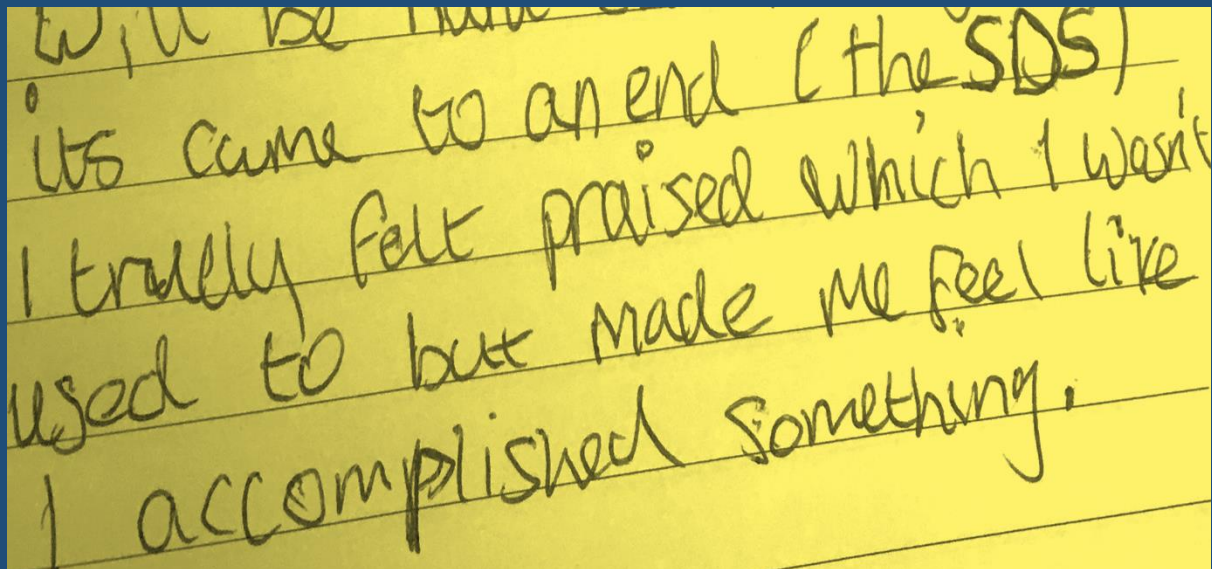


Evaluation of South Lanarkshire Structured Deferred Sentencing for Young People



Mid-way Report

February 2019

Completed by: Dr Johanne Miller, University of the West of Scotland.

Blane Abercrombie, University of the West of Scotland.

Johanne.miller@uws.ac.uk

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Executive Summary

This mid term report presents findings from a structured deferred sentencing pilot ran in South Lanarkshire between April 2018 and December 2018. The pilot aimed to improve sentencing outcomes for young people between the ages of 16-21 years old. It was expected that by deferring sentence and regular engagement with an intensive social work support package young people who engaged on the pilot would reduce (re) offending rates, improve their employability and achieve community integration.

The pilot was executed in two summary courts: Lanark and Hamilton. The pilot provided a structured deferred sentence for six months where an intensive support package was delivered to the young person who attended regular court and social work appointments to update on progress and receive support. The support package provided was delivered with the needs of the young person at the forefront and could include: housing, mental health, drug and alcohol, employability, relationship and social supports.

The methods used to carry out the evaluation included four longitudinal interviews with three young people and one focus group with five young people at various different stages of Structured Deferred Sentence. Focus groups and interviews were also carried out with practitioners including the social work team, the sheriffs and the partner organisations. It also included a documentary analysis of screening documents, update reports and court referral sheets.

During April to December 2018, twenty one young people engaged in the Structured Deferred Sentence pilot. Results from the mid term evaluation were successful and this was due to the welfare led approach that underpinned the project.

Eight young people successfully completed their structured deferred sentence receiving complete admonishment, two were removed through non-engagement and given a deferred sentence and ten are currently ongoing. One young person successfully completed yet received a further community payback order. This outcome highlighted the need for consistency in staffing and ensuring the project is underpinned by welfarist principles.

90% of those who engaged with project did not re-offend during their engagement. It had an 86% completion rate which is high in comparison to Community Payback Orders for young people, the current main sentencing option for young people in Scotland. It was recommended that for appropriate offences and young people that Structured Deferred Sentence be the main community sentence for young people due to the improved outcomes and completion rates associated with it for this age group.

The pilot highlighted that Structured Deferred Sentencing has the potential to down tariff young people in Scotland and act as a bridge between the adult and youth criminal justice system. The end of evaluation report will provide further exploration into the effectiveness of this as a community based sentencing option for young people in Scotland.

Introduction, Background of, and overview of SDS in Scotland

Introduction

Structured deferred sentencing (SDS) is a community based intervention given after conviction, but prior to sentencing. There have been various pilots of SDS across Scotland since 2004. The South Lanarkshire SDS piloted in December 2017 but before we address South Lanarkshire, the shared characteristics of SDS and findings across the other pilots will be discussed so that we can learn from what has come before and place these findings in a national context.

SDS aims to divert people from the criminal justice system and reduce short term prison sentences. A person convicted of an offence is provided with a period of time between conviction and sentencing in which they receive structured support to address criminogenic needs and stop offending prior to being sentenced. If during the deferral they commit no further offences then they receive a lowered sentence or complete admonishment.

