

PERFORMANCE AUDIT

Youth justice in Scotland

A baseline report



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Summary

1. This report, on behalf of the Accounts Commission and the Auditor General for Scotland, presents the results of an initial review of what is known about children and young people who offend, their offences and how their behaviour is dealt with in Scotland. It covers the ages 8-21.
2. The report sets out proposals for a baseline performance audit of youth justice in Scotland, and invites comment on them. The audit will be designed to both review the extent to which youth justice services meet accepted good practice, and make recommendations as to how these services may be improved.
3. The role of Audit Scotland is to ensure that public expenditure delivers value for money and to identify any barriers to the implementation of local or national policy. It is not the role of Audit Scotland to set such policies.
4. Youth justice is undergoing a period of policy development in Scotland. In June 2000, an advisory group, set up by the Scottish Executive to conduct a review of youth crime in Scotland, published its recommendations. These included the development of a national strategy, combined with local action to develop multi-agency working and a local review of existing supply and demand. The audit will provide a baseline from which to measure the impact of these and other future developments.

Young people who offend

5. One in 12 young people in Scotland is recorded as either having offended or currently being dealt with in relation to an allegation of offending. These young people account for over 40% of certain types of crime (for example, housebreaking, vandalism and theft of motor vehicles). Offending patterns vary with age and gender (for example, there are three times as many male offenders as female).
6. Young offenders tend to have a number of different needs, often arising from troubled or dysfunctional family circumstances and other identifiable risk factors, which require to be addressed (for example, low educational attainment, substance misuse and health problems) in order for their offending behaviour to be reduced.

Why youth justice is important

7. An estimate prepared for this report found that youth crime in relation to property offences alone in Scotland, cost businesses, private individuals and the public sector more than £80 million each year (excluding the costs of the justice process). Reducing offending would have significant financial benefits to the community, as well as reducing the distress to victims.
8. From the moment an offence is committed, there are costs to individuals and to society. There are financial and personal costs to the victim; costs to the police in pursuing the offender and processing the case, and costs incurred in

the hearing or court systems. Further costs arise from social work involvement, programmes for young offenders, and, in some cases, imprisonment.

Two systems of justice

9. There are two quite different and distinct processes in Scotland for dealing with young people who have been charged with an offence, depending on whether they are under or over 16 years of age.
10. Young people under the age of 16, who are alleged to have offended, are generally referred to the Reporter for the Children's Panel. Over 16-year-olds charged with an offence are generally reported to the Procurator Fiscal, and go through the adult justice system. The processes in both systems, and the transition between them, have been included in this review, and will be covered in the audit.

Effectiveness of youth justice in Scotland

11. Performance audit can play a valuable role in assessing the effectiveness of current practices and procedures against a set of agreed good practice characteristics which, taken together, would contribute to an effective youth justice system. These characteristics relate to both processes (for example, timeliness, the availability of information to decision-makers, and ensuring assessments of risk and of offenders' needs are based on good practice and acted upon), and to the financial arrangements underpinning the youth justice system.
12. Efficient and effective processes and financial arrangements will contribute to rehabilitation of the offender and reduced reoffending.
13. Programmes using the principles and practices which have been proved to be successful in rehabilitating the offender into society, and reducing offending, tend to be known as 'what works'. The audit will review the extent to which 'what works' programmes are available and implemented in Scotland.

Recommendations

14. The following are the specific areas we propose to review to provide a baseline position on the performance of youth justice services in Scotland:
 - existing information on the time taken for under and over 16s to go through different stages in the two systems, in order to identify good practice and opportunities to reduce unnecessary delay;
 - the extent to which assessment methods used to identify the needs of individual offenders follow accepted good practice;
 - following assessment, the extent to which identified needs are met through relevant programmes (for example, to address offending behaviour, or to meet educational, training or health needs);
 - the extent to which the risks to society from offenders are assessed against existing good practice standards, and whether recommendations are acted upon;

- whether decision-makers have the information they require to make sound decisions regarding individuals, and whether managers have the necessary information to plan and manage their services effectively;
- the financial framework underpinning youth justice systems in Scotland, and the costs of different interventions.

**Comments on the proposals are invited. These should be sent to
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1 Introduction

- 1.1 This report outlines what is known about children and young people who offend, their offences and how their behaviour is dealt with in Scotland. It sets out proposals for further work, designed to assess how effectively we currently deal with young offenders and how practice may be improved. The results of this further work will form a baseline against which the impact of current developments in policy can be evaluated.

The role of Audit Scotland

- 1.2 The role of Audit Scotland is to assess the effectiveness of youth justice work in both the rehabilitation of offenders and reducing reoffending. The audit process examines the structures and processes designed to implement national or local policy, to identify barriers to effective implementation and ensure public funds are delivering value for money. It is not the role of Audit Scotland to develop policy, at either a national or local level.

Youth justice not youth crime

- 1.3 This report focuses on children and young people who have either accepted they have committed an offence or have been found guilty by a court or finding by a Sheriff.
- 1.4 The report does not cover the large volume of work devoted to preventing young people from offending in the first place. This is an area that may be the subject of separate audit work at a later date. Neither does the report cover unreported crimes, or reported crimes where no offender is traced. These factors mean that the true level of crime and the numbers of offenders are higher than is reflected by the statistics we use.
- 1.5 The needs of the victim are being increasingly recognised within the justice system. The Scottish Parliament Justice Committee 2 has recently announced an enquiry into the Crown Office and Procurator Fiscal Service, which will among other things “*look at sensitivity to the needs of the public, including victims, next of kin and witnesses*”. Their work will complement this study which focuses more on the extent to which justice processes are efficient and effective – an area which is also relevant to victims.

Two systems of justice

- 1.6 This report deals with children and young people between the ages of 8 and 21 who offend. There are two different legal processes in Scotland for dealing with young people who have been charged with an offence. Young people under 16 who offend are generally referred to the Reporter to the Children’s Panel, while those over 16 are usually reported to the Procurator Fiscal, and go through the adult justice system. A young offender may be considered by both, depending on age, supervision by social work, or the severity of the offence.
- 1.7 The Children’s Hearings system focuses primarily on the welfare and needs of the child; the adult system is more explicitly focused on the nature of the offence and on protecting the public interest. We have reviewed the processes in both systems and the transition between them.

- 1.8 The context and operational procedures of the two systems are so different that moving from the Children’s Hearings system into adult justice poses particular problems for some young people. At present, there are concerns regarding the maturity of 16 and 17-year-olds, and their consequent readiness for the adult justice system. This area is currently under review by the Scottish Executive, with a view to increasing the number of this age group dealt with by the Reporter.
- 1.9 Both systems seek ultimately to meet the needs of society in their dealings with the offender, by returning the offender to the community as a constructive participant rather than as a destructive element. For younger offenders this may include reintegration to mainstream education or resumption of family life; for those in early adulthood, assistance in gaining employment, overcoming addiction problems or breaking an established pattern of offending.

Cost to the public purse

- 1.10 Youth crime and justice are major issues, not only in terms of their effect on the quality of life within society, but also as large users of public funds. From the moment an offence is committed, the costs to individuals and society escalate. There is a cost to the victim that may be financial and/or personal; a cost to the police in pursuing the offender and processing the case and costs incurred in the hearing or court systems. Further costs will include social work involvement, residential or community care, any treatment programme and, in some cases, prison costs.
- 1.11 An estimate prepared for this report¹, found that youth crime in relation to property offences alone in Scotland, cost businesses, private individuals and the public sector more than £80 million each year (excluding the costs of the justice process). Reducing offending would therefore have significant financial benefits to the community.

