

SABIEDRISKĀS POLITIKAS CENTRS



THE UNIVERSITY
of EDINBURGH

Keeping Youth Away from Crime: Searching for Best European Practices

Report to the Providus team

**Mary Mitchell and Kay Tisdall, Centre for Research on Families and
Relationships**

**Gilleen McCluskey and Sheila Riddell, Centre for Research in
Education Inclusion and Diversity**



Centre for Research in
Education Inclusion
and Diversity



centre for research on
families and relationships

Table of Contents

Lists of Figures	iii
List of Tables	iii
Abstract.....	1
Introduction: Overview of the Scottish context and preventative approaches	1
Key facts about Scotland.....	1
The Children and Young People (Scotland) Act 2014	2
The ‘Getting it Right for Every Child’ Programme	2
Scotland’s Commissioner for Children & Young People	3
Education policy geared towards improving the outcomes of vulnerable young people	3
Youth Justice System	4
The Scottish Children’s Hearing System	4
Secure accommodation	6
Criminal courts.....	6
High risk young people	6
Success of the Scottish youth justice system?	6
Youth Care System	7
Child protection.....	7
Looked After Children	9
Youth work	11
Education and vulnerable children	12
Additional support needs policy and inclusion	12
Has the policy of inclusion led to a shift away from the use of special schools in Scotland?	13
The proportion of children with additional support needs in mainstream and special schools in Scotland	14
What accounts for the rapid increase in the number and proportion of children with additional support needs?	15
Has the policy of inclusion in Scottish education led to a reduction in exclusions?	17
Health system.....	19
Juvenile Crime Prevention Strategies	20
Prevention	21
Early and Effective Intervention	21
Managing high risk	21
Victims’ and community confidence	21
Planning and performance improvement	21
Promising practice in early juvenile crime prevention: Edinburgh Pre Referral Screening (PRS)	23
What is Pre Referral Screening?	24
The Pre Referral Screening process	25

What impact has the PRS had so far?	25
What makes PRS work?	26
Summary	26
Promising practice in early juvenile crime prevention:	
Restorative Practices in education (RP).....	27
What is meant by Restorative Practices?	28
Restorative ethos building.....	29
Curriculum focus on relationship/conflict prevention	29
Restorative language and scripts.....	29
Restorative enquiry	29
Restorative conversations or restorative discussions	30
Mediation	30
Circles - checking in and problem-solving circles.....	30
Restorative meetings, informal conferences, classroom conferences and mini-conferences	31
What impact so far?	31
Evaluation of Early Juvenile Crime Prevention	31
Edinburgh Study of Youth Transitions and Crime	32
Children's Hearing System	33
Getting it Right for Every Child	34
Conclusions	34
Education and inclusion	34
The youth justice system.....	35
Realising the rights of children and young people.....	35
The impact of austerity	36
References	37

Lists of Figures

Figure 1:	Number of pupils in state-maintained schools, 1998-2012.....	14
Figure 2:	Proportion of time spent in mainstream classrooms by pupils with additional support, 2005-2012	15
Figure 3:	Reason for support for pupils with Additional Support Needs, 2008 and 2011, Rate per 1,000 pupils.....	16
Figure 4:	Reason for support by SIMD quintiles, as proportion of those with the same Additional Support Need, 2011.....	17
Figure 5:	Rate of exclusion per 1000 pupils by Scottish Index of Multiple Deprivation, 2012.....	18
Figure 6:	Percentage of reports taken off table by partner agencies.....	26

List of Tables

Table 1:	Outcomes for looked after children, in Scotland 2001-2011	10
Table 2:	Typologies of youth in contemporary society.....	11
Table 3:	Approaches to youth participation	11
Table 4:	Number of pupils in state-maintained schools, 2000, 2003, 2006, 2009 and 2012, and percentage of total population	14
Table 5:	Cases of exclusion and rate per 1,000 pupils by type of exclusion, 2005/06 to 2011/12	17
Table 6:	Cases of exclusion and rate per 1,000 pupils by looked after status, disability, additional support needs and Scottish Index of Multiple Deprivation (SIMD 2009), by sector, 2009-2011	18
Table 7:	Number of young people referred to SCRA on offence grounds in Edinburgh.....	26
Table 8:	Predictors of Serious Offending at age 15.....	32

Abstract

Scotland is a small country with a commitment to social justice and inclusion, and public policy aims to respect the rights of children and young people. Current policy trends in Scotland include: emphasising early intervention rather than provision at the point of crisis; investing in early years services; integrated working across services for children; and holding services accountable by outcomes, rather than focusing on processes. There is much in Scottish children's services to celebrate, but equally much that is in need of improvement. Scotland is around the OECD average in terms of inequality in PISA outcomes. There is a wide gap in pupil attainment linked to social deprivation. Pupils with additional support needs and from deprived neighbourhoods are significantly more likely than others to be excluded from school. The Scottish Children's Hearings systems emphasises welfare rather than punitive approaches, and secure accommodation is used only rarely. However, the rate of imprisonment of 18-25 year olds in Scotland is one of the highest in Europe. The *Getting it Right for Every Child* programme emphasises inter-agency and preventative approaches, but there has as yet been no national evaluation of its effectiveness. Overall, levels of economic inequality in Scotland are high, and whilst children's services can ameliorate some of the difficulties that inevitably arise, major social change will require a fairer distribution of national economic and social resources.

Introduction: Overview of the Scottish context and preventative approaches

In this introductory section, we provide an overview of Scottish policy and practice relating to the support of vulnerable young people, with more detailed discussion following in subsequent sections. We provide an overview of current Scottish policies intended to enhance social inclusion, children's rights and life chances of young people at risk of exclusion. As well as highlighting examples of policy that seem to be operating well, we also draw attention to the areas where there is a gap between policy rhetoric and social reality.

Key facts about Scotland

- Scotland has its own Parliament, and devolved powers over most services for children and young people. Key exceptions include the benefits system and equal opportunities.
- Local government provides a range of services for children and young people, from education to social work to housing. There are 32 local authorities in Scotland.
- Scotland has an extensive welfare state, including a National Health Service ('free at the point of delivery', although this is somewhat qualified).
- Compulsory school age is broadly from ages 5 to 16, although many pupils stay on for the final 2 years of secondary schooling. Primary schooling covers P1-P7 (roughly ages 5 to 11) and secondary schooling covers S1-S6 (roughly ages 12-18). Local Authorities must secure a funded part-time pre-school education place for every 3 and 4 year old whose parents wish it.
- 5.2 million people live in Scotland¹ or roughly 8% of the UK population.² The Scottish population increased by almost 4% over the last ten years, largely due to immigration from overseas. Population density ranges widely from 8 people per square kilometre in Eilean Siar to 3,412 people per square kilometre in Glasgow.³
- The Scottish population has been aging and the median age is now 41.³ In mid-2012, 17% of the population was aged under 16.³ Nearly 6% of all live births were to women under 20 years of age in 2011.⁴
- Lone parent families make up 6.6% of all households.⁵ 15.3% of Scottish children lived in workless households in 2010, which was lower than other parts of the UK.⁶ 13% of children

lived in households with income below 60% of the median for at least three of the four years between 2005-2008.⁷

- On average in 2012, three children per 1,000 were on the child protection register. At 31 July 2012 there were 16,248 children looked after by local authorities, an increase of less than one per cent since 31 July 2011.⁸
- In 2012/13, 22,561 children were referred to the Children's Reporter (2.5% of all children in Scotland). Within this, 2.2% of all children were referred on care and protection grounds. 0.8% of these children, aged between 8 and 16 years, were referred on offence grounds.⁹
- During 2011-12, the young offender sentenced population showed a marked drop of 8%, to 556.¹⁰

Scotland views itself as an inclusive society, and policy documents draw heavily on discourses of social justice and children's rights. The UK has ratified the *UN Convention on the Rights of the Child*, the *European Convention on Human Rights* and the *UN Convention on the Rights of Persons with Disabilities*; thus Scotland is obligated to implement these conventions.¹¹ However, as is the case in many European countries, there is some disjuncture between the rhetoric and the reality. International comparisons using PISA assessments suggest that Scotland is in the middle range with regard to educational inequality. Whereas about 13% of variance in mathematics performance in Scotland is explained by socio-economic background, in Norway the comparable figure is about 7.4%. Scotland's ambition is to become more like Norway, improving its educational performance, but also increasing levels of equity. There are also marked differences in the concentration of economic inequality in different parts of Scotland, which map onto patterns of educational inequality. Glasgow has one of the highest levels of sickness and disability in the UK, with about 30% of households having no one in employment. By way of contrast, Edinburgh, only 45 miles away, has relatively low levels of unemployment and economic inactivity.

Current policy trends in Scotland include: emphasising early intervention rather than provision at the point of crisis; investing in early years services; integrated working across services for children; and holding services accountable by outcomes, rather than focusing on processes.

The Children and Young People (Scotland) Act 2014

The Act's Policy Memorandum states:

*It is the aspiration of the Scottish Government for Scotland to be the best place to grow up in. The objective of the Children and Young People Act is to make real this ambition by putting children and young people at the heart of planning and delivery of services and ensuring their rights are respected across the public sector.*¹² (Scottish Government Policy Memorandum)

The 2014 Act addresses 5 areas: strengthening the role of children's rights in the design and delivery of policy and services; legislating for *Getting it Right for Every Child* (GIRFEC, see below); improving early years provision; improving services for looked after children (i.e. children who are in the care of a local authority, who may be at home or may be living away from home); addressing certain legal gaps in secure accommodation (i.e. children are not able to leave freely from this accommodation) and other areas.

The 'Getting it Right for Every Child' Programme

Children's wellbeing is at the heart of the Scottish Government's *Getting it Right for Every Child* (GIRFEC) programme, which is the common thread connecting all children's services. GIRFEC aims to improve the learning outcomes and life chances of all children by ensuring they are safe, healthy, achieving, nurtured, active, respected, responsible and included. Great emphasis is placed on the 'team around the child' working together to 'get it right'. Families and children, it is argued, should be consulted and involved at every step because they too are part of the team. The

underlying principle is that, if the right support is provided at the right time, this should help to prevent young people turning to crime.

The Children and Young People (Scotland) Act 2014 now provides the statutory underpinning of the GIRFEC programme. The Act makes provision for one Child's Plan, which will include all other statutory and non-statutory plans. Every child in Scotland will have a Named Person, to provide advice and support, and those who require more support will have a Lead Professional.

Scotland's Commissioner for Children & Young People

The Commissioner for Children and Young People in Scotland was established in 2004. The task of the Commissioner is to safeguard and promote children's rights in Scotland and to advocate for legislative and policy changes to underpin these rights. The Children and Young People's (Scotland) Act 2014 extends the powers of the Commissioner, who will have the power to investigate children's rights abuses. Scotland's Commissioner for Children & Young People has argued that the UN Convention on the Rights of the Child should be incorporated into Scots Law.

Education policy geared towards improving the outcomes of vulnerable young people

Education, as the universal service provided to all young people, is seen as central to the creation of a more equal and inclusive society. In 2004, Scotland abandoned the term 'special educational needs', used to describe children and young people with learning difficulties and disabilities, and instead adopted the term 'additional support needs', intended to include all children experiencing difficulty in learning for whatever reason. The new umbrella concept aims to embrace the traditional categories of learning difficulty and disability, but also includes children growing up in poverty, looked after by the local authority, experiencing disrupted education or whose parents misuse drug or alcohol. There are staged levels of support, ranging from the provision of some additional help in the classroom through to multi-agency input. Different levels of support are underpinned by different types of plan, with Co-ordinated Support Plans (to be incorporated into a single Child's Plan) available for children with multiple and complex needs requiring significant support from agencies outwith education such as health and social work. The legislation is explained more fully in the *Code of Practice: Supporting Children's Learning* published by the Scottish Government¹³ and the *Parents' Guide to Additional Support for Learning* published by Enquire, the national information and advice service for additional support needs.¹⁴

If the Government's ambitious goals of raising the attainment of the bottom 20% were being achieved, we would expect to see levels of educational inequality in Scotland decreasing. To date this has not been the case. In addition, about 4% of children are still excluded (mainly temporarily) from school in Scotland each year. School exclusion is still a problem within the Scottish system, and the Edinburgh Study on Youth Transitions and Crime has demonstrated a strong association between exclusion and subsequent entanglement in the youth justice system.¹⁵

Overall, there seems to be a particular problem in Scotland relating to boys living in areas of industrial decline, with high levels of economic inactivity, where work is scarce and jobs often of low quality. With regard to ethnicity, pupils identified as 'White British/Scottish' are more likely to be excluded from school and have lower educational outcomes than those from minority ethnic backgrounds (apart from children from Gypsy/Traveller families, who have declining educational outcomes and high rates of exclusion). On the one hand, this suggests a positive message that children from minority ethnic backgrounds are certainly not doomed to failure within the Scottish education system, but, on the other hand, it again points to the problems faced by Scottish working class young people living in post-industrial areas, who risk being left behind in a society which increasingly emphasises competitive individualism and where the standard of living of those who leave school with few or no qualifications is declining.

Youth Justice System

In the following sections, we provide an overview of the development and operation of the Scottish youth justice system. Since Scottish devolution in 1999, there has been an increased level of politicization of youth justice arena. Youth justice in Scotland sits within both children's services and criminal justice legislation. Policy and legislative developments such as the introduction of antisocial behaviour orders, restriction of liberty orders, electronic monitoring of young people and specialist youth courts have challenged the children's hearings welfare-based principles. The election of the Scottish National Party in 2007 ushered in a further 'phase' of youth justice. This phase is reflected in the overarching policy frameworks: *Preventing Offending by Young People: a framework for action* and *Getting it Right for Every Child (GIRFEC)* (see above).

The Scottish Children's Hearing System

Scotland's Children's Hearings system was introduced by the Social Work (Scotland) Act 1968 and is now governed by the Children's Hearings (Scotland) Act 2011. There was concern in the 1950s and early 1960s that change was needed in the treatment of children in trouble or at risk.¹⁶ The focus tended to be on the problem of juvenile delinquency, with little attention to the plight of children who were being abused. A committee, chaired by Lord Kilbrandon, was set up in 1960 to investigate possible solutions.¹⁷ The Committee began with the assumption that all children appearing before juvenile courts – whether for care or protection, or for offending – were exhibiting symptoms of the same difficulties. In 1971, the children's hearings system took over from courts most of the responsibility for dealing with children and young people under 16, and in some cases under 18, who had committed offences or were in need of care and protection. The hearings system is welfare-focused (although powers exist to recommend a placement in secure accommodation). Scotland continues to be proud of its Children's Hearings system, although it has also attracted some criticisms (see below).

The primary legislation affecting children who offend is the Children's Hearing (Scotland) Act 2011, implemented in 2013. The legislation aims to: strengthen, modernise and streamline the children's hearing system; ensure improved support for vulnerable children and young people; deliver consistent national practice; and simplify warrants and orders. The intention is for the children's hearing system to be robust, in light of the requirements of the European Convention on Human Rights.

