpose. It was not possible in the timeframe of this evaluation to seek information to 'fill in the blanks' but this would be a straightforward issue to resolve for the future. The interface of the database that is presented to the worker inputting the data can be formatted in such a way as to 'flag up' fields that have not been completed and it is suggested that a system of data checking be put in place. For example, once a fortnight one worker could be responsible for reviewing all data inputted in that time period and ensure that all fields were complete.

There were also a number of other inputting errors uncovered in the analysis of the data. Once again, the timeframe here did not allow the research team scope to 'clean' the data and correct the errors and as such the accuracy and effectiveness of the database is, to a limited degree, compromised. Examples of errors found include typos in the ages of the young people and typos in the postcode recorded. To an outside examiner of the data it is not possible to determine what was meant to have been inputted and so these cases have to be treated as missing. Moreover, there were a number of different ways of presenting the same information, which means that pivot tables and charts derived from the data present it as if the data is representative of different things. For example, when running a simple pivot bar chart of the postcode area the young people lived in it was found that there were three different ways in which the postcode DG1 had been recorded. This meant that DG1 had three separate bars in the chart when it ought to have been a single bar representing all DG1 cases.

Both of these issues need to be resolved in order that when running internal and external analyses of the data, it is absolutely clear that the database holds what it is meant to and that the analyses will be accurate and meaningful. One way to achieve this would be to introduce a system of standardised data inputting. The database could be formatted in such a way that whoever was inputting data would only be able to do so from a set drop down menu rather than typing free text. The worker responsible for checking that all data inputting was completed could also be responsible for checking accuracy if necessary.

If these systems detailed above were put in place, and if the issue of recording offence types discussed above was resolved, the potential of the database for more sophisticated analysis would become much greater.

Summary

- The Diversion from Prosecution Service for Young People offers education and support to young people and has operated continuously for over 6 years
- Almost 800 young people have been referred to the service, the majority being white males residing in and around Dumfries who have committed a range of low level offences, and a large proportion of whom present with some degree of unmet need

- To date , the diversion service has had both a high take up rate (around 83% of all referrals) and a high completion rate (90% of groupwork participants and 86% of non groupwork participants)
- Systems for service monitoring and evaluation are in place but there are improvements to current data management that could be made to improve the efficiency and effectiveness of these. These could include:
 - a) 'Flagging up' of missing data at inputting stage
 - b) Introduction of standardised methods of inputting data
 - c) Introduction of systems of quality control

Impact of Diversion Service Participation on the Young People

This section considers the impact of participation in the diversion service on young people and discusses issues around effective measurement of this. Three methods of capturing impact are considered here: follow up data on prosecution from the Procurator Fiscal; existing service evaluation forms; and qualitative case study data. This section is structured under the following headings:

1. Intended impact of participation
2. Measuring impact
3. A view from the young people

Intended impact of participation

In order to look to measure the impact of participation in the diversion service on young people, the *intended* impact has to be determined. This is somewhat problematic as the intention of any diversion service is usually simply to prevent prosecution in cases where low level offending has occurred, where it may not be in the public interest to prosecute, and where the offender may benefit from the underlying causes of their offending behaviour being considered and addressed in some way. Thus the intended impact of the service is simply that the individual does not go to court for that offence and by receiving that individual into the service the impact is achieved and measured.

However, the diversion service in Dumfries and Galloway is specific in targeting 16 and 17 year olds under the rationale that receiving an early first conviction in court appears to lead to an increased likelihood of reconviction. Thus, a possible long term impact to consider might be that those who are referred to the diversion service do not go on to accrue convictions in court. Moreover, the diversion service is also intended to be educational and better equip young people with knowledge and awareness of key issues and a more immediate impact of the service might be a young person indicating that they have acquired this greater knowledge and awareness. Indeed, it is the point that if such immediate impact could be achieved, this would become a long term impact for the young person.

Measuring impact

Considering first the more long term impact of avoiding criminal conviction, following up individuals who participated in the diversion service and determining whether or not they came back into contact with the Procurator Fiscal is one way in which this could be done, but any findings must be treated with appropriate caution. An individual's pattern of behaviour and history of CJS contact cannot be treated as the sole indicator of success or otherwise of any service as there is too much that this crude measure cannot capture and too many other variables to consider. Nevertheless, it is an interesting exercise to undertake and, in conjunction with the data captured by the Youth Justice team, the information gathered could be used for some interesting analyses of who did and did not go on to have further CJS contact and inform future service development.

At present, there is no feedback mechanism in place that allows the Procurator Fiscal to gather this information and share it with the Youth Justice Team. For the purposes of this evaluation, the research team submitted a request via the local Procurator Fiscal office to gather this information. In order to comply with Data Protection requirements it was made clear that this information was being sought in aggregate form, i.e. the request was simply to have a figure for *how many* young people who had been referred back to the Procurator Fiscal rather than have it broken down in terms of *which* individuals. The request was then passed to the centralised Management Information Service at COPFS, but at a late stage in the evaluation. Unfortunately it has not been possible for COPFS to meet the request within the required timeframe for the evaluation but it is a recommendation that consideration be put towards setting up a feedback mechanism between COPFS and Youth Justice that would facilitate greater information sharing.

The immediate impact of acquisition of knowledge and awareness is more straightforward to capture and is presently being undertaken. The Youth Justice Team currently ask each young person who has taken part in the service to fill out an evaluation form (see Appendix H) that seeks their opinion on why they took the opportunity to participate in the service, what was helpful to them in participating, what the service has achieved in terms of what they learned and their thoughts on offending, and also allows any additional comments to be made.

At present however, the forms are completed using pen and paper and these have not been uploaded onto the computer. It is a further recommendation of this evaluation that the exercise of uploading previous and future evaluation forms be given serious consideration. As a minimum, all future evaluation forms ought to be stored in an electronic format. To be able to analyse the results of the forms against the characteristics of the young people and their behaviour would be of great help to future service development. If this could then be analysed against which young people returned to the Procurator Fiscal post-completion the potential is greater again.

A view from the young people

In the absence of the data described above, it was decided that an alternative measure of impact ought to be sought by the research team. In order to better understand what participation means to the young people and to gain further insight into the background to their offending it was decided that qualitative interviews be undertaken with a small sample of those who had completed the key requirements of the Diversion Service. Four young people were approached by the Youth Justice Team and interviews were achieved with two. These interviews have been used to develop two case studies to illustrate the kind of background that some of the young people referred to the Diversion Service have experienced, and to demonstrate what some may gain from taking part. It is not intended that the case studies be considered representative of the entire group of young people who have been through the diversion process.