Methodology and report structure

- 1.12 This report makes use of existing statistical information from academic research and the agencies involved. The study team also conducted interviews with a wide range of people involved in youth justice in Scotland, including representatives and staff from the Scottish Children’s Reporter Administration, the Crown Office and Procurator Fiscal service, the Sheriffs’ Association, police forces, local authority social work and education services, the Scottish Executive, relevant inspectorates and voluntary agencies.
- 1.13 The report is structured in the following way:
- *Policy developments in Scotland and other countries* – discussing the development and impact of national policy issues.
 - *Characteristics of children and young people who offend* – what is known about the number of offenders and factors influencing offending behaviour.
 - *What happens to children and young people who offend?* – the processes of youth justice.
 - *Effectiveness of youth justice in Scotland* – the processes and outcomes to be considered in assessing effectiveness.

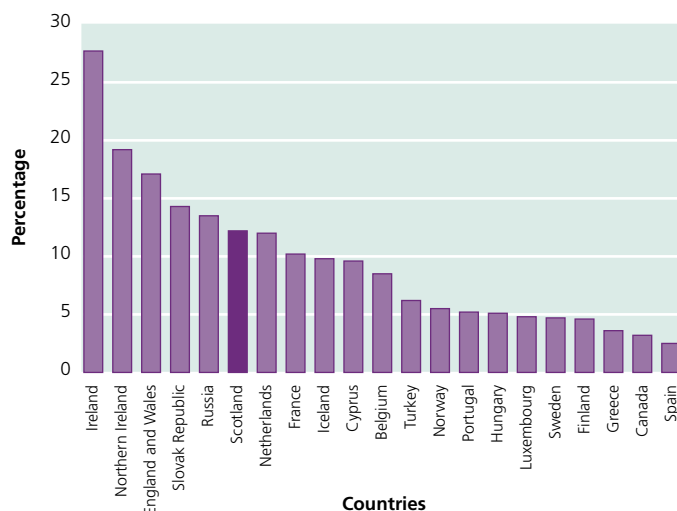
- *Proposals for audit work* – detailed recommendations on the objectives and coverage for a baseline performance audit of youth justice.

2 Policy developments in Scotland and other countries

- 2.1 In recent years, youth justice and related areas have been the focus of increased political attention and policy review, not only in Scotland but also in England and Wales, and other European countries.
- 2.2 There is a considerable body of research about the different options used for dealing with offenders, and their relative effectiveness in reducing offending. Effective options are commonly described as ‘what works’.
- 2.3 This research shows that prison is one of the most costly and least effective methods for reducing offending, although it is highly effective in protecting the public from dangerous offenders.
- 2.4 Sentencing policy and practices vary across Europe and other countries. Scotland and other UK countries have a higher percentage of under 21s in prison than many other European countries. Good comparative data on young people in prison is difficult to find. Exhibit 1 shows the position in 1994². This illustrates that Ireland and countries in the UK, including Scotland, had higher rates. In Scotland, the percentage of the prison population under 21 is still at a similar level to 1994.

Exhibit 1: Percentage of the prison population under 21 years of age, 1994

The most recent data available shows that the percentage of prisoners under 21 in Scotland was higher than in other countries. The percentages for UK countries generally were higher than elsewhere.



Source: Council of Europe, Prison Information Bulletin, figures at September 1994

Scotland

- 2.5 In 1999, the Scottish Executive established an advisory group to conduct a review of youth crime in Scotland. The advisory group included members from all parts of the youth justice system, including both statutory and voluntary organisations who provide services for young offenders.

- 2.6 Their report³ recommended “*a national strategy based on our core objectives which delivers a consistent framework for local activity and addresses training needs*”, and expanded on the need for the strategy to:
- set these core objectives;
 - clarify the role of all involved agencies;
 - introduce a evidence-based quality assurance focusing on outcomes;
 - indicate future developments;
 - identify the required services for Scotland;
 - identify training needs for those involved.
- 2.7 The Scottish Executive published a response, including an action plan, to take forward both the national strategy and local action. The draft strategy is due to be published in the near future. The two main recommendations for local action were the establishment of multi-agency planning teams, and council audits of availability, demand, funding and training for youth justice measures.
- 2.8 The Executive has made additional funding available through the Children’s Service Development Fund for the provision of further treatment/diversion schemes, particularly aimed at persistent offenders (see Appendix 1). Councils are using these funds to implement relevant parts of the Scottish Executive action plan. Councils and other agencies are also making progress in the area of joint working.
- 2.9 Most councils have now established multi-agency teams, with a variety of members, depending on local circumstances. Councils’ spending plans for the additional funding depend to some extent on existing local developments in the youth justice field. Some councils are commissioning programmes from independent sector groups, or recruiting additional staff to provide the services ‘in-house’. Other councils are using the funds to undertake the audit or recruit staff to co-ordinate the work of the multi-agency group.
- 2.10 The Scottish Executive action plan also refers to the need to build in evaluation and monitoring in the planning of new programmes. The baseline audit proposed in this report will assist in measuring the impact of these developments.

Europe

- 2.11 Over the last few years, several countries have revised their policies in relation to youth crime or sentencing. Exhibit 2 uses Finland as an example, to demonstrate the impact that national policy changes can make on sentencing practices.

Exhibit 2: Prison population in Finland

Significant reductions in prison population have been achieved in Finland, with no associated rise in offending.

Policy developments in Finland show that major changes can be achieved in the field of justice. In the 1950s, Finland had a prison population proportionately four times higher than its neighbours. This was thought by the government at the time to be socially and financially unacceptable, especially in the light of evidence showing that while prison was a very costly option, it had no positive effect on reoffending. Over the last 40 years, Finland's policy changes have led to a reduction in their custody levels to match other Nordic countries. Since 1960, they have reduced the young offender prison population by 90%. At the same time, their overall crime levels have remained comparable to their neighbouring countries. This has been achieved by increasing the use of 'conditional sentences' where the imprisonment is suspended, conditional upon completion of probation. Unconditional sentences for those under 18 may only be used in 'extraordinary' cases.

Source: 'Regulating the Prison Population', National Research Institute of Legal Policy, Helsinki 1998

- 2.12 In England and Wales, a White Paper, 'No More Excuses – A New Approach to Tackling Youth Crime in England and Wales', was prepared to tackle delays, focus interventions on addressing offending behaviour and promote multi-agency working. This followed an Audit Commission report⁴ in 1996, which was critical of the operation of youth justice processes. Where legislative changes were required, these were incorporated into the Crime and Disorder Act 1998.
- 2.13 This legislation (Part III) provides a clear focus for the youth justice system in England and Wales.

"It shall be the principal aim of the youth justice system to prevent offending by children and young persons. In addition to any other duty to which they are subject, it shall be the duty of all persons and bodies carrying out any function in relation to the youth justice system to have regard to that aim."

This acknowledges that there are many bodies involved, but ensures all are aware of the purpose of their involvement. New working practices and multi-agency Youth Offending Teams have been established as a result of the legislation.

Conclusion

- 2.14 The current developments in Scotland make this an appropriate time for a baseline audit. Our proposed study will help to provide a baseline from which the impact of current and future policy developments can be measured; it will also highlight what needs to change in order for these developments to be successfully implemented.

