

Barnardo's Scotland – Formal evidence on the Centre for Youth and Criminal Justice paper on 'Youth Justice in Scotland: Fixed in the past or fit for the future?'

Background

Barnardo's is the UK's largest children's charity; we run over 120 services and work with over 20,000 children, young people and their families every year throughout Scotland. We work with some of the most vulnerable and disadvantaged children in Scotland; we do a wide range of work within the justice sector, both inside and outside the prison estate. We provide targeted and tailored support to young people within Polmont YOI and HMP Cornton Vale through our Outside In youth work programme. We run our Parenting Matters programme within Polmont which works with young men to teach them parenting skills and promote bonding and attachment with their babies. We work with families in the community to provide early intervention for children displaying anti-social or criminal behaviour, as well as those who are involved in persistent and serious offending behaviour or at risk/subject to an ASBO; we are also lead partners in a public social partnership in Perth & Kinross and Angus local authority areas providing support to families affected by imprisonment who have children under the age of 5.

As we move forwards into what promises to be a very interesting political environment over the next few years we welcome the opportunity to respond to this paper which takes a timely look at where we are currently at with youth justice in Scotland. As an organisation we have campaigned alongside other children's charities for an increase in the age of criminal responsibility and will continue to engage with the Scottish Government on this issue. We have expressed concerns about older young people (16 & 17 year olds) being dealt with in the adult justice system and see real potential for progressive change with the passing of the Children and Young People (Scotland) Act 2014. In addition, through our wider work with children and families affected by imprisonment we are working to address issues of inter-generational offending which we believe to be one of the key features in need of discussion within the debate around juvenile offending and youth justice.

Youth justice data

The report highlights statistics that show only 16% of all crimes and offences in 2012/13 were committed by young people (and most of these were miscellaneous offences) in Scotland. This indicates very clearly that the majority of children and young people do not engage in criminal activity, therefore the small percentage that do are likely to be a vulnerable cohort and should be treated as such. This is the approach taken by the Hearings System and the approach taken by Barnardo's Scotland to the children and young people referred to our services.

The report also highlights on page 5 that offence referrals to the Reporter have dramatically decreased over the last 6 or 7 years (78%). During the passing of the Children and Young People (Scotland) Act 2014 Barnardo's Scotland supported the proposals to put GIRFEC on a statutory footing, in particular the introduction of the Named Person. Evidence from the Highland Council area where

the Named Person had already been implemented reflected this drop in offence referrals to the reporter. We hope that once this is rolled out across Scotland as the Act comes into force, we will continue to see this figure drop as problems and issues are identified and addressed earlier, resulting in less need for formal processes.

Youth justice policy and practice: reflecting on developments post-devolution

We recently responded to the Scottish Government's consultation on the Antisocial Behaviour etc. (Scotland) Act 2004, and called on the Scottish Government to reconsider the use of ASBO's for 12-15 year olds. We are concerned that this legislation was brought into force at a time where the policy narrative was largely about being 'tough on crime', this is not the policy ethos of the current Scottish Government and we believe it is time to revisit this particular piece of legislation.

Our services work on a day to day basis with children and families who are struggling to cope with multiple adversities, and these families often require intensive support. We highlighted in our response to the Scottish Government that using ASBO's as a deterrent may not be particularly effective in practice, and there are other ways in which to deal with problematic behaviours. We also pointed out that since 2006; data has not been collected by the Scottish Government on the number of ASBOs granted to young people, so it is not possible to get an accurate reflection of the current situation. Anecdotally we do not believe they are used very frequently for young people, but the legislation remains an option.

The report touches on the policy focus around 'asset-based approaches', we fully support this approach which is embedded in the work of our children's services. Evidence shows that personal, positive relationships and one to one support, based around the GIRFEC wellbeing principles are most effective at reducing levels of antisocial behaviour and offending in young people. We work with children and families to provide tailored support packages based on their needs and their strengths.

Some of our services have benefitted from the funding streams mentioned in the report such as the reducing reoffending change fund and the early years fund. This has enabled us to focus on the Scottish Government's aim of preventing future problems rather than responding to current ones as well as making the most of the opportunities for joint and partnership working. One of the projects benefitting from this funding is our Thrive Public Social Partnership which works with children and families experiencing the imprisonment of a parent or partner. The underlying ethos of the project is to help maintain family links during a custodial sentence so the family and particularly the children are not negatively impacted.

