The Committee will meet at 2.00 pm in Committee Room 4.

1. **Youth Justice Inquiry:** The Committee will take evidence from—

   Dr John Marshall, Consultant Forensic Clinical Psychologist, Lead Clinician – Forensic Child and Adolescent Mental Health Service, Greater Glasgow NHS and

   Dr Nicola Hornsby, Chartered Clinical Psychologist, Fife Youth Justice Team; and


2. **Youth Justice Inquiry:** Report back from fact-finding visit in Edinburgh.

3. **Petition PE578:** The Committee will consider correspondence from the Deputy Minister for Justice.

Gillian Baxendine / Tracey Hawe
Clerks to the Committee
Tel 0131 348 5054
Agenda item 1 – Youth Justice Inquiry

Proposed areas for questioning
(PRIVATE PAPER – MEMBERS ONLY) (To follow)

J2/S2/04/32/1

Agenda item 2 – Youth Justice Inquiry

Note by the Clerk

J2/S2/04/32/2

Agenda item 3 – Petition PE578

Note by the Clerk
(Correspondence from the Deputy Minister attached)

J2/S2/04/32/3

The following documents are circulated for information only:

Report by PA Consulting Group – Scottish Youth Justice Baseline

Forthcoming meetings:

• Tuesday 23 November – 2pm
• Tuesday 30 November – 2pm
• Tuesday 7 December – 2pm
• Tuesday 14 December 2pm
Neil Bruce – Council Youth Justice Coordinator

Neil Bruce, the Council’s Youth Justice Coordinator, explained that the current strategy developed from 2001 when the Executive began to provide specific youth justice funding to local authorities. Initially funding went exclusively into projects but from the 2002 audit of youth crime, Edinburgh identified inconsistencies in the way young people were being assessed and referred to services. This led to the present “No Offence” strategy, a key part of which is to provide a consistent pathway for young people who offend.

The initial strategy covered both youth justice and prevention but the multi-agency Youth Crime Strategy Group recognised recently that for the prevention side, to be effective, a broader approach has to be developed to encompass almost the whole range of city services. It has therefore been agreed that the Youth Justice Strategy Group will focus on a youth justice strategy for young people who offend, while the broader prevention strategy will emerge from the Community Safety Partnership and its links to Community Planning. A number of existing prevention activities such as the police’s “Making the Difference” campaign, joint work in schools by the Education Dept, police and fire services, and the development of police Youth Action teams to engage with young people, would feed into the broader prevention strategy.

Neil highlighted the value of his own role being initially based in Corporate Services rather than social work, giving a broader reach across the Council. He noted a number of imaginative ways in which the service is addressing multi-disciplinary working. This included a police juvenile liaison officer being located in the youth services building three days a week; a seconded police officer heading up the Youth Justice Resolution Team; and the imminent secondment of a mental health worker from Lothian NHS.

Neil emphasised the need for a common dataset to clarify definitions of youth justice, of persistent and serious offenders, etc. This is something that Edinburgh’s dedicated Youth Justice Children’s Reporter has developed
which forms the template for a national dataset being developed by Scottish Children's Reporter Administration.

Neil also noted the establishment of a dedicated team to address offending behaviour in Young People’s Units. This is a significant subset of persistent offending and referring to the police is not necessarily the most effective approach, particularly as often no further Children's Reporter action will be taken when the young person is already in a Young Persons Unit.

Edinburgh’s strategy has focused strongly on creating a single pathway through youth justice services so that there is consistent treatment of all young children who offend. Young people progress from police warnings – including the new restorative warnings – to referrals to Scottish Children's Reporter Administration. Edinburgh has funded a dedicated Youth Justice Reporter to ensure coordinated decision making in relation to all offence referrals. Cases are then either diverted to the Resolution team or, if there is to be a Hearing, passed to the Assessment team (see below).

**Sgt Thomas Munro, Local Early Intervention Team**

Sgt Munro is a former Juvenile Liaison Officer now seconded to head up a new Youth Justice Resolution Team. This brings together social workers with other seconded staff including from the housing department and from a previous SACRO restorative justice project. The team aims to provide early, appropriate intervention, including a restorative justice element, for offending young people who have exhausted the warnings system but are not yet persistent offenders. Such young people would previously have been dealt with on a more ad hoc basis.