3 Characteristics of children and young people who offend

- 3.1 In order for youth justice to deal effectively with offenders, we need to understand the extent of offending, the nature of offending and the factors which lead to offending behaviour.
- 3.2 There are policy issues surrounding both the age of entry into the youth justice system (8) and, subsequently, entry into the adult system (16), but these are not dealt with in this report. It is notable, however, that Scotland has early entry into both systems in comparison with other European countries⁵.

Number of young people who offend

- 3.3 There are about 920,000 young people aged 8-21 in Scotland⁶ (about 18% of Scotland's total population of 5.1 million). How many of these people are offenders? A 'snapshot' in March 2001 showed a total of over 76,000⁷ recorded offenders under 21 (including those with pending cases) in Scotland. This is 8% of 8-21-year-olds, one in 12 young people. In 1999/2000, over 14,000 children were referred to the Children's Reporter for offences⁸; and 27,000 males and 3,000 females under the age of 21 had a charge proved against them in the courts⁹.
- 3.4 Gathering reliable information on the numbers of young people going through the Children's Hearings and adult justice systems over a period of time is problematic; some agencies count cases rather than individuals (for example, numbers of referrals to the Children's Reporter, numbers of reports to the Procurator Fiscal, number of probation orders, etc), and some young people commit more than one offence, and so can go through the systems several times in a year.
- 3.5 A few young people commit a large number of offences. Of the people under 21 who had a charge proved in court in 1999, 8% had more than ten previous convictions¹⁰. Information we have received from several police forces refer to a small number of individual offenders, each of whom had been reported for more than 80 offences.
- 3.6 The number of young people who commit multiple offences is increasing. The Scottish Children's Reporter Administration compared patterns of offending over the last ten years, and found that the number of children dealt with for one to three offences had remained almost constant, the number who had offended on between four and nine occasions rose by over 10%, but the largest change was in those who had committed in excess of ten offences. This group of recorded prolific offenders grew by over 40% between 1990 and 2000¹¹. This picture could be affected by an actual increase in offending, or a change in reporting procedures.
- 3.7 One British study found that 3% of young offenders were responsible for 26% of all offences¹². If that model was applied to Scotland, it would mean that fewer than 2,300 young people are responsible for over a quarter of all crime in Scotland. In contrast, a large number of offenders enter the system once and then show no trace of reoffending.

Age, gender and offence types

- 3.8 There are over three times as many recorded male offenders as female offenders in the 8-21 age band.
- 3.9 Research has shown that peak offending ages vary by gender and by type of offence. In a study covering the UK, it was shown that male offending generally peaks at a later age than for females (Exhibit 3). A recent Scottish study¹³ was consistent with this and found that the overall peak offending age for males in Scotland was 18.

Exhibit 3: Peak offending ages by crime and gender

Peak offending range for females is generally lower than males. Peak offending age varies between 14 and 21, depending on crime type.

Crime type	Males	Females
Property offences	20	15
Violent offences	16	16
Expressive offences*	14	15
Drug offences	20	17

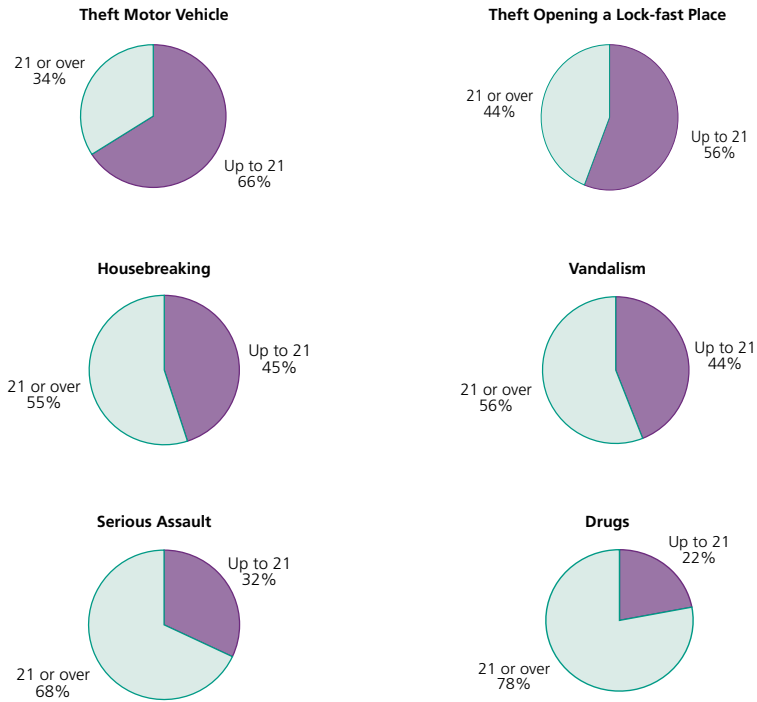
* Expressive offences include crimes such as vandalism and arson against property.

Source: 'Young People and Crime', Graham and Bowling, 1995

- 3.10 Many studies have looked at levels of offending by young people. Depending on the age and crime types selected, youths have been 'credited' with between 40%¹⁴ and 66%¹⁵ of the crimes committed. Exhibit 4 shows that some crimes tend to be committed more frequently by young people. These crimes are often high volume, for example, in the Lothian and Borders Police area, the six crimes listed in Exhibit 4 accounted for 37% of all crime¹⁶. (Drug crime has been included in this Exhibit to show that although often publicly perceived to be a 'young person's crime', this is not reflected statistically.)

Exhibit 4: Percentages of those under 21, proceeded against in court by crime type

Young people are responsible for a high percentage of high-volume crimes.*



*These numbers exclude children under 16 referred to the Children's Reporters for committing these crimes.

Source: Scottish Executive, 1999

3.11 This picture shows the significance of youth offending. Its scale leads to a very significant effect on crime figures as a whole. The rate of offending by young people is disproportionately high compared to their number in the population.

Factors affecting offending

3.12 A considerable amount is already known about the characteristics of young offenders and their families. Risk factors identified by the many studies in this area include:

- poor housing standards;
- drug/alcohol misuse by the young person or their family;
- low income;
- health, personality and behavioural problems;
- family breakdown;
- low educational achievement;
- socialising with offenders.

Exhibit 5 illustrates this in a Scottish context.

Exhibit 5: Risk factors in Glasgow and crime rates

Glasgow has high levels of both risk factors and crime.

Glasgow has high levels of risk factors associated with crime:

- 12% of the Scottish population, but 30% of the Scottish homeless population.
- The incidence of injecting drug abuse in Glasgow is five times the national average, with over 1,000 children dealt with in Glasgow by social work as a result of parental drug misuse. Over half the drugs users take opiates and over 80% of these do so on a daily basis.
- The number of families reliant upon income support is 42% as opposed to the Scottish average of 25%.
- Above average levels of deprivation, unemployment, mortality and chronic illness.
- The Scottish Executive has an index of 'family stress' combining data relating to disadvantaged children. The index ranges in score from the council with the lowest 'family stress' at -111 up to +221 for Glasgow, with an average of +34. A high value indicates high levels of family stress.

These factors translate into higher crime rates. In 1999, the average number of crimes recorded per 10,000 population in Scotland was 851; for Glasgow, the figure was 1,431, almost 70% above the average.