Background of SDS across Scotland

The SDS model was developed due to policy and practitioner perceptions that low tariff offenders were presenting high levels of need when being sentenced at court. The outcome for these offenders were that they were being 'up-tariffed' to enable them to receive social work support that was unavailable to them (MacDivett, 2008). In 2004, SDS was piloted in three areas Angus, Highland and Ayrshire within five sheriff courts with a focus on addressing criminogenic needs and reducing (re) offending rates alongside local authority (LA) specific aims. In 2015, Aberdeen introduced a structured deferred sentencing option for women and then young males in 2016, commonly referred to as the Aberdeen Problem Solving Court (APSC) (Eunson et al, 2018).

- Each LA targeted a specific group;
 - Angus targeted low and high tariff offenders especially women, young offenders and offenders with substance misuse.
 - Highland concentrated on women, young offenders, offenders with substance misuse and offenders with learning or mental health issues.
 - Ayrshire targeted low tariff offenders with alcohol misuse.
 - Aberdeen focused on high tariff offenders (7 convictions or more) females over 16 and males between the ages of 16-25.

Take away messages from previous evaluations

The findings displayed across areas were similar regardless of different tariffs, location and groups targeted. This would indicate that these issues are systematic and should be expected in the roll out of the intervention. They are not unique to a specific pilot and were encountered across all sites, these were:

There was a low take up of lower tariff orders and higher tariff orders than expected, ranging from between 27% to 57% of expected orders being assigned. On average each SDS worked with low numbers.

Staffing problems which affected recruitment, promotional activities and management of the pilots.

The main needs identified across the three areas were drug and alcohol, employability and social/living needs. These needs were then met through dedicated SDS workers taken from social work services who would signpost service users onto local services.

In terms of charges which precipitated SDS; Breach of the Peace, Theft and Assault were the most common across the sites.

Within each of the evaluations there was not a compulsory element to the SDS. Views on enforcement of the order were mixed from practitioners with many wanting to see a compulsory element to SDS whilst others believed it being voluntary was a key element in its success. Yet across each of the sites, sanctions were not required, highlighting that compulsion is not required.

For offenders and those who worked with them, they all felt they benefitted in some way from being involved in the SDS: getting support, changing behaviour, and receiving a lesser sentence.

Of the 77 who engaged with SDS in Angus, 25 were high tariff offenders and 52 low tariff offenders. The re-offending rates were low for this local authority: 12 reoffended, 8 from high tariff orders and 4 from the lower tariff offenders (MacDivett, 2008).

In APSC, which also focused on high tariff offenders of 35 who engaged with SDS, 14 successfully completed and 19 were sentenced to custody. Considering APSC focus on high tariff offenders this is an excellent outcome.

In Highlands, just over half reported that they did not offend and no data is available for Ayr.

Within the SDS evaluation (MacDivett, 2008) the funding per case averaged at £2562.00 upper tariff case with a low tariff of £1559.00, Ayr presented as being highest with £4610.

These costs may seem to be high for a six month intervention but are minimal compared to the cost of custody per year, £38,903 (Scottish Prison Service, 2018) or secure care £260,000.00 (Scottish Government, 2011). Taken into consideration with the level of (re)offending that occurs with these disposals; “88% of 16 to 20 year olds released from custody are reconvicted within two years with 45% receiving further custodial sentences.” (Scottish Government, 2011, p10).

These programmes may be viewed as good value for money when the costs and outcomes are considered. Further research into the area of costs and what each of these costs include would allow a cost benefit analysis of community interventions to occur. This would be beneficial as it is difficult to assess the cost effectiveness of community interventions across gender and age.

South Lanarkshire SDS Aims & Process

South Lanarkshire SDS was funded through the Employability, Innovation and Integration fund of the Scottish Government. Its main aims were:

