

JUSTICE 2 COMMITTEE

Tuesday 11 January 2005

Session 2

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JUSTICE 2 COMMITTEE

1st Meeting 2005, Session 2

CONVENER

*Miss Annabel Goldie (West of Scotland) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Colin Fox (Lothians) (SSP)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Mr Stewart Maxwell (West of Scotland) (SNP)

*Mike Pringle (Edinburgh South) (LD)

COMMITTEE SUBSTITUTES

Ms Rosemary Byrne (South of Scotland) (SSP)

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Mr Kenny MacAskill (Lothians) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Margaret Smith (Edinburgh West) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Olive Arens (Includem)

Tam Baillie (Barnardo's Scotland)

Paul Carberry (NCH Scotland)

Keith Simpson (Safeguarding Communities-Reducing Offending)

David Turnbull (NCH Scotland)

Bill Whyte (Criminal Justice Social Work Development Centre for Scotland)

CLERK TO THE COMMITTEE

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Tracey Hawe

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 2

Scottish Parliament

Justice 2 Committee

Tuesday 11 January 2005

[THE CONVENER *opened the meeting at 14:07*]

Youth Justice

The Convener (Miss Annabel Goldie): Good afternoon and welcome to the Justice 2 Committee's first meeting in 2005—it says 2004 on the agenda, so we are ahead of ourselves. I wish everyone a very good new year.

I remind members of the committee and members of the public to ensure that all mobiles and pagers are switched off. No apologies have been received, but I am sure that I speak for all in saying that it is a pleasure to see Stewart Maxwell back among our ranks.

Mr Stewart Maxwell (West of Scotland) (SNP): It is a pleasure to be here.

The Convener: It is good to have him back. We wish him a very healthy 2005.

Mr Maxwell: Fingers crossed.

The Convener: We will be joined later by Fergus McNeill, who is our adviser on youth justice.

I welcome Bill Whyte, who is the director of the criminal justice social work development centre for Scotland. We are grateful to him for making time to join us at what is, I know, fairly short notice. We much appreciate that. He is welcome to make a few introductory comments, but members have various questions that they want to ask.

Bill Whyte (Criminal Justice Social Work Development Centre for Scotland): I am quite happy to let members fire away. As people will hear, I am suffering from a post-celebration cold.

The Convener: Our refreshments exclude drinks, I am afraid. We are restricted to still water and fizzy water and perhaps some cups of tea. I hope that you are not too uncomfortable.

Without further ado, I invite Maureen Macmillan to start the questioning.

Maureen Macmillan (Highlands and Islands) (Lab): Will you outline the role of the development centre and how it supports the development of youth justice services? In particular, we would like to know how the youth justice network functions and what it has achieved.

Bill Whyte: We were established in 2000. Initially, in addition to me, there was a full-time

information officer and an administrator. Since yesterday, there is another one of me—a director—next week we hope to have a research assistant and from April this year we will have an education programmes manager. Like all such services, we are on a developmental curve.

Our remit is to promote the use of research in building effective interventions in criminal justice social work as well as in youth justice. In practical terms, we have a secure electronic portal that 1,500 practitioners are signed into and they can get journal articles and so on. We disseminate briefings and research papers that outline the practice implications of current research. We also do research in the field. For example, we are doing research on work with sex offenders and children who are involved in sexually harmful behaviour. We have just completed a project and an evaluation framework for youth justice with four local authorities and we have a series of national development groups in which we bring together practitioners to discuss across authorities the state of practice in relation to the state of theory and research. Those are the kinds of things that we do.

The youth justice network is in addition to that work. We run three conferences a year. In many ways, that work builds on the network that we are building through the national practice groups and the links through which we provide direct advice to agencies and so on. To some extent, the network is the apex of a lot of work that is going on below it. It provides a platform for the provision of updates on policy to practitioners, middle managers and strategists—senior managers—and for the sharing of information on, and exploration of the state of play of, current practice. Each of those areas is themed.

Maureen Macmillan: You provide a service for practitioners and managers. Do you find that they are engaging with you?

Bill Whyte: Yes, they are—there is great hunger and enthusiasm for the changes that we are experiencing. The biggest challenge for anyone, not just practitioners, is not just to know about research findings, but to put them into practice.

Maureen Macmillan: I am sure that we will deal with that later.

When you began your work, you had to have some idea of what changes were most needed in youth justice management and practice. Has any significant progress been made on multi-agency working and on shared accountability for young people in trouble?

Bill Whyte: Those are key themes. I must be careful in what I say, as it is always difficult to generalise, but it is worth saying that I can speak from experience.

We have just completed a year's study in three cities and another local authority area—the report on which will be available shortly—as part of which we considered evaluation by interviewing strategic managers, middle managers and practitioners. I do not think that it is an exaggeration to say that more has probably been done in the past three years than had been done in the previous 20 years. That gives a baseline. The fact that the baseline was quite low means that we are in the middle of a process and not near the end of it.

The picture is positive, because there has been substantial investment of resources, which had not been there before. However, resources in themselves do not make change. We are trying to change the hearts and minds of practitioners and to get them to use new methodologies. We are abandoning the old methodologies. There was never any evidence that chatting to a youngster once a week would change their offending behaviour; those days are long gone. People realise that, with a young person with chronic difficulties who is involved in persistent offending, one needs to be highly structured in one's approach and clear about what one is trying to achieve.

At the practice end, there have been changes in methodology across the board, especially with regard to the conducting of structured, focused work that examines issues such as young people's attitude to offending, the consequences of that, the triggers, the situations that get them into such positions, the moral choices that they make and the consequences for the victims. That is important work, but it is only one strand of the work. Personal change programmes, as they are called, might equip young people with new skills or new attitudes, but if we are to put those into practice in the real world, we need the support of parents or positive adults or the provision of educational opportunities. That is where the strategic element comes in.

It is fair to say that there is now much better targeting of scarce resources to the more difficult end, and that is an important change. We are seeing greatly improved partnerships with voluntary agencies—I know that others will speak about that. However, that is still to be firmly located within a strategic direction. The concept of corporate responsibility is probably the weakest thing at the moment. I do not think that people who are outside social work have the mindset that a looked-after child is, because of his or her offending, a statutory responsibility of education, leisure, recreation and housing departments. That is what the law says but, to be frank, the strategic pathways of service that would guarantee input from education, leisure and recreation departments do not exist and social work tends to hold the responsibility.

14:15

Maureen Macmillan: That situation is within local authorities. You are not talking about local authorities' links with outside organisations.

Bill Whyte: The issue with outside organisations is how they fit into corporate responsibility. For example, in our interviews we met a voluntary organisation that provides good, structured services for persistent offenders, but it describes its work as holistic. That is a nice social work word, but it means trying to deal with all the needs of the whole child. If children have multiple needs, we need multisystemic responses. When we asked the organisation about its protocols with education, leisure and recreation, we found that it did not have any. We then asked about its protocol with the local authority that had subcontracted responsibility to it but, again, it did not have one. There are still weaknesses in how the services are joined up, but the landscape is changing fairly rapidly and I am pretty positive.

Maureen Macmillan: Thank you. I will let my colleagues follow that up.

Jackie Baillie (Dumbarton) (Lab): Maureen Macmillan has covered most of what I wanted to ask. What is interesting in your comments is the central role that practitioners can play on the ground. I have no doubt that future generations of youth justice workers will understand the new methodologies, but I am interested in how the national group that you talked about works out in practice on the ground. It is all well and good to share information about the new methodologies and about what works, but how do we ensure that the methodologies become real and that the practitioners adopt them?