The children's hearing system takes an holistic approach to children whether they are in need of care and protection or have committed offences. Children are referred to the Children's Reporter from a number of sources and for a variety of reasons (both offence and non-offence grounds). The Scottish Children's Reporter Administration has over 200 Children's Reporters who are located throughout Scotland in each local authority area.

The children's hearing system is an informal tribunal involving three lay panel members (trained volunteers, one acting as the chairperson) and an officiating Children's Reporter (usually from a social work or legal background). A hearing can only consider cases where the child and their parent/carer accept the grounds of referral (and/or the child and their parent/carer are able to understand the grounds). If they do not, the case will be referred to the Sheriff Court for the Sheriff to decide whether the grounds of referral are established. If the Sheriff finds the grounds for the case for referral are satisfied, the case is sent back to a hearing to decide whether compulsory measures of care are necessary. Decisions of the children's hearing system can be appealed to the courts.

The hearing, or the Sheriff in certain court proceedings, may appoint an independent person known as a 'Safeguarder'. A Safeguarder prepares a report to assist the hearing in reaching a decision in the child's best interests. The hearing is arranged if the Children's Reporter deems the child in need

of compulsory supervision measures and one or more grounds for referral appear to have been met. A hearing takes place in private. Panel members, the child and his/her family discuss the circumstances and background of the child referred by the Reporter and then the hearing makes a decision about whether there are any measures of supervision necessary and, if so, what those measures will be. The child or young person has the right to attend all stages of his/her own hearing. On occasion the hearing may decide that the child does not have to attend certain parts of the hearing – or even the whole hearing – if, for example, matters might come up that would cause the child significant distress.

‘Relevant persons’ (typically the parents but also potentially other carers) should be present at the hearing so that they can take part in the discussion and help the hearing to reach a decision. Their attendance is compulsory by law and failure to appear may result in prosecution and a fine. The child or young person and the relevant persons may take a representative to help them at the hearing, and each may choose a separate representative. In certain situations, the hearing may appoint a publicly funded Legal Representative. Children and young people have the right to have an advocate present at the hearing to ensure their views are heard.

A decision made by the hearing and Sheriff, in relation to a child or young person, is made based on a ‘no order’ principle. S. 29 of the *Children’s Hearing (Scotland) Act 2011* requires that measures should only be put in place if this is better for child than taking no action, in relation to making, varying or continuing orders or granting a warrant. The Sheriff or children’s hearing may issue, in urgent circumstances, an Interim Compulsory Supervision Order (ICSO), for the protection, guidance, treatment and control of the child. ICSOs require a test that the circumstances are urgent and intervening measures to protect, guide, treat or control a child are required. An ICSO can last no longer than 22 days. The hearing can reissue an ICSO if it were considered necessary and grounds for a continuance of the order were met.

The hearing or Sheriff can also issue a Compulsory Supervision Order requiring a child to comply with specified conditions and requiring the ‘implementation authority’ (like a local authority, or a health board) to perform duties in relation to the child’s needs. A Compulsory Supervision Order may require the child to reside at a place specified in the order. Other measures that may be included in the Compulsory Supervision Order are: a movement restriction condition, a secure accommodation authorisation, a contact direction (between the child and a specified person or class of person) and a requirement that the child must comply with any other specified condition. When a children’s hearing or Sheriff makes a Compulsory Supervision Order, they must consider whether to attach conditions to regulate any contact that the child may have with any other named person. A Compulsory Supervision Order and Interim Compulsory Supervision Order name an implementation authority responsible for the order’s implementation.

Hearings do not have the power to punish a child or their family, for example, by fining a child, young person or their parents. All decisions made by the hearing are binding on that child or young person. The child and the relevant persons have the right to appeal to the Sheriff if they do not agree with the decision of the Hearing. Appeal must be made to the Sheriff **within** three weeks of the Hearing's decision.

The children’s hearing system primarily deals with children under the age of 16 years. Some young people aged 16 to 17 years are also dealt with by the hearing system. For example they may still be subject to a compulsory supervision order from a children’s hearing, or their case was remitted to the hearings system for disposal, following conviction in a court. Section 49(3) of the *Criminal Procedure (Scotland) Act 1995* outlines in detail the circumstances where a child or young person, found guilty of an offence in an adult court, may be remitted back to the children’s hearings for disposal.

Secure accommodation

When making a compulsory supervision order, a children's hearing or the Sheriff can add an authorisation for the child or young person's movement to be restricted or be placed in secure accommodation. To include movement restriction or a secure accommodation authorization in a Compulsory Supervision Order, the hearing or Sheriff must consider certain criteria, including: whether the child has previously absconded and is likely to abscond again to the detriment of his/her welfare or where the child is likely to self-harm or injure another person.

A Compulsory Supervision Order with authorisation for the child to be placed in secure accommodation must be reviewed by a children's hearing within three months. If the Compulsory Supervision Order authorising the use of secure accommodation is continued, then it too must be reviewed within three months. There is no limit on how many times it can be reviewed.

Criminal courts

The children's hearing system deals with the majority of child offenders under the age of 16, rather than the criminal courts. Scots law provides that children under the age of 8 do not have the capacity to commit a crime. Reforms in the Criminal Justice and Licensing (Scotland) Act 2010 ensure children under the age of 12 cannot be prosecuted in the criminal courts. A small number of children are prosecuted in the courts (mostly 14 and 15 year olds), for serious offences. A child over twelve but under 16 years in Scotland cannot be prosecuted for any offence except on the instructions of the Lord Advocate and no court other than the High Court and the sheriff court can have jurisdiction over a child for an offence.

As well as the possibility of remitting a case to a children's hearing for disposal, a court may seek advice from a hearing on the treatment of a child. Disposal options open to a court when sentencing a child include: fines; community pay back; detention in secure accommodation (not in the prison system). Children and young people involved in the adult criminal justice system are subject to services governed by the: *National Outcomes and Standards for Social Work Services in the Criminal Justice System*. Depending on the nature and severity of the offence, other frameworks may apply to young people in the adult system, including the Multi Agency Public Protection Arrangements (MAPPA), developed under the Management of Offenders etc (Scotland) Act 2005, which protect the public and manage the highest risk sex offenders in the community.

High risk young people

A small number of children and young people are perceived as being a significantly high risk to themselves and others.¹⁸ This group includes children and young people involved in sexual offending behaviour, sexually harmful behaviour and serious acts of violence. Current policy regarding this small group of individuals reflects a risk management approach based on individual risk assessment and coordinated intervention, dependent on the age, development, social and behavioural circumstances of the child.

Success of the Scottish youth justice system?

The children's hearing system has shown itself to be a long-standing welfare based system that has recently been buffeted by political pressure, public moral discourse regarding the 'deviancy' of young offenders and human rights scrutiny.¹⁹

The Kilbrandon's Committee's original reasoning for a unitary system was based on an assumption that there were similarities in the children's backgrounds. These assumptions, linking needs and deeds, have been upheld by several empirical studies.²⁰ The Edinburgh Study of Youth Transitions and Crime has found 'strong and consistent links between deeds and needs'.¹⁹ The Scottish Children's Reporters Administration's research²¹ found that 72% of persistent offenders had been

initially referred on non-offence (care and protection) related matters. This shows the connections between children who require care and protection, and who offend – as well as raising questions about why these children progressed to offending, if the children’s hearing system had already sought to address their needs.

Despite Scotland’s welfare approach for children, 16 and 17 year olds not on compulsory supervision orders have tended to be dealt with legally in the adult criminal justice system. Young people placed on remand or placed on a custodial sentence may be placed in secure accommodation or a young offenders’ institution. Many young people still receive custodial sentences and more 16 and 17 year olds are imprisoned than almost anywhere else in Europe (although numbers have been decreasing). This directly contravenes Article 37 of the UNCRC, which states that children should not be placed in a prison with adults.

Youth Care System

In Scotland, these issues are mainly dealt with under children, young people and families services – and not identified as ‘youth care’ as such. In this section, two areas of state intervention and support are reviewed: child protection and ‘looked after’ children.

Child protection

Protecting children from abuse and neglect is a top priority for Scotland’s Government and its children’s services. Systems, services, legislation and policies continue to develop to address child protection, but Scotland remains challenged in its attempts to ensure the safety and protection of all children.

The Children (Scotland) Act 1995 highlights the responsibility and provision for children in Scotland and their rights. The 1998 Scottish Office guidance, *Protecting Children – A Shared Responsibility*,²² encouraged the shift to recognising that all services, and indeed the public, are responsible for protecting children. The Scottish Government’s Child Protection Reform 2003-2006 attempted to broaden the understanding of protecting children, viewing children as citizens with rights, and looking at wider issues of child safety. A number of national guidance documents were subsequently published in 2004 such as *Protecting Children and Young People: the Charter*²³ and *Framework for Standards for Professionals in Child Protection*.²⁴

GIRFEC (see above) was a fundamental change for child protection, in emphasising prevention and early prevention rather than crisis provision. In 2010, the Scottish Government introduced *The National Guidance for Child Protection in Scotland*,²⁵ which brought GIRFEC and child protection together for the first time in policy and highlighted responsibility for the protection of children in line with the United Nations Convention for Rights of the Child (UNCRC).

The 2010 National Guidance gives the following definition of ‘child protection’:

*‘Child protection’ means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect.*²⁶

In law, the threshold for certain state interventions is a child being at risk of ‘significant harm’. Significant harm is defined as “events... that interrupt, change or damage the child’s physical and psychological development”.²⁷ (National Guidance for Child Protection, 2010) This concept has no further definition and requires professional judgement, which has been seen as both an advantage (individualised assessments) and a disadvantage (relying too much on professional judgement, which can be particularly difficult for a less experienced professional).²⁸ A child is defined as

someone up to the age of 16, within the child protection system or 18 if the child has a disability or under local authority supervision.

Through GIRFEC, all children should have universal support. If two or more agencies work together to support a child or family, the Named Person can co-ordinate that support. If intervention fails to ensure the child's well being, then a child may require a plan to escalate service intervention and a lead professional (who may be a social worker) would co-ordinate that support.

If there are concerns about the child being at risk of significant harm, a meeting called a Child Protection Case Conference is organised. The Conference focuses on the child's safety, actions to reduce indicators of risk and whether the case should be reported to the Children's Reporter. A child can be placed on the Child Protection Register, if there are reasonable grounds to believe or suspect that a child has suffered or will suffer significant harm from abuse or neglect, and a Child Protection Plan is needed to protect and support the child. The Register is non-statutory, aiming to alert practitioners of concerns and to ensure actions are taken to reduce risk to the child. As of July 2012,²⁹ 2,706 children were on the register (approximately 3 in 1000 children, across Scotland). More than half of the children were under the age of 5. Nearly one-third (31%) of those on the register are looked after children.

A core group of professionals, from the Child Protection Case Conference, is appointed to monitor the Child Protection Plan's implementation. Guidance sets out timescales for the convening of meetings, reviews and the notification of significant changes. The Conference and subsequent core group meetings discuss the actions required to protect the child. Professionals identify the specific support to be provided and by whom.

In an emergency, a Child Protection Order can be granted by a sheriff (or in exceptional circumstances a Justice of the Peace), where the child is at risk of significant harm and such an order is considered necessary. Anyone can apply for a CPO, but they tend to be sought by local authorities where there are child protection concerns about a child. There are strict legal procedures and timescales governing their use. Child assessment orders can also be granted by the courts when: there is a risk of significant harm; the local authority wants to carry out an assessment; and it is unlikely to be carried out without the order. This must happen in three days. A 'Place of safety' warrant can be issued, so that a child is kept in a place of safety as an interim measure whilst another measure is sought.

To encourage interagency working, Child Protection Committees provide strategic partnerships responsible for child protection policy and practice across the public, private and third sectors in their local areas. The Child Protection Committee carries out a 'significant case review', when there is near-death or when a child dies and there are other listed circumstances (like abuse or neglect was known). The review aims to learn lessons and ensure action is subsequently implemented. Guidance on Child Protection Committees was issued in 2005.³⁰

Emerging themes such as child sexual exploitation, child trafficking, internet grooming, female genital mutilation and forced marriage are challenging Scottish services. An exploratory research study suggests that disabled children disproportionately experience abuse and neglect but this is not systematically recorded in statistics.³¹ Changes in how indicators of risk are recorded at Child Protection Case Conferences will result in a more informed position of children with a disability on child protection registers.

Looked After Children

Children gain the legal status of being 'looked after' in several ways:

- they are subject to a compulsory supervision order by a children's hearing, with no condition of residence – i.e. they may be living in their family home;
- they are subject to a compulsory supervision order with a residence condition;
- they are provided with accommodation through a voluntary agreement with someone who has parental responsibilities and rights, if no-one has parental responsibility, if they are lost or abandoned, or if the person who has been caring for them is prevented from providing suitable accommodation or care; or
- they are subject to various warrants or orders, such as a Child Protection Order.

Thus a child could become looked after due to child protection concerns and/or offending behaviour. Since 2009, a child can also be looked after under a Permanence Order. This flexible order intends to provide for longer-term placements. It can be a prelude to adoption but it can also enable long-term fostering or kinship care. Parental rights and responsibilities can be shared between the local authority and the carer.

Children who are looked after can thus be living in their birth family home, in kinship care, in foster care, residential home or schools, or secure accommodation. While the practice of children being looked after by kin is long-standing, in 2009 this was given formal statutory status, with kinship carers and local authorities having a range of responsibilities and duties towards the looked after child. Foster carers are approved by a fostering agency, which in turn has to be registered with Social Care and Social Work Improvement Scotland and inspected against National Care Standards.

As of July 2012, 16,248 children were looked after by local authorities. This number has been increasing since 2001, primarily because of the increased numbers being looked after away from home. Almost one-third of children were looked after at home (32%), in July 2012, while 25% were looked after by friends or relatives. About one-third (32%) of looked after children are in foster placements. Foster and community placements have increased every year since 2001. The number of children looked after in residential care has remained fairly static but as a proportion of looked after children it has gone down (to 9%). Eighty-four children were in secure accommodation, in July 2012.

Local authorities have duties towards looked after children: i.e. to safeguard and promote the child's welfare, to promote contact with those with parental responsibilities, and to take account of the child's views. There are assessment, planning and review requirements. Reviews should consider what the permanent placement for the child should be. Concerns continue about children having too many, impermanent placements and not gaining a permanent placement.

When young people leave care, the local authority has ongoing duties for those who were looked after or accommodated at their school leaving date (approximately age 16). They must carry out a needs assessment. A care leaver is entitled to "advice, support and guidance" from the local authority (this can include cash payments) until they reach the age of 19 and, if they request it, until the age of 21. A local authority can make payments to a care leaver, to support them in education and training or accommodation near to their education, training or employment. These payments can continue until the care leaver is 21 years or finishes the course of education or training.