At the end of interventions, the team is working towards the concept of “anchor points”, such as voluntary or work experience, which give the young person support but move them away from programmes specifically concerned with offending.

Sgt Munro felt that the links between agencies and the coordination of services were better than in any of his previous experience of the youth justice system.

**Mary Lewis, Assessment Team**

The assessment team acts as a single, coordinated referral point for young offenders into the range of available services. Initially, when services for young offenders were expanding, young people could be referred from a range of agencies and there was a lack of consistency about which services were judged appropriate for different types of offender.

The team was therefore set up to provide a single filter and to produce a single assessment report for Hearings (based on the Asset tool) which draws together inputs from social work, school, housing etc in a holistic way. It enables priority areas for action to be identified and targets to be agreed for
key agencies even before the child goes to a Hearing. There is then a six, twelve, twenty one and fifty two week reviews to check that the action plan is still appropriate and being actioned.

One result of this approach is that the young person does not have to engage with as many agencies or attend as many meetings.

The team also contributes to setting targets and evaluation of funded projects, whether these are delivered by social work or by outside organisations. Service level agreements are set up with all agencies about, for example, what sort of offenders they will take on their programmes and what evaluation will be done.

Edinburgh has used some youth justice (and community safety) funding to employ two analysts, located in the police intelligence unit, and will also be recruiting a researcher. Information sharing protocols have been agreed with partner agencies although there is not yet the prospect of joint databases. Edinburgh has also been involved in the Youth Justice Evaluation Framework pilot, with three other authorities; and this is to be rolled out across Scotland.

Mary also noted that, despite the shortages in social workers generally in the Council, there are no recruitment difficulties for the youth justice posts where vacancies are attracting many good applicants.

**Lunch**

Members had informal discussions over lunch with a range of local managers, practitioners and service users to discuss their experiences and views. A list of participants is at Appendix A.

**Dot Horne, Turnaround Project, Youth Café, Victoria Street**

Dot is the project manager of the youth café and met members along with two youth workers and two young people who have been involved with the café.

Dot explained that the Turnaround Project was only one part of the wide range of youth work carried out by the café, not all of it for young offenders. Turnaround is specifically dealing with persistent and/or serious offenders who can be referred by other agencies or self refer. It runs for a day a week over 10 weeks and aims to challenge offending behaviour and provide skills for young people to stay out of offending. Recent evaluation showed that 70% of participants had no further criminal charges.

Young people who have participated in the programme very often then remain involved with the café afterwards for ongoing support and activity. One young person who Members met highlighted how Turnaround had helped him to move out of serious offending and into further education and vocational training; he continued to come to the café regularly and valued its support. Another young person spoke to Members about the difficulties of getting the
right help when in secure care and/or homeless. Again, she valued the café as an anchor point to give her support in her dealings with other agencies.

**Youth Justice Strategy Group**

The Group is chaired by Pam Smith, head of Planning and Commissioning in the Children and Families Department. This is a new Department set up following the O'Brien report, bringing together the Education Department and parts of the Social Work department.

The Strategy Group is supported by a Youth Justice Management Group, a Project Managers Forum and a Practitioners Forum. A list of full participants and of members of the strategy group not at the meeting is at Appendix B.

The Group noted the range of different strategies which have to come together to achieve a result. This includes Children’s Service plans, community safety, anti-social behaviour, drugs & alcohol services – all of which come with their own funding approaches. Education is also key and other policies – such as the autonomy of head teachers and the focus on attainment targets – can cut across youth justice objectives.

Members of the Group highlighted the problem of funding uncertainty: at present Executive youth justice funding is not confirmed beyond 2006 which makes planning difficult. The same issue arises for anti-social behaviour funding where there is clearly a need for good coordination with youth justice.

The pressures on Scottish Children's Reporter Administration resources, with the increasing number of referrals and their expanding role, was highlighted.

It was noted that there had been a marked reduction in the use of secure places and, while it was early days, this seemed to reflect better management of that service and its place in the wider strategy.