Bill Whyte: That is the problem, is it not? It is a challenge for everybody. When we transmit knowledge to people, the question is: how will they use it? We have a slight structural problem. When we do national group work on criminal justice, we bring a representative from each of the 12 groupings—that is how the local authorities are organised. We build on a cascade model and the people with whom we work take back responsibility. We have a practical problem: we cannot bring together 32 people from different local authorities for a working group—that is not realistic. We cannot touch all the local authorities in that way, so we have to focus on the substantive issues, such as children who are involved in sexually harmful behaviour, and bring in people who have expertise. It is much more difficult for us to be confident that those people can take that expertise back. That is a challenge for local authorities, many of which have economies-of-scale difficulties, and there are questions about how to bring to relatively small local authorities the expertise that they will need

when the most difficult children turn up. Small authorities will not necessarily have dozens of those children and they might not need that expertise every day.

Jackie Baillie: Do you have in place any qualitative measures that give you a sense of how that work is panning out, or any examples of how good practice that you put in to the national group gets down to the local level?

Bill Whyte: That is a good question. We have a good range of services throughout Scotland, but the issue is capacity. You might ask about average, consistent and routine provision—for example, could we say that a standardised risk assessment has been done on a young person with chronic difficulties who is heavily into offending? Such assessments are part of the national objectives that are to be implemented by 2006. We could not say that they are being done in every case, but I could tell you where they are being done occasionally. If a risk assessment suggests that a young person has a high risk of offending and has multiple needs, could we say that they will be guaranteed a place on a programme that has certain elements? In some places that will be guaranteed, but in other places it will not.

There is a patchwork of provision at the moment, but there is evidence that capacity building is beginning to move and that the models of practice are beginning to be consolidated. I think that we have a long way to go, however, because if we are honest it would be a 10-year project if we were starting from scratch. When one has been in the business for 25 years, it is hard to say that something is a new project and that it will take 10 years, but we are having to develop some of the skills that are being developed at fairly high speed.

Mike Pringle (Edinburgh South) (LD): What are the areas that you think need more development as far as youth justice services are concerned? Where do you see the gaps in provision? Where should we be going, what are the gaps and how can we identify them?

Bill Whyte: Some of the gaps are capacity gaps and we need more of the same. In other words, an example could be found of what is needed, but we need to be in a position in policy terms, and in terms of community safety, to say that we can guarantee that service for a youngster who needs it. There are also absolute gaps. There are not too many of them, but mental health services for children are close to being in that position. It is difficult to get such services.

It is amazing how we seem to have abandoned structured family work in Scotland. I was trained as a family therapist working in youth justice in the

1970s, but that seems to have gone. Anybody who thinks that they can change a young person and not work in a structured way with a family is, frankly, kidding themselves. We have focused on parenting style and parenting work, but parenting work and family work are not the same thing. Parenting work helps to equip parents to understand, but they too must apply that knowledge, and family work is about how young people and parents communicate, about bed time, about who stays in and about who they see. It is about the day-to-day issues that challenge all families. There is a big gap there.

We have a wide range of drug services, but it is questionable whether they are routinely available for looked-after children who are involved in offending in a way that connects to their offending behaviour. There is a tendency for those services to work in their own way as children get allocated to them or as they deal with them and they come back. That has been an issue in England, but I do not think that we have enough evidence in Scotland yet to know how that is working.

The other challenge is that whenever we begin to get our act together—with better assessment and better structure—new questions are raised; that is partly a complement to the progress that has been made. The research has told us for many years that, even if good structured work is done and children are seen to be changing, it will probably be two or three years before that change can be consolidated. For example, section 24 and section 26 of the Social Work (Scotland) Act 1968 and section 29 and section 30 of the Children (Scotland) Act 1995 allow looked-after children to be maintained until they are 19, even if they are in higher education. There was great vision in that legislation, which recognised that maintenance and aftercare—investing in the investment, if you like—was very important.

Studies tell us that even good outcomes at 12 months often wash out in the next 12 months, and we do not yet have the 12-months outcome data. There are systemic gaps in following the child right through until the change is consolidated. The other gaps—in areas other than capacity—are in what theorists would call social capital. We can help children to acquire new skills and attitudes, but they need new opportunities and new people, sometimes, to support them and their families. If they have a strong, positive role model in an uncle or a granny or a friend, that is great, but what happens if they do not? We have talked a lot in the past year about involving the community, and although the evidence on buddies and mentors on its own is neutral, it strikes me that, as a component of support for children and families, that is a way of plugging the gap that is probably beginning to develop. We need people who will walk the journey longer with those young people.

We cannot have professionals with them for three or four years, but we can have people who have a concern for the change that they are making.

I could go on. I have a big list of issues, which I shall put in writing.

The Convener: It would greatly assist the committee if you could submit that list in writing.

Bill Whyte: Did my response answer Mike Pringle's question?

Mike Pringle: Yes.

The Convener: I was struck by what you said about family structure. You seem to suggest that that is currently slightly off the radar screen. Have you any advice for the committee about how that could be introduced and addressed?

Bill Whyte: There are three levels to take into account. To be fair, on the policy of early intervention, the guidance makes it clear that a parenting service should be introduced before parenting orders are used. Of course, the question whether such orders should be used is another matter.

We have to tie children's behaviour in school and in the community to parents' responsibilities. I realise that politicians use such language all the time; that is not a problem for them. However, in practical terms, we need services that provide families with good parenting models, which means that we need to send people into families to help them during the bad times. After all, many of us have been faced with the challenge of how to handle teenagers who say "No, I want to go out", but such situations are not easy to manage if they have not formed part of a person's upbringing or if people do not have those skills. Although we have many mainstream resources through family centres and family support, they are not always focused on behavioural methodologies. Such approaches are reflective and supportive, but do not necessarily focus on learning skills.

I do not have any easy answers about how to deal with chronic and persistent offenders. The truth is that many such young people are already in residential care or their families have perhaps been judged to be capable only of part-time parenting. Some research on children who leave care suggests that the only person left in their life, in their mid-20s, is the parent they were taken away from. As a result, we have to bolster natural and artificial networks. However, I have no easy answers about how we deal with that huge challenge.

That said, as far as persistent offenders are concerned, it is important that there are structured learning programmes that focus on the consequences of offending and so on. Moreover, although it should be a routine requirement to

work with the family to sustain and support children's behaviour and development, such approaches are not routinely available. However, trained family workers are expensive and I should not pretend otherwise.

The Convener: You have partially answered my next question on the broad area of early intervention. Your comments suggest that some young people are slipping through the identification net and are not being picked up at an early stage. Why is that happening? What are the difficulties in that respect?

Bill Whyte: Some young people present difficulties under the age of 12, which is a stepping stone. There has been much debate about antisocial behaviour, but we sometimes confuse bad behaviour, which many children exhibit, with the combination of antisocial behaviour, criminal activity and chronic family, personal and educational difficulties that we need to take seriously. Studies have shown that such children are up to three times more likely to be offenders by the time they are 16, 17 or 18. The last thing we need is to start calling people under the age of 12 offenders, because that makes the whole matter self-fulfilling.

Studies on the pick-up points of such children who have reached 16 or 17 have highlighted that they will have been part of a group of people who were experiencing difficulties when they came to school at five years old. Indeed, American and British research shows that they will have been part of a group of children who were seen as troublesome in school by the age of eight and have carried through some of those difficulties.

I do not think that those children are missed or that schools do not pick them up or recognise the difficulties that they face. However, the right services are not available to deal with them. We had youth strategies for 25 years, but when I did some consultancy work with an authority on youth strategy, I found that although the children had been identified, the professionals did not seem to have the capacity to do more collectively than they could do individually. To some extent, such activity only reinforced the fact that the children were difficult.

We have never had any graduated services in which the intensity of involvement could be racked up as the risk grew. Inevitably, the peak of such involvement would come at 14 or 15 with the consolidation of criminal activity. The last thing we need is to have crime specialists working with children who are eight or even 12 years old. That said, it does not matter whether these children are picked up by teachers, the police or whoever; I find it very unlikely that children who are facing difficulty on the street and in their family and who are not doing well at school do not require a very

structured service. As I have said, such services have not really been available. Protection issues, rather than behavioural issues, have tended to trigger investment. We have ignored that aspect, in a sense.