Source: Glasgow City Council Youth Crime Review Consultation Response to Scottish Executive, 2000

3.13 Social inclusion policies, such as improvements in childcare and preschool education, and efforts to address truancy and exclusion, target some of the risk factors linked to offending.

3.14 While young people may not form a large group of those convicted of drug offences, drug and alcohol abuse affect youth crime in a variety of ways. For example, by causing problems in the home of a young person if their parents misuse drugs or alcohol, or being a motivator for offences such as theft, when the offender is the user. Prisoners are drug tested on admission to Scottish prisons and 70% are found to have used drugs. In a survey of young offenders by the Scottish Prison Service, 95% admitted taking illegal drugs¹⁷.

3.15 All these factors combine to produce chaotic lifestyles for the majority of offenders, which provide challenges for the design and implementation of effective processes and interventions for them. They may change address frequently, making contact difficult, or may not attend court or social work appointments, making progress difficult.

Victim, offender, or both?

- 3.16 A theme in many studies is that young people not only account for a large number of offenders, but a similarly large number of the victims of crime are also young and male.
- 3.17 *Violent victims*¹⁸ found that 75% of young people who had been convicted of serious offences and assaults and held in secure care or custody, had been the victims of physical, sexual or emotional abuse. In a survey of young prisoners, 17% of males and 49% of females said they had been abused¹⁹. The 1996 Scottish Crime Survey²⁰ showed that 45% of 12-15-year-olds had been victims of theft, violence or harassment.
- 3.18 Work carried out by Lothian and Borders Police²¹ also shows that victims and offenders are not separate categories within the same age group. A comparison of the young people dealt with by domestic violence officers, sexual offence officers and juvenile offending officers found that in 75% of referrals by the police to the Reporter, there was a link to child abuse or domestic violence.
- 3.19 This is consistent with a Scottish Executive report²² which found that over 47% of those referred to the Children's Reporter for offending had come to the attention of the Reporter earlier in their lives, for other reasons, for example, care and protection issues such as parental substance abuse.
- 3.20 Young offenders, then, often have complex needs which have to be addressed in order to improve their life chances. Equally their 'deeds' – the offences they have committed – have to be dealt with, in order to protect society and so that the young person learns that offending behaviour is unacceptable.

Conclusion

- 3.21 The factors linked to offending are varied and in most cases multiple rather than single. All those factors need to be identified and addressed.
- 3.22 Proper use of different interventions can only be achieved if a young person's needs are fully assessed and this assessment is then used to select one or more suitable means of addressing both their needs and deeds. Some work with offenders will be directly focused on a particular offending behaviour, other work will relate to other needs, such as education, housing, employment or substance misuse.
- 3.23 The following section describes what happens to young offenders in Scotland.

4 What happens to children and young people who offend?

Two systems of justice

- 4.1 There are two quite different and distinct processes in Scotland for dealing with young people who have been charged with an offence. Young offenders under 16 are generally referred to the Reporter to the Children's Panel, while those over 16 charged with an offence are usually reported to the Procurator Fiscal, and go through the adult justice system.
- 4.2 A small amount of overlap exists between the two systems, in that under 16s who commit serious crimes may be reported to both the Procurator Fiscal and the Reporter, and over 16s who are already under compulsory supervision from a Children's Hearing may continue within the Hearings system until they are 18 (or they may be dealt with in court but remitted to the Reporter for disposal). However, in the main, the two systems operate independently from each other.
- 4.3 There are parallel decision-making processes in the two systems, in that the Reporter's role in the Children's Hearings system is to decide whether or not the child should be referred to the Children's Panel for a hearing, and the Procurator Fiscal's role is to decide whether the case should be proceeded against in court.
- 4.4 A hearing, unlike a court, will not determine guilt. In the majority of cases, the Reporter takes actions following the child's acceptance of the offence. Where the offence is disputed, it is referred to a sheriff for proof.
- 4.5 The role of the Children's Hearing and of the courts is then to make legally-binding decisions on what should happen to the child or young offender, taking into account the contents of the social work report on the young person and the suitable options.
- 4.6 However, the underlying principles of the Children's Hearings and the adult justice system are different. For the Procurator Fiscal, "*the ultimate criterion for the exercise of his decision [whether to prosecute the offender] is the public interest*"²³. For a hearing or court dealing with a child, "*the welfare of that child throughout his childhood shall be their or its paramount consideration*"²⁴. In the Children's Hearings system, the primary focus of decision-making is the best interest of the child. Decision-making in the adult justice system more explicitly balances the respective interests of rehabilitation, punishment, deterrence and public protection.
- 4.7 The difficulties experienced by young people moving from the Children's Hearings to the adult justice system have been well-documented²⁵, and formed one of the key areas for recommendation by the Youth Crime Review, commissioned by the Scottish Executive.

- 4.8 While the statutory frameworks and funding arrangements of these two systems are different, both seek to address the needs and deeds of the offender, as this will in the long run lead to a reduction in offending.
- 4.9 There are, however, similarities in the processes of the two systems:
- Both are multi-agency in nature, with different bodies having legal responsibility for different stages of the process.
 - For all ages, the police are the main agency for identifying the suspected offender, gathering evidence, and referring the young person on to either the Reporter or the Procurator Fiscal (or, in some instances, both).
 - For all ages, social work services are responsible for implementing many of the decisions of the Children’s Hearing or the courts, and in providing a range of programmes for voluntary diversion at earlier stages in the different systems.
 - Both processes include different stages where key decisions are made about individuals, and where there are a number of options available to the decision-makers.

Youth justice – a multi-agency process

- 4.10 The multi-agency nature of the delivery of youth justice, whether through the Children’s Hearings or the adult justice system, presents a challenge in terms of ensuring the overall process operates efficiently and effectively. First, there is potential for inconsistency in policies and practices within the statutory agencies, which deliver services on a regional or local basis, and may be subject to local democratic control. Second, the impact of these differences may be compounded when agencies with different remits, objectives and cultures have to work together to deliver services.
- 4.11 There are two factors in particular which may have a significant impact on operational efficiency:
- 1 *Communication and information exchange between agencies, including independent service providers.* How agencies work together will affect the efficiency of each one. For example, courts, Reporters and Panel members depend on information supplied by different agencies, on, for example, offending history from the police, education information from schools and detailed assessments of individuals from social work. The quality and timeliness of this information can affect both the speed and appropriateness of the decision.
 - 2 *Resource implications of decisions.* At the moment, decisions made by one agency can have significant implications for resources in another. Two examples illustrate this point:
 - the costs of implementing a recommendation by a Children’s Hearing or, say, secure accommodation, a scarce and very costly option, are met by local authorities;

- the number and timing of court appearances for offenders already in custody depend upon input from defence solicitors, the Fiscal Service and the availability of court time. The costs resulting from these decisions are borne by both the prison service (who need to provide escorts) and the police (who provide witnesses). Escort requirements and court cases also remove staff and offenders from participating in the measures planned to address the offending behaviour.

