

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 9 APRIL 2002

Scotland's Action Programme to Reduce Youth Crime 2002

Report by Director of Educational and Social Services.

1. PURPOSE OF REPORT

- 1.1 To advise Elected Members of the objectives and priorities set out in the Scottish Executive's recently published action programme on youth crime, and the developments arising as a result of additional funding being made available to East Ayrshire.

2. BACKGROUND

- 2.1 In February of this year the Scottish Executive published an action plan for 2002 on youth crime. The action plan is a further step on the pathway first set out in the report, 'It's a Criminal Waste: Stop Youth Crime Now', and the Executive's response to the report (Social Work Committee 24 September 2000).
- 2.2 In March 2002 the Minister for Education and Young People announced that the Scottish Executive was making an additional £2 million available to local authorities in the financial year 2001/2002 to develop a restorative justice approach to managing youth offending. East Ayrshire has been allocated £52850. A further announcement is expected to identify five pilot sites in Scotland for developing Restorative Justice Conferencing. A bid by the three Ayrshire Councils in partnership with SACRO who are based in Kilmarnock, is currently being developed.
- 2.3 In addition to this the Director of Educational and Social Services is reporting to Education Committee on the 11th April 2002 in relation to a national initiative which has been announced to bring improvements to P.E. in schools and the complementary provision of sport for young people aged five to sixteen years, both within and beyond the curriculum. It is one of the aims of the programme to promote the role of sport in diverting children and young people "from crime and behaviour likely to lead to crime". In the recommendations in the report the members of the Education Committee are asked to invite the Director of Educational and Social Services to establish a planning group to take forward the initiative in East Ayrshire. It is the intention of the Director that Social Work will be key participants in this.

3. ACTION PLAN OBJECTIVES AND PRIORITIES

- 3.1 The Scottish Executive's Programme for Government target is to reduce referrals on offence grounds to children's hearings by 10% by 2004. The Executive also seeks to reduce harm to individual victims, and the fear of youth crime in communities.
- 3.2 The action programme is aimed at young people up to age of 16 who are offending, and those aged 17 who are subject to a statutory supervision requirement.
- 3.3 Five key challenges have been identified which require to be tackled. These are:
- increasing public confidence in Scotland's system of youth justice;
 - giving victims a greater stake in Scotland's system of youth justice;
 - easing the transition between the youth justice and the adult criminal justice systems;
 - providing all young people with the opportunity to fulfil their potential;
 - early intervention.
- 3.4 Within each of these five challenges the Scottish Executive have identified areas in which they intend to target policy and resources. These include:
- improving the effectiveness of the children's hearing system by developing a framework of standards and objectives;
 - developing the number and range of community-based programmes for young offenders;
 - giving victims an appropriate place in the youth justice process;
 - supporting the extension of restorative justice approaches across Scotland;
 - a more integrated justice system for 16 and 17 year olds;
 - linking youth justice strategies more closely with other strategies for supporting young people;
 - making stronger connections between youth justice and education.

4. RESTORATIVE JUSTICE

- 4.1 A key feature of the Scottish Executive's Action Programme to Reduce Youth Crime is the promotion of the restorative justice approach to managing youth crime. In its simplest form the restorative justice model brings together, either directly or through 'shuttle diplomacy' the offender and the victim. The intention is to have the participants consider the facts behind the offence, the consequences for the victim(s), and how the offender may make amends for his/her behaviour.
- 4.2 East Ayrshire, in partnership with North Ayrshire Council, South Ayrshire Council and SACRO, introduced the restorative approach to youth offending by establishing, in 2001, a Reparation and Mediation Scheme. The intention is to divert young people, who may be at the early stages of offending behaviour or at risk of developing persistent offending patterns, away from the children's hearing system.
- 4.3 The additional funding announced by the Minister in March 2002, of which East Ayrshire received £52850, will in part be used to strengthen and enhance the existing restorative justice model, and in part to support the introduction of Restorative Justice Conferencing. This is a more evolved form of the restorative justice model which can bring together all those directly affected by the offence, including parents of the offender, social worker, teacher and family/supporters of the victim(s). Conferencing has the same broad aims as those described at 4.1.
- 4.4 In partnership with North Ayrshire Council, South Ayrshire Council and SACRO, East Ayrshire is developing a bid to be a pilot site for Restorative Justice Conferencing in Scotland.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications for the Council. Funding for developments in youth crime are provided by the Scottish Executive through the Children's Service Development Fund. The additional £52850 is provided through Section 68 of the Regulation of Care Act 2001.

6. PERSONNEL IMPLICATIONS

- 6.1 Nil.

7. CONCLUSION

- 7.1 The Scottish Executive's Action Programme to reduce Youth Crime 2002 sets a target for a 10% reduction in referrals to the Children's Hearing System on

offence grounds. The programme further sets out a number of key challenges and identifies ways in which they will be managed.

- 7.2 A central theme to the action programme is the intention to ensure victims are perceived as key stakeholders in the system. To develop this further in both policy and resources terms, additional funding is being made available by the Scottish Executive to strengthen and enhance the restorative justice model of managing youth offending.