A non-intervention model has a part to play. The radical non-intervention argument is that doing very little for most children when they are bad will ensure that the behaviour goes away. That is partly true. We have data on that and one study states that 70 per cent of children who are reported for first offending, where the parents got a letter from the reporter expressing concern, did not come back within 12 months. That is good news, but we have to consider the other 30 per cent. We need a bit more sophistication in identifying who we target our services at in the under-12 group, because there is a genuine fear about amplifying and confirming difficulties.

14:30

Colin Fox (Lothians) (SSP): I get the impression that you are reiterating a theme that has come up repeatedly in the inquiry, which is primarily that early prevention is better than cure and that diversionary activities and early intervention stop things happening in a great many cases. Your reference to the 70 per cent of children seems to suggest that we know what works. Is the family-structured work evidence of what works as far as diversion and early intervention are concerned, or can you tell us about other programmes as well?

Bill Whyte: There is no quick fix. You know that there are no simple solutions. The best that we can say is that the research shows that some things seem to work better than others and that some things seem to work in some circumstances for some children. That gives directionality. The research gives us a direction on the kind of things that are likely to have a positive impact. Unfortunately it does not give a straightforward formula that can be applied simply.

It is important for politicians to know the things that do not work. For example, legal disposals that are not backed up by services are not associated with good outcomes; indeed, they are associated with poor outcomes. Having a plethora of new orders but not being able to back them up with the kind of things you want to do is a complete waste of your energy and everybody else's energy.

We need to consider the nature of the human service that we are providing, whatever the label or the driver that brings it. Current research tells us that we should have graduated intervention, with those at the highest risk getting the most intensive supervision. We are not clear from research what exactly "intensive" means, but the

studies that we have suggest that intensive supervision might take up between 40 and 70 per cent of a child's waking day, which is very intensive. At the moment we have services that are labelled as intensive, but which involve someone seeing a child once a week for three hours, which is not intensive.

We need to distinguish between structured interventions and how we graduate up. We have a tradition in Scotland of using institutions to wrap children around, but we need to use people. I am really excited about the development of the proposed intensive support service, because we have needed such a service for 25 years. I am a bit disappointed that it comes only with an electronic tag, because that involves expenditure that might or might not be needed, but that is another issue.

When we consider what seems to work, we need to distinguish between risks and needs. There are a lot of needy children who do not present risks and there are some risky children who may or may not have multiple needs—the core tend to have a combination of both. As the risks grow, the involvement needs to grow. That is the argument for doing little when we need to do little and doing quite a lot when we need to do quite a lot.

There was a great crisis in criminology in the 1970s and 1980s. We can talk about the causes of crime until we are blue in the face, but I am not sure that we know what they are. We know from research that certain changeable aspects of life seem to be associated with sustaining and supporting criminality in young people. Research tells us that when those things are changed positively they seem to be associated with changes in behaviour. That gives us a strong steer. It is good for practitioners too, because it is about trying to do the doable. We can help young people change their attitudes. We can improve their consequential thinking so that they understand the consequences of their offending for themselves, their families and the victim. We can help them understand how they got into their situation and how they might resist that in future. We can provide a lot of learning that allows us to focus on children's offending behaviour. Structured work seems to have potential to do that for children.

We are not so sure when it comes to duration and sequencing. We seem to know how long it takes to pass higher maths, but we are not quite sure how long it takes to help a child to change their behaviour. You can be sure that that cannot be done in a 10-hour programme for children with chronic difficulties. Some of the scales of intervention are probably out of kilter.

The Convener: When you write to us, could you include the themes that you have just been talking about and expand on them?

Bill Whyte: Sure.

The Convener: Stewart Maxwell wishes to pursue the same area.

Mr Maxwell: I am interested in what you are saying. You mentioned areas where there are problems and things that would be good—you described the ideal situation. Could you comment on the effectiveness, as you see it, of the present Scottish system? Could you give some examples of current best practice? You have already given examples of gaps and of what you would like to come on stream in the not-too-distant future.

Bill Whyte: Returning to the early intervention side, one of the great strengths of the Scottish system—even if it is not apparent—is that we do not intervene too early with children. Our not doing too much with kids who get into a little bit of bother is a plus point. Research consistently tells us that two things apply across jurisdictions. The first relates to net-widening—to use the jargon—which means drawing children into formal processes for help, although that often amplifies and confirms their image as criminal and so on, which is not helpful. We are good at keeping children out of the formal systems, which is important. The second thing that we often find is that—

The Convener: To be clear, Mr Whyte, “keeping children out of the formal systems” is not the same as doing nothing. They might get hell at home, for example.

Bill Whyte: Absolutely—but I am talking about formal state responses, although you are absolutely correct that it is not about doing nothing. Formal diversion is important; we are good at it and, as is proper, we divert the vast majority of kids who offend. The question is whether we divert them to nothing or whether we divert some of them to service. It is clear from the discussions that we have had that some of them need to be diverted to structured service.

The Scottish system is strong because one of our best predictors of later adult criminality is early conviction, so we try to minimise the criminal processes. I think that we are currently out of line in respect of 16 and 17-year-olds, but the committee will have its view on that. It can be a mistake to convict. In today's world, a conviction stays with a person for life, whether we like it or not, and it can be very hard for people to live down such a stain. There are elements of our process and system that are very good.

When it comes to services, I will repeat points that I have already made. Some people will get a good structured programme, some people will get

very good educational input and some people will have family work. As research has shown, elements of intervention work most effectively when they are combined. If a good effort is made on a structured programme but there is no good educational or family work being done, the intervention will be undermined. If good family work is being undertaken, there is a risk that it will be undermined if there is no focus on offending. It is a matter of how to arrive at the best combination for children who have become heavily caught up in crime.

We could not find any authorities that have comprehensive data that show levels of risk, the service elements that were contributed and the outcomes in terms of improved learning, improved skill, changed behaviour or whatever. We do not think that many agencies in Scotland have those data yet, so your question cannot really be answered in the Scottish context.

Mr Maxwell: I thought that that would be the answer, but it is helpful to have the situation explained in that way. You seem to be telling us that there is best practice out there, but that it is a bit disconnected.

Bill Whyte: Yes.

Mr Maxwell: There seems to be best practice in single elements, but that has not yet been combined in a single area in a way that best helps the young people about whom we are talking.

I will widen the question slightly and take it out of the Scottish context. Based on your experience and background in the Scottish system, is our system more or less effective than other systems in the rest of the United Kingdom and further afield?

Bill Whyte: The answer to that question is to some extent the same as my previous answer. Fortunately, last year we received a considerable amount of money from Europe and conducted a workshop on children in public care and youth justice with Finland, Sweden, Denmark and Venice and Aosta in Italy. Their data collection is no better than ours, but they are hugely impressed by our children's hearings system.

The Scandinavians could recognise that their system includes the children's hearings system's origins, and so wondered why they have not developed it. There, there is much greater tolerance of children under 15 because the age of criminal responsibility in Scandinavia is high. However, they face a challenge in respect of rights because children are being drawn into intervention, and accountability is not as clear there as it is in our children's hearings system, backed up by the courts. They also use courts for children over 15. Although they do not lock up children in the same way as we do, they are

concerned nonetheless about the criminalising effect of that approach.

In the jurisdictions to which I have referred, people were extremely impressed by the potential of our system. However, in Scandinavia communities are much more tolerant than they are here. They have a stronger sense of how long it takes to grow up, so they have a youth system that runs to ages 20 or 21. In Germany the youth system runs to age 25. We think that when someone reaches the age of 15 it is time that they were treated as an adult. In fact, that is the time at which we really need to invest, because if someone has got that far and is chronically difficult, in the future they will cost us a great deal in victims, communities and resources.