Evidence-based practice

- 4.12 There is a considerable amount of research evidence on the types of interventions which are effective in reducing offending behaviour, and how those interventions should be applied in practice²⁶. ‘What works’ principles need to be applied in the design of programmes and interventions, at the point when decisions are made about an individual offender, and subsequently, during the implementation of those decisions.
- 4.13 Our early findings suggest that these principles may not be universally applied, nor are intervention options based on them always available across the country. Although ‘what works’ principles informed the development of the *‘National Objectives and Standards for Social Work Services in the Criminal Justice System’*²⁷, similar standards in relation to offenders under 16 have yet to be developed.
- 4.14 Several councils have developed specific projects for particular groups of offenders, usually in partnership with other agencies and voluntary organisations; examples of some of the best of these were described in the Scottish Consortium on Crime and Criminal Justice²⁸ report, *‘Rethinking criminal justice in Scotland’*. However, the council audits of services have shown that the distribution of projects across Scotland is patchy, and most councils have yet to develop access to the full range of programmes required to meet the needs of all the different groups of offenders (for example, different age groups, different types of offending behaviour, etc).
- 4.15 The length of custodial sentences, when used, is one example of where applying ‘what works’ principles is problematic. Programmes based on these principles may have minimum input times – ie, the offender needs a certain amount of time for the work to be effective in addressing offending behaviour or in helping with rehabilitation.
- 4.16 The programmes available in young offenders’ institutions (YOIs) need to reconcile these minimum times with the range of sentence lengths passed by Sheriffs, and the time actually served which includes remission and time spent on remand. Finally, the time actually spent on programmes within YOIs is reduced by the demands on offenders and officers to attend court or to provide escorts to court.
- 4.17 Reviewing the extent to which ‘what works’ approaches are applied across Scotland will be a key area in the audit. This review will cover:
- the extent to which existing programmes are based on ‘what works’ principles;
 - the availability of such programmes across Scotland;
 - the use made of these programmes by decision-makers in the justice system.

Conclusion

4.18 The treatment of young offenders in Scotland is based on two very different statutory frameworks, each delivered by a wide range of agencies and organisations. Assessing the effectiveness of these two systems is discussed in the next section.

5 Effectiveness of youth justice in Scotland

- 5.1 Performance audit can play a valuable role in assessing the performance of the youth justice system. One way of doing this is to review current practices against a set of agreed characteristics which, taken together, would contribute to an effective system.
- 5.2 There is broad agreement among researchers and the range of people interviewed for this work, on what these characteristics should be. We have grouped them under the headings of process characteristics, financial arrangements and outcomes (Exhibit 6). This framework is based on the assumption that improvements in the different processes involved in youth justice, and in the use of resources, will ultimately result in improvements in the required outcomes.

Exhibit 6: Developing effective youth justice services

Ensuring that processes and financial arrangements operate efficiently should lead to reduced offending rates and other positive outcomes for young offenders and society.

Process characteristics

Time taken to go through the system is as short as possible without compromising effectiveness.

There are systematic assessments of the individual offender's needs and risks to society.

The needs of offenders and risks to society are effectively addressed.

Decision-makers and managers have access to the information they need.

Victims are involved with and/or have knowledge of the outcome.

Equality of treatment for young offenders.

Financial arrangements

Funding arrangements that support objectives.

The different parties involved in the process know the costs associated with different stages in the youth justice processes.

The different parties involved in the process know the costs and levels of service provided for different types of programmes.

Data for cost/benefit analyses are available.

Outcomes

Reduction in offending.

Rehabilitation of the offender.

- 5.3 While the principles underpinning decision-making are quite different in the Children’s Hearings and adult justice system, the characteristics described in Exhibit 6 can be applied to both. The detailed performance indicators for the different characteristics might be different in the two systems, but, following this model, they would be based on principles of good practice and agreed outcomes common to both processes.
- 5.4 For each of the boxes in Exhibit 6, we briefly review some of the issues related to measuring performance, and provide illustrative examples of where there is variation which might merit further investigation. This discussion provides the background to our recommendations for further audit work detailed in the final section.

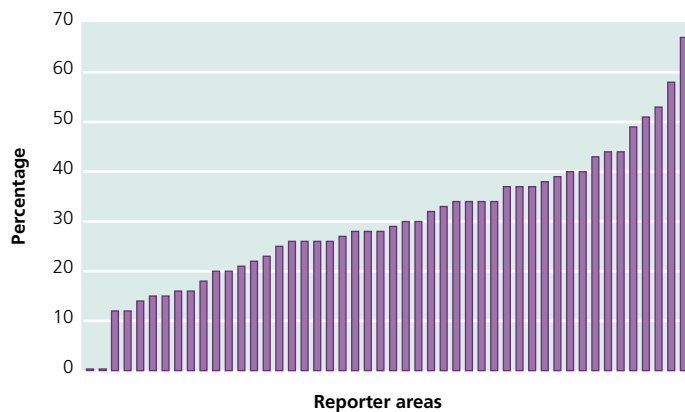
Process characteristics

Time intervals

- 5.5 The time taken to go through the different stages of the two processes, either the Children’s Hearings or the adult justice system, is important; both in relation to the efficient use of resources, and from the point of view of the young offender. Time delays are of particular importance to young people, where *“delay will limit the potential of any disposal to be viewed as a response to the child’s past behaviour... Delay has both practical and psychological disadvantages for children involved in long and cumbersome legal processes which will require them to recall past events or give evidence”*²⁹.
- 5.6 The Time Intervals Working Group (TIWG), set up in 1997, identified ways of reducing the time taken to complete hearings cases. The TIWG agreed standards and set targets for the different stages of the referral process, and performance against these standards was published in August 2000. Exhibit 7 shows variation in the progress of cases within the Children’s Hearing process.

Exhibit 7: Percentage of disposals that went to a hearing completed within 12 weeks after incident date, by Reporter areas

This shows that when a decision has been taken to refer the matter to a hearing, there is considerable variation in the time taken to complete the hearing process.



Source: Unpublished data from SCRA, 2000

- 5.7 For the adult justice system, both the Crown Office and Scottish Court Service have a number of agreed target times for the different stages in the process. These were reviewed independently by the National Audit Office in 1994/95³⁰. Both organisations continue to monitor time intervals on a regular basis.
- 5.8 Time intervals relating to services provided by social work, within the adult criminal justice system, are covered by the '*National Objectives and Standards for Social Work Services in the Criminal Justice System*', published by the Scottish Office in 1991.
- 5.9 There is variation in the time taken at different stages in both systems. While some delays are the result of decisions by hearings or Sheriffs, for example, to permit changing circumstances to be more fully represented in the final decision; others may be avoidable.

Systematic assessment of individual offenders' needs and of risks to society

- 5.10 The wide range of needs that young offenders may have is discussed earlier in this report. If their needs are met (for example, by tackling substance abuse or by increasing the chance of employment), then they will be less likely to reoffend. Society's need for protection must also be assessed, by considering the risk that the offender may pose.
- 5.11 In both the Children's Hearings and the adult justice system, there are different points in the process when the needs of the offender may be assessed.
- 5.12 For young people going through the Children's Hearings system, there is a hierarchy of reports produced by social work departments, intended to inform the decision of the Reporter, as to whether the child should be referred to a hearing, and, when there is a referral, to recommend to the Panel members the most appropriate type of supervision for that individual. Guidelines for these reports have been agreed between the Scottish Children's Reporter Administration (SCRA) and Association of Directors of Social Work. The Reporter may also request a report from the young person's school. The interests of society in the Children's Hearings system are primarily served by the focus on reintegrating the child.
- 5.13 In the adult justice system, assessment is done primarily through Social Enquiry Reports (SERs), compiled by social work services, which provide information about the offenders and their background circumstances prior to sentencing. This information helps the court decide how to deal with the case. SERs must be provided in all cases as detailed in the Criminal Procedure (Scotland) Act 1995 and in any other case where the court requests.
- 5.14 Risk to society from the offender reoffending, and the potential seriousness of likely offences, is a key factor in decision-making in the adult justice system. Since the introduction of National Standards in 1991, SERs must also include risk assessment. Social work criminal justice services have developed a number of tools for the systematic assessment of risk, in particular, in relation to sex offenders.