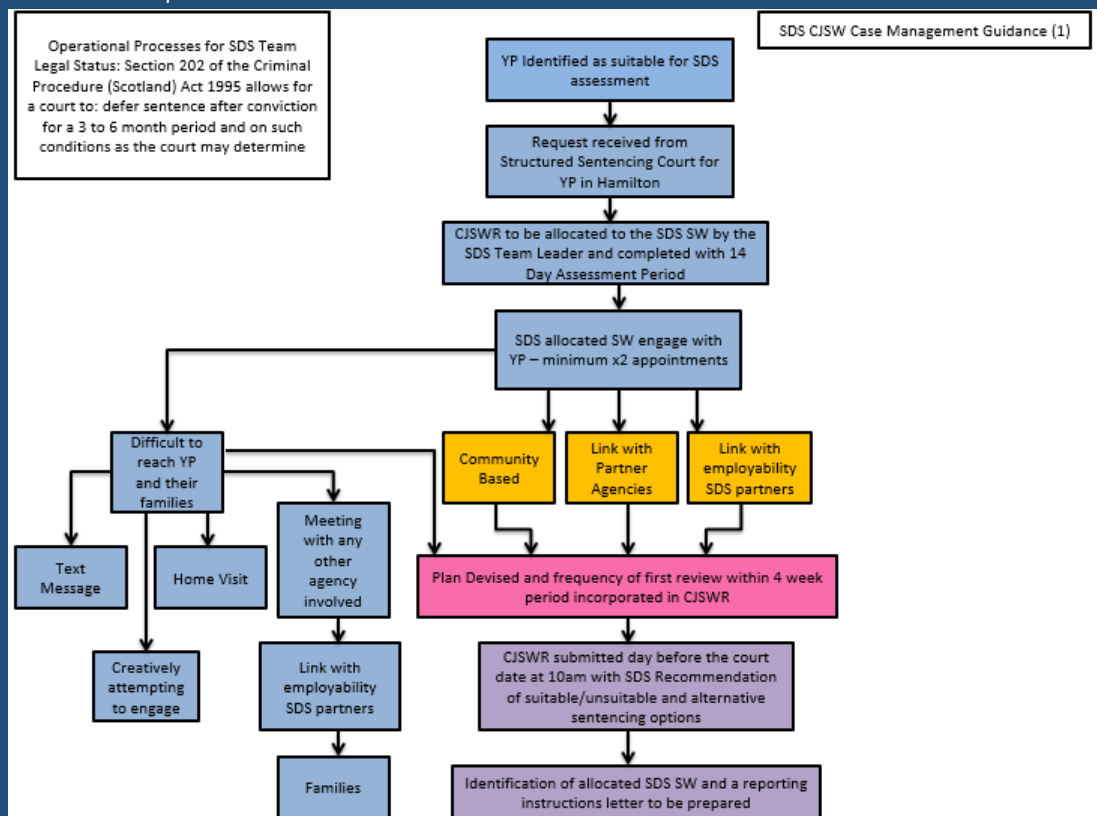
- To provide support through courts and an alternative community disposal (SDS) to sixty 16-21 year olds which includes an individual intensive support package.
- The package will support the individual to progress through the employability pipeline
- Through a whole systems approach provide opportunities which allow meaningful re-integration and community involvement in a pro-social manner.
- That the intensive support package will improve sentencing outcomes and reduce (re) offending rates.

SDS Process

The purpose of this section is twofold, to highlight how SDS works and to act as a guide to how the pilot was delivered.

Within the appendix a full Guidance and Case Management Process Chart and the court referral sheet, these forms were all developed by the SDS, Court or Social Work team and are used within the service. Below is a process map of SDS which highlights the process of a young person from referral to sentencing.

SDS process Chart



The above table displays the overall process that a young person goes through once engaged as a suitable candidate for SDS. For a full overview and process map please see appendix one.

Staff Resourcing

Social Work Team

A dedicated social work team oversees and provides intensive support. The staffing team consisted of:

- 1 Operations Manager (Strategic Oversight & Implementation)
- 1 Part Time Team Leader (Service Management, a full time post required).
- 1 Criminal Justice Social Worker with Children & Families background (Intensive Support Package, Court Support and point of contact for YP).
- 1 Criminal Justice Social Worker with Children and Families background (Intensive Support Package, Court Support and point of contact for YP).

The social work team are the required dedicated team in the running of SDS. They act as the linchpin of services and are responsible for the young person's journey, oversight of the other organisations and cultural change to welfare led approaches. They are central and require additional funding as their full time posts are required to focus exclusively on the quality of the project.

A monthly steering group is hosted by SDS to update and encourage partnership buy and assist the cultural change required of the welfare led approach of SDS.

The mix of Criminal Justice and Children and Family Social Worker was essential in that it ensures a welfare led approach whilst navigating the criminal justice system and the consequences of offending. Social work is responsible for the initial screening process once they receive a referral (Please see appendix two for Screening Document). Young People are deemed suitable for SDS if:

- They are between 16-21, pled guilty at Lanark or Hamilton Court and are residing at a South Lanarkshire postcode
- Voluntarily agree to SDS process
- Do not have an active community payback order or breach pending
- Displays Medium-High risk/needs rating using LSCMI or YLS/CMI

Once a person is deemed suitable for SDS social work either from the court referral process or Criminal Justice Social workers can also make referrals directly to the SDS team.

The SDS team will alongside the young person create an intensive support package to address their needs, meet with them on a regular basis and create CJSW reports for each update at the court. They are also expected to attend a dedicated SDS court every two weeks.

Court Team

Within SDS South Lanarkshire, a court social worker is present in each court and is responsible for identifying suitable young people to be considered by the Sheriff for SDS.

Every two weeks, a dedicated SDS court is held at ten o'clock on a day in which summary trials are being delivered. Through the use of reports created by the social worker and the two weekly meetings it does not disrupt the sheriffs other duties..

The same sheriffs preside in the SDS court to enable continuity of sentencing and updates. It is essential that it is dedicated SDS sheriffs who are invested and have a welfare led approach.

The court typically takes half an hour to complete as all social work reports and statistics are already prepared. An SDS social worker is present at each of the courts for further information and updates as is required.

Court Team Leader (Oversight of Court Social Workers & screening process, data recording)

Court Social Workers (Identifying YP & beg referral process)

Two dedicated Sheriffs (Sentencing & Progress Updates)

Partnership Team

The partnership team are essential in the creation of an intensive support package and improving outcomes for young people. The partnership team include local, self-funded organisations which have the aim of improving outcomes for young people in terms of offending, employability and social support services. They are to provide additional support in the following areas:

- Education & Employability
- Housing & Community Support
- Social & Wellbeing

The list of organisations that were involved at the steering groups were:

Access to Industry

Action for Children Justice Services

Addaction

Aspire

Routes to Inclusion

Stepek Mindfulness

VASLAN

Evaluation Aims & Methods

SDS Evaluation Aims

This study aimed to assess both quantitative and qualitative outputs of the project. In regards to a quantitative retrospective analysis of the data available on each of those taking part in the study based on:

- Based on a quantitative analysis to ascertain if there was a reduction in the number of and severity of offences of those who were on SDS
- Using a comparison group evaluate the impact of SDS on offending, time spent in custody and sentencing

These would need to be carried out 3-6 months after the completion of the order and as such are not included in the mid-review but will be reported on in the full report. The qualitative aims were:

- Produce three case studies which showcase different journeys into offending, the barriers and catalysts to change and the impact of SDS
- Evaluate the effectiveness of SDS and what works in improving outcomes for young people
- Evaluate the impact of the whole system approach within SDS

The following section will discuss the methods employed to achieve these aims.