There is also greater community involvement in Scandinavia. One or two authorities have visited Denmark and are trying to pilot the schools, social agencies and police project—SSP—as part of the community safety strategy that we are developing to deal with antisocial behaviour. Every week, schools, the police and so on meet to discuss children with whom they are having difficulties. There can be a quick response through a street worker, who will not try to move children off the streets but will work with them on the streets. People can call those workers. Schools receive community safety grants for parents to organise activities on the streets during school time. The Scandinavians seem to fill up the streets, but we seem to want to get everyone off the streets. That is not realistic, although I might like it in order to protect my car. The Scandinavians have a different mindset. I think that our professional services are probably better than theirs, but theirs have connectedness. It is very difficult to join up services.

Mr Maxwell: Did you say that you received a European Union grant to do that work?

Bill Whyte: Yes.

Mr Maxwell: Now that the work has been done and you have learned from what is happening in Scandinavia—you have given us examples—where do we go from here? How do we graft the Scandinavians' best practice, which we do not have, on to the good things that we are doing?

Bill Whyte: The first thing that we must do—I suspect that you, as politicians, must do the same—is hold our nerve and be patient. We have invested a huge amount in three years. I expect that much of that will bear fruit if two or three things occur, which is where we need leverage.

First, we must start by asking whether the money has been spent correctly. There is an awful habit—which we are seeing in some of the investment that has been made—of working with first and minor offenders, because we want the

public to see that something is being done. However, in 70 per cent of such cases a warning to the family resolves the problem. We need to ensure that we use our resources properly, which means making judgments. We need good judgments to be made by policemen, educationists and social workers. If we have the interests of children at heart, we must connect services, although there are ethical and data problems in doing that.

Anyone who says that it is not in a child's best interests for them to understand the harm that they have done to others and to make good that harm does not understand moral development. Of course it is important. However, it must be done in sensitive ways that strengthen the family or network and which minimise formal intervention. We are at an early stage in developing early intervention. I hope that we will not slap antisocial behaviour orders on everyone. It is right that we should use money to help children who are causing difficulties in schools and who are making the lives of people in communities miserable, but the way we do it is important.

Until about 2000, our practice at the other end has been to abandon children when they get to 15 or 16 and become really difficult, so that they go into the custody system, which costs us a fortune. That is when we should be saying, "Wait a minute, we've still got a chance." We will not win with everybody, but there is still a chance. Those children are almost certainly the ones who will have the greatest difficulties.

14:45

National Government commissioned us to do a study, published in 1999 or 2000, of the children's hearings system. In that study, 46 per cent of the sample of young people who were reported jointly to procurators fiscal and children's reporters—they had large numbers of offences—had been in residential care at some point. We have a problem in that we are translating public care into offending in a way that we would not tolerate if it were parents who were turning out offenders. If we want to be concerned about parenting, we need to examine the quality of parenting that the state provides for a large number of the children that it removes from families, because those are children with multiple and serious difficulties. I do not have an easy answer on how to deal with them, but we need to concentrate at both ends.

The Convener: I am conscious of the time and we have other witnesses who are waiting patiently. I want to ensure that they get an opportunity to speak to us.

Do committee members have any more questions?

Maureen Macmillan: I have a quick question about training, which Mr Whyte raised. Are there any training issues in respect of the parenting that looked-after children get from local authorities? In schools, are there issues with training for behaviour support workers, learning support teachers or classroom assistants?

Bill Whyte: We need to invest in training professionals, particularly across the disciplines. The University of Edinburgh social work department runs a masters programme in advanced social work studies in criminal justice, but it is not multidisciplinary, which is a pity. A lot of the youth justice managers have been on that programme, and we are now looking to develop a specialist masters programme, but dedicated non-social work staff are lacking in youth justice. The police make a very good contribution and community workers are becoming more interested, but we need many more and we need to train volunteers. A continuum of training is needed. However, we also need dedicated specialists because although our most difficult children are—thank goodness—few in number, they are as difficult as can be found anywhere, as you know.

The Convener: I thank Mr Whyte very much. We have all found his evidence extremely interesting and we are grateful to him for making time to appear before us.

I now welcome to our meeting what looks like a cast of thousands. The witnesses have all been sitting patiently, but I hope that they found Bill Whyte's evidence interesting. We have one or two familiar faces before us; it is good to see them again. I welcome Tam Baillie, who is assistant director of policy at Barnardo's Scotland. I welcome David Turnbull, who is the assistant director of public policy, and Paul Carberry, who is the assistant director of criminal justice and youth justice at NCH Scotland. It is good to see you. I also welcome Keith Simpson, who is the head of service development at Safeguarding Communities-Reducing Offending. Finally, we have Olive Arens. I think that I pronounced that correctly. Forgive me, Olive—we met in Hamilton, but we never got beyond first-name terms, so I am not sure how your surname is pronounced. Olive is a senior operations manager with Includem.

I am grateful to the witnesses for coming—you were asked to come at fairly short notice, so we appreciate your co-operation. We received helpful submissions from three of the organisations. If any of the witnesses wants to make brief introductory remarks, they should feel free to do so, but I am conscious that we have a quintet of witnesses and a lot of questions to come, one of which will deal with the organisations' activities. As no one wishes to make any introductory remarks we will get under way without further ado.

Bill Butler (Glasgow Anniesland) (Lab): I ask the representatives from the voluntary organisations to tell the committee, one after t'other, what evidence exists on the positive outcomes for young people who are involved with their services. If I was to play devil's advocate, I might ask why you are needed and what your organisations do that is unique and gives added value. However, I am not really playing devil's advocate; I simply want the information to come to us. What positive outcomes arise from the services that your organisations provide?

Keith Simpson (Safeguarding Communities-Reducing Offending): SACRO's work with young people is primarily in restorative justice. We work with young people who have been referred for offending behaviour, with the victims of their offences and with the families of the young people. We have, with support funding from the Scottish Executive, established a fairly comprehensive database from which we are beginning to get results. Young people report greater awareness and understanding of their behaviour and its impact and effect on other people. Parents report greater understanding of their children's behaviour, and improved behaviour on the part of the young people following intervention. The victims of offences report greater understanding of why the young people behaved as they did and why they have been victimised. It is often important for victims to understand why an incident has occurred as it did. All the parties who are involved report satisfaction with how cases have been handled and willingness to recommend participation to other people.

We are, with a number of police forces, setting up protocols for tracking offending behaviour for a two-year period after intervention. It is not possible to do that for the whole country because not all the police forces have appropriate databases and protocols. However, where the ability to do so exists, such as in the Grampian, Fife and central regions, we are beginning to get positive reports of reduced offending, in terms both of the number and of the seriousness of offences that have been committed. The scheme is proving to be positive, although it is in its early stages. The present reports that we have are a result of tracking young people for up to 18 months following intervention, but our intention is to do so for two years.

Paul Carberry (NCH Scotland): NCH Scotland is one of the largest children's charities in Scotland. We provide a range of services throughout Scotland, not just to children and young people who offend, but to children who have disabilities and to families. We have worked in youth justice for a considerable period. Our organisation is committed to vulnerable young people and their families and to the communities

and people who may be victims of crime or who may themselves be perpetrators of crime.

We like to think that we provide added value. We pride ourselves on our innovation in developing and delivering services, such as the Dundee families project, which members may have heard about. That project was a kind of forerunner in terms of providing services for families who were seen to be involved in antisocial behaviour. We work with kids who are involved in youth crime, for whom we provide youth crime programmes. In Edinburgh, for example, our help for young people in Edinburgh—HYPE—project works with children who have drug and alcohol problems. They are referred voluntarily to the project by families. At a recent conference down south, I was made aware that one of the main concerns of my colleagues in England and Wales is the lack of such provision.