- 5.15 Considerable weight is attached to these social work reports by decision-takers in both the adult and Children’s Hearings systems. Recommendations within them should highlight the most suitable course of action or sentence for the offender. It is therefore important to ensure that reports follow good practice, and are acted upon.
- 5.16 Individuals may be assessed at a number of other times, for example, when they join particular initiatives, or when they move from one agency to another (for example, from secure accommodation to a young offenders’ institution). In these cases, a variety of different assessment methods are used, covering a range of different needs, for different purposes.
- 5.17 Information from assessments by different agencies may not always be passed on, resulting in duplication of effort. Assessments have also been found on occasion to provide differing views of the same child. It is important therefore that assessments are based on good practice, and, where appropriate, information from assessments are passed from one agency to another.

The needs of offenders and risks to society are effectively addressed

- 5.18 A highly diverse range of programmes and interventions has grown up in Scotland, designed to meet the range of needs identified by the different agencies, at different stages in both the Children’s Hearings and adult justice processes. These range from initial warnings and diversion programmes aimed at first-time offenders or those with a small number of offences, to those delivered to young people in custody for repeated and/or serious offences.
- 5.19 These programmes may be commissioned from, or delivered in partnership with, voluntary organisations or other statutory agencies, or provided in-house by the agencies themselves. Our work found increasing use of the services of voluntary organisations, and a growing number of programmes offered by them. The interaction between the prison service and other groups is indicative of this and is illustrated in Exhibit 8.

Exhibit 8: The different schemes and groups working with the Polmont Young Offenders’ Institution

Many different organisations, or multi-agency partnerships, are involved in delivering specific programmes or targeted interventions aimed at meeting individual offenders’ needs.

Community Learning – youth worker on secondment	SACRO – Safeguarding Communities Reducing Offending
Phoenix House – addictions contracts	Outreach Workers (Rough Sleepers’ Initiative)
Scotland Against Drugs	Paisley Partnership
Apex – two staff on attachment	Wisegroup
REALM (Renfrewshire Environment Action Labour Market)	Employment Services/Benefits Agency
RUTS (Rural and Urban Training Scheme)	Heartstart
Falkirk Enterprise Action Trust (FEAT)	Airborne Initiative
Freagarrach (Barnardos)	Victim Support
Secure Units	Prince’s Trust
Youth at Risk	Duke of Edinburgh Award Scheme
Forth Valley Health Board	Various Schools

5.20 The overall picture that emerges is one of diverse delivery, with a large number of different initiatives, able to deal with a variety of issues, some of which appear to be highly successful. However, it is not clear how, or whether, the availability of options is related to the level of need. The relationship between supply and demand for different kinds of intervention merits further investigation, building on current council audit work, to ensure appropriate options are available across Scotland.

Decision-makers and managers have access to the information they need

5.21 At different stages in both the Children's Hearings and adult justice systems, decision-makers require information on the individual with whom they are dealing. Managers in all the different agencies, such as police, SCRA, Scottish Court Service, social work and the independent service providers, also require information on the overall level of need and availability of resources in order to plan and deliver their services efficiently.

5.22 Our interviews with practitioners in these agencies suggest that managers experience considerable difficulty in gathering the information they need, primarily as a result of the multi-agency nature of both systems.

5.23 The development of the Integration of Scottish Criminal Justice Information Systems (ISCJIS) has, according to several of those interviewed, made a significant contribution to the efficiency with which data is transferred between police, Procurators Fiscal and the courts, both in terms of timeliness and the quality of the information records. This system is not yet operational in all areas of the adult justice system, and has yet to be fully integrated into the new SCRA information system. The potential of ISCJIS as a management information tool has still to be explored fully.

5.24 The transfer of information about individuals between agencies is affected by restrictions arising from data protection legislation. These barriers are sometimes real, sometimes perceived. Some agencies have established protocols for the exchange of information, requiring the permission of the individuals concerned. In some cases, an individual's agreement that information about him/her will be shared between the relevant agencies, and tracked, is a requirement for entry to a particular programme.

5.25 Decision-makers, including police, Reporters, Procurators Fiscal and Sheriffs also need to have access to information about 'what works' and what is considered good practice in relation to meeting the particular needs of young offenders. The level of training available to those providing information to the decision-maker, the decision-makers themselves, and to those responsible for implementing decisions is also relevant to this area.

5.26 Decision-makers and managers need feedback on the progress made by different individuals attending different programmes, and information on the overall effectiveness of the different options available to them. Systematic evaluation of such schemes is important to enable decision-makers and managers to compare different approaches, and have confidence that the programmes will deliver the expected results. At present, although many existing programmes are evaluated, the methods and criteria used vary considerably.

- 5.27 In recent years, there has been increasing interest in restorative justice (“a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future”³¹). A number of programmes for offenders and diversions from prosecution, which include a role for the victim, have been developed. These reflect, in different forms, features associated with restorative justice.
- 5.28 Restorative justice is an emerging field and we have found agreement regarding best practice is less widespread. At this early stage, it may be helpful to review the current availability and use of programmes and diversions[†] incorporating restorative justice approaches.
- 5.29 The recently announced inquiry into the Crown Office and Procurator Fiscal Service by the Scottish Parliament Justice Committee 2 will also include sensitivity to the needs of victims.

Equality of treatment for young offenders

- 5.30 One of the characteristics of an effective justice process is that offenders with similar needs, committing similar offences, in similar communities, receive similar and effective interventions, programmes or sentences. This is a difficult area to review, because of the need to ensure that like is indeed compared with like.
- 5.31 Offenders are all individuals, and each case needs to be treated on an individual basis, within a local context. However, we have identified variations in policies, practices and decisions across different areas of Scotland, which are not fully understood, and which merit further investigation. For example, there is significant variation between Reporter areas in the percentage of offence referrals that go to a hearing – ranging from almost 50% in one area to less than 4% in another. This variation does not appear to be related to geography or to the volume of referrals. There may be a number of other reasons, for example, the availability of different projects or interventions within Reporter areas, or the types of offence committed (which is not systematically recorded by SCRA). Without further study work, we are unable to identify which end of this range is ‘better’ or what different factors affect this variation.

Financial arrangements

- 5.32 Funding arrangements for many of the agencies involved in youth justice are not linked to youth offending. Few of the agencies deal exclusively with youths or, in some case, eg SCRA, with offending, so it is difficult to identify the elements of their budgets devoted to this particular group.
- 5.33 The funding arrangements for social work services provided for the Children’s Hearings and adult justice systems are different. Funding for adult criminal justice services (for example, the provision of social enquiry reports to Sheriffs, and implementation of probation orders and community service orders) is ring-fenced, and comes directly from the Scottish Executive. The level of funding is based on a formula which reflects workloads and levels of deprivation in the area. Practitioners in a variety of agencies have expressed a view that this structure has led to an improvement in standards of service that is not yet reflected in the Children’s Hearings system.

[†] The difference between ‘programmes’ and ‘diversions’ is of particular relevance for restorative justice. Formal prosecution resulting in an offender being required to complete a programme is not fully compatible with the principles of restorative justice. Diversion from prosecution, followed by resolution through mediation or another restorative process is a purer example of restorative justice.