Despite these local authority duties, looked after children as a group continue to have poor educational, social and employment outcomes. They have poorer health, educational attainments and positive destinations post-school than the more general population. For example, Who Cares

Scotland (a Scottish voluntary organisation working with looked after children) presents the following statistics for children leaving care:

Table 1: Outcomes for looked after children, in Scotland 2001-2011

	2001	2011
No of Looked after children	Over 11,000	Over 15,000
Mental Health Issues	45%	50%
Homeless	30%	30%
Positive destinations (i.e. further education, higher education, employment or training)	46%	55%
Higher education	1%	2.6%
Time in prison	27%	48%

Source: Presentation by Who Cares? Scotland³²

Young people looked after in residential homes can gain a record of criminal offences, as residential workers may call for the police over behaviour than in other settings would be managed in other ways.³³

Successful attempts have been made to improve these outcomes, with Scottish Government initiatives on education, health, positive destinations, improved training and skills and more. Looked after children are now presumed to have additional support needs, and assessed for whether they need a co-ordinated support plan. Research with children and young people, with experience of care, continues to show the importance to children and young people of: having trusting and on-going relationships with staff; having a sense of control over their own lives, which includes having their views duly considered; smooth transitions between where they live, and minimising disruption.³⁴

In 2011, the Scottish Parliament Information Service summarised progress for looked after children and areas that required further attention.³⁵ Looked after children were more of a priority, within planning and strategic priorities, amongst senior council staff and members and more generally for council and other service staff. The prioritisation of looked after children was more prominent, amongst senior council staff and members, in planning and strategic priorities, and across council and other services' staff. Where GIRFEC was implemented, joint working arrangements were strengthened. Throughout Scotland, almost all looked after children had care plans, but few care plans considered the child's needs in the longer-term. Most plans were not sufficiently focused on outcomes. Schools sought to work with parents and carers but had fewer support staff and were not always confident in addressing looked after children's needs. Some progress had been made in attainment but this was still far behind children in general.

The Children and Young People (Scotland) Act 2014 seeks to improve outcomes for looked after children in several ways. The Scottish Government wants to strengthen public bodies' responsibility towards looked after children, through the concept of 'corporate parenting'. Under Part 7 of the Bill, 23 public bodies as well as health boards and all local authorities are defined as 'corporate parents' of looked after children and care leavers. This will require them to be "alert to matters which, or which might, adversely affect the well-being" of looked after children and care leavers, to promote their interests, to assess their needs for the services that public body provides, and to provide opportunities to participate in activities. These provisions both widen which agencies are responsible and give greater specificity of their duties.³⁶ From April 2015, looked after young people in residential, foster or kinship care will be entitled to remain looked after until the age of 21. When leaving care, young people can be supported up to the age of 26 years.

Youth work

Young people across the developed world have often been constructed as a social problem, being seen as either at risk or in trouble. A more recent policy discourse attempts to construct young people as active social citizens, capable of understanding and exerting agency over the world they inhabit. Fyfe identified the following typologies of youth which are identified in contemporary social policy and reflected in youth work practice:

Table 2: Typologies of youth in contemporary society

Dominant policy discourse	Young people at risk	Young people as or in trouble	Young people as active citizens
Policy context	Risk society	Community safety	Active civil society
Focus	Deficit	Deviance	Development
Social purpose of intervention	Social care/protection	Social care/prevention	Social change/participation

Source: Fyfe, 2010³⁷

In 2007, the Scottish Executive published a National Youth Work Strategy.³⁸ The strategy attempts to emphasise the active citizenship discourse and involved short term and long term actions including the following: the establishment of a Youth Opportunities Fund for bids to run local events, projects and volunteer campaigns; the instigation of a Youth Work Facilities Improvement Fund; the creation of a co-ordinator post to work with schools and the youth work centre; and a commitment to work with higher education institutions to ensure that key elements of the strategy are reflected in degree programmes. Subsequent Scottish administrations have re-iterated their commitment to developing the youth work sector in order to ensure positive outcomes for all young people. Currently, there is considerable emphasis on the involvement of young people in community planning partnerships, consisting of multi-agency teams focusing on addressing the problems associated with place. The aim is to develop young people as active citizens in many different types of communities, including those affected by unemployment and poverty.

Fyfe provides the following examples of different approaches to youth participation in Scotland:

Table 3: Approaches to youth participation

Testing opinion: In Edinburgh, the city-wide <i>Viewfinder</i> survey is conducted every three years to gather the opinions of young people on a range of topics including safety, work and money, the environment, leisure and transport. In 2007, over 18,000 young people participated in the study and the findings helped shape the development of youth services in the city. The biennial <i>Being Young in Scotland</i> survey collects data from young Scots aged between 11 and 25 and is used to inform national service provision.
User involvement: The Rock Trust is a charity that works in Edinburgh and West Lothian with homeless and socially excluded young people between the ages of 16 and 25. The organisation seeks to actively involve young people in all its activities to build confidence and ensure that its work is useful and relevant.
Civic participation: The Scottish Youth Parliament (SYP) was established in 1999 and is made up of young people aged 14 and 25 representing different geographical areas and voluntary organisations. The MSYPs periodically debate issues affecting young people and consult their constituent members and organisations. The MSYPs are not elected according to political or group affiliation.
Political activists: The Amnesty International UK Youth Urgent Action network is a team of activists aged 11-18 who take rapid action to support individuals at risk and oppose human rights violations. Amnesty supports over 670 school groups in the UK who write letters, fundraise and organise events.

Source: Adapted from Fyfe, 2010³⁷

Youth work has been badly hit by the Council Tax freeze in Scotland since 2007, which has led to annual reductions in local government provision and cuts in grants to projects run by the third sector. In addition, university departments have reduced their degree programmes for youth and community workers due to the dearth of future employment possibilities. At the time of writing, youth and community work remains an under-resourced area, which nonetheless has considerable potential to enhance the lives of vulnerable young people.

Education and vulnerable children³⁹

We begin with a discussion of the Scottish educational policy landscape as it relates to children with additional support needs, including those with social and emotional difficulties who are particularly at risk of school exclusion and subsequent involvement in the youth justice system.

Additional support needs policy and inclusion

Scottish education legislation has underlined the on-going commitment to the inclusion of all children in mainstream schools. The Standards in Scotland's Schools etc. Act 2000 included a presumption of mainstreaming, establishing the principle that every child would be included in mainstream school unless this was detrimental to the education of that child or other children in the class, would involve unreasonable public expenditure or was against the wishes of the child's parents.⁴⁰ Education planning legislation passed in 2001 placed an obligation on local authorities to produce accessibility strategies to plan and record progress over time in creating inclusive environments, paying attention to policies and procedures, the physical estate and pedagogy and the curriculum.⁴¹ The Education (Additional Support for Learning) (Scotland) Act 2004 (the ASfL Act), amended in 2009, broadened the definition of additional support needs to include children with difficulties in learning for whatever reason, but also placed a duty on local authorities to assess and meet the needs of all children requiring additional support. The Record of Needs (RoN), a statutory document summarising children's difficulties in learning and the measures proposed by the local authority to meet these needs was abolished, and replaced by the statutory Co-ordinated Support Plan (CSP). This document was intended to summarise the child's needs, which might stem from learning difficulties, disabilities or social factors, and the measures proposed by education and other agencies such as health and education to meet these needs. The rights of children with additional support needs and their parents were underpinned by enhanced rights to challenge local authority decisions on educational provision through independent mediation, adjudication or by making a reference to the Additional Support Needs Tribunals for Scotland.⁴²

Scottish education legislation was reinforced by British equalities legislation. The Disability Discrimination Act 1995, extended to education in 2001, prohibited discrimination against disabled pupils in schools, which was defined as failing to make reasonable adjustments or treating a disabled person less favourably for reasons associated with their disability. The Equality Act 2010 placed a duty on all public sector bodies to produce equality schemes, monitoring progress towards more equal outcomes in relation to protected grounds, including disability. Under the terms of the 2010 legislation, all providers of educational services, including independent schools, are obliged to make reasonable adjustments for disabled pupils by providing auxiliary aids and services. Previously, independent schools had sometimes charged additional fees to parents whose children required learning support. This practice was made unlawful by the Equality Act 2010, and as a result there is some anecdotal evidence that fee-paying private schools are less likely to offer places to children with conditions such as autistic spectrum disorder where a classroom assistant might be needed.

The provision of additional support is further underpinned by more recent programmes and initiatives. Scotland's national curriculum, *Curriculum for Excellence*, incorporated the principle that all children are entitled to personal support which will enable them to benefit from available

learning opportunities. Curriculum for Excellence is aligned with a broader children's services perspective as set out in the GIRFEC programme, discussed above.

One of the key elements in GIRFEC is a commitment to the development of a Child's Plan, intended to incorporate all other plans, and to summarise the input of a range of services including health, education and social work. Whilst supporting the broad principles of GIRFEC, those involved in the policy process have raised concerns about poorly co-ordinated IT systems and a failure to address issues around confidentiality and the sharing of sensitive information:

The idea behind [the legislation] is I think to simplify processes, which I would definitely support. You know that's a good thing. But it's making sure the information infrastructure, the IT and everything works to enable that to happen properly. And I think that...could cause a bit of difficulty along the way. (Interviewee, National Advice and Information Service)

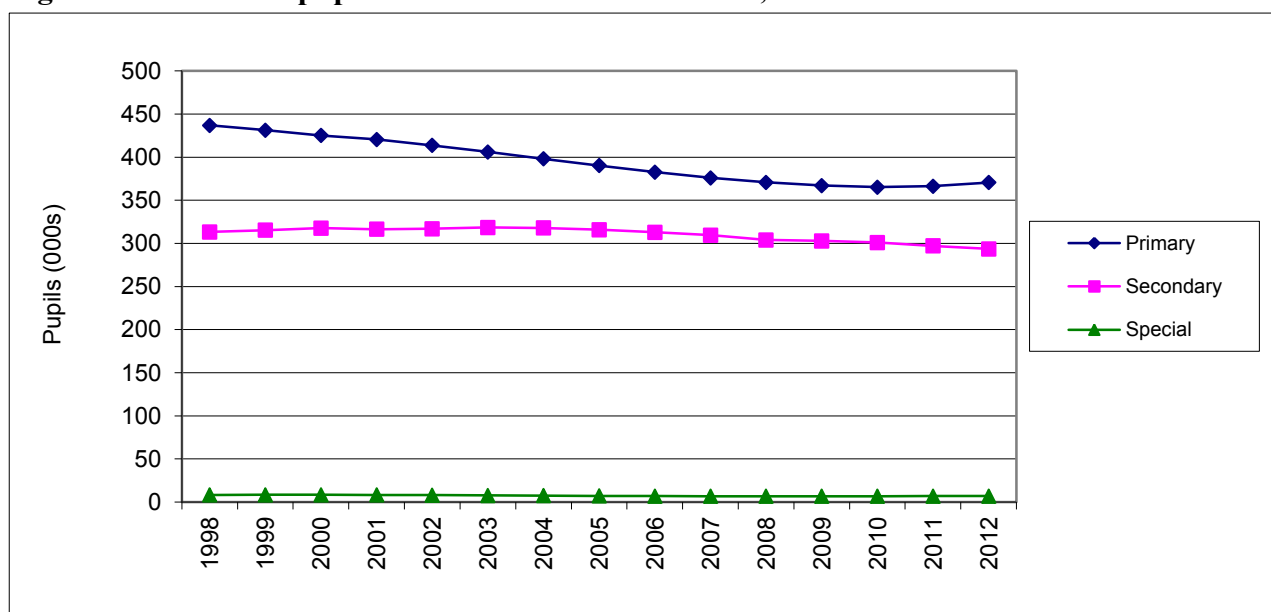
During the passage of the legislation, an organisation called Schoolhouse, which champions home education, objected strongly to the fact that the Act places a duty on the Named Person to both gather and share information with others. Schoolhouse described this duty as legitimising unwarranted levels of intrusion into the private lives of adults and children, and suggested that this provision should be scrapped. The Scottish Parliament Information Centre Briefing noted these concerns, but explained that the duty referred to the 'appropriate' rather than 'inappropriate' sharing of information.⁴³ It was noted that enquiries into child deaths and non-accidental injury often pointed to a failure of professionals to share information with each other, so the gains in child protection outweighed the danger of loss of privacy.

There have been some concerns from within the Scottish policy community that whilst the new legislation was well intended, it was not necessarily well thought through and might prove difficult to implement. In the following sections, we consider the outcomes of inclusive education policies as reflected in special school placement patterns, the use of statutory documents to underpin support for children with additional support needs and patterns of exclusion from school.

Has the policy of inclusion led to a shift away from the use of special schools in Scotland?

Figure 1 shows the total pupil population in primary, secondary and special schools over the period 1998 to 2012. As can be seen, there has been a steady drop in numbers in primary schools from 1998 to 2010 and then a slight increase possibly due to immigration. In secondary schools, numbers have been declining less and the drop in numbers is only noticeable in the last 3 years. This probably reflects the impact of measures, such as the educational maintenance allowance, aimed at encouraging pupils to stay on at school post 16. The pupil population in special schools has remained stable over this period, suggesting that there has certainly not been a major shift towards mainstream.