We are, increasingly, developing social inclusion programmes for young people; we are trying to get kids who have difficult backgrounds that include chaotic families and long-term deep-seated problems into employment and education. We try to provide a range of innovative services. We work in partnership and can be a catalyst for partnership working by bringing new ideas to a range of partners. In terms of policy, we try to be a critical friend to Government and a range of agencies by pointing out weaknesses, gaps and pitfalls. We play a useful role in a range of ways.

Bill Butler: That is helpful, but what evidence is there of positive outcomes for young people who you have been able to pick up through the range of services that you provide?

Paul Carberry: In Inverclyde, our intensive probation project was subject to independent evaluation by the University of Stirling. It was found that the criminal profile—the level of offending behaviour—of the young people who were placed in our project was higher than that of those who were taken into custody. Two years after they completed our project, it was found that their offending rates were much lower than those of the people who had been taken into custody; something like a third of them had not reoffended. On youth justice services, some of the information that we have had back from colleagues in the Scottish Children's Reporter Administration suggests that, in relation to young people who come to us with significant and chaotic offending backgrounds, offending has been reduced by up to a third.

Currently, we are involved in two of the three fast-track children's hearing pilots—one in Dundee and one in Ayrshire. There are targets relating to reduction in the amount of time between a young person being charged with an offence and accessing intervention; those targets have been

met. Early indications are that the offending by young people who go through that process is reduced. We await the outcomes of the evaluation.

The Dundee families project has been subject to independent evaluation. It has been demonstrated that the families with whom we work—again, they are chaotic families that have long-term problems—are reintegrated into the community, are more able to sustain tenancies and are more able to work with their children, who are less prone to becoming involved in offending behaviour and so on.

Across a range of projects that we provide, we can demonstrate, by independent evaluation, that we are making a difference. There are many promising and encouraging initiatives out there.

Tam Baillie (Barnardo's Scotland): I work with Barnardo's, which provides a wide range of services to children and families. A significant part of that involves providing services to offending youngsters. Much of that work predated the significant developments that Bill Whyte has outlined. We have a longstanding involvement with groups of youngsters and have a great deal of experience of working with them. We have services that are targeted at persistent offenders and at youngsters who have sexually problematic behaviour. The matrix project has already been mentioned, as has the freagarrach project, which deals with persistent offenders.

Barnardo's places an extremely high premium on evaluated services, so we have commissioned external evaluation of a number of our services. Those evaluations indicate that services have had positive impacts on youngsters who offend. I add a caveat, however: we can demonstrate effective intervention in relation to reduction of offending behaviour, but we are only part of a network of inputs and forces on children and families. It is difficult to sustain the initial results because, when youngsters move on from our services, we rely on continuing input from other agencies.

Perhaps we will have a chance later to talk about the need for education and for the structured family work that Bill Whyte mentioned. It is important that we can demonstrate that interventions have not only an initial impact but a sustained impact. That is perhaps the most problematic issue. However, there is certainly hope that services will have a sustained impact when all the other agencies that are responsible for youngsters focus on sustaining those changes.

15:00

Olive Arens (Includem): Includem is a relative newcomer, as it has been in existence for only six years. Initially, we targeted persistent and chaotic young offenders up to the age of 21. Like my

colleagues, we are required to provide research, which is undertaken for us by the University of Glasgow. Over the years, we have progressed to develop prevention projects. Further to Bill Whyte's comments about young people who have grown up in the care system, I point out that we also work with young care leavers.

Our research takes the form of self-reports, consultation of people who refer young people, consultation of parents and hard data. We collect data across a number of indicators, including behaviour and offending, education, employment and personal/family care. Our research shows a significant reduction in the frequency and seriousness of offending over a period of time. Like Tam Baillie, we know that that impact holds good for the first year or two, but only time will tell whether it holds good in the longer term. Changes in circumstances, such as family disruption or loss of a job, can have a significant impact.

Jackie Baillie: In the light of the submissions from SACRO and Barnardo's, I have a question for all the witnesses. To what extent has the voluntary sector been involved in youth justice strategy groups? Do your organisations attend such groups as full partners? Do you attend them because of your strategic knowledge, or are they only of operational interest to you?

Tam Baillie: There is a mixed picture. There has been a significant growth in partnership working as a result of the youth justice initiatives. From speaking to people in our services throughout the country, I know that the willingness of local authorities to engage with the voluntary sector is key. Sterling examples exist of the voluntary sector being fully engaged by the local authority at strategic and operational levels and in face-to-face work with a variety of staff. However, examples also exist of local authorities that, for whatever reason, choose to restrict membership of their strategic groups, such that they exclude the voluntary sector. As we have said, if we are not involved at strategic level, it is difficult to make a real impact at operational level. The picture is still very mixed.

However, there is much-increased willingness to work in partnership not just with the voluntary sector but across many agencies because that is what is required nowadays. The needs of the youngsters with whom we deal cannot be satisfied by a single agency. However, it is taking some time for that willingness to become universal. It might be worth auditing across the country the exact nature of the voluntary sector's engagement in strategic partnerships. We would give some local authorities a very big tick for their approach to partnership work, but we have reservations that it does not happen universally.

Keith Simpson: I agree completely with Tam Baillie. Some very good examples exist, but there are also areas in which involvement of the voluntary sector is virtually non-existent at strategic level and minimal at operational level. That can be the case even in areas where we are contracted to deliver services. The committee will be aware that the Scottish Executive's guidelines recommend that voluntary organisations and community organisations be involved at those levels, but the guidelines are certainly not applied consistently. I echo Tam Baillie in saying that it would be worth auditing that.

David Turnbull (NCH Scotland): I echo those remarks. The pattern is disparate. Some local authorities are very good and have shown what can be done. Where there is a will, there is definitely a way. It would be good if the Executive could reinforce the message to local authorities about the need to involve the voluntary sector in that respect.

Paul Carberry: We are national organisations, so I hope that we bring national innovation. We have projects in Dundee and Ayrshire that apply different models, and our involvement in strategic forums is useful, because we can bring that innovation to other local authorities. It is in the interests of local authorities to involve voluntary sector organisations. I happen to sit on a local authority children's planning group, which is helpful, but I represent the voluntary sector, which is not a natural constituency. Who do I represent? Why should I be there rather than others? The guidance should reflect the fact that the voluntary sector should be part of children's services planning.

Jackie Baillie: That is helpful, because that is the consistent view. I have one supplementary—

The Convener: I am sorry, Jackie, but I think Olive Arens has a view to express.

Olive Arens: My experience is similar. Our involvement can be good, but we are not involved in some areas at all.

Tam Baillie: May I mention one other point about involvement at strategic level? While senior managers are sometimes signed up strongly to partnership working, difficulties sometimes arise with middle managers. There can be what look like excellent partnership working agreements on paper, but you have to scratch the surface to see how they operate. If you intend to examine partnership working, you should not just examine the higher level. You have to look at what is happening on the ground.

Jackie Baillie: I have one tiny supplementary, because there is a degree of consistency in what you are all saying. I suppose I should have asked Bill Whyte this question, but you could answer it. Is

there voluntary sector representation on the national practice group? I see that I am getting the nod from Bill Whyte in the public gallery.

Paul Carberry: There is probably more such representation now than there was. When the group was set up it was more about local authorities, whereas the voluntary sector had been at the forefront of youth justice and criminal justice work. The group was dominated by the statutory sector, but increasingly the voluntary sector is becoming involved and finding it a useful forum.

The Convener: I know that members want to get through a number of areas and that they will keep their questions as brief and pithy as possible, but I ask for the witnesses' co-operation in not repeating what someone has already said. If you agree with what they said, that is great and helpful. I say that in the interests of trying to cover as much ground as possible.