Case Study 1 - Katy

Katy⁹ was referred to the diversion service when she was 16 years old. She had been arrested for fighting with another young person in the local park. Prior to this arrest, Katy had been involved with social work long term due to problems relating to her family and her behaviour. Katy came to the diversion service with a particularly complex set of needs and so is perhaps not typical of the types of cases regularly received by the diversion service.

Once the diversion process commenced, Katy participated in the groupwork programme and was given a substantial amount of one-on-one support with Carole, the key diversion worker. Katy was also referred from diversion to housing services and to Apex for careers support.

Katy found participation in the groupwork programme to be particularly difficult. She described her group as having been made up of noisy boys and so she responded to the situation by:

I didn't speak, I just done it and put my heid down and done it and when [Carole] asked me a question I just answered it. I didnae speak any other way.

However, when asked further about the difficulty she experienced Katy then stated that the process of dealing with the groupwork had been helpful to her because 'I've got to get used to people'. On the other hand, Katy voiced very strong positive opinions about the one-on-one support she received describing Carole as 'a very good person' and rating the support as 5 out of 5.

When asked how the diversion programme had been helpful, Katy described how the referral to housing had successfully gotten her into homeless accommodation at

⁹ The names of the young people have been changed in order to protect their identities

a crisis point in her life and how the one-on-one support from Carole had directly helped her in rebuilding a relationship with her mother:

Me and my mum don't have a relationship anymore. *[Right I see]* And Carole's trying to work on it and I'm gan 'there's nae point cos she'll nae dae it and that' *[Mmhm]* Although mum has actually started to try. *[That's good]* Uh-huh! I was shocked, I was like 'what have you done this time, what have you said to her this time?' *[So do you think Carole's helping that situation then?]* Yeah.

It was established that this is an ongoing situation and that although Katy had finished with the diversion programme, she continued to work with the diversion staff in order to attempt to resolve some of the issues within her family.

When Katy summed up her point of view on taking part in the diversion she stated:

In my mind, diversion's just changed my life basically, really.

Case Study 2 – Emma

Emma was referred to the diversion service when she was 18 years old. She had been arrested (at 17 years old) for assaulting another young person whilst drunk on a night out in the local town centre. Emma had been 'at a bit of a low point' at this stage, drinking heavily on a regular basis and had been arrested again shortly afterwards for a similar offence.

At the time of her arrest Emma was residing in homeless accommodation and was not close with her family, none of whom stay in the local area. She was experiencing problems at work due to her 'pulling sickies' because of alcohol abuse, and was in a difficult relationship with a male young person whom she could not trust. This combination of circumstances meant that when Emma received the letter from the Procurator Fiscal she was unclear which incident the offer of diversion related to.

Once at the diversion service Emma took part in the six week groupwork programme and took up the offer of one-to-one support from the diversion worker. Through this support, Emma had sought advice about her recent relationship breakdown and had been referred on to a counsellor to address her problems with alcohol abuse.

Emma discussed her initial reaction to the offer of diversion from the Procurator Fiscal was to feel nervous and unsure. Emma did not understand what diversion meant and was worried about what it might involve. However, Emma reported that the response from Carole to her referral, being flexible enough to arrange a suitable meeting away from the homeless accommodation and explaining clearly the diversion process, had put her at ease with the situation:

...cos of the state I was in at the time, if Carole hadnae of spoke to me before it I would probably have been like *[sharp intake of breath]* 'I don't want to come!'...I'm one of these people that worries so *[meeting Carole made me feel]* a lot better.

Having started the groupwork reassured by Carole, Emma described the groupwork as being enjoyable and taking part as easy 'because Carole makes it easy'.

When Emma was asked how helpful taking part in diversion had been she discussed everything that she had learned from the groupwork sessions. Emma felt she had gained a greater understanding of herself and how alcohol affected her mood and behaviour:

...anytime I've been charged with stuff it's been due to alcohol when I've been under the influence so to see how obviously, how that affects you. Like I'd go out and commit an offence and I'd go home and I'd sit and cry. Carole was like 'aye, cos it's a depressant', so I know that when I go out drinking I'm not going too far and if I'm starting to feel a bit low on it just go home and not sit drinking more of it.

She also reported gaining greater insight to the troubles in her relationship with her boyfriend and being able to reflect on how her actions at work could impact on her future. Finally, Emma had had the chance to consider her offending behaviour and discussed now being able to see alternative ways of handling difficult situations as a result of the group discussions.

Moreover, Emma spoke very positively about the impact of the one-on-one support she had received while on the diversion programme. Carole had made herself available for further discussion on the issues raised each week in the groupwork sessions and Emma had been able to approach her for additional support in working through her problems:

she's kind of like a mother figure [*did you find that helpful?*] yeah, I've no family in [local area], it's just me, so I kind of struggle like that. So if I ever need somebody or I'm feeling low Carole's just at the other end of the phone, which is really good.

Using the additional support offered had facilitated Emma's take up of counselling services to further address her alcohol abuse. Emma had previously tried to access such a service via her GP but had been met with a long waiting list and a fee she could not afford. The immediacy of the support provided when referred from youth justice was greatly appreciated by Emma. Finally, Emma discussed her relief at having found a support network she could rely upon and the greater security she had found knowing that she could return to Carole now that the diversion process had been completed:

Carole has said that if I want to go back [to counselling] then come back to her and she'll still put me through. Never know where I'm going to be in six months time, I could have a wee relapse thing, so if I need extra help I just pick up the phone.

Finally, Emma summed up the experience of going through the diversion programme as having 'made me a better person' and compared what she had been through to how she responded to the fine she received for her second offence:

...how is that going to help you learn your lesson? Fair enough it's a fine and you have to pay it up, but this is completely different because you're getting to talk

about stuff...so it gives you a better understanding of the crime that you've done.
It makes a lot of sense.'

Overall comments

The two case studies presented above may not necessarily be representative of the 'typical' cases that the diversion team encounter, but they are real cases that have been through the diversion process and are certainly not unique with regard to both the circumstances and the needs described. What they serve to illustrate is that different young people from different backgrounds can apparently benefit in very different ways through participating in the programme and taking advantage of the support and education that it offers. A quote from the interview with Katy sums this up:

'The bits what helped just stay in here [points to head] but the bits that don't, don't.'

Essentially the diversion service is 'one size fits all' but where young people can be engaged with the programme and the staff, there are various opportunities for them to take away something of relevance or of help to themselves and whatever situation they find themselves in.

Considering these case studies shows that there are many immediate benefits that a young person can gain from participation in the diversion service. This further illustrates the importance of making much more full use of the existing service evaluation forms and the information these could offer in terms of demonstration of impact on young people and the achievement of the underlying aims of the service in providing this.