Overall, a good deal of optimism was expressed about the structure now in place in Edinburgh. The Group felt that different projects were being brought together in a coordinated way and that for the first time in 25 years it was possible to demonstrate to police officers that when they referred a young offender, something would happen as a result. Links between juvenile liaison officers and social work were closer and clearer. Restorative warnings added a valuable additional tool; while the use of Asset assessment methods meant that Children’s Panel members were developing increased confidence in the quality of reports to them and in the follow up action.

**Gillian Baxendine**  
**Clerk to the Committee**  
**4 November 2004**
## Appendix A - Lunchtime participants

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Lewis</td>
<td>Youth Justice Services Manager, The City of Edinburgh Council</td>
<td>Operational Manager of local authority Youth Justice Services</td>
</tr>
<tr>
<td>Alan Lee</td>
<td>Senior Social Worker, Youth Justice Assessment Team, The City of Edinburgh Council</td>
<td>YJAT responsible for assessment, case planning and reviewing of all serious and persistent young offenders in Edinburgh.</td>
</tr>
<tr>
<td>Dragicia Prpa</td>
<td>Senior Social Worker, Junction Team Youth Justice Services</td>
<td>Junction provides offence focused individual and group programmes to serious and persistent young offenders</td>
</tr>
<tr>
<td>Sgt. Thomas Munro</td>
<td>Manager, Youth Justice Resolution Team, Lothian &amp; Borders Police</td>
<td>Seconded from Police to manage multi-agency Youth Justice Resolution Team</td>
</tr>
<tr>
<td>Sharon Young</td>
<td>Project Worker, Youth Justice Assessment Team, The City of Edinburgh Council</td>
<td>Undertakes assessments and case planning of serious and persistent young offenders</td>
</tr>
<tr>
<td>Julie Edgeworth</td>
<td>Project Worker, Junction, Youth Justice Services The City of Edinburgh Council</td>
<td>Provides offence focused programmes to serious and persistent young offenders</td>
</tr>
<tr>
<td>Alison Reid</td>
<td>Youth Justice Children's Reporter, Scottish Children's Reporter Administration</td>
<td>Unique post funded by Youth Justice Funding</td>
</tr>
<tr>
<td>PC Charlie Everitt</td>
<td>Juvenile Liaison Officer Lothian &amp; Borders Police</td>
<td>Oversees all police reports sent to Children's Reporter in relation to offending</td>
</tr>
<tr>
<td>Ian Bell</td>
<td>Manager, Includem Edinburgh</td>
<td>Includem provide an intensive an intensive mentoring service</td>
</tr>
<tr>
<td>John Docherty</td>
<td>Manager, Court &amp; Hearing Interface Project, (CHIP), NCH – Scotland</td>
<td>CHIP provides offence focused programmes targeted at 15¾-18 year olds</td>
</tr>
<tr>
<td>Mike Stewart</td>
<td>Manager, RUTS</td>
<td>RUTS provide individual and group based vehicle offending programmes.</td>
</tr>
<tr>
<td>Sharon Munro</td>
<td>Manager, Lighthouse, Barnardos</td>
<td>Lighthouse provide assessment and therapeutic programmes for young people involved in sexual offending/sexually aggressive behaviour</td>
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## Appendix B – Participants from Youth Justice Strategy Group

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pam Smith</td>
<td>Planning and Commissioning Manager, Children &amp; Families Department, The City of Edinburgh Council</td>
<td>Planning and Commissioning responsibility for all Social Work related services for Children &amp; Families Also Chair of Youth Crime Strategy Group</td>
</tr>
<tr>
<td>Christina Burnett</td>
<td>Operation Manager, Children &amp; Families Department, The City of Edinburgh Council</td>
<td>Operational responsibility for all Social Work related services for Children &amp; Families</td>
</tr>
<tr>
<td>Donald Urquhart</td>
<td>Head of Anti-Social Behaviour Division, Housing Department The City of Edinburgh Council</td>
<td>Responsibility for the development and implementation of The City of Edinburgh Council’s Anti-Social Behaviour Strategy</td>
</tr>
<tr>
<td>Paul Hambleton</td>
<td>Manager, Social Strategy Unit, Corporate Services, The City of Edinburgh Council</td>
<td>Responsible for social strategy initiatives including Community Safety, Youth Justice and Health Improvement</td>
</tr>
<tr>
<td>Ian Burnside</td>
<td>Superintendent, Partnership Working, Lothian and Borders Police</td>
<td>Responsible for managing Police partnership initiatives.</td>
</tr>
<tr>
<td>Gordon Irvine</td>
<td>Authority Reporter, Edinburgh East, Scottish Children's Reporter Administration</td>
<td>Responsible for Children's Reporter Service in East Edinburgh</td>
</tr>
<tr>
<td>Elizabeth Drummond</td>
<td>Depute Chair and Children's Panel Member, Children's Panel Management Group</td>
<td>Member of Children's Panel Management Group and active Children's Panel member</td>
</tr>
</tbody>
</table>