Maureen Macmillan: I hear what the panel says about how the effectiveness of multi-agency working depends on the people who are doing the work on the ground being engaged at the strategic level. From your coded language, I presume that it is good in some places and not so good in others. I do not want names, but can you give me an indication of the proportion? Are you generally engaged at a strategic level, or are you seldom engaged at that level? Is the picture changing? Do we need to have an audit before it will change? Is the picture moving or is it static? Is it dependent on personalities more than structures?

Tam Baillie: I am not sure that any of us is qualified to give a national picture. We can speak only about the local authorities with which we are involved. However, we know of services that cover a number of different local authorities, within which there are stark differences in terms of engagement with local authorities. You asked about personalities. My personal view is that we can have all the structures, guidance and regulations in the world, but you need the right people in the right places thinking along the right lines. If you do not have that, your structures will grind to a halt. It is about hearts and minds and about the networking activities through the criminal justice social work development centre that have been mentioned. Those points are terribly important, because while there is a growing acceptance that multi-agency working is the way forward, it will take some time to seep in throughout the country.

The Convener: Does anyone disagree with that in general terms? Does anyone wish to add to what Mr Baillie said?

Olive Arens: I would add, probably in defence of some of the local authorities, that things are enormously frustrating. I think that there is a difficulty about what the word partnership means.

That, set alongside the desire on the part of local authorities—as Bill Whyte said—to see all the services pulling together means that sometimes the voluntary organisations get lost in the process. That is a slightly different take on the situation.

Paul Carberry: Sometimes, within a local authority, agencies have difficulty working in partnership with education and social work services. There are tensions and, sometimes, the voluntary sector can be overlooked. There are issues about culture, as Tam Baillie said, and about leadership.

On the fast-track children's hearings pilots, the Scottish Executive set targets for each agency. We all had targets to meet, we knew what those targets were and we were independently evaluated. By and large, all the agencies that were signed up to that have met their targets, have worked well together, have been involved in joint training, have been accountable and have worked with one another. That has been really helpful. It has been one of the most positive initiatives that I have seen within the children's hearings system because those targets were there. Other agencies that were not signed up from the outset have struggled to become involved in those partnerships because they did not have targets set, but those agencies that were signed up from the outset and had targets set have worked well together and, by and large, have met those targets.

Maureen Macmillan: You talk about the local authorities having difficulty in pulling together all the different sectors, and education keeps cropping up. There seems to be a problem in engaging the education services. I should declare that I am an ex-teacher. I have also taught looked-after children, so I am guilty on both counts. How can education help more? I assure you that those who are involved in education know what the problems are, but nobody seems to have a solution. Where do we go from here?

Tam Baillie: Before I came here today, I asked one of the services what the two key priorities are in working with young people. One of them is the need to work with parents and the whole family; the other is the need to keep youngsters in school and maintain the links in the school. The Executive has other initiatives—for instance, new community schools—that take a much broader approach to education. The implementation of such initiatives has been somewhat patchy, but a much broader approach towards the inclusion of youngsters within schools would be of assistance. Perhaps the Education (Additional Support for Learning) (Scotland) Act 2004, which is about to be implemented, will help in that respect. The focus on education and keeping youngsters in schools and able to access a range of services and

supports through schools is tremendously important.

Paul Carberry: We have a primary support project in Renfrewshire that was set up to work with kids who were showing signs of being involved in offending behaviour, not turning up for school and so on. There were issues with their parents and those kids were jointly referred by education and social work services. I asked the project manager how successful the project had been. He talked about working with 45 kids from 27 families and told me that, so far, 15 of the kids have exited the project. Basically, that means that they are involved in primary school and mainstream education again, that their families are more stable and so on. Such an approach is helpful.

At the other end, a lot of the kids whom we work with come out of school and cannot read or write—they have problems with literacy and numeracy. We may have done a lot with them to try to manage their offending, but they cannot get into meaningful employment to fulfil their long-term aspirations. There is a gap there. Some of the kids whom we are working with, who are aged 15 or 16, leave school without educational qualifications. We need to make sure that they are socially included and have access to employment and meaningful training so that, in the long term, they can manage to sustain themselves in the community and become citizens with the same opportunities as everybody else.

Olive Arens: Can I make one comment? It feels as though, over the past few years, a great deal of the emphasis has been on social work and the social work agenda. Education has been there, but we perhaps need to do more with the statistics that we know. Sixty-five per cent of the young people whom we are engaged with have a care history. There are periods of perhaps a year when they may be out of school prior to being removed from the community to have education in a residential establishment. That feeling is universal across organisations. Some bridging education and special provision must be developed in order to target that sector.

15:15

Maureen Macmillan: I am aware that there are projects around the country, but I do not know—

Olive Arens: They are small and piecemeal.

Maureen Macmillan: I know that they are small.

Tam Baillie: There are challenging and competing agendas in education. On the one hand, there are performance measures to satisfy on the educational attainment of young people, and, on the other hand, people are under pressure

to have a fully inclusive approach so that all youngsters are maintained in mainstream education. One can see where the tensions for educationists come in, but it is appropriate that we consider how to maintain full education for all young people.

Mike Pringle: We have already discussed partnership working in youth justice quite a bit and the factors that hinder such working. Anybody who wants to add anything on that subject should do so by all means, but we also want to know about funding. Are funding and funding mechanisms a problem? Do you need more funding? Are you receiving the right funding? Perhaps people always want more funding, but how much of an issue is funding?

David Turnbull: There is always room for more funding—I think that that statement applies universally. We have discussed education, but the other area is health. Our submission mentions the need for psychologists, psychiatrists and community psychiatric nurses to be involved with offenders. We have said that one cannot get money for such involvement from the health service; sometimes one cannot get the resources because they are not available. On strategic planning, there must be involvement of health services at the strategic and financial level. Such things are not front loaded. As far as I can see, juvenile and youth justice is not a high priority in the health structure.

I noticed that the framework for working with young people with mental illness has been put out for consultation. The framework is an attempt to address the matter, but my preliminary look at it indicates how far we have to go. Experience indicates that there are great difficulties in getting the support that we need from the health service. Resources that are targeted at psychologists, psychiatry and functions at a strategic level rather than simply at the level of a one-to-one service would help the whole process along.

Tam Baillie: There is a sea change in health services, but there are miles to go. I give the example of mental health services for parents. Our services work with many parents who have low-level mental health issues and who do not make the threshold for accessing other services. However, a modest input could have an impact on children's upbringing as a result of their parents accessing appropriate mental health services. That would be well worth the investment. The way in which services are currently set up means that there is no link between children's and adults' mental health services. That issue is never really addressed, but it is as important for children that their parents can access appropriate mental health services as it is for the children themselves to do so.

Keith Simpson: I will refer specifically to funding. We suffer as a result of local authorities' uncertainties as to whether, for example, targeted funding will continue. Those uncertainties are passed on to us.

Funding difficulties are encountered in two specific areas—my point refers to other aspects of the committee's inquiry that it might come to. One area relates to rural communities. In Dumfries and Galloway and the Highlands, given the funding that was provided through the normal allocation, we found it necessary to go back and apply to the Executive, through other direct funding mechanisms, to get sufficient funding into the local authority to provide a region-wide service; otherwise, it was possible for only parts of the authority to be served. Later, the youth crime prevention fund came into being and applications were accepted for further funding, which came directly to us rather than to the local authority. That was a rather messy mechanism and continuity of funding is different in each case, which does not help.

The other area is training. I watched previous witnesses being asked questions about that. As you will know, there is a shortage of qualified social work staff and local authorities in particular are pushing up wages and remuneration to attract social workers. Voluntary organisations—certainly SACRO—generally cannot compete with that.