Summary

- Beyond the fundamental aim of reducing the numbers of 16 and 17 year olds prosecuted in court, there are a number of other possible long and short term impacts that the diversion service could have on young people
- To capture possible long term impacts, arrangements for data gathering and sharing need to be put in place between COPFS and the Youth Justice Team
- Short term impacts (or rather immediate benefits that could have a long term impact) are already being gathered by the Youth Justice team in the service evaluation forms but this data is not currently in analysable format
- It is recommended that evaluation forms are stored electronically and analysed in conjunction with the data already held by Youth Justice on the profile of the young people

Views from the Stakeholders

This section presents the findings from a series of qualitative interviews undertaken with the key stakeholders in the Diversion from Prosecution Service under the following headings:

1. Key success factors in the implementation of the diversion service
2. Barriers to success
3. Moving forward

Key success factors in the implementation of the diversion service

As mentioned previously, the diversion service has now been operating in Dumfries and Galloway for over 6 years. The longevity of the service and the maintenance of a steady flow of referrals over this period are key indicators of its successful implementation. Interviews with the stakeholders sought to examine what the key factors in this success have been and a number were raised.

Shared values and support from all agencies

It became clear from the interviews that all stakeholders shared the same fundamental values and the same agenda with regards to how 16 and 17 year olds ought to be considered and treated within the criminal justice system. Across all agencies, based on wide practice experience, there was recognition that this age group were involved in low level offending behaviour largely as a result of immaturity and a lack of development of consequential thinking. This shared understanding appears to have facilitated 'buy-in' and support for the service and its guiding principles, with all agencies identifying a clear need to provide a response for 16 and 17 year olds that takes account of this need for development and guidance.

'There is another way of dealing with these youngsters.' (PF)

Given the lack of coherent national policies relating to 16 and 17 year olds in the CJS, it seems likely that without this local shared agenda and point of view, the service would have neither 'got off the ground' nor been sustainable.

Individual personalities

There was also a sense from the interviews that success in developing a shared agenda was largely attributable to the personalities and beliefs of the individuals within the key organisations. At the outset, it was reported that the development of the idea for the diversion service had come down to the enthusiasm and beliefs of key individuals with strategic overview within youth justice in the Dumfries and Galloway region. Moreover, the feedback from those stakeholders who have been involved in the service the longest was that over time, when key individuals within

the prosecution service and the police had moved on following the service inception, there have been marked fluctuations in the operation of the service in terms of the overall sense of a shared commitment and effort towards sustaining it. Current feedback from stakeholders based in the Youth Justice Team and the police suggests that the continued investment of the Family Protection Unit and the commitment of the individuals within it to developing the diversion service has re-established some of the links that existed at the outset between the two agencies.

Size and locality

Unanimous feedback from all the stakeholders was that the success of the diversion service had been down to the relatively low number of criminal cases being processed in Dumfries and Galloway. It was felt that this kept the service manageable for all agencies involved. Both the police and the Procurator Fiscal expressed the view that the small population size of the region meant that there was an ability to recognise individuals being processed in the criminal justice system and to build knowledge on their background that would inform decision making.

Furthermore, the small population size was also believed to lead to a manageable caseload which, coupled with the proximity of the agencies to one another, facilitated better communication between the agencies in respect of individual cases. From the point of view of the social work based stakeholders, the relatively small caseload had allowed the service its flexibility in terms of providing one-on-one support where necessary, and also in allowing workers time to travel within the region to take groupwork to hard to reach locations in order to facilitate young people's participation.

Simplicity of the diversion service

A final success factor was identified by the social work team as being the simplicity of the diversion service. The 'one size fits all' educational approach was described as straightforward to deliver in that it was not a complex programme and as relying on minimal staffing commitment, keeping the budget relatively low and allowing sustainability over time.

'It's a simple system...so we're clear that we're providing low tariff, one size fits all programme of 6 sessions. Although we don't ignore needs and we still do that, but that's the notion of how it works, so we can always cope and manage with that'
(YJSW)

Barriers to success

While there have been obvious successes in the delivery of the diversion service and a set of clearly identified facilitating factors, a number of difficulties and barriers were also raised in the interviews.

Inconsistency of support

As discussed above, the loss of key individuals at different stages in the lifetime of the diversion service has led to the feeling that the equal commitment of all involved agencies has been lost. The loss of key individuals within the police has largely been addressed with the continued investment in the FPU (discussed above), but the feedback from the stakeholders suggests that this has not been resolved with the prosecution service in the region.

The fluctuating pattern of referrals to the diversion service (illustrated in Figure 10 of this report) has largely driven this feeling of lack of commitment. Discussions with the Youth Justice Team and the police on why such fluctuation might be occurring focused on the issue of staff turnover within the prosecution service, both at a strategic and operational case marking level. The loss of a particularly supportive Area Procurator Fiscal and the rapid turnover of staff within the local offices were both highlighted as critical barriers to maintaining referral levels.

Discussions with a representative from the prosecution service indicated that high staff turnover was indeed an issue for the region, where the local offices are used for training new deputies who subsequently move on. The Diversion Service available in Dumfries and Galloway is unique to the region and therefore new deputies arriving are not necessarily aware that such an option exists, nor have they been trained in the mindset of considering such an option. This is addressed in their training within Dumfries and Galloway and it was indicated that regular email reminders are circulated within the offices to encourage use of the service.

However, in light of the high turnover and the unique nature of the Diversion Service, a number of other related factors precluding its use were also raised. In the first instance, it was highlighted that 16 and 17 year olds committing low level offences comprised a very small proportion of the total caseload within the fiscal office. Thus, such cases are not being marked as frequently as others and when they are marked this may be by an inexperienced deputy. Compounding this issue is the sheer range of options that are available to Procurators Fiscal for low level offences. While training within the local offices instils the procedure of 'marking up', i.e. starting from the lowest tariff response to an offence, there are a number of other diversionary measures available for use and, because these do not have an age cap, will be more frequently employed and therefore, it could be speculated, more at the forefront of a case marking decision. This was highlighted as a potential problem for

16 and 17 year olds who are in employment whereby because they demonstrate an ability to pay the case marker may be likely to respond to offences with fiscal fines. There was a concession that since the introduction of direct measures (2007) this may have become a source of error within the local offices:

'Maybe that's something we need to look into and push the diversion a bit more' (PF)

While this is not indicative that commitment to the diversion service has been dropped on the part of the local prosecution service, it is arguable that competing

priorities within the overall prosecution service have led to it being sidelined in recent years.