- 5.34 Funding for children and young people going through the Children's Hearings system comes under the Grant Aided Expenditure (GAE) umbrella, which covers the majority of council services. Spending of GAE funding is determined locally in response to local priorities. A particular issue for social work children and family care services is the cost of residential and secure accommodation for young offenders, and the levels of service received in relation to cost. Secure accommodation is currently under review by the Scottish Executive.
- 5.35 Agencies not directly linked to either system of justice also have a role to play, and consequent costs to bear, for example, health boards and trusts in relation to drug issues, and education authorities in relation to links between truancy, exclusion and offending. Councils may also incur costs in relation to work with offenders by community education, leisure and education departments.
- 5.36 Another significant area of expenditure is in relation to the costs of different interventions. Some information has been collected on this, but it tends to be project-specific and relates primarily to running costs. Information relating to reoffending rates is often lacking or incomplete. Without this it is difficult to assess the benefit in comparison to the cost. Currently, little comparative information is available on the relationship between costs, types and levels of services provided.

Outcomes

- 5.37 The two principal outcomes of youth justice work are a reduction in reoffending, and the rehabilitation of the offender, so that he/she has improved life chances and can make a contribution to society.
- 5.38 We do not propose to review the links between particular programmes and these outcomes; our focus is on effective and efficient processes, which, in turn, should lead to better outcomes overall. However, it is important that decision-makers have access to information that will enable them to track the effectiveness of their programmes, in relation to their desired outcomes. The focus of our review will therefore be identifying the information required to track different outcomes, and its availability to decision-makers.
- 5.39 Some of the key issues concerning the availability of information, in relation to reoffending and rehabilitation is reviewed below.

Reduction in reoffending

- 5.40 Tracking the subsequent offending behaviour of young people who have gone through the system (and their previous offending history) is difficult. Some of the data is available through the Scottish Criminal Records Office (SCRO) but, access to it is strictly controlled. The data is highly sensitive, and there are data protection issues to be considered. The primary purpose of the SCRO is to help the police in detecting crime. It is not designed primarily as a management information tool. SCRO receives a number of research requests outwith criminal investigations, and the resource and cost implications of these need to be balanced against ongoing commitments. While SCRO accepts and assists with some of these requests it is not able to do so with all.

- 5.41 Further difficulties in using data from SCRO arise from the fact that certain information is deleted from records for legal reasons, and while some data protection issues can be dealt with by the removal of any identifying information, this is not always possible.
- 5.42 A number of studies have been conducted in relation to tracking reoffending of particular groups of offenders going through specific programmes. A common theme in these reviews is the difficulty that researchers have experienced in gathering the information on reoffending they require for the evaluation.

Rehabilitation of offenders

- 5.43 What constitutes ‘rehabilitation’ of offenders will vary according to age and personal circumstances. For children, rehabilitation may be about reintegration into mainstream education and stability within a family environment. For older offenders, access to employment, adequate housing, and activity and support in the community may be indicators of rehabilitation.
- 5.44 Different programmes and diversions will be designed to achieve different objectives, in relation to rehabilitation of the offenders. Young offenders may well participate in more than one programme, to meet their identified needs. Managers need to identify indicators required to measure the success of these different programmes, in relation to their objectives. For example, for educational programmes, indicators may include attendance at school, attainment of educational qualifications, or work placements.
- 5.45 Some of the performance monitoring work currently being undertaken in relation to social inclusion may also be relevant to rehabilitation of offenders.

Conclusion

- 5.46 There is broad agreement on the features of an effective justice system. If the processes and financial arrangements detailed above are implemented and based on principles of good practice and follow ‘what works’ principles, this should lead to improved outcomes. The next section outlines how the audit will assess current processes and financial arrangements, to form a baseline against which to measure future progress.

6 Proposals for audit work

- 6.1 Audit Scotland has a unique role in that it is able to review the processes of youth justice in Scotland across all the agencies involved. Performance audit can assess the services that are currently delivered against the characteristics of an effective youth justice system, providing a baseline against which progress can be measured. The audit can also highlight what needs to change in order to improve the overall effectiveness of youth justice in Scotland, and what improvements are required in performance measurement systems, in order to track the impact of those changes.
- 6.2 We will work closely with the different agencies involved in delivering youth justice services throughout the forthcoming work. The specific areas we propose to review are outlined below.
- 6.3 We recognise there are fundamental differences between the Children's Hearings and adult justice systems. We seek to share good practice within and across both systems, and provide a baseline for the services within each system against which future performance can be measured.
- 6.4 Following publication of this report, we will set up an advisory panel to act as a sounding board for the study. Fieldwork and data collection will be conducted during the autumn and winter of 2001, and findings published in late 2002.
- 6.5 We would welcome comments on these proposals by the end of August 2001. Comments and queries should be addressed to Miranda Alcock or Andrew Allan at Audit Scotland, 110 George Street, Edinburgh, EH2 4LH; e-mail yjconsult@audit-scot.gov.uk T. 0131 477 1234.

Key processes

Time taken at different stages and overall in the youth justice processes

- 6.6 **Objective:** To review existing information on the time taken for under and over 16s to go through different stages in the two systems, to identify good practice and opportunities to speed up the processes, by:
 - building on the work done by the Time Intervals Working Group (TIWG) and similar monitoring by the Scottish Court Service and Crown Office, to collate, analyse, and report data that is currently collected by the relevant agencies, over a sample period of time;
 - presenting a picture of times for the two different processes (under the age of 16 and over age 16), including case studies of good practice; conclude on what is working well and make recommendations.

Assessing needs of the offender

- 6.7 **Objective:** To review the extent to which methods used to assess the needs of the offender follow good practice by:
- working with practitioners to identify good practice standards for needs assessments for those under 16;
 - reviewing completed assessments on offenders' needs conducted by the relevant agencies (usually social work, or agencies commissioned by social work) against national guidelines and standards (over 16s) or accepted good practice (under 16s);
 - reviewing the extent to which the person making the assessment has access to all relevant information at the time of the assessment;
 - comparing the situation for under 16s and for over 16s, using data and case studies;
 - concluding on what works well, and making recommendations for improvements.

Assessing the risk to society

- 6.8 **Objective:** To review the extent to which risks to society from offenders are assessed against existing standards, and whether recommendations are acted upon by:
- reviewing whether risk assessments follow national standards for over 16s;
 - reviewing the use of facilities such as remand, secure accommodation and related institutions, in relation to assessed risk;
 - comparing the situation for under and for over 16s, using data and case studies;
 - concluding on what works well, and making recommendations for improvements.

Addressing needs and deeds

- 6.9 **Objective:** To identify to what extent individuals' assessed needs are met through relevant programmes or interventions by:
- reviewing the extent to which care plans for individuals meet identified needs and are based on evidence of 'what works'; for example, through programmes to address offending behaviour, and to meet educational, training, health and other needs;
 - reviewing the extent to which care plans and programmes are subsequently implemented, and, where they are not fully implemented, explore the reasons – for example, availability of options, resource issues, demand and supply for places on projects, etc;

- comparing the availability of options across Scotland (both in terms of numbers of places in relation to demand, and the range of options available in any one area);
- illustrating with case studies, drawing conclusions from data and making recommendations.

6.10 Objective: To assess the extent to which restorative justice principles are used in the development of programmes and diversions by:

- reviewing the availability and use of programmes and diversions incorporating restorative justice approaches in Scotland.