Figure 1: Number of pupils in state-maintained schools, 1998-2012



Source: Scottish Government, 2012⁴⁴

Table 4: Number of pupils in state-maintained schools, 2000, 2003, 2006, 2009 and 2012, and percentage of total population

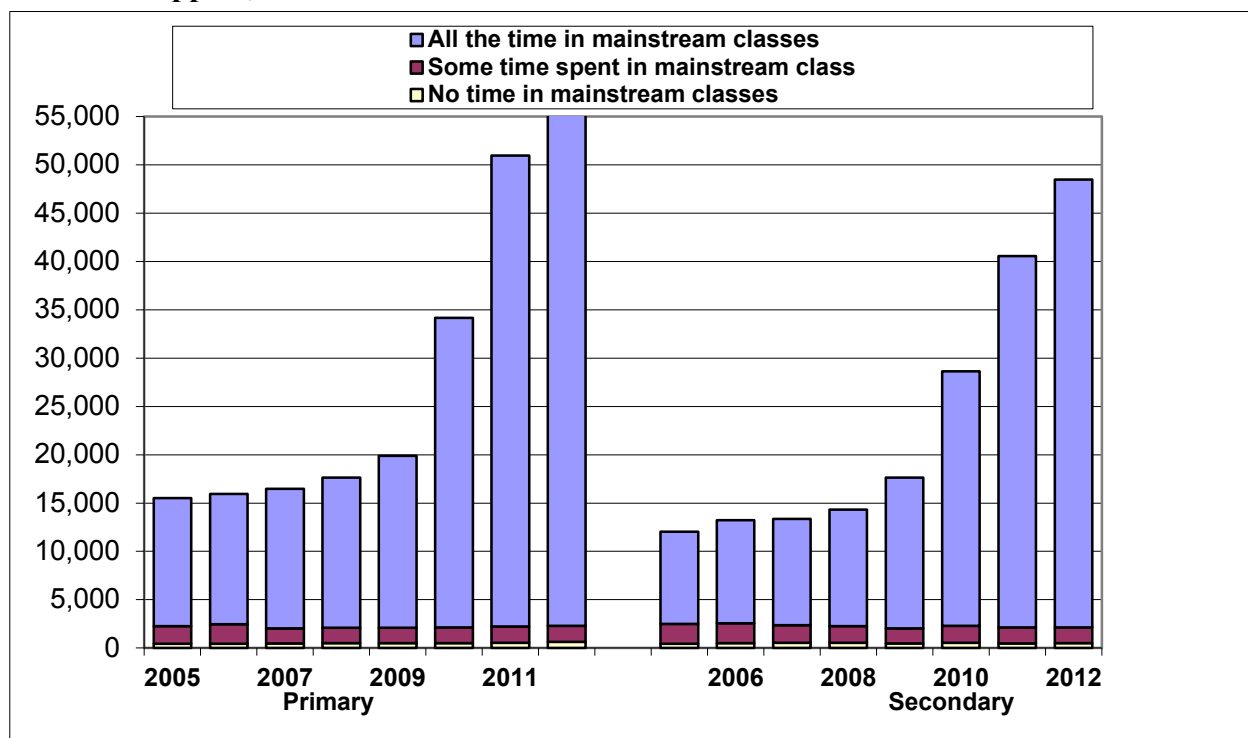
School Sector	2000		2003		2006		2009		2012	
	Nos	%	Nos	%	Nos	%	Nos	%	Nos	%
Primary	425,221	56.6	406,015	55.5	382,783	54.5	367,146	54.3	370,680	55.2
Secondary	317,704	42.3	318,427	43.5	312,979	44.5	302,921	44.8	293,562	43.7
Special	8,318	1.1	7,680	1.1	6,975	1	6,673	1	6,976	1
Total	751,243	100	732,122	100	702,737	100	676,740	100	671,218	100

Source: Scottish Government, 2012⁴⁴

The proportion of children with additional support needs in mainstream and special schools in Scotland

On the basis of the number and proportion of children in mainstream and special settings, there is little evidence of a major shift of children with additional support needs from special to mainstream, despite the anxieties sometimes expressed by teachers' unions. About 1% of children continue to be placed in special schools. As well as showing little change in the use of special schools, Scottish Government data show a steady increase in pupils recorded as having additional support needs in mainstream schools. In 2004, children with additional support needs (those with an Individual Educational Programme and/or a Co-ordinated Support Plan) made up only 4.5% of the total pupil population, whereas in 2012, this proportion had risen to just under 18%. The increase appears to be most marked in primary schools, and the vast majority of children are recorded as spending all of their time in mainstream classes (Figure 2).

Figure 2: Proportion of time spent in mainstream classrooms by pupils with additional support, 2005-2012

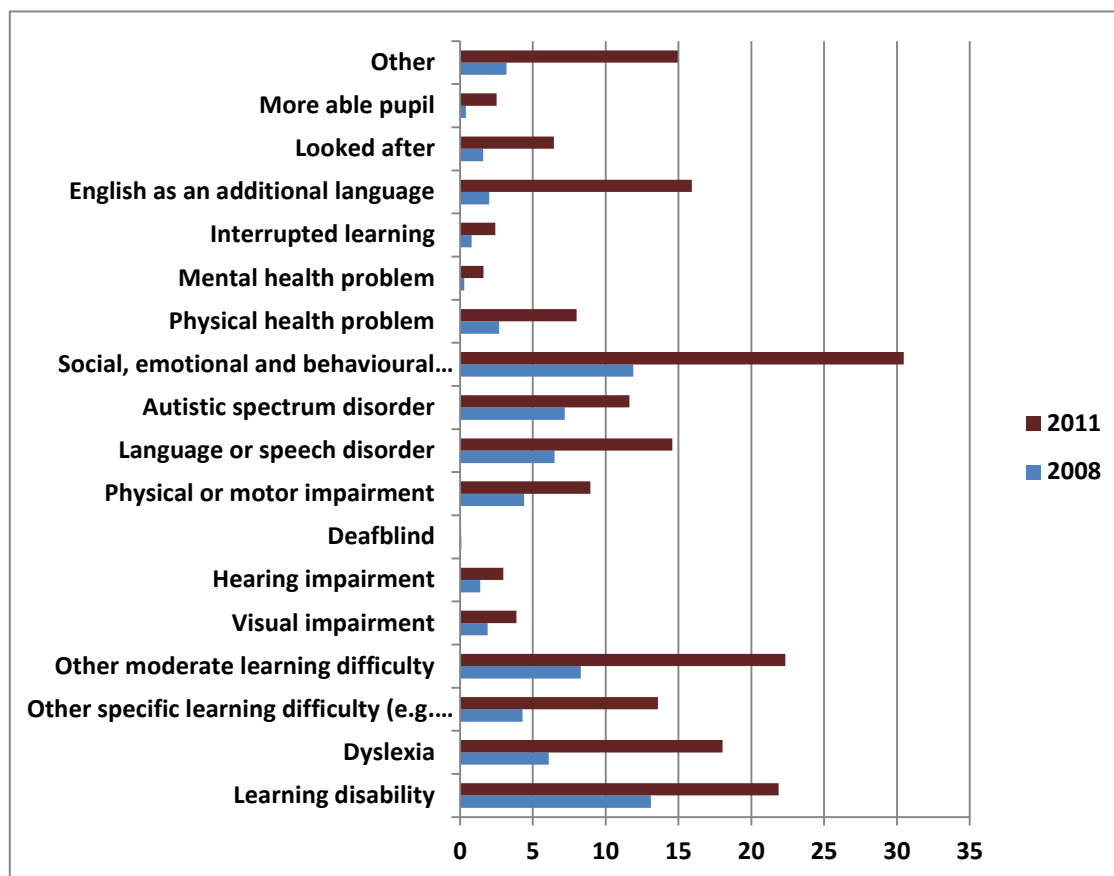


Source: Scottish Government, 2012, supplementary data available online, updated February 2013⁴⁴

What accounts for the rapid increase in the number and proportion of children with additional support needs?

It is clearly important to examine the underlying reasons for the apparent increase in the number and proportion of children identified as having additional support needs, and being educated in mainstream classes. Examination of data collection criteria and procedures suggest that most of the change may be attributed to the expanded definition of additional support needs, rather than changes in incidence or educational placement patterns. Scottish Government data are derived from the annual school census which takes place in September of each academic year. Each school is required to complete a statistical return, and the reliability of the data is entirely dependent on the accuracy and consistency of the figures which are entered. The task is often delegated to the school administrator, and there does not appear to be any moderation or checking of data, so those completing the form may interpret questions and categories differently.

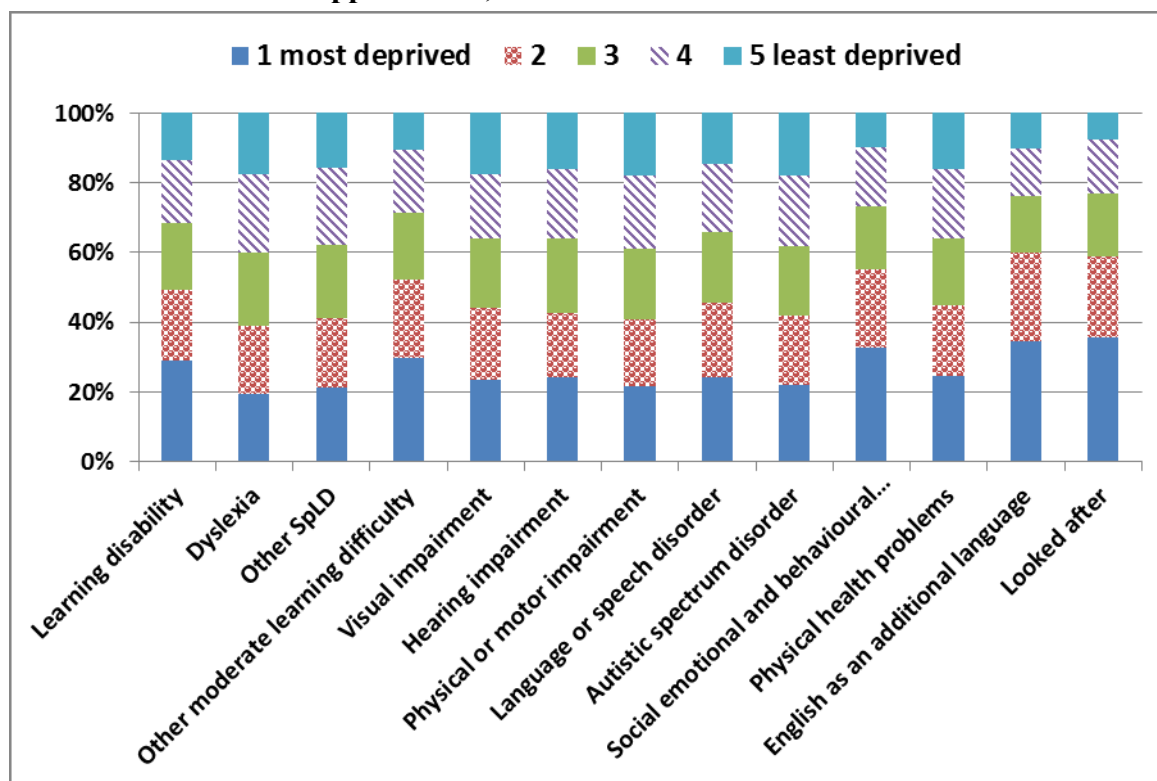
Figure 3: Reason for support for pupils with Additional Support Needs, 2008 and 2011, Rate per 1,000 pupils



Source: Scottish Government, 2009⁴⁵ and Scottish Government, 2011 (supplementary tables updated Feb 2012).⁴⁶

The expansion of the use of the category of social, emotional and behavioural difficulties is particularly significant, given its close association with social deprivation compared with other categories (see Figure 4 below). This shows that all types of difficulty are more likely to be identified in the most deprived compared with the least deprived areas in Scotland. However, whereas normative difficulties such as physical and hearing impairment are only slightly more likely to be identified in poorer areas, social, emotional and behavioural difficulties are five times more likely to be identified in poorer neighbourhoods.

Figure 4: Reason for support by SIMD quintiles, as proportion of those with the same Additional Support Need, 2011



Source: Scottish Government, unpublished data supplied by government statistics department, Feb. 2012

1. SIMD 2009 is used here

Has the policy of inclusion in Scottish education led to a reduction in exclusions?

In Scotland, pupils may be temporarily excluded from school or, in less than 1% of cases, removed from the register. Figures on school exclusions document a trend towards a reduction in rates of exclusion since 2006:

Table 5: Cases of exclusion and rate per 1,000 pupils by type of exclusion, 2005/06 to 2011/12

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Exclusions in total	42,900	44,794	39,717	33,917	30,211	26,844	21,936
Of which:							
Temporary exclusions	42,726	44,546	39,553	33,830	30,144	26,784	21,918
Removed from register	264	248	164	87	67	60	18
Exclusion rate per 1,000 pupils	60.4	63.9	57.5	49.9	44.7	40.0	32.7
Of which:							
Temporary exclusions	60.0	63.5	57.3	49.7	44.6	39.9	32.7
Removed from register	0.4	0.4	0.2	0.1	0.1	0.1	0

Source: Scottish Government, 2011,⁴⁷ Scottish Government, 2013⁴⁸

Government data indicate a strong association between school exclusion, disability, additional support needs, being looked after by the local authority and deprivation, as shown in the table and figure below.

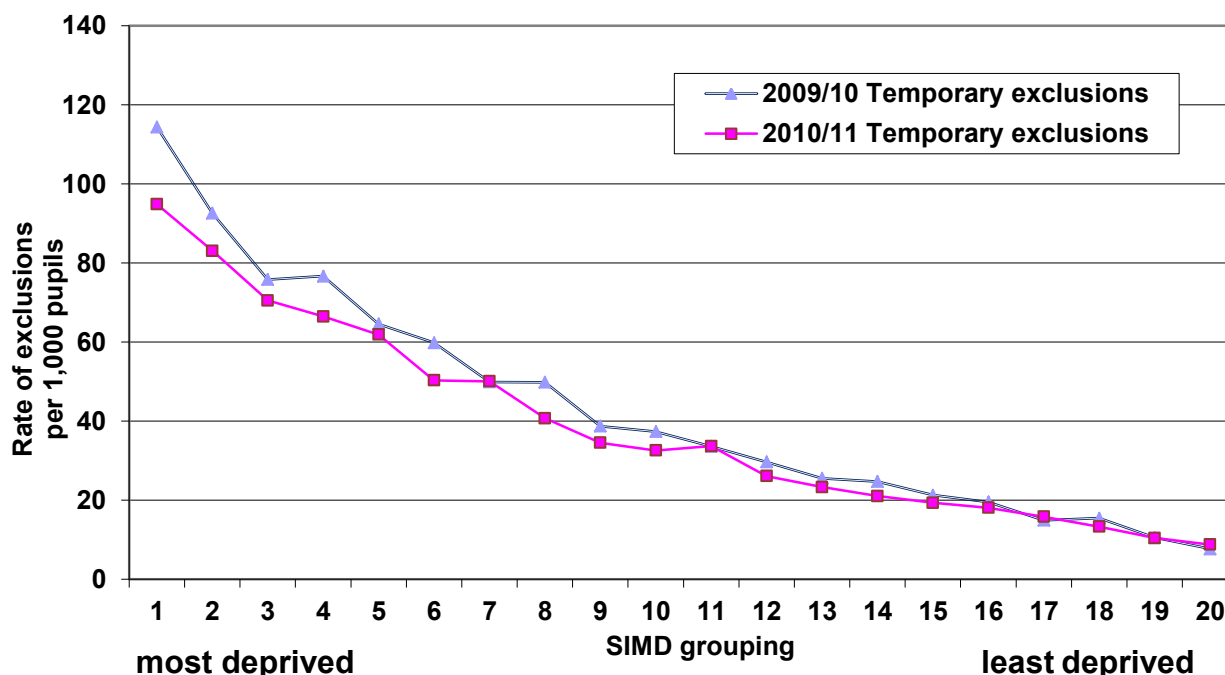
Table 6: Cases of exclusion and rate per 1,000 pupils by looked after status, disability, additional support needs and Scottish Index of Multiple Deprivation (SIMD 2009), by sector, 2009-2011

	2009-10		2010-11	
	Cases of exclusions	Rate per 1,000 pupils	Cases of exclusions	Rate per 1,000 pupils
Assessed or declared disabled ¹	798	70	N/A	N/A
Not assessed or declared disabled	29,114	44	N/A	N/A
Looked after by local authorities ²	3,875	355	N/A	N/A
Not looked after by local authorities	26,336	40	N/A	N/A
Pupils with Additional Support Needs	7,651	174	8,406	121
Pupils with no Additional Support Needs	22,261	35	18,267	30
Lowest 20% of SIMD (Most deprived)	13,076	91	11,372	79
Highest 20% of SIMD (Least deprived)	1,614	12	1,579	12

Source: Scottish Government 2010⁴⁹, Scottish Government 2011⁴⁷

1. Note that cases of exclusion for children declared as disabled were not published in 2010-11 due to lack of data
2. Note that cases of exclusion for looked after children are no longer published due to data unreliability

Figure 5: Rate of exclusion per 1000 pupils by Scottish Index of Multiple Deprivation, 2012



Source: Scottish Government, 2013 (Exclusions from school supplementary data updated Feb 2014)⁵⁰

In its statistical bulletin on pupils in Scotland of 2011, the Scottish Government attributes this trend to 'the adoption of a wide range of approaches to manage behaviour and a range of provision

beyond the classroom where needed for children with social, emotional and behavioural needs. Identification of behaviour issues and intervention at an early stage prevents the need for exclusions in many cases'. However, there may be other reasons for this decrease. Dips in exclusions in 2002/03 and 2007/08 coincided with the publication of Scottish Government guidance on exclusion, strongly advising that it should be used as a very last resort. Additional requirements were placed on schools to document the processes which led up to exclusion and to institute meetings between the school and parents.