Communication

A recurring theme raised in the interviews and the subsequent analysis was communication between the stakeholder agencies. While there had been much positive feedback on the working relations that had facilitated the introduction of the diversion scheme and those that had been fostered over time, there was a sense that the process of communication and its frequency could be improved. Once again, the issue of communication was identified in the discussions with the Youth Justice Team and the police. Representatives from both agencies expressed a desire to have more contact with the local Procurators Fiscal to discuss both individual cases and the overall service. It was felt that while individuals from youth justice and the police knew one another and communicated regularly, via telephone or email and at face-to-face meetings, this was not the case with the Procurators Fiscal. Interestingly this was attributed by police representatives to 'historical culture' between the agencies whereby police officers were previously not allowed to make direct contact with the fiscal office. It was argued that in the absence of formal steps to address this issue, it was down to individual personalities to overcome this cultural barrier.

'When you're trained to that kind of level of thinking and you understand that somebody doesn't necessarily want to hear from you...but sometimes it's more about individuals that push these things forward rather than organisations...[personality] is a huge thing.' (Police)

The lack of contact with local Procurators Fiscal had clearly led to a sense amongst the police and the social work teams of lack of engagement which, coupled with the fluctuation in referral numbers, further fuelled belief in lack of commitment to the diversion service from the prosecution service.

Interestingly, discussions with the representatives from the prosecution service indicated that, at an operational level, systems for communication between the agencies were 'working well'. On the one hand this can be evidenced by the successful operation of the service over its lifetime, as without a good system of communication for service referrals and feedback, the service would have halted. Nevertheless, exploring the mechanics of this communication process further, it was indicated that this is entirely conducted by support staff within the fiscal office. Thus there is no built-in provision that facilitates direct discussion between the Procurators Fiscal and the other agencies.

While the manner in which the communication process has developed is a necessary element of organisational management in order to provide Procurators Fiscal with adequate time to undertake the job of case marking, it does foster a sense that the decisions made in relation to diversion are detached from the rest of the process.

Moving Forward

Interviews with stakeholders also examined how each individual thought the service could develop and improve further in the future. Interestingly, in spite of the apparent lack of forum for communication between the different agencies involved, there was a large degree of similarity in the ideas put forward and discussed.

Extending the age range

Representatives from both the prosecution service and the Youth Justice Team diversion staff expressed the viewpoint that the diversion service and the opportunity to participate in the educational groupwork programme could be made available to young offenders more generally, rather than just to those in the 16-17 years age bracket. Referencing evidence from criminological literature, the case was made that young people were likely to desist from offending in their mid-twenties as they became more invested in relationships and employment and continued to mature. Therefore, if those committing petty offences could be diverted from prosecution to undertake some educational work this would be preferable to the other options currently available:

'You get a 24 year old who comes rollicking back drunk some night, never been in trouble before, and breaks a window. We're not likely to put him into court, we're going to give him an alternative which is, you know, pay it back. He might have a problem paying it back, he could end up having a criminal record for vandalism when he's never had trouble in his life before. In one sense can you fix a scheme up where somebody sits him down, tells him the error of his ways, there may be an alcohol issue behind it, and get him to make some compensation. Prosecution can be a hammer to crack nuts with some cases, and a case like that we would struggle [if no money] you're restricted in what you can do.' (PF)

The feasibility of such an extension was discussed with the Youth Justice Team. Herein it was stated that the service could currently accept an increase in referrals to the groupwork programme. A key issue here though was that, should the service become stretched beyond current capacity, funding would become a problem. Presently, youth justice social work accepts financial responsibility for the Diversion Service, in spite of the fact that over 16s technically come under the auspices of criminal justice social work. Should there be a need to increase capacity, there may also be a need to seek investment from the criminal justice budget.

Developing service provision

The prosecution service and youth justice social work also made suggestions for developing service provision further. Two additions to provision were discussed. The first was providing a service that would also be able to cope with referrals of young people committing higher tariff offences. Such a model of diversion currently operates in other local authorities in Scotland but would require the development of a much more specialist programme of offence focused work, akin to that provided by probation services. It would also require making the service far more intensive in

terms of contact hours and, while the full resource implications have yet to be scoped out, would certainly demand much greater financial investment than the service as it currently operates.

The second suggestion for additional provision was the incorporation of reparation for the young people. A number of different methods of providing reparation were introduced, such as the addition of a compensation order element to the diversion option, or the use of restorative justice facilitated by Sacro.

Changing the diversion process

Asides from considering the scope and nature of the service, stakeholders from all agencies had also considered ways in which the *process* of diverting 16 and 17 year olds could be improved. A representative from the prosecution service raised the issue of whether or not it was really appropriate for 16 and 17 year olds to be referred to the Procurator Fiscal for low level nuisance behaviours. Here there was dissatisfaction with the lag time between the office receiving a police report and the final case marking decision being made:

‘With youngsters you need to get the issue that’s the problem in front of them quickly or it’s gone.’ (PF)

With low level offending not prioritised by the wider COPFS, it was suggested that only switching to a different system would allow a more immediate response to be given to young people. Exploring this idea further, a system whereby the police were allowed to jointly report cases where they believed the diversion service might be a viable option to the Procurator Fiscal and the Youth Justice Team was suggested.

Similar suggestions for change were put forward by stakeholders from youth justice and the police. One representative from the social work team discussed expanding the early and effective intervention arrangements and applying a similar approach to the multi-agency case progression meetings for 8-15 year olds to cases of low level offending by 16 and 17 year olds. This would involve setting up a role within Dumfries and Galloway Constabulary for a single point of contact for all cases involving 16 and 17 year olds committing minor offences. Cases would be screened and a decision taken on whether to take cases for discussion at a multi-agency group. The multi-agency group would consist of all key diversion stakeholders, including a representative from the Procurator Fiscal office. Meetings would be run in a similar manner to multi-agency case progression meetings, with information on the case and the individual being brought to the table for discussion and an informed decision on best course of action being agreed. The Procurator Fiscal would be there to act in the public interest and to indicate which cases would need to be considered in the fiscal office. Cases agreed to be suitable for diversion would be referred straight to the service post-meeting for a more rapid response to be delivered.

This idea was largely supported by representatives from the police who stated that the Family Protection Unit was already being used within the local police force for guidance and background information on cases involving 16 and 17 year olds. However, there was hesitation here as to the role the Procurator Fiscal could realistically have in a multi-agency meeting:

Nevertheless, the ideas discussed in the various interviews are very similar and come once again from an apparently shared agenda of making informed decisions in an efficient manner in order to provide a more immediate response for young people.