We do not necessarily need qualified social workers for all that we do, but we need people who are trained in what they do and we have to train them for those purposes. When social workers come to local authorities they have been trained and qualified by universities and colleges. Although in-service training may be provided, the core training has been provided for them. When staff come to us, they are generally not qualified and we must provide them with core training. That is an added cost, which is not always acknowledged when local authorities or the Scottish Executive consider our funding needs. In many ways, voluntary organisations have to carry higher costs, including the costs of employing qualified staff to meet their requirements, than local authorities do. That is not necessarily reflected when costs are compared.

Paul Carberry: There must be an emphasis on longer-term funding. Many recent pilots have involved two-year funding. It can be difficult for an organisation to recruit staff to get a pilot up and running; once the pilot is up and running, it often then finishes, and qualified staff are looking for jobs three months before it ends. I am not sure how strategic such an approach is. We are talking about long-term problems and we need longer-term strategies and longer-term funding.

Bill Butler: We have talked quite a lot about the elements that hinder partnership working and about the mixed picture, particularly at the strategic level. Can you say more about the factors that have most assisted partnership working? Mr Baillie talked about an increasing willingness to work in partnership, which is obviously a good thing. Have any other elements assisted progress in partnership working?

Tam Baillie: The national standards, additional funding and significant activity around and focus on offending behaviour have all been of great assistance in generating increased activity and a better knowledge of what works. Although there may be different definitions of partnership, in many cases there is an increased willingness to look at different ways of working, rather than people always having to deliver a service through one agency. That is to the credit of the initiatives that have taken place. We have concentrated on the difficulties, but that is born of the frustration that there is not a national picture.

Bill Butler: Do the other witnesses agree with that, or do they have anything to add?

Olive Arens: I would add—this goes back to an earlier question—that where voluntary partners have been fully involved in the planning process at strategic level, partnership working on the ground is better because there is a climate of compromise, mutual respect and understanding. Our experience is that where such involvement does not exist—that is the case in a number of authorities—partnership working is a lot more fraught and perhaps a little rigid.

Paul Carberry: I echo that point. In youth justice, the youth justice strategy groups have helped. In relation to the strategy groups, the voluntary sector should have a seat at the table as that would give the voluntary sector providers a voice and access to those who have power. Partnership working has improved over the past three or four years. The more strategic forums that we are involved in, the more that we can influence what happens, and the more that we are involved in joint planning and joint commissioning, the more that we will be seen as equal partners.

Bill Butler: I take it that all the witnesses agree with that. Would Keith Simpson like to add anything?

Keith Simpson: I would add that clear service-level agreements are required. The situation is improving, but I have to say that it went through a dip. Before local government reorganisation, things were improving, but service-level agreements, and the priority that was given to them, seemed to get lost. The situation is picking up again, but it is not consistent. Service-level agreements that have clear targets, a clear

understanding of what we are there to do and clear operating protocols are required. As others have said, a message must come from the top about each agency's role.

There are examples of cases in which we or other agencies are involved in doing pieces of work but it does not seem clear that all the departments in the local authority are aware of our involvement. As a result, some of them start to duplicate work that we are probably already doing, and confusion develops about who is doing what and how things fit together. That usually happens when we do not have a place at the table in the strategy making.

Bill Butler: You think that such a disconnected approach would be prevented if you always had a seat at the table.

Keith Simpson: I think so. Along with that, there needs to be more than just one token voluntary sector representative. Other people have already made that point, but it needs to be reiterated. It is not possible for one voluntary organisation to represent the activities, interests and knowledge of every other voluntary organisation. Sometimes the interpretation is made that one person can represent the whole of the voluntary sector.

Colin Fox: I believe that members of the panel were present when we covered the importance of diversion and early intervention in our discussion with Mr Whyte. What developments in diversionary services and early intervention programmes have been successful and what limitations have been exposed?

Tam Baillie: I have already mentioned our matrix service, which is about early intervention. On the intervention threshold, there has to be a balance, because there is a danger of the net widening. If we go in with disproportionate or inappropriate services at an early stage, we may well just confirm some of our earlier fears. I repeat that the key elements of our programme are about working with parents and linking in with the school. The issue is not about targeting offending behaviour or even about doing one-to-one work with the young people; it is about trying to ensure that they are involved in mainstream services and are getting appropriate nurturing and upbringing.

The early intervention service has found that the education system is a good way of identifying youngsters' needs early on. That is another reason for us to ensure that our youngsters are in school, because school is an effective early-warning system. Many of the most appropriate referrals to our matrix service are made through the education system.

The Convener: That theme re-emerges constantly. Is it your view that the youth justice

strategy group could sharpen up its act in that respect?

Tam Baillie: I am not sure that it is the responsibility of the youth justice strategy group to sharpen up its act, but we certainly need to consider how we can better engage with education services and ensure that they are central to any inputs that we make with children. Given that young people and children spend so much of their early years of development in school, it offers an effective way of getting services to them.

The Convener: The fact that we are talking about the issue means that something is not happening. I would be interested to know whether you have an opinion on what that is.

Tam Baillie: It might be worth the committee's while to consider how the profile of education in the youth justice agenda could be increased.

David Turnbull: Education services are a bit monolithic. They see themselves as being the primary provider; they are not used to working with multiple groups, and one of the difficulties that one experiences in engaging with the education services is that they do not enter into multiple dialogues easily. If one can break in, such dialogue can work well, but it is often difficult to break in, because education services do not communicate in that way. They need to change their patterns as well; it cannot be done just on one side. They must understand that the world is pluralistic and begin to respond accordingly. In my experience, education still tends to remain in its ghetto.

Keith Simpson: I agree with that. I wonder whether part of the reason why might be that youth justice is perceived to be the province of social work, so education does not see itself as being a central player in youth justice and does not regard it as being a priority. I know that some authorities are reorganising to bring together social work, children and families and education departments. I do not advocate that as the way forward, but there is certainly a need to get education departments to see that youth justice is a central feature of what they are involved in and is not primarily a social work responsibility.

15:30

Paul Carberry: The new guidance on integrated planning of children's services should help to encourage joined-up services. Departments will have joint plans, joint goals and, sometimes, pooled budgets. On early intervention, we would not want to up-tariff children, as it were, and bring them into services too early or needlessly. Parents and families who have problems sometimes have a fear about going to social services because they are frightened that they will up the ante and create

problems for themselves. We need services that are accessible to parents and families when they need support and help—for example, when there are issues with poverty, when the parents have split up, or when there is crime in the street.

We should not wait until somebody gets an antisocial behaviour order or a parenting order before enabling them to access support and help. From my experience of working with parents over the years, my understanding is that they are often crying out for help but are not sure where to go. They have a fear about going formally to social services to get support and help. Services should be available to families when they need them and should be funded.

Olive Arens: That is a comprehensive answer, but I mention also throughcare. We know that the majority of those who progress to institutions have been looked after and accommodated. When they return to families, that is often seen as the end of the matter. However, it is those who are in transition—often the 15 to 17-year-olds—who appear most frequently in court. That is linked to education and family support. Throughcare provides a wonderful opportunity to sustain support and to pick up on some of the issues of community and locality related to ownership of young people, which are important aspects of early intervention.

The Convener: Quite a lot of what Stewart Maxwell was going to ask has been covered, but it is over to him.

Mr Maxwell: I was going to ask what gaps the witnesses can identify in youth justice provision. We have heard about quite a lot of them already and I have been scribbling them down: partnership working at strategic and operational levels; varying standards between local authorities; voluntary services being overlooked; core training not being funded; access to employment; access to literacy and numeracy education; access to health services and psychologists; mental illness; and health services not being joined up between parents and children.

The Convener: And throughcare.

Mr Maxwell: Throughcare seemed to be a good thing, which was mentioned at the end. Are there other areas that we have missed? Perhaps we should add to the list.