Recent reports from England⁵¹ and from Wales⁵² document the existence of informal or illegal exclusion from school. Research conducted by Harris and Riddell⁴² on dispute resolution in England and Scotland also documented the use of illegal exclusions of children with additional support needs, with parents being phoned up at work or home and requested to remove the child from school. It is impossible to know to what extent the apparent drop in exclusion reflects the situation on the ground or is indicative of a growing trend towards unlawful exclusion.

Health system

In Scotland, health services have a role in the identification and service delivery to support children and young people with learning difficulties and disabilities, and have a legal duty to co-operate with education in this regard. However, during the compulsory school years education is the lead service provider, since this service is universal. Psycho-metric testing to identify learning difficulties is rarely used. Educational psychologists are employed by the local authority rather than the health board. Whilst they undertake individual pupil assessments, they also have a major role in advising on aspects of institutional organisation and behaviour management.

The *Mental Health Strategy for Scotland 2012-2015*⁵³ covers all aspects of mental health, but has a particular focus on children's and young people's mental health. Key themes are:

- Working more effectively with families.
- Embedding more peer to peer work and support.
- Support for self-help and self-management approaches.
- Extension of the anti-stigma agenda.
- Focus on the rights of those with mental health illness.
- Personal, social and clinical outcomes approach.
- Effective use of IT to provide information and evidence based services.

Priorities for children's and young people's mental health are:

- Infant and early years mental health.
- Conduct disorders.
- Attachment issues.
- Looked after children.
- Learning disability and the Child and Adolescent Mental Health Services.
- Access to specialist Child and Adolescent Mental Health Services.
- Reducing admissions of under 18s to adult wards.

NHS Scotland is also responsible for undertaking research and producing health education materials and information to be used in Personal and Social Education in schools. Personal and Social Education forms part of the core curriculum in Scottish schools. Schools are responsible for the delivery of the Scottish Government's *Guidance on the Conduct of Relationships, Sexual Health and Parenthood Education*.⁵⁴ For example, in 2011, Information Services Division of NHS Scotland produced an analysis of the Scottish Schools Adolescent Lifestyle and Substance Use Survey 2010.⁵⁵ This showed, for example, that amongst 13 year olds and 15 year olds, levels of

smoking are now the lowest they have been since the survey began in 1982. By way of contrast, a higher proportion of 13 and 15 year olds reported that they had consumed alcohol in the past week (14% of 13 year olds and 34% of 15 year olds). There also appeared to have been a national reduction in drugs use amongst both boys and girls.

There are on-going concerns about the extent to which high quality sex and relationship education is available in all Scottish schools, particularly in Roman Catholic Schools, which may object to providing young people with information on gay relationships and lifestyles.

Juvenile Crime Prevention Strategies

Juvenile crime prevention is a priority in Scotland, across services. It fits within the general emphasis on early intervention and prevention, moving from crisis to preventive spending. *Preventing Offending by Young People: A Framework for Action* (2008)⁵⁶ is the key policy document, in relation to preventing youth offending in Scotland.

The Framework demonstrates several overarching changes of emphasis, after the election of 2007. One, the Government instigated a shift in national youth justice policy, towards early intervention, prevention and diversion. Two, the Government and COSLA (the Convention of Scottish Local Authorities) published the Concordat, agreeing to work together in policy development. Fifteen national outcomes were set, to lead public delivery. The Scottish Government directs policy by making Single Outcome Agreements with local authorities – the focus is then on these high-level outcomes. Third, ring-fenced funding was thus abolished, including that for tackling offending by young people. Local authorities now determine how to spend their resources, with their accountability to the Scottish Government through the single outcome agreements.

Following this partnership approach, the Framework is formally owned by the Scottish Government, COSLA, the Association of Chief Police Officers Scotland (ACPOS), the Scottish Children's Reporters Administration (SCRA) and the Crown Office and Procurator Fiscal Services, as they are considered the key delivery agencies. Other important agencies – such as the relevant inspectorates – are also involved. Thus, the Framework is seeking to bring together key agencies in a partnership approach.

The debate around young people who offend is often unhelpfully polarised: needs and deeds; victim and offender; individual and community; prevention and intervention. In reality, the evidence shows the only way to prevent “deeds” is to address “needs”.

The Framework mainly focuses on children aged 8 to 16, while recognising that prevention starts pre-birth and the need to consider transitions to adulthood including the “vulnerable” ages of 16 to 21. Clarity between ‘early intervention’ and ‘prevention’ was given by the *21st Century Social Work Review* and supported by the Framework:

- Early intervention is targeted assistance for vulnerability towards offending and other problems. It is actively aimed at halting the development of a problem which is already evident.
- Prevention refers to activities to “stop a social or psychological problem arising in the first place”. Prevention services are available as part of universal provision.

The Framework has five themes:

- Prevention.
- Early and effective intervention.
- Managing high risk.

- Victims and community confidence.
- Planning and performance improvement.

The Framework was re-considered in 2012, with the follow-up report *Preventing Offending by Young People: A Framework for Action – Progress (2008-2011) and Next Steps*. The initial key objectives are reported under each of the five strands:

Prevention

- Work together to develop and deliver the Early Years Framework, ensuring the needs of the most vulnerable are addressed.
- Building on the work of the Health Inequalities Task Force, seek to ensure that all children and young people get the help they need to be mentally and physically healthy.
- Expand positive opportunities for young people, for example through the Curriculum for Excellence, CashBack for Communities and the Government's forthcoming Youth Framework.
- Develop practice on promoting positive relationships and behaviour in schools, including dealing with serious indiscipline.

Early and Effective Intervention

- Embed the principles and practice of GIRFEC across our agencies.
- Ensure that all our systems are more effective in sharing information to support identification and intervention for young people at risk.
- Develop an evidence base around what works in early and effective intervention.
- Identify and disseminate good practice, including supporting local learning partners to develop knowledge and understanding around applying the principles and practice of GIRFEC to young people who offend.

Managing high risk

- Develop integrated processes and services across children and adult systems.
- Increase opportunities for diversion from formal measures targeted at young people.
- Increase opportunities for community alternatives to custodial sentences designed for young people.
- Develop and introduce a range of evidenced based approaches and programmes to improve reintegration from secure care, prison and community based orders back into the community.

Victims' and community confidence

- Develop an evidence base on the views of victims and effective interventions in order to strengthen support to all victims of youth crime.
- Continue to work as partners to demonstrate the potential benefits that can be achieved in certain circumstances by adopting a restorative approach to youth offending.
- Address issues around media perceptions of young people through the Government's Youth Framework.
- Promote positive messages about young people and support engagement with communities, including opportunities for intergenerational communication.

Planning and performance improvement

- Developing a voluntary framework for management information to support work to tackle offending by young people, populated by national and local information.

- Improving the quality and availability of national management information relevant to this agenda.
- Supporting the dissemination and analysis of comparative performance information. This is not about league tables, but helping local areas to identify their strengths and areas for improvement and access good practice.
- Supporting the development and dissemination of the evidence base for work to tackle offending by young people through the effective use of national analytical resource, in consultation with stakeholders.
- Ensuring that the inspection regime for relevant services reflects the objectives set out in this framework, while minimising the bureaucratic burden on agencies.

Progress is reported under each objective. Overall, the attempt to reorient services towards prevention and early intervention is notable, across services (e.g. Early Years Framework, GIRFEC, Equally Well in health). Other developments include guidance for the police, on a Flexible Approach to Offending Behaviour by Children and Young People. The guidance recommends against unnecessary use of formal systems. Instead, the police are encouraged to divert young people away from statutory measures in a streamlined and consistent way. In 2011, guidance was published for professionals in the court process, to improve engagement with, and understanding of, 18 year olds. In 2010, the Criminal Justice and Licensing (Scotland) Act 2010 increased the minimum age of prosecution to 12 years. Victims and improving community confidence has been another significant emphasis, including supporting positive media, intergenerational pilots and restorative practice. A voluntary planning and performance improvement framework has been developed: it is voluntary due to the Concordat and the reliance on single outcome agreements.

Considerable attention has been given to managing high risk, within a broader programme of reducing re-offending. One strand focuses particularly on young people. National guidance on risk assessment and management of young people was published in 2011. Efforts have been made to improve transitions for those under age 18 leaving custody. In the local authority of Aberdeen, a 'whole system' approach for young people under age 18 was piloted. A 2011 evaluation found efficiencies in time and costs for all partners, quicker responses for children and young people and the number of young people committing crimes went down by 16% in one year of the approach.

Key priorities were identified in the 2012 progress review and are currently being taking forward. These include:

- Whole Systems Approach: aims to achieve positive outcomes for the most vulnerable young people. This requires streamlined and consistent assessment, planning and decision-making processes. Guidance supports local areas in this approach.
- Victims and community confidence: seeks to improve community confidence and support young victims of crime. Legislation has been passed to better support and recognise victims of crime.
- Reintegration and transitions: recognises more support is needed for young people leaving secure accommodation or custody, and for those moving from childhood to adulthood (and children's to adult services). Guidance sets minimum standards for key partners.
- Extending early and effective intervention to those aged 16 to 17.
- Attention to the support for young women, who may require different support than young men.
- Stronger links with employment policy.
- Further work on risk assessment, management and evaluation for young people who sexually offend or have sexually harmful behaviour.

The Framework, and its implementation, is not without criticism. Several commentators note inconsistencies in its ethos: while it may begin with the Kilbrandon Philosophy, it continues on to emphasise responsabilisation, accountability and risk management.⁵⁷ As part of this approach, an increasing number of children involved in offending are dealt with by relevant agencies *without* referral to the children's hearing system. McAra and McVie are concerned that such emphases in early intervention only serve to criminalise young people rather than to discourage offending.¹⁹ As Scotland seeks to move to preventive spend and emphasise early intervention, it remains to be seen if it delivers on lessened offending in later years.

Promising practice in early juvenile crime prevention: Edinburgh Pre Referral Screening (PRS)⁵⁸

CONTEXT	Pre Referral Screening (PRS developed in response to the Scottish Government's principle to ensure children and young people receive the help they need, when they need it and are only referred to the Scottish Children's Reporter Administration (SCRA) when compulsory measures are necessary. This is underpinned by the Scottish Government's <i>Getting it Right for Every Child</i> approach.
GOALS	The aim of PRS is to divert young people involved in offending behaviour to appropriate interventions through partner agencies that ensure those children and young people receive the help they need, when they need it.
DESCRIPTION	The Pre Referral Screening (PRS) is a weekly operational group meeting of key partners agencies. They meet to discuss young people aged 8 to 17 years who have been reported for an offence. Where appropriate, the young people discussed will be diverted from the Scottish Children's Reporter Association or the Procurator Fiscal to professional services. An information sharing protocol has been agreed between partners. Representatives from partner agencies who attend the PRS meeting have the authority to allocate the resources identified.
BUDGET	No existing budget. The cost of the service is absorbed into current budgets by all partners
OUTCOMES	The PRS has had a significant impact in the number of young people referred to the Children's Reporter – there has been a 31% reduction in referrals on offence grounds between 2008 and 2012. This has led to a reduction in the number of report requests from the Children's Reporter and thus helped to ensure that services for young people involved in offending and antisocial behaviour are provided in an appropriate, proportionate and timely manner.
PROFESSIONALS INVOLVED	Edinburgh PRS partner agencies are: <ul style="list-style-type: none"> • Police Scotland - Juvenile Liaison Officer • City of Edinburgh Council Children and Families – Team Leader, Youth Offending Service • City of Edinburgh Council Children and Families - Senior Education Welfare Officer, Education Welfare Service (EWS) • City of Edinburgh Council Children and Families – Team Leader, Early Intervention Service • City of Edinburgh Council Services for Communities – Community Safety Officer • National Health Service Child and Adolescent Mental Health Service (CAMHS) – Mental Health worker
INSTITUTIONAL PARTNERS	Police Scotland NHS Lothian, City of Edinburgh Council: Social Work, Community Services and Education sections; Scottish Children's Reporter Association. Scottish Government
CONTACT	JANINE MCGOWAN Team Leader Edinburgh Youth Offending Service. Janine.mcgowan@edinburgh.gov.uk

Practice Evaluation			
Criteria	Satisfactory	Average	Unsatisfactory
Programme relevance			
Programme efficiency and effectiveness			
Programme impact			
Programme sustainability			
Programme transferability			
Translating evaluation findings into statements of good practices			

Source: http://www.ipjj.org/fileadmin/data/documents/strategies_planning/IPJJ_CriteriaDesignEvaluationJJProgrammes_2011_EN.pdf

Research suggests that serious offending is linked to a:

... broad range of vulnerabilities and social adversity; early identification of at risk children is not an exact science and run the risk of labelling and stigmatizing; pathways out of offending are facilitated and impeded by critical moments in early teenage years ... and that diversionary strategies facilitate the desistance process (p.179).¹⁹

Pre Referral Screening (PRS) began in Edinburgh in July 2008. The model was developed in response to the Scottish Government's principle to ensure children and young people receive the help they need, when they need it and are only referred to the Scottish Children's Reporter Administration (SCRA) when compulsory measures are necessary. This is underpinned by the Scottish Government's *Getting it Right for Every Child* approach.

The aim of PRS is to divert children and young people involved in offending behaviour, to appropriate interventions through partner agencies. Thus children and young people will receive the help they need, when they need it.

The objectives are:

- To ensure children and young people are only referred to the Children's Hearing system where it is likely that compulsory measures may be required
- To support a faster, more focused and appropriate response to children and young people who have been reported for offending
- To promote better information sharing and consistency in decision making

What is Pre Referral Screening?

The Pre Referral Screening (PRS) is a weekly operational group meeting of key partners, including police, social work, community safety, education and the Child and Adolescent Mental Health Service (CAMHS). They meet to discuss children and young people aged eight to 17 years who have been reported for an offence. Where appropriate, the children and young people discussed will be diverted from SCRA or the Procurator Fiscal to services. An information sharing protocol has been agreed between partners. Representatives from partner agencies who attend the PRS meeting have the authority to allocate the resources identified.