Overall comments

It is worth reiterating that the existing diversion service has been operating successfully for a considerable period of time. Stakeholders can clearly identify a number of factors that have contributed to its success and it seems likely that, should the support that the service has been granted by the various agencies involved be maintained, it will continue to operate into the future.

In spite of these successes however, a number of issues with the operation of the service and the management of the overall process were also raised. In light of these issues, it would appear that there are a number of steps that could be taken to improve the process and the relationship between the core agencies.

It would seem that a good starting point for improved relationships and communication between the core agencies might be to set up arrangements for more proactive engagement. Having some forum where the core agencies could 'get round the table' would be a way of overcoming some of the apparent cultural institutional barriers to communication and would help to increase the sense that the service is operating under joint effort with equal commitment from all parties. Should the resources be put in place to fundamentally alter the process of diverting young people then it is likely that this increased level of engagement will be a natural by-product of that. In the absence of these resources though, arrangements to facilitate increased engagement would be helpful to have in place.

As well as fostering a more proactive engagement between agencies, it also seems necessary to introduce a more proactive way of getting new deputies to take the diversion service 'on board'. Perhaps having a greater youth justice presence within the fiscal offices would be a starting point for this, and generating more publicity about the service could also help. Taking new deputies out to see the Diversion Service in practice may be another method to consider.

It could also be suggested that, in the absence of any EEI style arrangements, appointing an individual within the fiscal office to take an overview of all cases involving 16 and 17 year olds would help to introduce a consistency to the use of the various diversionary measures available.

Finally, in spite of the issues discussed in the interviews, it is interesting to note that there appears to be a great deal of harmony between the stakeholders in the approach to the diversion service. All stakeholders highlighted that the service was a positive asset to the region and all gave suggestions for improving the service in order to sustain it further. Thus it is likely that resolution of the issues raised is an achievable aim.

Summary

- Stakeholders identified the following as key factors facilitating the successful operation of the diversion service over the last 6 years: shared values and support from all agencies; individual personalities; size and locality; and simplicity of the service
- In spite of the success achieved, stakeholders also identified a number of barriers to furthering the success of the diversion service
- Loss of key supportive individuals from the core agencies, fluctuating referrals numbers and a lack of communication between the prosecution service and the other agencies involved has led to a feeling that commitment to the service is not equal
- However, there are a number of steps that can be taken to overcome the institutional barriers that exist to communication, and to boost the profile of the diversion service within the local fiscal offices
- Finally, all agencies have presented ideas for sustaining the service into the future and improving the process of diversion for young people, indicating that commitment to the service and resolving the existing issues is strong

Key Issues for Development

The Diversion from Prosecution Service for Young People offers education and support to young people and has operated successfully for over 6 years. In that time period almost 800 young people have been referred to the service, the majority being white males residing in and around Dumfries who have committed a range of low level offences, and a large proportion of whom present with some degree of unmet need. The diversion service has had both a high take up rate (around 83% of all referrals) and a high completion rate (90% of groupwork participants and 86% of non groupwork participants).

Moreover, the diversion service has operated on the basis of the shared commitment and agenda of its core stakeholders, and the factors contributing to its success could provide a helpful model of practice to other localities wishing to develop a similar service. Nevertheless, this evaluation has highlighted a number of areas where improvements to the operation of the service could be made. Recommendations for improvements can broadly be split into two categories: those concerned with the diversion process and the relationships within and between key agencies; and those concerned with service monitoring and evaluation, and overall data management.

Process and Relationships

In spite of the key successes of the diversion service, it would appear that there are a number of steps that could be taken to improve the process of diverting and the relationship between the core agencies. Through the interviews with the stakeholders, a number of ambitions for the development of the diversion service were raised. Many of these involved fundamental alterations to not only the process of diversion but also the manner in which 16 and 17 year olds are dealt with more generally within the CJS. These wider ambitions will be dealt with in a subsequent section of this report and the recommendations presented here will focus on how the process, as it currently operates, could be improved. Following on from the discussions in the interviews it would appear that there are a number of recommendations that can be made in this respect.

Recommendation 1: Set up arrangements for more proactive engagement between all core stakeholders.

Given the apparent cultural institutional barriers to communication, a good starting point for improved relationships and communication between the core agencies might be to provide a forum where representatives from all the core agencies could regularly come together to jointly discuss service development and issues. This would help to increase the sense that the service is operating under joint effort with equal commitment from all parties.

Recommendation 2: Introduce more proactive ways of publicising the diversion service to new deutes.

The current system for reminding deutes of the existence of the relatively unique diversion service is arguably too passive to bring the service and the possibilities it offers young people to the fore. Perhaps having a greater youth justice presence within the fiscal offices would be a starting point for this. Taking new deutes out to see the diversion service in practice and to engage with the young people participating may be another method to consider.

Recommendation 3: Appoint single individual within the fiscal office to take an overview of all cases involving 16 and 17 year olds

Given the range of diversionary measures now available, having a single point of contact for all such cases would help to introduce a consistency to the use of these measures and perhaps help prevent cases involving 16 and 17 year olds 'slip through the net'.

Service monitoring and evaluation

Systems for service monitoring and evaluation have been put in place by the youth justice team but there are improvements to current data management that could be made to improve their efficiency and effectiveness.

Recommendation 4: Introduce a series of data management steps, including:

- **'Flagging up' of missing data at inputting stage**
- **Introduction of standardised methods of inputting data**
- **Introduction of systems of quality control**

Beyond the fundamental aim of reducing the numbers of 16 and 17 year olds prosecuted in court, there are a number of other possible long and short term impacts that the Diversion Service could have on young people

Recommendation 5: To capture possible long term impacts, arrangements for data gathering and sharing need to be put in place between COPFS and the Youth Justice team

The feasibility of this recommendation will need to be assessed as this evaluation has demonstrated that extracting this information from existing COPFS databases is not a straightforward task. The introduction of such a system would require a commitment of resources from within COPFS.

Short term impacts (or rather immediate benefits that could have a long term impact) are already being gathered by the Youth Justice Team in the service evaluation forms but this data is not currently in analysable format. The case studies presented in this report demonstrate the range of possible immediate benefits a young person can achieve through participation in the diversion service. Evidencing this achievement would be beneficial to future service development

Recommendation 6: Service evaluation forms are stored electronically and analysed in conjunction with the data already held by the youth justice team on the profile of the young people

Towards the Future: The Whole System Approach

Currently, in Scotland, 16 and 17 year olds occupy a contested policy and legal space, falling within the remit of the adult criminal justice system for their offending behaviour but increasingly recognised as vulnerable by virtue of their age and maturity level. While this vulnerability is acknowledged in so far as the Children's Hearings System can, in principle, deal with young people up to the age of 18, current practice is that 16 and 17 year olds without any pre-existing Supervision Requirement are dealt with by the adult CJS for offending behaviour. This response means that practice in Scotland has been criticised for breaching of international guidelines for the treatment of juvenile offenders (The Beijing Rules, 1985; Gil-Robles, 2005). Currently in the process of development and implementation in Dumfries and Galloway, the Scottish Government 'Whole System Approach' to young people who offend has the aim of creating a more streamlined and consistent approach to young people who offend.