Interviews and Focus Groups with Young People

To produce three case studies and evaluate if, how, and in what ways, SDS impacted on young people a variety of qualitative approaches were taken:

- A longitudinal follow up of 3 participants at three stages – implementation of SDS, during SDS, and 3 months after sentencing. A critical incident approach will be taken at the stage to identify the barriers and catalysts to change the young people are facing and what support mechanisms at each stage are helping or hindering the desistance process.
- Three focus groups with four to six participants at three stages of their SDS: Within one month of implementation of SDS, during SDS and after sentencing. What is working within the programme and what could be done to improve it? Within one of the focus groups a researcher for Community Justice Scotland was also within the room.

Interviews and Focus Groups with Practitioners

- Interview four key senior partners once at the beginning to capture the intent and selection process of the new SDS approach and again at the end to see what worked and capture the different viewpoints of providing support using the whole person approach by multiple organisations. Within one of the interviews a researcher for Community Justice Scotland was also within the room.

- Have two focus groups with the organisations that are providing support one at the beginning and one at the end of the supported SDS trial. The purpose of this is to capture the experiences of those who are carrying out front line delivery to assess the implementation of the project and gain valuable insights into how to improve the delivery of the programme.

Court Observations

Six observations of SDS court in Hamilton and Lanark. Two observations of normal court proceedings for comparative purposes. A participant observer approach was taken in which ethnographic notes were taken of the proceedings (Bryman, 2008)

Thematic Analysis of Documents

The young people who were taking part in the longitudinal study were given diaries and encouraged to take reflections of barriers and catalysts to change. SDS social workers and team leader were also requested to complete diaries in which they recorded their feelings.

Documentary analysis occurred of each of these documents

- Criminal Justice Social Work Reports completed for each of the young people.
- Steering Group Agenda and Minutes
- Update Reports of the SDS to the Scottish Government
- Court Referral Sheets.
- Diaries of the young people and practitioners

Current Progress of Evaluation

This document is reporting on the documentary analysis and the qualitative data sets. The end report in June, 2019 will focus on the quantitative analysis due to its retrospective nature.

- One focus group with four young people, 3 males and 1 female.
- One complete longitudinal study with one female and two initial interviews with two longitudinal participants.
- Four senior partners have been interviewed.
- The SDS team have had two individual interviews.
- One focus group with partner organisations.
- A documentary analysis of the 2 social worker diaries and 1 longitudinal participant
- Three court observations of Hamilton court

The following section will detail the findings to date and includes information on the participants up to December 2019. All data is anonymised and this research was carried out in accordance with University of the West of Scotland's ethical guidelines.

Findings

Eligibility and Screening Criteria

The findings discussed here display the 9 months that the SDS has been delivering support packages, April 2018, December 2018. Within the Court Referral Process first presenting in front of the sheriff:

107 young people were assessed.

75 were unsuitable.

32 were deemed suitable for an SDS.

Of the 75 unsuitable, 31% (23) of these had active CPOs and 15% (11) had breached current community orders (CPO, ROLO). 13% were pleading not guilty, which at later trials sometimes changed and they were then considered.

Overall at the initial court screening stage, 44% of all 16-21 year olds appearing at court were not considered for SDS due to active or breached CPO's. This finding has important implications for SDS and sentencing options for young people in Scotland. For SDS this reduces the number of suitable candidates who could benefit from SDS but it has highlighted wider issues with community sentencing for young people.

It also raises questions regarding the suitability of community payback orders as a sentence for young people. The majority of sentences provided to young people under the age of 21 are CPO's but this age group have the lowest successful completion of this order. 40% of those 18 and under do not complete this order (Scottish Government, 2018) and breach which often results in further offences for young people. When this is compared to national deferred sentence statistics, deferred sentencing has a 77% completion rate (Scottish Government, 2018). Statistics on deferred sentences do not provide a breakdown of completion rates via age but this is something that should be further researched as 33% of all deferred sentences are young people. Young people who are involved in the CJ system from a young age are transitioning from the welfare led approach of youth justice into the more punitive adult system and CPO's are not always the best option for them. Consider Fergus's response to CPO's compared to SDS:

It's much better (SDS). Instead of getting CPO's their pish, do fuck all for you. You're just getting it tight (constant control/supervision). Your social workers that do this job they have never had this life man, how can they turn round and tell us this that in the next thing.
(Fergus)

These findings raise questions of the suitability of CPO's for young people due to the higher numbers of young people not completing which may result in up-tariffing due to increased breaches and additional charges garnered when breaching a CPO.

Therefore it is recommended that:

- SDS should be the first consideration for the sentencing of young people as SDS has the ability to down tariff young people within the Criminal Justice System.
- Active CPOs are not a criteria of unsuitability for SDS
- For suitable young people their active CPO be replaced with SDS.