Edinburgh PRS partner agencies are:

- Police Scotland – Juvenile Liaison Officer.
- City of Edinburgh Council Children and Families – Team Leader, Youth Offending Service.
- City of Edinburgh Council Children and Families – Senior Education Welfare Officer, Education Welfare Service (EWS).

- City of Edinburgh Council Children and Families – Team Leader, Early Intervention Service.
- City of Edinburgh Council Services for Communities – Community Safety Officer.
- National Health Service Child and Adolescent Mental Health Service (CAMHS) – Mental Health worker.

The Pre Referral Screening process

Each week the Police Juvenile Liaison Officer screens all juvenile offence notifications forms, commonly referred to as TA83s, that have been submitted by officers across Edinburgh. The Juvenile Liaison Officer sends a list of children and young people to be discussed at the PRS to representatives for individual agency database checks. Information available for each case forms the basis for the weekly PRS discussion. The following options are available to the PRS for every case:

- Police: the case is retained by Police Scotland to issue a Police Warning or restorative justice warning.
- Community Safety: The child or young person is diverted to Community Safety who may address the offence by issuing a warning letter, Acceptable Behaviour Contract (ABC) or community based activity.
- Education: The child or young person is diverted to the Education Welfare Service for the issues to be addressed either by the Education Welfare Officer or school staff. Information is passed to the head teacher and kept on the pupil's school record.
- Diversion to either Youth Offending Service or Social Work practice team.
- Referral to the Children's Reporter.

The PRS does not discuss children and young people when:

- The case has been jointly reported to SCRA and the Procurator Fiscal.
- The case is currently open to SCRA and being investigated.

In August 2012 the criteria for young people discussed at PRS was widened to include those on compulsory supervision from the Children's Hearing system, where appropriate. The criteria were widened further in 2013 with the introduction of 16 and 17 year olds; this development was supported by the UN Convention on the Rights of the Child and the Lord Advocate who provided clear guidance on cases which were appropriate for diversion via PRS.

What impact has the PRS had so far?

The PRS has had a significant impact on the number of children young people referred to the Children's Reporter – there has been a 31% reduction in referrals on offence grounds between 2008 and 2012. This has led to a reduction in the number of report requests from the Children's Reporter and thus helped to ensure that services for children and young people involved in offending and antisocial behaviour are provided in an appropriate, proportionate and timely manner.

Table 7: Number of young people referred to SCRA on offence grounds in Edinburgh

Reporting year	2006 /07	2007 /08	PRS introduced in June 2008	2008 /09	2009 /10	2010 /11	2011 /12	2012 /13
Number of children referred to SCRA on offence grounds in Edinburgh	792	732		432	357	355	299	216

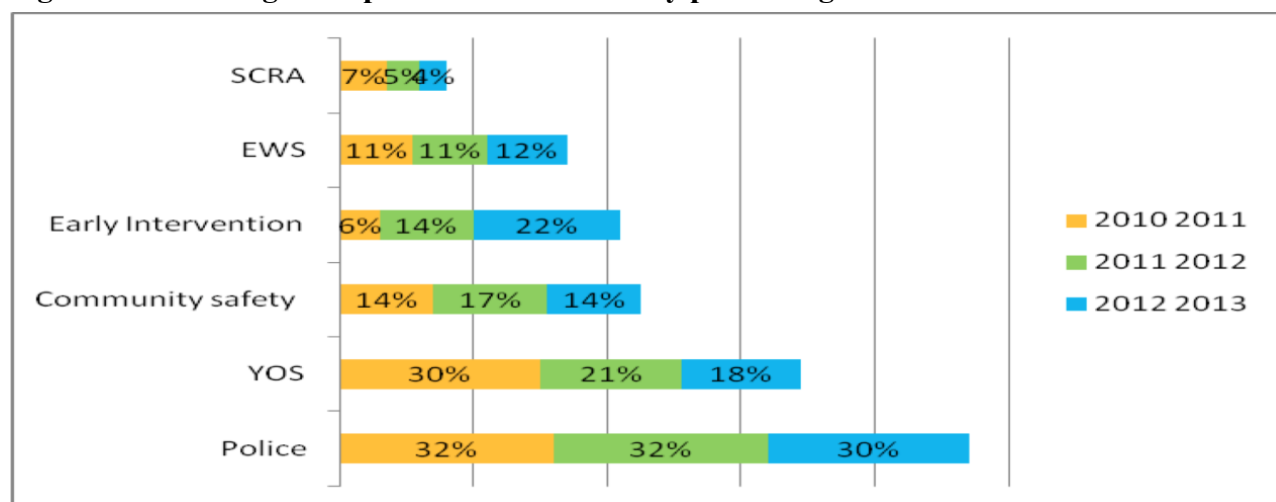
Source: Youth Offending Service 2013

What makes PRS work?

All key professionals being around the table means we share responsibility in making sure all the needs of the child are met. (Janine McGowan, Team Leader Youth Offending Service)

Anecdotal evidence suggests PRS's success stems from its holistic view of the child, where the child's wellbeing is discussed alongside his or her deeds, by a number of key agencies at an early point in offending behaviour.

Partner agencies now take responsibility to support a child or young person at an early stage of intervention - prior to the child or young person being referred to the Children's Reporter, where previously they may have waited to become involved until after the Children's Hearing or investigation by the report via a report request from social work. An increased level of information sharing provides a forum for improved and informed decision making (and recording), enabling timely and appropriate action without drawing children or young people inappropriately into the formal youth justice systems.

Figure 6: Percentage of reports taken off table by partner agencies

Source: Youth Offending Service 2013

Summary

PRS is now a well-established model involving police, social work, education, community safety and health colleagues in Edinburgh. Since its implementation in 2008, PRS has resulted in a significant reduction in the number of children and young people referred to SCRA on offence grounds. PRS is GIRFEC compliant, identifying which outcome and/or which service best meets the needs of the child or young person.

An increase in the number of children and young people, and their Police Juvenile Offence Reports discussed at PRS, is anticipated in the coming year due to the widening of the PRS criteria which will now include:

- Children and young people subject to a Supervision Order;
- 16 and 17 year olds who were previously referred to the Procurator Fiscal Service.

Promising practice in early juvenile crime prevention: Restorative Practices in education (RP)

CONTEXT	Restorative Practice in education developed in response to Scottish Government's concerns about increasing rates of indiscipline and exclusion from school. RP is underpinned by Scottish Government's policy on behaviour, rights and wellbeing in schools.
GOALS	<p>The aim of RP is to</p> <ul style="list-style-type: none"> • restore good relationships when there has been conflict or harm; and • develop a school ethos, policies and procedures that reduce the likelihood of such conflict and harm.
DESCRIPTION	<p>RP in schools includes attention to ethos building, curriculum focus on relationships/conflict prevention, restorative language and use of scripts, circles, restorative conversations, mediation restorative meetings, informal and formal conferences. In the best examples, RP shapes how adults interact with each other as well as how they interact with pupils.</p> <p>There is compatibility with other initiatives such as Staged Intervention, emotional literacy/empathy development, Solution Focused and person centred planning approaches.</p>
BUDGET	<p>Scottish Government</p> <p>No budget figures available. The cost of support and training is borne by Education Scotland, the Government agency responsible for improving the country's education system.</p>
OUTCOMES	<p>The findings of national evaluations have been very positive, with most schools, and in particular primary schools, making significant progress in key areas of school discipline and staff and pupils relationships. The Scottish Government attributes reductions in exclusion rates, in part, to implementation of RP.</p>
PROFESSIONALS INVOLVED	<p>Scottish Government supports local authorities and schools through the work of its Behaviour, Rights and Wellbeing team, led by Maggie Fallon and based within Education Scotland http://www.educationscotland.gov.uk/supportinglearners/positivelearningenvironments/positivebehaviour/approaches/restorative/Index.asp.</p> <p>RP is led by schools and happens within school premises and during the school day. RP may also be used in work with partner agencies such as the educational psychology service, social work, community police and voluntary agencies where a child or young person is thought to be especially vulnerable.</p> <p>There is no accurate data on the variety and number of professionals involved.</p>
INSTITUTIONAL PARTNERS	<p>There are no formal institutional partners. There are informal links with:-</p> <ul style="list-style-type: none"> • International Institute for Restorative Practices, http://www.iirp.edu • SACRO http://www.sacro.org.uk • Transforming Conflict http://www.transformingconflict.org <p>Scottish Government also supports:-</p> <ul style="list-style-type: none"> • Scottish Mediation Network http://www.scottishmediation.org.uk
CONTACT	Maggie.Fallon@educationscotland.gov.uk , Lead Officer, Behaviour, Rights and Wellbeing Team, Education Scotland.

Practice Evaluation			
Criteria	Satisfactory	Average	Unsatisfactory
Programme relevance	✓		
Programme efficiency and effectiveness	✓		
Programme impact	✓		
Programme sustainability	✓		
Programme transferability	✓		
Translating evaluation findings into statements of good practices	✓		

Source: http://www.ipjj.org/fileadmin/data/documents/strategies_planning/IPJJ_CriteriaDesignEvaluationJJProgrammes_2011_EN.pdf

Research has indicated that a focus on learning *and* relationships together can be the most effective way to raise achievement for children and young people. National evaluation of Restorative Practices provided evidence that RP was able to provide a useful framework for this focus on learning and relationships in school. RP began in Scotland in 2004, when Scottish Government funded a 2 year pilot with three local authorities. Ten high schools, 7 primary schools and one special school were involved in this pilot. Each of the three local authorities received around £45,000 annually for the period of the pilot.

The aims of RP are:-

- To restore good relationships when there has been conflict or harm; and
- To develop a school ethos, policies and procedures that reduce the likelihood of such conflict and harm.

What is meant by Restorative Practices?

Restorative practices, as developed in Scotland, involve a set of principles, strategies and skills. The underpinning principles include:

- The importance of fostering social relationships in a school community of mutual engagement.
- Responsibility and accountability for one's own actions and their impact on others.
- Respect for other people, their views and feelings.
- Empathy with the feelings of others affected by own actions.
- Fairness.
- Commitment to equitable process.
- Active involvement of everyone in school with decisions about their own lives.
- Issues of conflict and difficulty returned to the participants rather than behaviour.
- pathologised.
- A willingness to create opportunities for reflective change in pupils and staff.

Restorative Practices emphasise the human wish to feel safe, to belong, to be respected and to understand and have positive relationships with others. They acknowledge the potential of social and experiential learning approaches that enable pupils (and staff) to understand, and learn to manage, their own behaviour. They recognise the fundamental importance in schools of both effective support and clear control and boundaries. Practices range on a continuum from whole school approaches to those used in more challenging situations or with individual students. They include restorative ethos building; curriculum focus on relationships/conflict resolution; restorative language and the use of scripts; restorative enquiry; restorative conversations or discussions; circles;

restorative meetings, informal conferences, classroom conferences, mini-conferences and formal conferences.

Restorative ethos building

Staff and pupils discuss and work on improving school ethos, culture and climate. Features of a restorative ethos would include:

- All participants in the school understand the importance of preventing harm to others and of resolving harm and conflict in helpful, supportive and restorative ways.
- Respect between staff and pupils and among pupils.
- Pupils and staff feel included and treated equitably.
- All feel that school processes are carried out with fairness and justice.
- Pupils and staff feel safe and happy.

Curriculum focus on relationship/conflict prevention

This involves either particular programmes, or a permeative approach to Personal and Social Education with the aim of promoting social skills that avoid conflict and harm and enable pupils (and staff) to learn restorative strategies.

Restorative language and scripts

Early work on restorative justice emphasised the use of restorative scripts. They derived from a particular theoretical perspective on psychotherapy, explaining how we make sense of our histories and organise our emotional lives⁵⁹ but have become used a broader way. Such scripts were often used by a conference co-ordinator, using the following or similar questions:

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you think you need to do to make things right?

Such scripts help to structure and enable the Restorative approach, to make the process clear and standard, to enable participants to experience a feeling of responsibility. Participants would be familiar with the script before the conference. In some schools such scripts are used quite formally in Conferences. In others they become a pocket-sized guide for staff and sometimes also for children, a resource for easy reference in case of need, used in a range of both formal and informal settings, for example in the playground. The use of a script can reinforce knowledge and awareness as well as practice, according to the principle of using language to shape cognition and values. It can also be very helpful, in an emotionally charged situation with a high potential for conflict amplification, to have a set of ready, calm words practised.

Restorative language is broader than the idea of a script and involves staff reflecting generally on their use of language in school, and promoting effective listening, open-ended questioning, empathy and using non-judgemental words. It involves incorporating a Restorative approach into the daily language of school interaction. 'People's identities are created through the ways they are spoken about by others, and in the ways they learn to speak about themselves'⁶⁰

Restorative enquiry

Restorative enquiry forms the starting point for all restorative processes involving active non-judgmental, listening. It is intended to illuminate the problem or situation. The process can be used with one person to help them reflect on a situation and find ways for forward for themselves. It is

also useful before and during face-to-face meetings.⁶¹ Restorative Enquiry involves curiosity: *'How do you feel about that?'* It can involve actively owning a problem: *'I have a problem that I would like to discuss'*. *'Can I tell you what happened from my perspective?'* and aims to resolve issues: *'Why don't you tell me how you see things. I'll do the same and then we can try and sort this out.'* Restorative Enquiry also describes a way of listening and responding to other people's points of view. It also involves the use of open body language, listening with empathy and listening for feelings and needs. The listener takes a neutral perspective and aims to help the other person identify what needs to be done in order to put things right or move on. In a school setting this could include a discussion between a teacher and a student following an incident that has caused concern to either person.

Restorative conversations or restorative discussions

Restorative conversations occur when the skills and language of restorative language and enquiry are used in an informal conversation, for example a teacher with a pupil in a corridor. Skills include expressing and listening for feelings and needs, and understanding why each has acted the way they have.⁶¹

Mediation

This approach is particularly useful when two or more people believe the other person(s) may be the cause of the problem or has caused harm. The mediator should remain impartial, and helps both sides to consider the problem as a shared one that needs a joint solution. This can be undertaken by adults in school and by trained pupils acting as **Peer mediators**. It may also involve shuttle mediation.

Circles – checking in and problem-solving circles

The term 'circle' is used in a number of different ways, although there may be common ideas and practices. Also confusingly the terms conference and circle are sometimes used interchangeably. The latter sometimes simply refers to the style of organisation of a meeting or conference; for example Thorsborne and Vinegrad say that 'meetings/conferences are conducted in a circle' (p.12).⁶² In this context the term circle means that people sit round in a physical circle, there are some ground rules about listening and not interrupting and the coordinator acts in a facilitative rather than directive manner, often using a talking piece and a script.