*Youth Crime Strategy Group Members not in attendance*

- Ron Lancashire, Manager, Criminal Justice, The City of Edinburgh Council
- Mike Rosendale, Head of Service, Community Education, The City of Edinburgh Council
- David Wardrop, Senior Sport and Leisure Officer, Culture & Leisure Dept, The City of Edinburgh Council
- Sheriff Neil Mackinnon, Sheriff, Sheriffdom of Lothian & Borders
- Melanie Ward, Depute Procurator Fiscal, Procurator Fiscal’s Office
- Tom Munro, Divisional Officer, Community Safety, Lothian & Borders Fire Brigade
- Graham Lyell, Manager, Social Inclusion, Lothian NHS
- Sandra Martin, Director, Edinburgh Youth Social Inclusion Partnership
- Ian Glen, Head of Pupil Support, Children & Families Department, The City of Edinburgh Council
Background

1. Petition PE578 was lodged in November 2002 by Mr Donald MacKinnon. It calls for the Scottish Parliament to take the necessary steps to extend the right of absolute privilege to young and vulnerable people who report abuse to an appropriate authority.

2. The Petitioner wants the Scottish Parliament to consider providing statutory immunity from civil action to children and other vulnerable people who report abuse. Although the petitioner has personal experience of this situation, the purpose of his petition is to address the more general issues raised.

3. The Scottish Executive position was originally set out in a letter from its Education Department in 19 March 2003:

   "In effect an allegation by a child of abuse is protected by qualified privilege unless the person is proved to be acting out of malice. A false statement made in good faith would be protected whereas knowingly making a false accusation could be considered to be malicious."

Providing children and other vulnerable people with absolute privilege would mean extending their statutory immunity from civil suit, even in the case of a complaint being made maliciously. The Executive expressed concern that extending absolute privilege in such a way would risk being non-compliant with ECHR.¹

Committee consideration

4. The Committee agreed to seek information from the Executive on the number of defamation actions which had been raised against young and vulnerable persons who had reported abuse. Following an Appeal to the Inner House of the Court of Session (the Appeal Court Opinion was delivered in February 2004) a response was received from the Scottish Executive, indicating that it was not aware of any cases similar in nature to the McKellar v. MacKinnon case.

¹ Letter from Scottish Executive Education Department, 19 March 2003
5. The Deputy Minister also advised that the Executive was in the process of deciding how best to address the possibility that children and young people may be deterred from making genuine complaints because of the prospect of a subsequent defamation against them.

6. At its meeting on 12 May 2004, the Committee agreed to continue consideration of the petition for a further six months to allow the Executive to reach a view on how best to address the possibility that children and young people may be deterred from making genuine complaints because of the prospect of a subsequent defamation action against them.

Options

7. The Committee is invited to consider the Executive’s response and agree on how best to proceed with the petition.

11 November 2004        Clerk to the Committee
Thank you for your letter of 28 October in connection with the above petition.

As the Committee has recognised in its previous consideration of the issue, this is a complicated matter. The Executive takes the matter very seriously, and agrees that any risk of children and young people being deterred from making genuine complaints of abuse because of fear of being sued for defamation should be minimised. At the same time, other consideration such as the need to protect teachers and others who work with children and young people from unfounded allegations of abuse need to be taken into account.

My officials are currently in discussion with those in the Education Department about how these issues might be addressed. I have asked to be kept advised of progress and will provide the Committee with a more detailed response as soon as possible, which I hope will be in the reasonably near future.

Yours sincerely

Hugh Henry
11 November 2004