Outcomes for those who received SDS

52 young people were screened for suitability for SDS by the SDS team and a CJSWR written with recommendations for the young person on it. Of the 52 suitable for screenings, 16 were from court referrals and 36 from local social work offices.

Court referrals had a 100% success rate and all 16 moved onto SDS whereas referrals from the local offices had a 13% success rate, 5 moved onto SDS. Therefore it is worthwhile considering the referral process from local offices be more stringent.

21 SDS intensive support packages were provided to 3 females and 17 males between the ages of 16-21. The stage of these young people in SDS was at the time of writing:

- 10 are within various stages of their intensive support package.
- 2 were removed due to non engagement and placed on deferred sentences
- 8 have successfully completed and were completely admonished and,
- 1 successfully completed but was given a further community payback order.

The outcomes for young people highlights the success of the pilot model. The following does not include any statistical analysis of offending as the data was still to be generated. What follows are descriptive reports based on the CJ SW reports and documentary analysis.

Re-offending Rates and Sentencing

The re-offending rates at first glance are very low in terms of the young people, and the sentencing outcomes are favourable in terms of the young people. The figures below are descriptive and further statistical analysis will be provided in the end of evaluation report.

Of the 20 who engaged 2 have been convicted of offences re-offended, they are still engaging with the service. Therefore at first glance 90% of those engaging with SDS did not reoffend during their time. Further analysis will be able to determine the role of SDS.

Not including the ongoing cases there is currently a 82% completion rate which is very high for this age group.

Of the 9 sentenced, 8 received complete admonishment and 1 was further sentenced.

Stuart, a young person who successfully completed his SDS and received a further sentence is a cautionary tale within this pilot regarding the consistency and importance of dedicated sheriffs who have a welfare led approach towards the sentencing of young people. On the day of final sentencing the dedicated SDS sheriff was absent and a sitting sheriff was presiding. Due to Stuart successfully meeting all conditions of SDS the social work report recommended complete admonishment. Yet, the presiding sheriff believed that SDS was not punitive enough in nature and a further Community Payback Order was given.

The implications of this on young people are vast and have the potential to result in young people further withdrawing from their belief in procedural justice. Outcomes such as this reinforces the young person's previously held negative perceptions of the criminal justice system. It undermines

the role of social work and SDS and creates fatalistic feelings which could result in further offending as one social worker highlighted: “he’s damned if he does and damned if he doesn’t.”

This highlights the importance of consistency in Sheriffs presiding in the court and ensuring the sheriff who is presiding has a welfare led approach when dealing with young people. Across Scotland it is common for Sherrifs to be more punitive than social work. As highlighted by the number of referrals that social work make for deferred sentences in Scotland 11.% compared to the sentence given by judges 8.2% in 2016/17. (Scottish Government, 2018). Therefore a recommendation that:

All SDS courts have dedicated Sheriffs who are invested in the welfare led ethos of the approach and welfare led standing sheriffs who are able to step in if required.

Education, Training & Employment

The main focus of SDS is to assist young people into education, training or employment. There have been many successes within this area.

- 3 young people are now in employment.
- 1 has started college.
- Of the ongoing cases: 1 had a planned job interview and 1 was applying for college
- 18 have progressed one or two scales on the employability pipeline, 2 started at the top of the employability scales and were unable to progress further.

Barriers to employment for the young people involved stigmata from living in deprivation: lack of education, limited work experience and low self-belief:

I just need to keep going to college and get into a routine and get... I don't know, get a part-time job eventually, when I'm settled but like, an actual... Like, the now is the best time to do it because it's Christmas and obviously, you get all your Christmas temps and all that coming up, but I just don't feel my mind is in the right place the now to go and... I'm stressed and that, I come home from college and I'm pure stressed out my nut and then, I'm running about trying to do things and then like that, imagine me with a part-time job coming in as well. (Ailsa)

I hated high school, but I had learning difficulties and I didn't actually find out until a wee bit through first year because that's when I started getting all my tests and that. But, it was a maths disability I got... (Susan)

Yet having a criminal conviction is one of the biggest barriers to employment. Stuart argues he isn't going to try and get a job until his sentence is complete as he feels he won't be able to get one as a result. “I need to wait until my sentence is up to get a job.” (Stuart). It is estimated that the proportion of ex-prisoners progressing to employment sits at 3% but this is expected to be lower in times of austerity (Scottish Government, 2012). People with convictions face many of the same problems as long time, unemployed people: low levels of educational attainment, low self-esteem and poor work history. Having a criminal conviction will further remove this group of young people from the labour market. Andrew, a first time offender highlights how he thought that admonishment meant he would not receive a criminal conviction and how he nearly lost his job as a result of receiving this on his record.

“I thought admonishment meant it wasn’t on my record, that it was cleared.... I didn’t tell my work I was so anxious about it and I nearly lost my job because of it. I am just lucky that Social Worker called my boss and explained what it meant, as otherwise...”

Ailsa confirms this in her final follow up interview three months after successful completion where she was not accepted onto a college course due to her recent admonishment:

“I never got into that social care SVQ2 course because of my new record, I am gutted.”

This was Ailsa’s second offence and Andrew’s first and already the stigma of their offence is blocking future opportunities for them. Aaltonens (2016) study suggests that employers’ unwillingness to hire people with convictions could be a main factor in their continued un-employment.