Stakeholders in both facets of EEI covered in this study voiced opinions on the extension of MACP to 16 and 17 year-olds, and the mooted 'Whole System Approach' more generally. Across several interviewees, when asked what improvements could be made to the current system, answered immediately that the main improvement would be extending the process to include 16 and 17 year-olds. While it was accepted that this would lead to resource implications – given the increase in throughput, the potential for which is illustrated in the '16 and 17 year olds in the CJS in Dumfries and Galloway' section of this report – and a need for rethinking the role of the Procurator Fiscal in relation to the process, there were also numerous opportunities highlighted, in which the success of MACP could be built on. As a starting point, it was suggested that the Procurator Fiscal attend an MACP meeting.

Certainly, greater use of diversionary measures for 16 and 17 year olds would bring Scotland better into line with international guidelines, as previous research has shown that currently there is no overarching, consistent national level policy or guidance on the use of diversionary measures (Bradford and MacQueen, 2011). Where the use of diversion has been promoted at the national level this has been part of a number of altogether different much broader strategies, stemming either from the New Labour Antisocial Behaviour agenda and the perceived need to react quickly to low level antisocial and nuisance behaviours, or from the recent Summary Justice Reform programme which seeks to remove cases from the Summary courts and create a more efficient justice system (Scottish Executive, 2004, 2005; Scottish Government 2008b).

Both agendas have led to the creation of new direct measures for both the prosecution service and the police, all of which, arguably, are more focused on the process of the delivery of a justice response rather than effectively addressing the issues underlying low level offending behaviour. While the aim of increased efficiency is not one to be challenged, and the use of direct measures, in the first instance, does achieve a fundamental aim of reducing numbers of prosecutions, the

blanket response offered and the lack of focus on what might work to reduce reoffending does not sit well with the key aims laid out in the Framework for Action (Scottish Government 2008a). The use of monetary penalties and formal warnings does not allow identification of those young people who are particularly vulnerable or requiring additional support, and does not allow much opportunity for development or reflection on behaviours and their consequences.

Potential barriers to this development identified within broader potential changes to the structure of Youth Justice service in Dumfries and Galloway, specifically the potential to move towards a locality model and possible cuts to funding. If a 'Whole System Approach' is to be successful in Dumfries and Galloway, the key strengths of youth justice services outlined in this report must be consolidated, rather than diluted. As one interviewee concludes:

One of the strengths of a specialist team in my view is the informal support and knowledge that you pick up from each other, because everybody in youth justice has a shared passion, to support and address young people that are involved in offending and hopefully enable them to have more chances in life and achieve their potential and have aspirations...whereas when you go to a locality model, you lose part of that team identity because you will be attached to various locality-based teams...I think that dilutes the resources, the knowledge and the skills-base that make it.

Moreover, if the implementation of a Whole Systems Approach is to be successful at the local level, a central or national commitment within COPFS to an overarching approach to the use of diversion with 16 and 17 year olds is necessary. If national level policy continues to be disjointed then COPFS will always have to bend to competing agendas and priorities and this vulnerable group will continue to 'slip through the net' that the Whole Systems Approach aims to provide.

Conclusions

Multi-Agency Case Progression

- The research highlighted a number of general and specific benefits, at both strategic and operational levels, associated with the EEI Process in Dumfries and Galloway. These include:
 - a timely response to young people who offend
 - a reduction in paperwork, and an ability to focus on more challenging cases
 - a consistent, appropriate and proportionate response to young people who offend
 - an informed, holistic view of the young person for participating agencies.
- Over and above these benefits, the research identified a series of core strengths in the operation of EEI in Dumfries and Galloway. These include:
 - close-knit working relations between partner agencies
 - shared agendas and strong leadership
 - integration of the voluntary sector.
- While these core strengths created a robust and principled system of operation, there were nonetheless a number of areas identified as being in need of further development. Recommendations focused on the following areas:
 - terms of reference
 - information-sharing protocols
 - informed consent
 - cooperation and communication
 - review and quality assurance
 - publicity and promotion
 - victims of crime.

Diversion from Prosecution

- The Diversion from Prosecution Service for Young People has operated successfully for over 6 years, experiencing both high take up and completion rates and achieving a variety of immediate benefits for its participants
- The research highlighted a number of general and specific success factors in the operation of Diversion from Prosecution in Dumfries and Galloway. These include:
 - shared values and support from all agencies
 - individual personalities

- size and locality
 - simplicity of the service.
- There were nonetheless a number of areas identified as being in need of further development. Key barriers to furthering the success include:
- Loss of key supportive individuals from the core agencies
 - fluctuating referrals numbers
 - lack of communication between the prosecution service and the other agencies involved.

Overall Comments

- Both studies identified the robustly integrated nature of Youth Justice services in Dumfries and Galloway as a crucial factor in the success of Early and Effective Intervention as a whole.
- This level of integration must be consolidated and developed if the principles and practices underpinning the Scottish Government policy 'Whole System Approach' are to be effectively implemented.

Recommendations

A. Early and Effective Intervention

1. The terms of reference for EEI, and the formalisation of procedures into a single protocol document, should be prioritised. The protocol developed by the police should operate as an example of good practice in this development.
2. The information-sharing policies and practice of each participating agency should be formalised, with particular reference to the nature and extent of information that will be shared at MACP meetings. This should be completed by each participating agency and signed off at a senior level. This could incorporate a pro-forma for what information will be shared.
3. Clarification of the role of Health within the MACP process should be prioritised at both a strategic and operational level. This should involve senior-level agreement on behalf of both ISS and CAMHS, and operational agreement with the health representative.
4. The role of health within the MACP process should be reviewed and clarified. It is suggested that this takes place within a more general clarification of the role of health within Youth Justice.
5. Measures should be put in place to increase cooperation and understanding between ASB and other partner agencies. For example, reciprocal operational visits between ASB and other service providers may enhance unity of purpose, and improve outcomes for children and young people.
6. Current informal involvement of SCRA in EEI should be routinised and formalised, to ensure effective working relations and the development of a unified strategic vision.
7. Consideration should be given to incorporating a more robust statement of information-sharing practices in EEI documentation and communication with parents and young people.
8. Audit and Quality Review procedures should be clarified and formalised, with specific measures put in place to evaluate progress against relevant indicators. It is suggested that the following measures might be used:
 - Length of time between offence, meeting, and intervention
 - Number of cases referred to EEI (should level out unless there is a significant alteration in the overall pattern of youth offending in the area)
 - Number of repeat referrals
 - Number of referrals to SCRA

9. Consideration should be given to the addition of an agenda item labelled 'review of action points' is added to the MACP meeting, to further develop trust, cohesion and collective responsibility within the group.
10. The EEI Process should be publicised more effectively within the relevant areas of each partner agency, specifically through presentations delivered to front-line staff in participating agencies.