Informed decision-making

6.11 Objective: To review the extent to which decision-makers have the information they need to make sound decisions regarding individuals, and managers have the information they need to plan and manage their service, by:

- identifying the information needed for effective working with individuals, for example, results of assessments, offences committed, individual performance in agreed programmes, etc;
- identifying the information required for planning and managing services, for example, level of demand, cost of different programmes, effectiveness of programmes in achieving their objectives, etc;
- reviewing the information that is currently available to managers, how it matches up to identified need, and how it is used to assess and improve effectiveness;
- reviewing the potential of ISCJIS as a source of management information;
- drawing conclusions from data and making recommendations.

Financial arrangements

6.12 Objective: To review the financial framework underpinning youth justice systems in Scotland, and specific costs related to relevant areas of service delivery, by:

- reviewing the funding arrangements for different agencies involved in youth justice, in relation to overall outcome objectives. Specifically, identifying where there may be perverse incentives or bottlenecks;
- gathering data on costs of different options to set beside research findings on effectiveness, to inform decision-making;
- considering the cost of offences, in particular, offences committed by prolific offenders, as a comparator to the cost of measures to address this;
- drawing conclusions from data and making recommendations.

Appendix 1

Appendix 1: Scottish Executive additional funding for youth crime initiatives 2000/2001 & 2001/2002

Council	Distribution (£000s)	
	2000/01	2001/02
Aberdeen City	116	166
Aberdeenshire	69	106
Angus	51	76
Argyll & Bute	40	56
Clackmannanshire	35	51
Dumfries & Galloway	72	101
Dundee City	148	207
East Ayrshire	92	131
East Dunbartonshire	36	51
East Lothian	45	65
East Renfrewshire	32	45
City of Edinburgh	284	406
Eilean Siar	10	20
Falkirk	91	131
Fife	223	314
Glasgow City	776	1,086
Highland	106	158
Inverclyde	73	103
Midlothian	47	67
Moray	36	53
North Ayrshire	119	166
North Lanarkshire	252	357
Orkney Islands	6	20
Perth & Kinross	57	81
Renfrewshire	125	190
Scottish Borders	41	60
Shetland Islands	8	20
South Ayrshire	59	85
South Lanarkshire	196	276
Stirling	45	63
West Dunbartonshire	100	142
West Lothian	100	145
Total	3,500	5,000

Source: Scottish Executive

Endnotes

- ¹ Calculation based on '*Crime against business in Scotland*', J Burrows et al, 1999, with additional unpublished data regarding types and volumes of crimes committed by young people obtained from Scottish police forces.
- ² More recent data for under 21s is not readily available.
- ³ '*It's a criminal waste – stop youth crime now*', Scottish Executive Advisory Group on Youth Crime, 2000.
- ⁴ '*Misspent youth*', Audit Commission, 1996.
- ⁵ Council of Europe in Howard League Report, 1995:14.
- ⁶ General Registrar's Office (Scotland) 1999 mid-year estimate.
- ⁷ Scottish Criminal Record Office 'snapshot' to show number of offender files on one day for those under 21, including those with pending cases.
- ⁸ Unpublished data from Scottish Children's Reporter Administration (offending may not be the only factor in certain cases).
- ⁹ '*Criminal proceedings in Scottish courts, 1999*', Scottish Executive.
- ¹⁰ Ibid.
- ¹¹ Unpublished data from Scottish Children's Reporter Association, Regional Forum, April 2001.
- ¹² '*Young people and crime*', Graham and Bowling, 1995.
- ¹³ '*Women offenders – A safer way*', Social Work Services and Prisons Inspectorates for Scotland, The Scottish Office, 1998.
- ¹⁴ '*Rethinking criminal justice in Scotland*', Scottish Consortium on Crime and Criminal Justice, 2000.
- ¹⁵ Scottish Executive Justice Department, unpublished data.
- ¹⁶ Lothian and Borders Police, unpublished data.
- ¹⁷ '*Young people in custody*', Scottish Prison Service, 2000.
- ¹⁸ '*Violent victims*', The Prince's Trust, 1995.
- ¹⁹ '*Young people in custody*', Scottish Prison Service, 2000.
- ²⁰ '*Scottish crime survey 1996*', Scottish Office.
- ²¹ Lothian and Borders Police, unpublished data.

- ²² *'Children in focus'*, Scottish Executive Central Research Unit, 1999.
- ²³ *'The prosecution of crime in Scotland'*, Crown Office, undated.
- ²⁴ Children (Scotland) Act 1995, HMSO 1995.
- ²⁵ See, for example, *'Meeting needs – addressing deeds'*, report by independent think-tank facilitated by COSLA 2000, and *'It's a criminal waste – stop youth crime now'*.
- ²⁶ See, for example, *'What works: reducing reoffending – guidelines from research and practice'*, McGuire, J. (Editor), Wiley, 1995.
- ²⁷ *'National objectives and standards for social work services in the criminal justice system'*, Scottish Office, 1991.
- ²⁸ *'Rethinking criminal justice in Scotland'*, report of the Scottish Consortium on Crime and Criminal Justice, 2000.
- ²⁹ *'Just in time: report on time intervals in children's hearings cases'*, Time Intervals Working Group, Scottish Office, 1997.
- ³⁰ *'Crown office and the procurator fiscal service: scottish courts administration – resources in sheriff courts'*, Report by the Comptroller and Auditor General, National Audit Office, HMSO, 1995.
- ³¹ *'Restorative justice – An overview'*, T Marshal, Home Office Research Development and Statistics Directorate, 1999.

Auditor General for Scotland

The Auditor General for Scotland is the Parliament's watchdog for ensuring propriety and value for money in the spending of public funds.

He is responsible for investigating whether public spending bodies achieve the best possible value for money and adhere to the highest standards of financial management.

He is independent and not subject to the control of any member of the Scottish Executive or the Parliament.

The Auditor General is responsible for securing the audit of the Scottish Executive and most other public sector bodies except local authorities and fire and police boards.

The following bodies fall within the remit of the Auditor General

- departments of the Scottish Executive eg the Health Department
- executive agencies eg the Prison Service, Historic Scotland
- NHS boards and trusts
- further education colleges
- water authorities
- Non Departmental Public Bodies and others eg Scottish Enterprise.

The Accounts Commission

The Accounts Commission is a statutory, independent body, whose overall purpose is to hold government to account by using the audit process to:

- give assurance on probity, stewardship and financial management
- effect continuous improvement
- promote the economic, efficient and effective use of resources
- secure the fair presentation of financial and performance information.

The Commission has five main responsibilities:

- securing the external audit
- following up issues of concern identified through the audit, to ensure satisfactory resolutions
- reviewing the management arrangements which audited bodies have in place to achieve value for money
- carrying out national value for money studies to improve economy, efficiency and effectiveness in local government
- issuing an annual direction to local authorities which sets out the range of performance information which they are required to publish.

The Commission secures the audit of 32 councils and 34 joint boards (including police and fire services). Local authorities spend over £9 billion of public funds a year.

Audit Scotland

Audit Scotland is a statutory body set up in April 2000, under the Public Finance and Accountability (Scotland) Act 2000. It provides services to both the Auditor General for Scotland and the Accounts Commission. Together they ensure that the Scottish Executive and public sector bodies in Scotland are held to account for the proper, efficient and effective use of public funds.



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