This is important, if one of the main aims of SDS is to improve the employability levels of young people through a community based sentence then it is worthwhile knowing that social work and sheriffs consider the use of absolute discharge as an outcome for SDS sentencing. This would allow young people the ability to engage within the labour market without a criminal conviction and reduce the levels of stigma they experience. This relates to the number and severity of the offence the young person has committed and therefore discretion is required but the use of absolute discharge could greatly improve life chances for young people. Therefore it is recommended:

That social work and sheriffs utilise absolute discharge for low tariff first or second offenders who successfully complete their SDS.

Improving employability is also dependent on the young person’s engagement with the service provided as part of the intensive support package. Young people did not always want to engage with a specific service that was being provided. So it is important for the SDS team to be aware of how young people engage with and perceive the partner agency that delivers each service as many young people have negative perceptions of education, employment and benefit supports due to negative previous experiences.

Promoting Desistance & Improving Outcomes for Young People

The main focus of this pilot was to help young people stop (re) offending. The process of stopping offending is often a complex and chaotic journey that takes time. There is general agreement that progression from crime or persistent offending is a result of interplay between subjective/cognitive factors and social or environmental factors (LeBel et al, 2008).

Subjective change requires an internal or cognitive decision that the person no longer wants to offend. This is coupled with an ability to envision a new ‘pro-social identity’ and a belief that this identity can be achieved (Lightowler, 2015). Young people need to agree to the voluntary aspect of SDS and this allows for a young person to begin this process of desistance as it captures young people who have decided they want help to change and stop offending. The voluntary aspect is crucial in capturing this motivation and helping young people achieve it. Yet desistance is not only an internal change, young people’s life chances and environments must improve and the young people recognise that:

“You cannae just change like that man, it disnae matter how many workers or jobs yev got it’s gonna take a couple of year. So I wud say naw then.” (Fergus)

I think it's all about coping mechanisms and trying to keep yourself busy and change. It's all about life, structure and all that, isn't it? (Ailsa)

Subjective change alone cannot achieve desistance, what is also required is social change such as changing environments, employment, marriage or parenthood. It is highly debated as to which factor comes first – cognitive or social factors and it is argued that for desistance to be long term it requires both (LeBel et al, 2008). SDS helps young people achieve this environmental aspect of change by supporting them towards more stable environments and relationships and helping them to build control into their lives. The criminal justice system is not always the site through which desistance can be achieved, other factors must be taken into consideration,

Desistance is about more than criminal justice. Desistance requires engagement with families, communities, civil society and the state itself. All of these parties must be involved if rehabilitation in all of its forms (judicial, social, psychological and moral) is to be possible. (McNeill, 2012, p2)

Young people's backgrounds of trauma, social isolation, and negative experiences resulted in a deep mistrust of people, organisations, and the criminal justice system.

SDS recognised this and put the young people at the forefront of the service as many barriers would get in the way of their desistance journey. The majority of what SDS does is to encourage positive behaviour change that is linked to overcoming and overturning negative experiences. The main barriers to change for the young people were related to previous experiences and environments.

The link between young people's victimisation and offending is strong (Smith and Ecob, 2007) and the young people who took part in this research described chaotic lifestyles which the SDS team had to focus on prior to being able to engage in employability work. Consider Ailsa's first charge related to her belongings being stolen in a homeless unit.

No. I got the charge when I stayed in homeless accommodation. I moved out when I was 16 and I stayed in the high street homeless unit and then I got thrown out of there because somebody stole all my stuff off me and I had to kick the door down to get all my stuff back. It wasn't just like stupid stuff, it was my mobile phone and all that. I had moved out of my home at 16 with nothing. (Ailsa)

Her second charge which resulted in her being placed on SDS was linked to the sexual victimisation of a friend. Fergus, has an array of charges related to anger issues and conduct. Many linked to domestic abuse perpetrated by his father:

I just don't even talk to my dad anymore, tries to get mental wae me. Cunt tried to get facial (facially scar him) with me all the time, set about me all the time, get a sair face n that. He's fifty n something, aye so I stopped talking to him, stopped getting chucked out the house all time, breaching my tag. (Fergus)

Stuart, a first time offender was charged with carrying an offensive weapon, a knife he would carry to school for fear of physical attacks in school:

Since I came down from Old Town I was getting bullied every day. So, I thought I needed protection, so I would take a knife to school and that. Then, I got caught with it... I told the teachers, they don't do anything. Last time I told them, they went, 'Oh, we'll speak to him'. Two days later, he was sitting bragging to my face that, 'Oh, the teachers didn't do anything'. So, I gave up with teachers and decided to take it into my own hands. (Stuart)

This has important implications for any future programmes as the aim of SDS should focus on the needs of the young person first as the majority of their offending behaviour is linked to victimisation, their environment and situations they feel are out of their control, very similar to the Children's Hearing System. The intensive support package must be multi-dimensional with the welfare of the young person being paramount. Therefore it is recommended:

That employability is not the main focus of SDS but a secondary focus. Ensuring that the young person's social and well-being needs are addressed and they are in a safe and stable environment should be forefront.

This had serious implications for young people engaging within the project, and building meaningful relationships that assist in identity change as workers had to spend considerable time building trusting relationships and providing intense support before other areas could be addressed. Previous negative experiences resulted in a low belief of the systems and processes meant to help them but also a low level of self-worth and value.