In Scotland many primary teachers will be familiar with Circle Time, which is aimed at whole classes and has a general aim of promoting good relations within the classroom, fostering self-esteem, respect and developing communication skills. Circle time is intended to happen in a positive, warm and confidential context, often using strategies like a talking piece or games and exercises. Circle time is not mainly about solving particular issues or discipline problems. In some classrooms staff operate '**checking-in**' and '**checking-out**' circles, to start or finish the day or lesson, to set an open climate, to ensure good communication, or to establish what the class thought of a lesson. Such circles can also be used then reactively to deal with a problematic incident in class.⁶³ **Problem-solving circles** differ, in most views, from meetings or conferences in that they tend not to have such a formal structure - they may be used in a classroom or with a small group and may focus on a general difficulty as well as than a particular incident. They may not use formal script but make a general democratic invitation to members to address the issue or difficulty facilitated in the style discussed above. They are more informal than meetings or conferences. More '**healing**' or **therapeutic circles/groups** or social skills small groups also happen in schools, focussing on particular difficulties experienced or presented by pupils. Their structure and facilitative style has much in common with restorative circles.

Restorative meetings, informal conferences, classroom conferences and mini-conferences

Restorative meetings often involve taking a Restorative approach or introducing Restorative practices to meetings that would already happen in schools, e.g. case reviews, meetings with parents, reintegration after exclusion and pupil councils. These meetings will be conducted using Restorative principles and language, although they may have wider purposes than addressing conflict or harm. **Informal conferences**, sometimes called corridor conferences occur when a group of people gather to address an issue, using methods of Restorative Enquiry, perhaps using a script, to discuss and resolve an issue. For example if there has been difficulty among a group of pupils in class a teacher might ask them to come out of the classroom and hold an informal conference. **Classroom conferences** occur in response to issues in a whole class, for example a 'disruptive' class. This is prepared for and in many ways structured like a conference, but includes all the class members, who are willing to participate. **Mini-Conferences** have some of same features of conferences, for example a formal structure and script, however they are not on the same scale as a full Conference and may not include all relevant personnel or supporters. **Conferences** involve those who may have been involved in conflict or caused harm or distress, meeting formally in a pre-arranged conference with those affected and ideally with key others involved, such as peers and or families. The purpose of such conferences is to allow all parties to be heard, to find ways to restore and repair relationships and prevent future harm. In practice it can be quite difficult to make definite distinctions between the different practices – boundaries and definitions are somewhat blurred and terms used interchangeably.

What impact so far?

The findings of national Restorative Practices evaluations have been very positive, with most schools, and in particular primary schools, making significant progress in key areas of school discipline and staff and pupils relationships (*Restorative Practices in Three Scottish Councils: Final Report of the Evaluation of the First Two Years of the Pilot Projects 2004 – 2006*⁶⁴ and *Restorative Practice Pilots and Approaches in Scotland - Follow Up*.⁶⁵ Together, these comprise the largest evaluation of Restorative Practices undertaken to date in the UK.⁶⁶

As a result of these positive findings, the Scottish Government has supported local authorities and schools nationally to introduce Restorative Practices through the work of its Behaviour, Rights and Wellbeing team, led by Maggie Fallon and based within Education Scotland <http://www.educationscotland.gov.uk/supportinglearners/positivelearningenvironments/positivebehaviour/approaches/restorative/Index.asp>. This website gives information about the approach, with some video examples.

Evaluation of Early Juvenile Crime Prevention

Scotland has an extensive system of audit, inspection, statistical gathering and a government research programme, that seeks to provide accountability, oversight and evidence in regards to juvenile justice in particular and children's services more generally. In addition, there is a thriving research culture through Universities and other interested organisations, where funding is raised from a range of sources in the UK and outwith. This means there is a considerable range of evaluative material that could be accessed, particularly across the range of services, policies and initiatives relevant to early juvenile crime prevention.

This section thus concentrates on a major source of challenging and robust information, the Edinburgh Study of Youth Transitions and Crime. It then address further research on the Scottish children's hearing system and what is known on the current policy initiative driving children's services in Scotland, GIRFEC.

*Edinburgh Study of Youth Transitions and Crime*⁶⁷

The Study is longitudinal research, which has followed a cohort of around 4300 young people who started secondary school in Edinburgh in 1998. The young people were thus on an average of 12 when they joined the study. The study has involved self-report surveys of the young people, interviews with a selection of young people, questionnaires with their teachers and parents, and linked record data collection. 6 sweeps of data collection were undertaken annually, from 1998 to 2003. Phase 7 followed up a selected cohort of the sample, at age 24. The study seeks to: investigate and identify the factors that impact on young people's involvement in offending behaviour and distance from it; to examine differences between males and females; and to explore these in relation to individual development, interactions with official agencies, and the social and physical structures of neighbourhoods.

The Study has striking findings, that have challenged children's services and policies, and suggested a considerably more universal and preventive approach. Its findings are congruent with the long-standing evidence that offending is a 'normal' part of growing up for many young people, but persistent serious offending is less common. Serious offending is at least partly an expression of identity, which is reinforced by labelling practices – often resulting from service intervention. The findings demonstrate that agencies disproportionately target and label the most vulnerable and dispossessed young people from deprived communities. For example, the Study analysed what predicted serious offending at the age of 15 (see Table 8). Age 15 was chosen as the age where offence referrals peak for the children's hearing system.

Table 8: Predicators of Serious Offending at age 15

Domain	Variable at age 14	Involved in serious offending at age 15 (Yes=1037, No=1761)	
		Odds ratio (95% CI)	P value
Gender	Male	12.0 (1.6-2.4)	.000
Deprivation	Family socio-economic status (manual/unemployed)	1.4 (1.2-1.8)	.001
Family factors	Scale of family crises	1.1 (1.0-1.3)	.045
Personality/ identity	Moral attitude: accepting of violence	3.3 (1.6-6.6)	.001
	Scale of risk-taking	1.3 (1.2-1.4)	.000
Formal and informal exclusionary practices	Warned or charged by police	2.1 (1.5-3.0)	.000
	Excluded from school by age 14	1.5 (1.1-2.3)	.023
	Excluded by peers in previous year	1.6 (1.2-2.1)	.001
Exposure to risk	Scale of victimisation	1.2 (1.1-1.4)	.007
Previous offending	Scale of serious offending	15.3 (11.7-20.2)	.000

Source: McAra and McVie, 2013⁶⁸

The analysis shows that the risk of serious offending is increased amongst: boys; those from low socio-economic backgrounds, as measured by the head of household being unemployed or engaged in unskilled manual labour; those from 'chaotic' families; those who engaged in greater risk taking activities; those who morally accepted violent behaviour in a range of circumstances; and those who were more frequently victims of crime. The most testing findings were: the extent that previous

behaviour was a predictor of later behaviour; and the relationships with exclusionary practices and later offending. Young people who were warned or charged by the police at an early age, excluded from school and/or excluded from their peers at an earlier age were at a far greater risk of serious offending than other young people.

Police and school interventions, arguably meant to ‘warn’ young people and divert them from further trouble, thus did not seem successful. For example, the Study looked more closely at the increased risk of police warnings and charges amongst young people at age 15. The Study found factors such as living in poverty and young people’s own self-reported offending. The Study also found that the risk of a policy warning/ charge more than doubled for those with increased adversarial policy contact (such as being stopped, searched, told off and/or moved on) and more than doubled for those with a previous history of being warned or charged and for those who ‘hung out’ with peers who also had warnings and charges. Thus, concludes the Study, young people’s own behaviour is relevant to the increased risk of policy warnings and charges, but so also is being labelled by association and by virtue of being already known to the police.

Phase 7 tracked criminal justice and self-reported offending careers, at age 24. It compared two groups: ‘early cases’, of young people who had been referred to the Children’s Reporter for an offence, before the age of 12; and ‘early matches’, matched on the basis of self-reported offending, school exclusion and other background characteristics, but who had *not* been referred on any ground to the Children’s Reporter by the age of 12. The findings show very similar patterns of subsequent offending careers in terms of violence (robbery, weapon carrying, assault) and ‘serious’ offending (robbery, weapon carrying, assault, fire-raising, house-breaking, riding in a stolen car or theft from a motor vehicle), albeit with a slightly lower percentage with the ‘early matches’ group. But the ‘early cases’ were significantly more likely to have convictions in the adult system and custody by the ages of 24.

The study reports on the ‘revolving door’ of residential care and imprisonment, for those young people who become engaged within the juvenile justice system:

- 77% of those with experience of residential care by their 16th birthday, have a criminal conviction by the age of 22.
- 9% of those with no experience of residential care by their 16th birthday, have a criminal conviction by the age of 22.
- 31% of those with experience of residential care by their 16th birthday, have experience of imprisonment by the age of 22.
- 0.3% of those with no experience of residential care by their 16th birthday, have experience of imprisonment by the age of 22.

The Study concludes that youth justice needs to minimise intervention and maximise diversion, to concentrate on and invest in holistic and universal services, and to create opportunities for pro-social identities.

Children’s Hearing System

Beyond the Edinburgh Study, certain evaluative research is available on the children’s hearing system. Key concerns repeat themselves over time: children and young people’s participation and experiences of hearings and the system more generally; and the outcomes for children and young people.

First, criticisms have been ongoing about children and young people’s difficulties in engaging with the children’s hearing system.⁶⁹ Despite the principle of children and young people’s participation (which has legal backing), many children and young people say they find

information about the hearings inaccessible, communication difficult within the hearings and overall dissatisfaction with their experiences. More positively, many children and young people do recognise that the hearing system is there to help them and some report feeling happy with the outcomes. Most of the research was done to inform the recent legislative changes to the hearings and changes were made, such as an advocacy service for children and young people and a programme for improvement within the Scottish Children's Reporter Administration. The most recent survey 2012-13 of children, young people and relevant adults' experiences⁷⁰ finds fairly positive feedback about their last hearing, in terms of clear explanation about decisions. Over 71% of responding young people 'felt they were the most important person at their last hearing'.

Second, concerns are ongoing about the implementation of supervision requirements and positive outcomes as a result. Research undertaken by SCRA⁷¹ considered 90 children who had been on supervision for over 5 years, as of March 2010. An extensive range of supports and services were offered to children and their families. Most children and young people had multiple moves in where they lived, with over two-thirds having at least three moves. Over half of moves were not planned. The most unstable type of supervision requirement was when children were looked after at home. The research graded outcomes, at the point of study or if a supervision requirement had ended, as poor, mixed or positive. 11% of children were deemed to have poor outcomes, while 30% had mixed outcomes and 59% had positive outcomes. Most positive effects took over a year to become apparent.

Getting it Right for Every Child

Research is limited on GIRFEC to date, as a relatively new policy initiative and one that has only recently been extended nationally. Evidence⁷² does suggest that GIRFEC has had an effect at both systems and practice levels:

- Systems: establishment of integrated assessment frameworks; a shift to holistic assessments of children's needs; a decrease in referrals to the Children's Reporter; more integrated planning; and greater involvement of children and their families in the process of service planning and evaluation.
- Practice: staff have developed new ways of working and stronger collective thinking, greater confidence in working with other service staff and involve children and other family members more in planning and reviews.

The Scottish Government has legislated for GIRFEC in 2014 because it perceived insufficient progress on implementing GIRFEC across all local authorities; further evaluation is thus required to see how whether the successes of early pilots will be repeated on this national roll-out and whether outcomes are indeed improved by GIRFEC.

Conclusions

Education and inclusion

Scottish education has generally been shaped by ideas rooted in meritocracy and universalism. Over the past decade and a half, there has been an increasing focus on the inclusion of children with additional support needs, with this principle enshrined in legislation passed in 2000. Official statistics have been used to demonstrate that children with additional support needs are increasingly being included in mainstream classes, and that fewer children are being excluded from school. There is little evidence, however, to suggest that there has been a major transfer of children from special settings to mainstream, since the proportion in special schools and settings has remained constant for a long period of time, and indeed may be slightly increasing. Since the passage of the additional support for learning legislation, official statistics suggest there has been a quadrupling of children identified as having additional support needs. However, this has been achieved by

widening the definition of which children are counted, so that now children with any type of plan are included.

There has been a particularly marked expansion of the category of social, emotional and behavioural difficulties over recent years. Sally Tomlinson suggested that, in the 1980s, the expansion of the category of special educational needs was used to obscure underlying economic problems contributing to a collapse in the youth labour market.⁷³ The identification of growing numbers of children with learning deficits, particular clustered into the non-normative and highly stigmatised category of social, emotional and behavioural difficulties, may be used as an explanation and justification of their lack of employment. This may be a useful deflection of attention from the main source of the problem, which is the rise in youth unemployment across Europe in the wake of the on-going economic crisis.

Despite the challenges faced by education in an era of declining public spending, some Scottish schools have been innovative in their efforts to deal with potential behavioural problems through restorative rather than punitive approaches. These are described above, and suggest approaches which may be used to reduce exclusion and promote positive pupil engagement in the future.

Inter-agency working

The GIRFEC programme emphasises inter-agency working, data sharing and has a particular focus on the importance of place. However, serious questions have been raised about operational and ethical matters. There are unresolved issues around connecting different agencies' IT systems. Some parents' groups have raised concerns about data protection, privacy and the inappropriate sharing of information across agencies without the consent of the child or the parent. There is a considerable emphasis on the role of the Named Person and the lead professional, but a lack of clarity about how such responsibilities should be allocated and resourced. Whilst Pathfinder projects have evaluated the programme in specific locations, there has as yet been no national evaluation, even though the programme has been rolled out over the past decade.

The youth justice system

Scotland has for a long time been proud of its children's hearings system, which also eschew a punitive approach to youth justice. Instead of punishing children and their families, the focus is on identifying problems in children's social lives and mobilising family and community resources to address these difficulties. Scotland has achieved some success here, but major problems remain. Despite the emphasis on social welfare within the youth justice system, Scotland imprisons large numbers of young adults in the 18-24 age group, most of whom are men from socially disadvantaged areas. As pointed out by McAara and McVie (2010)¹⁹ many young prisoners have been identified as having additional support needs and excluded from school. A high proportion has been looked after by the local authority. This suggests that efforts to promote social inclusion by the education and youth justice systems are unable to counter-act the negative effects of poverty and social inequality. In the long run, reducing economic inequality might be a more effective strategy.

Realising the rights of children and young people

A major theme in the Children and Young People (Scotland) Act 2014 is the realisation and extension of children's rights, although the new provisions are in fact legally weak. Scotland already confers considerable rights on children and young people, for example, allowing them to make independent references to the Additional Support Needs Tribunals for Scotland. The main challenge for the future appears to be translating formal rights into practice. This may be linked with wider questions of economic distribution and social justice, since children and young people living in poverty, and their parents, are unlikely to be able to effectively challenge inadequate service provision through formal routes.