We welcome the Scottish Government's overall focus on early intervention and prevention through the Whole Systems Approach, GIRFEC, and the Early Years Collaborative as well as the wider policy agenda of putting children and families at the heart of any interventions in order to make Scotland the best place in the world to grow up. This is an ambitious but courageous aim and one we look forward to pursuing further with the Scottish Government and partnership organisations.

Youth justice: a work in progress

The quote from Asquith (1995:8) on page 14 of the report particularly resonates with Barnardo's Scotland:

'it is only through looking to the whole background of a child or young person that one can come to an appreciation of the individual, environmental and social factors influencing their thoughts, behaviours and actions'

We would wholeheartedly agree with this principle and go even further in suggesting that the whole background of any child needs to be considered long before they become involved in any criminal activity. Having a parent or carer who has been in prison or involved in the justice system is a particular, and a relatively hidden vulnerability of some of the children and families we work with. It has been noted that *'if your parents have been to prison you are four times more likely to go to prison yourself'* (Sue Brookes, CIS Mag, April 2014) This group of children are a priority for Barnardo's Scotland and we are working both at a policy and influencing level, and through our service delivery on the ground to raise awareness of this issue and start to look at innovative ways to mitigate the negative impact of parental imprisonment on children so we stop the inter-generational cycle of offending.

We are calling for Child & Family Impact Assessments to be conducted on every child or young person who has a parent or carer sentenced to a custodial sentence. The assessments should put the child at the centre and focus on their wellbeing and individual needs in line with the principles of GIRFEC. Our parenting work within Polmont YOI and HMP Perth has highlighted just how important it is to provide support to children and families when they are experiencing the imprisonment of a partner or parent. Sue Brookes, Governor of Polmont YOI has stated that:

'if we focused on these kids and gave them the support in a more targeted way we could break the cycle of crime in families, I would like there to be some kind of service so that if your mum or dad is in prison you would – automatically – be given some kind of support, because we know these kids are going to struggle for all sorts of reasons' (Sue Brookes, CIS Mag, April 2014)

There has been some movement within the political sphere on this issue such as parenting officers in prisons, investment in parenting programmes within prisons and the most recent development has been the announcement from the Scottish Prison Service that the new HMP Inverclyde will allow children of women prisoners extended 'sleepover visits' to help sustain a positive relationship between incarcerated mothers and their children. This is a welcome development, as we know that the practical impact is felt most harshly by children when a mother is sent to prison.

Ambitions

We support the ambitions within the final section of the report. As mentioned previously, Barnardo's Scotland has campaigned alongside partner organisations to raise the age of criminal responsibility from 8 to 12, we will continue to do so and there may be legislative opportunity within the upcoming Criminal Justice (Scotland) Bill. We also responded to the Scottish Government's consultation on the Rehabilitation of Offenders Act 1974 and highlighted this issue in terms of 'recruiting with conviction'. We noted, and it is noted in the report, that children under the age of 12 can often accept offence grounds at a Hearing without realising this can result in a technical 'conviction' requiring disclosure in later life.

We fully support the Whole Systems Approach and agree that looking to extend this approach up to the age of 21 would be a really positive step towards bridging the gap between youth and adult justice. The paper mentions the changes within the Children and Young People (Scotland) Act 2014 which extend the support given to care leavers. Barnardo's Scotland campaigned extensively on this issue and were delighted with the provisions in the final Act, we hope that when the guidance around the Act is produced there will be opportunities to address wider issues around how we deal with older young people. Lesley McAra and Susan McVie of the ESYTC coined the phrase GIRFOC, Getting It Right For Older Children. We believe this is an issue that needs to be addressed in all areas of public policy, especially in terms of justice where the cliff edge from the youth justice system to the adult justice system is most obvious.

Conclusion

The landscape of youth justice has shifted and there has been a definite move towards a more welfare-based way of thinking about offending. This can be seen in Colin McConnell's approach to the Scottish Prison Service (see: International Futures Forum Speech by Colin McConnell 5 June 2014). However there is still work to be done, investment should be made in high quality youth work, both inside and outside the prison estate. Young people need to know there is someone there who cares about them. Those involved in criminal activity often come from broken, disruptive, dysfunctional family homes, abuse, drugs and alcohol, experience of care, divorce, exclusion from school – important key relationships which build trust are the most important thing for these young people and that is what Barnardo's Scotland tries to do within our children's services.

We would welcome further consultation and involvement in any of the above issues.

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