I hated everything else but, I think it was more the social aspect with high school as well because I had...I didn't get diagnosed with anxiety and depression until half way through high school. It's one of them ones, you're that angry and all, like 'What's wrong with me?' Do you know what I mean? (Ailsa, 18)

That Sheriff used to set about me man, just about every fucking time they see me. "Yer a fuckin wee imbecile, a vandal and all that". I am like that what are you talking about man as soon as they start speaking I start shaking and all that. Pure heavy aggressive man. Put the fear of life into us man. (Fergus)

The SDS team and the Sheriffs provided new experiences of the criminal justice system which helped overturn previous negative experiences and build trust in the criminal justice system:

Robert: I got a meeting with the one police officer from Lanark and I got a tour around the police station, and then in a few weeks I'm going back to do stuff with them.

Interviewer: Oh, would you quite like to be a police officer?

Robert: Aye.

Interviewer: Did you have experiences like that before?

Robert: No. Well, when I was in the police car once going to my house because I offended, and I was in a police station for getting robbed at knifepoint.

The dedicated courts and sheriffs were a central element to changing these experiences and building new ones. The sheriffs that are dedicated are supportive of welfare led approaches and engage with the young people in a different manner. They encourage them, ask of their welfare and provide positive feedback which strengthens and bolsters the young people's belief in procedural justice, reduce trauma and anxiety and reward the behaviours that stop re-offending and encourage feelings of citizenship.

Susan: It wasn't like the way that I feel every other time I went to court before, because I think it was like... And I think if I need to go to court in the future, I'll maybe feel a wee bit easier. I don't know.

Interviewer: What was different, do you think?

Susan: Because I was getting pure praised and that.

Interviewer: So, you were different, not them?
Susan: Aye, I think... No, I don't know. Aye, it was them... I don't know. Like, because my lawyer was with me and the judge was actually saying, like, talking to me in-depth as well, it was a weird court. Every other time before that, I've either been in court one and court three, but that's a wee court as well, but the judge has never like, in-depth spoke to you but obviously, this is about you and a Structured Deferred Sentence and it was a new thing. I think it's... I don't think they should take it away anyway, I think it's good.

Having a dedicated social worker was essential in helping the young person. They helped provide social supports, built networks and trust between young people and existing organisations and provided support that young people did not get elsewhere that many others would get from peers or family members. The support provided by the social workers in this pilot was to be commended.

Ailsa: There's the support there if I need it, type of thing. I don't know. Wee things as well, but like, stupid wee things like, I can't get to college, can you take me to college? On like, my half-day or something, the day where I start late and finish late. If she can, she will type of thing and I've not got a bus pass, so she gets me the bus pass. It's wee things like that as well. I don't know.

Interview: Do you have that elsewhere in your life, like anyone else that would do that for you?

Ailsa: No.

Young people reported that having a person who provided intensive support in areas that they cared about helped build autonomy and self-efficacy, which increased their self-confidence and self-worth. They reported more control over their emotions, improved relationships and feeling more in control of their lives as a result of engagement with SDS.

This was where the desistance journey occurred initially, the social workers helped to create spaces where pro-social identities could be envisioned and acted out. They helped young people believe they could change and showed them that their environments could change with support.

Providing them with bus passes for example meant that they could attend appointments, court updates, social work meetings, go shopping and engage in leisure activities. The social work team helped open up avenues of trust, provided someone to call when a crisis arose and gave them something to lose. Whereas previously they had nothing to lose.

This was achieved through various different ways and occurred at different levels dependent on the need presented by the young person. The following quotes highlight how the social work team helped create self autonomy and improve self belief and confidence levels. They helped change negative perceptions of the CJ system, supported them towards more stable environments and helped to improve their relationships.

Autonomy
& Self
Efficacy

Like the bus pass. See, getting a bus pass for going to court, I know that's because of my means and education and all that but...I don't know. They got me stuff for college, I didn't expect that. I don't know. I just...the advice they sit down and give, they don't need to do that. Do you know what I mean? They don't need to do that. They could just sit and talk to you about your court stuff and then what they need to do and then just go home, at the end of the day. Going out and getting me a phone." (Ailsa)

Belief in CJ
systems

You need to want to speak to them, because there's a lot of young people that don't. I was like that when I was younger. I didn't want to do it, but that's only when I was really younger, I didn't want to speak to people. Like, authority-wise, type of thing, and then you grow up, you realise, I need them and you need to want it, really. If you don't, it won't work, but you need to. Aye, that's it. (Ailsa)

Improved
relationships

"With my boyfriend we get on better, I don't lose it like I did." (Susan)

More stable
lifestyles

Ehhh, a Foodbank, credit, electricity. I lost a £170 man, staying in that Glasgow. Fucking I was just going to top myself man, I was like I am just going to end up dead or something man, no door or anything like that, staying up that end o toon, I was like that fucking, phone that Social Worker man. Social Worker sorted me right out got me a foodbank man, got us a house made sure I had electricity n that an all." (Fergus)

Increased
self-worth
&
confidence

"See if you just start putting me on that mad course to do CSCS, probably wouldn't have happened man. But, with them they sat with you and make sure you understand it. Gives you a kick up the arse. Makes sure I'm doing everything and all that. Making sure that everything's sorted." (Duane)

Changing Cultures within Youth Justice

Throughout analysis of the data gathered and the pilot as a whole, it was evident that when dealing with young people who may be transitioning from youth to adult justice that a sector-wide culture and narrative change is required. As the pilot progressed the buy-in of those across the sector has led to the improvements in outcomes for young people. Although changes within criminal justice so often take time, this transformation has been rapid and that is of huge benefit to the young people involved, as well as the sector as a whole. Through the implementation of a multi-layered support approach to tackle issues of welfare as well as looking at employment and training goals; SDS has been able to structure the intervention around the young person in a way which the adult justice system often struggles, or fails to do. It has become apparent throughout discussions with the stakeholders and young people themselves, that this approach has been a success and therefore must be celebrated.