B. Diversion from Prosecution

1. Set up arrangements for more proactive engagement between *all* core stakeholders.
2. Introduce more proactive ways of publicising the diversion service to new deputies.
3. Appoint single individual within the fiscal office to take an overview of all cases involving 16 and 17 year olds
4. Introduce a series of data management steps, including:
 - 'Flagging up' of missing data at inputting stage
 - Introduction of standardised methods of inputting data
 - Introduction of systems of quality control
5. To capture possible long term impacts, arrangements for data gathering and sharing need to be put in place between COPFS and the Youth Justice team
6. Service evaluation forms are stored electronically and analysed in conjunction with the data already held by the youth justice team on the profile of the young people

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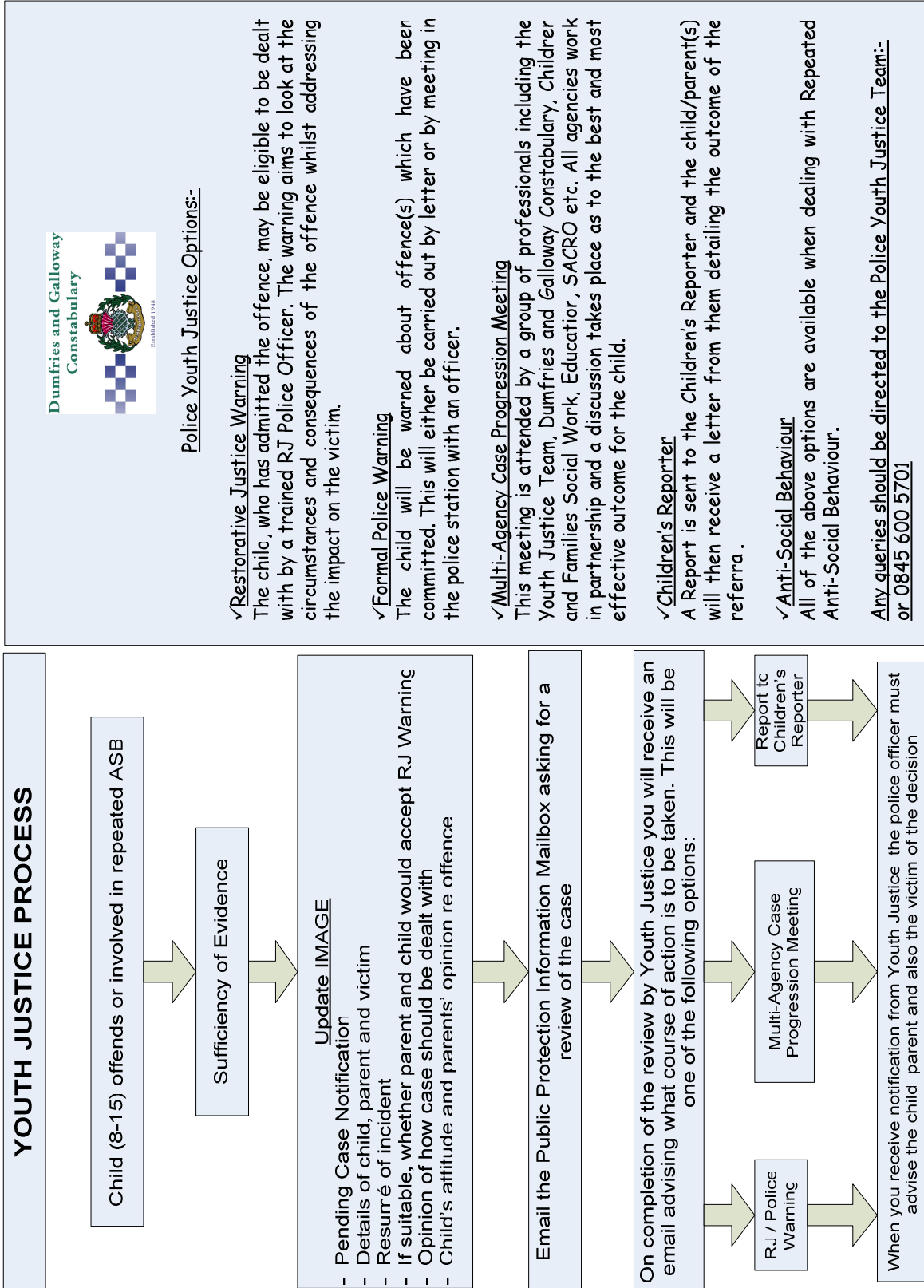
SCRA Online Dashboard, available at:

http://www.scra.gov.uk/cms_resources/Online%20Statistical%20Dashboard%20Final.swf

United Nations Standard Minimum Rules for the Administration of Juvenile Justice
"The Beijing Rules" (1985)

Appendices

Appendix A: EEI Aide Memoire for Police Officers



Appendix B: Initial Decision Checklist

NAME:	DOB:	AGE:	PDG
SCRA			
RJ DATABASE			
YJ DATABASE			
IMAGE			
H DRIVE			
YOUTH ADMITS?			
PARENT & YOUTH CONSENT TO RJ?			
ANY OTHER INFO			
DECISION			
IMAGE UPDATED			
R/O UPDATED			
DATABASE UPDATED			

Appendix C: List of Additional Checks

FPU 2: FAMILY PROTECTION UNIT RESEARCH FORM

Subject details:	
Reason for checks:	
<u>DATABASE</u>	
CHS 2	
PNC	
PVG	
H DRIVE	
IMAGE	
SID	
INI	
SHOGUN	
DOMESTIC ABUSE (I drive)	
INTERDICT REGISTER	
ENQUIRY FILES	
FID (include h drive)	
Check carried out by:	
Date checks carried out:	

This information is subject to the non- disclosure provision of the Data Protection Act 1998 and while I am authorised to disclose the content thereof to you there is a responsibility on your office to ensure that appropriate security measures are taken against unauthorised disclosure of the information.