8. RECOMMENDATION

8.1 It is recommended that Elected Members:

- (1) welcome the Action Programme and the additional funding allocated to East Ayrshire Council
- (2) request the Director of Educational and Social Services to report at a later date on progress made in relation to Restorative Justice Conferencing;
- (2) otherwise note the content of the report.

John Mulgrew
Director of Educational and Social Services
Enc (3)

LIST OF BACKGROUND PAPERS

- 1) Briefing Paper on Youth Justice: Restorative Justice Conferencing**
- 2) Briefing paper on Youth Justice: Reparation and Mediation Scheme**

Scotland's Action Programme to reduce Youth Crime will be available in Members Lounge

For further information please contact Donal Flannery, Service Unit Manager (Criminal Justice), Tel: 01563 576907

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DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES

BRIEFING NOTE - 26TH FEBRUARY 2002.

YOUTH JUSTICE: RESTORATIVE JUSTICE CONFERENCING

On the 4th March 2002 – at the SACRO Youth Justice Office, 60 Bank Street, Kilmarnock – Cathy Jamieson (Minister for Education and Young People) intends to announce that the Scottish Executive is making available to local authorities an additional £2m for a youth justice initiative. The intention behind this announcement is to bring a restorative justice approach to managing the offending behaviour of young people up to the age of 17 years.

In its simplest form the restorative justice model brings together, either directly or through 'shuttle diplomacy', the offender and the victim. The intention is to have the participants consider the facts behind the offence, the consequence for the victim(s), and how the offender may make amends for his/her behaviour. Restorative Justice Conferencing is a more evolved form of this model which can bring together all those directly affected by the offence, including parents of the offender, social worker, teacher and family/supporters of the victim. Conferencing, which has the same broad aims as described above, is facilitated by trained convenors.

The Restorative Justice Model is relatively new to Scotland but has been validated by research elsewhere in the world. As part of this new initiative the Scottish Executive has accepted a proposal from SACRO, a long established voluntary agency in the justice field, to pilot (3 years) Restorative Justice Conferencing in 5 areas. Initially the pilot sites were being located in the East and North of Scotland. However, there is a view within both the Scottish Executive and SACRO that one pilot site should be located in the West of Scotland. To this end the three Ayrshire authorities have been asked to consider putting together an outline proposal and bid to become a pilot site.

It is not expected that the Minister will announce any detail of what will be made available to individual local authorities. This, it is anticipated, will follow a week or two after the Minister's announcement. What is known to date is that local authorities participating in the pilot exercise will be expected to provide some, as yet unknown, level of match funding (expected to be drawn from the monies made available through Youth Crime Initiative), an 'exit' strategy which considers how the service could continue once the pilot period ends, and the integration of this service as part of their strategy for managing youth crime.

Stephen Moore
Head of Social Work

DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES

BRIEFING NOTE – 13th MARCH 2002

YOUTH JUSTICE: REPARATION AND MEDIATION SCHEME

The Scottish Executive, in November 1999, commissioned a review into youth crime. A report 'It's a Criminal Waste: Stop Youth Crime Now', and the Executive's response were made public in June 2000.

The report set out a number of objectives which may be summarised as:

- Improved community safety by a reduction in youth crime;
- Emphasis on prevention, diversion and effective intervention;

The report also made clear that the avoidance of custody and the prevention (or at least the delay) of entry by young people into the adult criminal justice system was also an objective.

In accepting most of the recommendations contained in the report the Scottish Executive made available, through the Children's Service Development Fund, funding to enhance existing services or develop new services to meet these objectives.

East Ayrshire responded on two principal fronts. 1] Part of the additional funding was directed towards strengthening an existing service: The Young People Who Offend Team was set up to deal with young people engaged in serious and for persistent offending. 2] Part also was directed to developing a new service aimed at diverting young people away from the Children's Hearing System.

In partnership with North Ayrshire and South Ayrshire Councils and SACRO, a Reparation and Mediation Scheme was developed to divert young people involved in first time and/or minor offending away from the Children's Hearing System.

The service is based on the application of principles of restorative justice. It is intended to introduce mediation and reparation for young people at the early stages of offending behaviour, with particular attention being paid to those assessed as being at risk of developing persistent offending patterns. It seeks to provide Children's Reporters with an alternative to a Children's Hearing. It is designed to provide a quick response to offending alongside individually tailored responses to specific needs.

The restorative justice model seek to bring together, either directly or through 'shuttle diplomacy' the offender and the victim(s). the intention is to have the participants consider the facts behind the offence, the consequences for the victim(s) and how the offender may make amends for his/her behaviour.

SACRO who have been involved in similar responses elsewhere in Scotland, provide the service through a mixture of employed staff and trained volunteers, managed by SACRO the scheme is advised by, and report to an advisory monitoring group in which the three Ayrshire authorities are represented.

Stephen Moore
Head of Social Work

AGENDA