Tam Baillie: Sixteen and 17-year-olds are a real problem. We have an envied system in the children's hearings system, but too many young people still end up in custody and we have to consider what to do with 16 and 17 year-olds. How do we manage offending behaviour in that age group? We need to give serious consideration to the interface between the children's hearings system and services for adults—that is critical. We

might well feel proud of our children's hearings system and of the fact that, compared with England and Wales, we have few children in custody, but a high number of young people experience custody post-16. Those outcomes must be considered in the youth justice inquiry.

David Turnbull: I will focus on the same age group. We know that 60 per cent of looked-after children are not in employment, training or education—that is a persistent pattern, which the Scottish Executive is aware of and has been trying to address. The systems are far too lax because, once somebody is 16, they can almost choose what they do or do not do. The services need to be more persuasive in linking young people into employment and training. That also applies to those aged 18 and over because, once somebody is 18, it is difficult for them to go back, get support and do national vocational qualifications if they do not have standard grades and so have to start again at the lowest level.

For many children, the 16 and 17-year-old period gets washed away because of the chaos that occurs in their lives at that time. They begin to get their act together at 18, but they cannot get back into the system. We must put resources into that transitional period to ensure that young people are linked into education and employment during that critical three-year period.

Mr Maxwell: Perhaps I picked you up wrong but, at the start of that answer, you seemed to be indicating that there should be an element of compulsion.

David Turnbull: What I am on about is commitment rather than compulsion. Instead of saying that the young person can come and go as they please, we must make an effort and we must stay with the young person, bring the resources to them, go along with them and link them into college. It is easy for them to drift away from engaging with education systems. I have recently been involved in making that effort, which is why I feel quite heated about it. I went into a college on behalf of a young person, asked questions, went back to the young person and tried to work to get them back into the system. I am appalled at how difficult it is and how much motivation the young person needs. The system needs to acknowledge that fact, stick with young people during the difficult 16 and 17-year-old period and commit to seeing them through it.

Paul Carberry: Some of the young people with whom we work and who are perceived as being chaotic or persistent offenders do not have the skills to get into employment, even though they want jobs and want to change. We need transitional support to allow young people to get into employment. We need to make the opportunities available and give such young

people the support to develop literacy, numeracy and other skills.

Another gap is in access to drug and alcohol programmes, which I mentioned earlier. The assistant director of the juvenile justice service in Northern Ireland was recently in Scotland. He looked at one of our services and was surprised that under-16s who had drug problems could access our services and that there was a CPN available to prescribe to young people and, when necessary, to fast-track young people into health board services.

I was also at the recent convention for youth justice boards in England and Wales and I took a note of the kind of inquiries that those who came to the NCH stall made. They kept talking about gaps in voluntary services in England, Wales and Scotland for young people who are involved in drug and alcohol abuse. They also talked about social inclusion and how to get young people into employment.

Over the past 10 years, England and Wales have had a 100 per cent increase in the number of young people going into custody and an 800 per cent increase in the number of under-15s going into custody. Their custody figures are still rising, so a lot of positive things are happening in Scotland. There are gaps, but we are moving in the right direction compared with what is happening in England and Wales.

The Convener: Does "CPN" mean community psychiatric nurse?

Paul Carberry: Yes.

Mr Maxwell: We have covered the problem with 16 and 17-year-olds, the drink and drugs problems and the interface between the children's panels and adult services; is there any other obvious gap that we have not covered?

Olive Arens: I will mention relapse prevention. To help serious, persistent offenders to find their way back, we require communities that will receive and welcome them and people involved in youth support services who will create the bridge and assist the process, which is a long-term task. Includem continues to work with young people that it has had since day one—I do not know what NCH does; it has been going much longer. We help with the growing-up years, often because communities are where young people have been difficult and so communities have not yet forgiven them. There is a need for more targeting of services at such non-statutory tasks.

The Convener: As there are no final comments from the witnesses or questions from committee members, I thank the witnesses for coming before us and for their patience. Their evidence has been interesting. I ask them to forgive us if we have

seemed to chew away at particular points, but we are simply trying to improve our understanding of areas on which we genuinely wanted clarification. I thank them for helping us with that task.

We will now have a comfort break of five minutes.

15:39

Meeting suspended.

15:47

On resuming—

Subordinate Legislation

Police Act 1997 (Criminal Records) (Protection of Children) (Scotland) Regulations 2004 (SSI 2004/526)

Fire Services (Appointments and Promotion) (Scotland) Regulations 2004 (SSI 2004/527)

The Convener: The next item on our agenda is consideration of two sets of regulations, about which the clerks have helpfully provided some background information. Do members have any questions about either of them?

Bill Butler: As the Subordinate Legislation Committee has not raised any points of substance, I think that it is reasonable to agree to the regulations.

The Convener: Is the committee content with both sets of regulations?

Members *indicated agreement.*

Inquiries Bill

15:48

The Convener: The next item on the agenda is the Inquiries Bill, which was introduced into the House of Lords last November. The Executive intends to lodge a Sewel motion on the matter. I am again grateful to the clerks, who have prepared and circulated a background note about the proposed legislation, which includes a copy of a letter dated 20 December from the Minister for Justice to me.

The committee has to determine what it wants to do about the bill. As far as timescales are concerned, the options are fairly limited. Indeed, it looks as if we will be able to invite the minister to give evidence only at next week's meeting. That said, I am perfectly happy to take suggestions from committee members about anyone else we should take evidence from.

I should say that I have been visited by individuals connected with the Scottish tribunal appointments system, not in my capacity as committee convener but in my normal political capacity. I must confess that, at first sight, I did not quite appreciate that the bill might affect the composition of and appointments system for tribunals in Scotland. The committee might legitimately have an interest in that area, because it has shades of what we discovered with the Constitutional Reform Bill. Although it might be eminently desirable to modernise the whole tribunals system, there appear to be tribunals outside what we popularly understand by the concept. After all, when we think of tribunals, we probably think of industrial and employment appeal tribunals. However, I believe that statutory provisions make it possible to constitute appeal tribunals for a whole variety of matters and areas of activity. Will the legislation sweep away all those tribunals, which might be perfectly competent and doing a good job, and would that be desirable? More particularly, will the legislation affect the funding of or appointments to other tribunals of which we are aware?

I am happy to open the matter up to discussion.

Mike Pringle: I was approached by and had a meeting with similar people and was astounded to discover that in Scotland more people appear before tribunals than appear in criminal courts. I do not think that the issue has been taken seriously, and talking to the minister about the bill would open up the subject. I also recommend that John Elliot, the chairman of the Scottish committee of the Council on Tribunals, be invited to give evidence, as well as anyone else he might think of. I had the impression that the subject is not

being taken seriously. We need to start taking it seriously and have particular regard to how the legislation will affect Scotland.

The Convener: The proposal is that, in addition to the minister, we invite John Elliot, the chairman of the Scottish Committee of the Council of Tribunals, to give evidence. Do members agree?

Bill Butler: Yes, I think so. You and Mike Pringle have alluded to certain questions about tribunals that we could profitably put to the individual that has been mentioned. However, I believe that we should invite only the minister and that individual to give evidence. We do not need to widen our examination of the matter; indeed, I do not think that there is any time to do so. We must quiz the minister not only on tribunals but on the funding and appointments issues that you have highlighted.

The Convener: That suggestion is helpful.

I also wonder whether the Scottish Parliament information centre might be able to provide us with a background paper. Given the timescale, that might be unrealistic, but we can but ask, and either it will be able to do it or it will not. It might have an idea of the areas that the bill would affect.

Bill Butler: That would be reasonable.

The Convener: We can certainly arrange to do that.

That discussion has been positive. We will put the item on the agenda for next week's meeting; ask the minister and the chairman of the Scottish Committee of the Council of Tribunals to attend; and find out whether SPICe can assist us with a guidance note.

We now move into private for our final item, which is consideration of a draft report on the Constitutional Reform Bill.

15:53

Meeting continued in private until 16:05.

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