The impact of austerity

Since the establishment of the Scottish Parliament in 1997, successive governments have attempted to promote the principles of inclusion, achieving a broader understanding of needs of children requiring additional support to benefit from education and promoting inter-agency working to achieve these goals. However, the achievement of these goals has been limited by the worsening economic climate. In Scotland, approximately 25% of local authority funds are raised by the council tax, a local property tax which has been frozen since 2008. As costs have risen, this freeze has forced local authorities to cut services and borrow more funds to meet their existing commitments. In return for agreeing to a council tax freeze, the Scottish Government struck an agreement with local authorities to abolish the hypothecation of funds, so that money earmarked for additional educational support was no longer ring-fenced for this purpose, and could, if the local authority chose, be spent instead on maintaining roads. A major reduction in the block grant from Westminster to the Scottish Government has also led to squeezed local authority funding, which is likely to continue for the foreseeable future. This will have continuing impact, though may also be affected by the result of the national referendum on independence due to take place in Scotland in September 2014.

References

- ¹ Data from 2010. Office for National Statistics (ONS), *Region and Country Profiles: Key Statistics*, 2012. <http://www.ons.gov.uk/ons/rel/regional-trends/region-and-country-profiles/key-statistics-and-profiles---august-2012/index.html> (accessed 4.3.14)
- ² ONS, *Social Trends*, No. 41, 2011.
- ³ General Register Office for Scotland (2012) *Mid-2011 Population Estimates Scotland*, <http://www.gro-scotland.gov.uk/statistics/theme/population/estimates/mid-year/> (accessed 4.3.14)
- ⁴ Data from 2011. General Register Office for Scotland, *Births Time Series Data*, <http://www.gro-scotland.gov.uk/statistics/theme/vital-events/births/time-series.html> (accessed 4.3.14)
- ⁵ Data from 2010. ONS, *Region and Country Profiles: Social Indicators*, 2012.
- ⁶ ONS, 'Regional Profiles – Summary – Scotland.' *Regional Trends*, No. 43, 2011.
- ⁷ Scottish Government, *Key Scottish income and poverty figures*, 2008-2009.
- ⁸ Scottish Government, *High Level Statistical Trends Children and Young People*, 2013.
- ⁹ Scottish Children's Reporter Administration (2013) *SCRA Annual Report 2012/13*, http://www.scra.gov.uk/sites/scra/cms_resources/Annual%20Report%20201213.html (accessed 4.3.14)
- ¹⁰ Scottish Government (2013) *High Level Statistical Trends, Crime and Justice*, 2013.
- ¹¹ Due to the Scotland Act 1998, Parliamentary legislation must be compatible with the Human Rights Act 1998, which largely incorporates the European Convention on Human Rights into UK law.
- ¹² Scottish Parliament (2013) *Children and Young People (Scotland) Bill Policy Memorandum*, http://www.scottish.parliament.uk/S4_Bills/Children%20and%20Young%20People%20%28Scotland%29%20Bill/b27s4-introd-pm.pdf (accessed 4.3.14)
- ¹³ Scottish Government (2010) *Supporting Children's Learning Code of Practice* (Revised edition), <http://www.scotland.gov.uk/Publications/2011/04/04090720/0>
- ¹⁴ Enquire (2012) *Parents' Guide to Additional Support for Learning*, <http://enquire.org.uk/publications/parents-guide>. Edinburgh: Enquire. (accessed 4.3.14)
- ¹⁵ Smith, D.J. (2006) *School Experience and Delinquency at Ages 13 to 16*, <http://www2.law.ed.ac.uk/cls/esytc/findings/digest13.pdf> (accessed 4.3.14)
- ¹⁶ McVie, S., (2011) Alternative models of youth justice: lessons from Scotland and Northern Ireland *Journal of Children's Services* Vol. 6 No2 pp106-114
- ¹⁷ Kilbrandon Committee (1964) *Report on Children and Young Persons, Scotland*, Edinburgh: HMSO p12
- ¹⁸ McCallum, F. (2011) *Children and the Scottish Criminal Justice System*, Scottish Parliamentary Information Service 11/53 pp1-19
- ¹⁹ McAra, L., and McVie, S., (2010) Youth crime and justice: key messages from the Edinburgh Study of Youth Transitions and Crime *Criminology and Criminal Justice* Vol10 No2, pp179-209

-
- 20 Waterhouse, L., McGhee, J., and Loucks, N., (2004) Disentangling offenders and non-offenders in the Scottish Children's hearings: A clear divide? *The Howard Journal* Vol43 No2 pp164-179
- 21 Scottish Children's Reporter's Administration (2006) *On the Right Track*
http://scra.gov.uk/cms_resources/On%20the%20right%20track.pdf (accessed 6.2.14)
- 22 <http://www.scotland.gov.uk/Publications/2003/03/16909/21128> (accessed 4.3.14)
- 23 <http://www.scotland.gov.uk/Publications/2004/04/19082/34410> (accessed 4.3.14)
- 24 <http://www.scotland.gov.uk/Publications/2004/03/19102/34603> (accessed 4.3.14)
- 25 <http://www.scotland.gov.uk/Publications/2010/12/09134441/0> (accessed 4.3.14)
- 26 Scottish Government (2010) *National Guidance on Child Protection in Scotland*,
<http://www.scotland.gov.uk/Publications/2010/12/09134441/0> (accessed 4.3.14) p.14
- 27 Scottish Government (2010) *National Guidance on Child protection in Scotland*,
<http://www.scotland.gov.uk/Publications/2010/12/09134441/0> (accessed 4.3.14) p.15
- 28 Francis, J., McGhee, J. and Mordaunt, E. (2006) *Protecting Children in Scotland*,
<http://www.scotland.gov.uk/Resource/Doc/923/0038163.pdf> (accessed 27.1.14)
- 29 Scottish Government (2013) *Children's Social Work Statistics 2011-12*,
<http://www.scotland.gov.uk/Publications/2013/03/5229/downloads> (accessed 18.12.13)
- 30 Scottish Government (2005) *Protecting Children and Young People: Child Protection Committees*, <http://www.scotland.gov.uk/Publications/2005/02/20675/52303> (accessed 4.3.14)
- 31 Stalker, K. and McArthur, K. (2012) Child abuse, child protection and disabled children: a review of recent research *Child Abuse Review* Vol21 No1 pp 24-40.
- 32 Who Cares? Scotland. *Something to do, something to look forward to and someone to love*. Presentation to the study visit of the project "Keeping Youth Away from Crime: Searching for Best European Practices," University of Edinburgh, Scotland, 28-30th October 2013.
http://www.docs.hss.ed.ac.uk/education/creid/NewsEvents/43_ix_EC_PPT_WhoCaresScotland.pdf (accessed 4.3.14)
- 33 Hopkins, B. (2009). *Just Care: Restorative Justice Approaches to Working with Children in Public Care*. London: Jessica Kingsley Publishers.
- 34 See Elsley, S., Davidson, E., and Tisdall, E.K.M. (2013) *Children and Young People's Experiences of, and Views on, Issues relating to the Implementation of the UNCRC*,
<http://www.scotland.gov.uk/Resource/0042/00427287.pdf> (accessed 18.12.13)
- 35 Kidner, C. (2011) *Educational Attainment of Looked After Children SPICe Briefing*,
http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Factsheets/SB_11-79.pdf (accessed 16.12.13)
- 36 Paraphrased from Kidner, C. (2013) *Children and Young People (Scotland) Bill*
http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/SB_13-38.pdf (accessed 16.12.13)
- 37 Fyfe, I. (2010). Young people and community engagement. In L. Tett (Ed.), *Community Education, Learning and Development* (3rd ed.). Edinburgh: Dunedin Academic Press.
- 38 Scottish Government. (2007). *Skills for Scotland: A lifelong skills strategy*. Edinburgh: Scottish Government.
- 39 This section draws on data gathered during the course of a Leverhulme Fellowship project on special education and policy change in six jurisdictions, which ran from April 2012 –

September 2014. Methods used included the analysis of policy and administrative data published by the Scottish Government. Key informant interviews were conducted with the following individuals: Senior Officer, Scottish Government Support and Wellbeing Unit; Coordinator, Advice and Information Service; Solicitor, Law Centre; Senior Officer, Additional Support for Learning Service, Local Authority A; Senior Officer, Additional Support for Learning Service with responsibility for special schools, Local Authority B; President, Additional Support Tribunals for Scotland; Scottish Commissioner for Children and Young People. A thematic analysis was conducted under the following headings: policy discourses and direction of travel; policy formation and the policy process; categorisation systems; the nature and purpose of official statistics; disproportionalities in identification; international assessment and the position of children with special needs; accountability regimes; marketisation and choice; curriculum developments; the economic crisis; and future policy trends.

- 40 Tisdall, K., & Riddell, S. (2006). Policies on special needs education: competing strategies and discourses. *European Journal of Special Needs Education*, 21(4), 363-379.
- 41 Scottish Executive. (2003). *Report of the first round of accessibility strategies*. Edinburgh: Scottish Executive.
- 42 Harris, N., & Riddell, S. (2011). *Resolving Disputes about Educational Provision*. London: Ashgate.
- 43 Kidner, C. (2013). *SPICe Briefing: Children and Young People (Scotland Bill)*. SPICe: The Information Centre.
- 44 Scottish Government. (2012). *Pupils in Scotland 2012*, supplementary data available online only at: <http://www.scotland.gov.uk/Topics/Statistics/Browse/School-Education/dspupcensus/pupcensus2012> (first published in 2012 updated February 2013)
- 45 Scottish Government. (2009). *Pupils in Scotland 2008*. Edinburgh: Scottish Government.
- 46 Scottish Government. (2011). *Pupils in Scotland*, supplementary data (first published in 2011 updated February 2012). Edinburgh: Scottish Government.
- 47 Scottish Government. (2011). *Summary Statistics for Schools in Scotland, No.2, 2011*. Edinburgh: Scottish Government.
- 48 Scottish Government. (2013). *Summary Statistics for Schools in Scotland, No.4, 2013*. Edinburgh: Scottish Government.
- 49 Scottish Government. (2010). *Summary Statistics for Schools in Scotland, No.1, 2010*. Edinburgh: Scottish Government.
- 50 Scottish Government. (2013). *Summary Statistics for Schools in Scotland, No.4, 2013*, exclusions from school supplementary data updated Feb 2014. Edinburgh: Scottish Government.
- 51 Children's Commissioner. (2012). *"They never give up on you": Office of the Children's Commissioner School Exclusions Inquiry*. London: Office of the Children's Commissioner.
- 52 Butler, V. (2011). *Experiences of illegal school exclusions in Wales: a qualitative study Welsh Government*. Barnardo's Cymru., SNAP Cymru
- 53 Scottish Government. (2013). <http://www.scotland.gov.uk/Publications/2012/08/9714> (accessed 4.3.14)
- 54 <http://www.scotland.gov.uk/Topics/Education/Schools/HLivi/sex-education> (accessed 4.3.14) Guidance is presently being updated.

-
- ⁵⁵ http://www.drugmisuse.isdscotland.org/publications/local/SALSUS_2010.pdf (accessed 4.3.14)
- ⁵⁶ Scottish Government. (2008). *Preventing Offending by Young People: A Framework for Action*. Edinburgh: Scottish Government.
- ⁵⁷ McVie, S. (2011). Alternative Models of Youth Justice. *Journal of Children's Services*, 6(2), 106-14; Barry, M. (2013). Rational Choice and Responsibilisation in Scotland. *Howard Journal of Criminal Justice*, 52(4), 347-364
- ⁵⁸ Youth Offending 2013 Edinburgh's Pre Referral Screening – Annual Summary April 2012 to March 2013. City of Edinburgh Council.
- ⁵⁹ Tomkins, S. (1991). *Affect Imagery Consciousness*, Vol. III. New York: Springer.
- ⁶⁰ Drewery, W. (2013). *Restorative Practices for Schools: A Resource*.
<http://www.waikato.ac.nz/wmier/publications/books/restorative-practices-for-schools> (accessed 4.3.14)
- ⁶¹ Ellis, D. (2006). *Transformation Conflict: Communication and Ethnopolitical Conflict*. Lanham: Rowman & Littlefield.
- ⁶² Thorsborne, M., & Vinegrad, D. (2004). *Restorative Practices in Classrooms; Rethinking behaviour management*. Buderim: Queensland.
- ⁶³ Wachel, T. (2004). *Restorative Practices Build Community Responsibility*. (Online Interview with Education World) http://www.educationworld.com/a_issues/chat/chat093.html
- ⁶⁴ Kane, J., Lloyd, G. McCluskey, G., Riddell, S., Stead, J., & Weedon, E. (2007). *Restorative practices in three Scottish local authorities*. Final report of the evaluation of the first two years of the pilot projects 2004–2006. Edinburgh: Scottish Executive.
- ⁶⁵ Lloyd, G., & McCluskey, G. (2009). *Restorative Practice Pilots and Approaches in Scotland - Follow Up*. Edinburgh: Scottish Government.
- ⁶⁶ List taken from <http://www.chscotland.gov.uk/>
- ⁶⁷ Detailed information on the methodology can be found at <http://www2.law.ed.ac.uk/cls/esytc/data/young.htm> (accessed 6.3.14). This section is based on McAra, L., & McVie, S. (2013). *What do we know about keeping young people away from crime? Evidence from the Edinburgh Study of Youth Transitions and Crime*. Presentation, October 2013 Edinburgh University, http://www.docs.hss.ed.ac.uk/education/creid/NewsEvents/43_vi_EC_PPT_McAraMcVie.pdf (accessed 6.3.14)
- ⁶⁸ McAra, L., & McVie, S. (2013). *What do we know about keeping young people away from crime? Evidence from the Edinburgh Study of Youth Transitions and Crime*. Presentation, October 2013 Edinburgh University, http://www.docs.hss.ed.ac.uk/education/creid/NewsEvents/43_vi_EC_PPT_McAraMcVie.pdf (accessed 6.3.14)
- ⁶⁹ For overview of recent studies, see McKenna, J. (2013). *Children and young people's views and experiences of children's hearings – a summary*, <http://www.chscotland.gov.uk/media/55571/children-and-young-peoples-views-and-experiences-of-childrens-hearings.pdf> (accessed 6.3.14)
- ⁷⁰ Scottish Children's Reporter Administration. (2013). *National Survey of Children and Families in the Children's Hearing System 2012/13*, http://www.scra.gov.uk/cms_resources/Children%20and%20Families%20Survey%202012-13%20results.pdf (accessed 6.3.14)

-
- ⁷¹ SCRA. (2011). *Children on Supervision Requirements for Five or More Years*, http://www.scra.gov.uk/cms_resources/Children%20who%20are%20on%20Supervision%20Requirements%20for%20five%20years%20or%20more.pdf (accessed 6.3.14)
- ⁷² Smith, M. (2009). What is family support work? A case study within the context of one local authority in Scotland. Ed.D. Thesis, University of Edinburgh; Stradling, B., MacNeil, M., & Berry, H. (2009). *Changing professional practice and culture to get it right for every child*. <http://www.scotland.gov.uk/Resource/Doc/292706/0090352.pdf> (accessed 6.3.14); Smith, M., & Davis, J. M. (2010). Constructions of family support: lessons from the field. Administration. *Journal of the Institute of Public Administration*, 58, 69-83.
- ⁷³ Tomlinson, S. (1985). The expansion of special education *Oxford Review of Education*, 11(2), 157-165.