The information provided should NOT be copied in the format provided and included in any further correspondence to a third party without the prior consent of the originating authority

Appendix D: Example correspondence Letter for MACP

If calling please ask for: XXXXXXXXX

Your Ref –

(date)

(address)

Dear,

Multi Agency Case Progression Meeting

On the (date) your child (name) was discussed at the Multi Agency Case Progression Meeting with regards to the (offence/date committed).

Multi Agency Case Progression Group includes representatives from Youth Justice Team (this team itself is a Multi Agency Team who can offer provision of services from agencies such as Sacro, ISS (Integrated Substance Services), Youth Justice Social Workers, Community Support Workers, Mentoring Service, Dumfries and Galloway Police, Social Work, Education and Health. All of these agencies work in partnership under guidance provided by the Scottish Government. Please be aware that all information presented at the meeting will be shared between the multi-agencies described above.

The decision was made by the agencies to refer your child to (agency). They will be in contact in the near future to discuss a suitable time to discuss the next process.

Please could you discuss this letter with your child and let them know of the decision of the group.

Yours sincerely

Appendix E: Example correspondence letter for Police formal warning

If calling please ask for: XXXXXXXXX

Ref:

<DATE>

<ADDRESS>

Dear <PARENT OF JUVENILE>

Formal Police Warning – <OFFENCE> – PDG.....

On <DATE>, we were informed of an incident which occurred at <LOCUS>. It was reported that your son/daughter <NAME> <DETAILS OF INCIDENT>. Due to sufficient evidence, your son/daughter <NAME> was Charged with <OFFENCE>

It has been decided that on this occasion, due to the offence committed and the background information provided, it will be recorded that <NAME> has received a Formal Police Warning. This offence has been recorded on Police Systems and should <NAME> come to the adverse attention of the police in the future, this may be taken into account. This letter is a record for you and <NAME> informing you of this outcome.

Please could you discuss this letter with <NAME> and let him/her know about the decision.

Should you have any questions regarding this letter please don't hesitate to contact me on 0845 600 5701.

Yours sincerely

Youth Justice

Appendix F: Example correspondence Letter for ASB Warning

If calling please ask for:

Our Ref: GD/

Your Ref:

<DATE>

<ADDRESS>

Dear <PARENT OF JUVENILE>

ANTI-SOCIAL BEHAVIOUR RELATED INCIDENT

It has been brought to the attention of Police that your <SON/DAUGHTER>, <NAME> has been involved in recent anti-social behaviour related incidents in <LOCATION>:-

On time, date, police were called to attend and incident whereby.....

The term anti-social behaviour is used to describe behaviour that causes damage to a community or adversely affects the lives of people that live there.

To make neighbourhoods safer, the Police, Local Authorities and Housing Associations have been given new powers to prevent anti-social behaviour. These powers will be used to keep your area safe and pleasant to live in for you and your family.

If <NAME> continues to become involved in anti-social behaviour, details will be passed to the Police Youth Justice Team for further assessment.

Please could you discuss this letter with <NAME> and let <HIM/HER> know the potential consequences of continuing to behave in this manner within the community.

Should you have any questions regarding this letter please don't hesitate to contact me on 0845 600 5701.

Yours sincerely

Youth Justice

Appendix G: Data interrogation questions

Questions for interrogating Dumfries and Galloway Constabulary data

For the evaluation, we are hoping to examine the context for the use of diversion to social work for 16 and 17 year olds. We hope that we can get following information on all 16 and 17 year olds charged by the police for low level offences:

- Offence/s committed
- Location of offence (first 3 digits of postcode)
- Age (as it would be good to separate the 16 year olds from the 17 year olds)
- Gender
- Whether the individual had any previous police contact
- Whether individual known to SCRA
- Whether the individual had any previous convictions
- Action taken (e.g. direct action, referral to PF, joint referral...)

Questions for interrogation of COPFS data

For the evaluation, we are hoping to examine the context and the extent of the use of diversion to social work for 16 and 17 year olds. We hope that we can get following information on all 16 and 17 year olds referred to the PF for low level offences:

- Offence/s committed
- Age (as it would be good to separate the 16 year olds from the 17 year olds)
- Gender
- Whether the individual had any previous referrals to the PF
- Whether the individual had been to court for a previous offence, and if possible the outcome of this
- The PF office (Dumfries or Stranraer)
- Case marking decision
- If applicable, outcome of decision (e.g. conviction and disposal, admonished, compliance with terms of direct measure)

Appendix H: Diversion from Prosecution Service Evaluation Form

Youth Justice Service
Diversion From Prosecution

(Service Users Questionnaire/Evaluation)

An important aspect of the service is that we accurately assess how valuable the service is, so we are asking the service users whom have been asked to take part what they thought of it.

Please take a few minutes to complete this questionnaire, and return it in the stamp addressed envelope provided.

Your reply will be completely confidential.

Date:----- Name:-----

1. (a) Where did you get information from about the service?

Reporter's Letter [] Procurator Fiscal's letter []

Visit from staff [] Service Letter [] Other []

(b) Which source of information was most helpful to you?

(c) Looking back, what else should you have been told about?

.....

2 (a) When you were invited to take part in the service, please tick whether you:

[] decided not to take part at all and take your chances in court

[] decided to discuss your alleged offence with the service worker, to include events that led up to it

discussed with service worker what would be gained if you took part in this service

2. (b) Why did you choose to participate in service?

To get the offence dealt with

To gain a fuller understanding of the consequences and implications of my behaviour

It was my first offence and I didn't want a possible conviction

Other* please specify-----

3. * Please tick how much you agree with the following statements.

Statement	Strongly Agree	Agree	Strongly Disagree	Disagree	Don't Know
The Diversion from Prosecution scheme helped me understand the effects of my behaviour.					
I took part in this service because I didn't want to go to Court					
Being referred to the service was a good way of dealing with my case.					

4. (a) Did you learn more about the effect of offending /antisocial behaviour has on victims.

Yes []

No []

4. (b) If yes, what did you learn? -----

5. If you attended the six week awareness programmes?

(a) Did you find them helpful and interesting? Yes [] No []

(b) If yes, what session was most useful?

6.If you didn't attend group sessions, was the help you did receive helpful for you?

Yes [] No []

7.Has the service changed the way you think about getting into trouble?

Yes [] No []

8. If you have any views about how the Diversion from Prosecution could be improved, please write them in the space below.

**Thankyou for taking the time to complete this form.
Please return it in stamp addressed envelope provided.**