I think it's advantageous from the point of view, the input they receive is more intensive. It's tailored to their need, as it should be anyway. However, the ability to build up a rapport with the young person quite quickly, identifying quickly what the risk factors and you're reducing the risk factors. That's obviously the benefit of the work you're doing with them. If you're identifying substance misuse, then you can refer them quickly, there's other workers here from Action for Children, employability. The range of resources on-hand for the team are far better than - or can be accessed quicker perhaps is a better way of putting it than they would in CPOs, because they'd be seen once a week, once a fortnight. It's immediate, they're interviewed here, they get an appointment straightaway, they're linking in quickly with workers" (Social Worker One)

The push for a sector-wide cultural shift has to be a considered approach that is underpinned by the hard work of those driving it. In this case, the social workers and the SDS team. The support and work of the sheriffs has to be commended as without their buy-in, these successes would have been unobtainable.

The successes of the pilot are many but one that is particularly pertinent is that of the improved methods of working with young people and achieving the necessary buy-in from them to drive forward. The abilities to have streamlined methods of communications and working practices between the court team, the social workers and the Sheriffs, is something that has to be noted and commended as having had a huge impact on the successful outcomes for the young people. The consistency in this approach is one of the major factors as to why this pilot has been a success that can be built on.

I think the whole experience has been extremely beneficial from an organisational point of view, from a service user point of view and how we want to take this forward. I think we're very committed to take it forward and how do we take it forward. I think nothing will give us more pleasure if we have less young people being remanded, and we have our partners working with us to find collective solutions. I suppose, this pilot will embed these kinds of thought processes in the stakeholders minds as well, because custody is not the answer to everything. Community-based disposals, no-tariff disposals are/can work and this pilot will probably demonstrate in a smaller way that experience. I think that's what I wanted to see. I think I'm really passionate about this pilot and hopefully, we'll see the outcome of it.

With the support, assistance and understanding of the Sheriffs, as well as the court team, the cultural change and development has begun. Only working with the commitment and full support of everyone involved can the young people across the sector feel the benefits of having a welfare-led justice system, like the one that is being developed through SDS.

Whole System Approach

The SDS evaluation has highlighted that this pilot significantly feeds into the Whole System Approach (WSA) and is an excellent example of how organisations can improve outcomes for young people via

the WSA. The requirement for a consistent whole-systems approach was evident from the outset. The need for the SDS team to be on-board with the practice is something that has benefited the pilot but more importantly, the young people involved. The whole system approach states that it has a clear focus on the areas displayed in the left hand column of the table below. Table One highlights how and in what ways this pilot has improved outcomes for young people through the whole systems approach. (Scottish Government, 2018).

Table One: WSA & SDS

Whole System Approach	How SDS meets WSA
Early and effective intervention (EEI)	SDS occurs at the stage between convictions and sentencing it appears that it would not have an EEI output. Yet it does have the ability to 'down tariff' young people.
Opportunities to divert young people from prosecution – The Scottish Government has recommended a presumption in favour of diversion from prosecution for appropriate offences for 16 and 17 year olds.	Sheriffs have the ability to 'down tariff' the appropriate young people via the use of complete discharge and replacing unpaid work with SDS. This would result in diversion from prosecution.
Court support	Through the use of an SDS court, welfare informed approaches and support from a dedicated court social worker. SDS has not only improved support for young people in court but made in roads to building trust within the criminal justice system with young people.
Community alternatives to secure care and custody	SDS is a community alternative to secure care and custody. Examples include a young woman being supported out of secure care into her own accommodation and a young man being integrated into the community from custody. It appears to have better rates of engagement than other community alternatives.
Managing high risk, including changing behaviours of those in secure care and custody	Many of the young people within SDS are considered high risk young people through their engagement with SDS they have reduced the severity and/or number of offences committed.
Improving reintegration back into the community	SDS has shown it has the potential to assist integration within the community and help foster pro social identities and links within communities. SDS is able to remove young people from the criminal justice system. Improving future life offences due to criminal convictions not being applied. Thereby improving future employment opportunities.

Conclusion & Recommendations

Conclusion

Structured Deferred Sentencing (SDS) places the onus on the young people to engage in a meaningful way with those who are best-placed to offer the support that they so-often require. With the voluntary nature of the SDS framework, young people are placed at the centre of their own empowerment and gain a level of autonomy which is overseen by trained and trusted professionals. This approach is centred on a welfare led approach which has resulted in cultural change across social work and court systems in South Lanarkshire. It is essential that this important work and cultural shift continues beyond the pilot period.

The SDS pilot has shown that it has real potential to down tariff young people in Scotland and improve their life chances via community sentencing. Through a welfare led approach it has improved outcomes and opportunities for the young people that have engaged with it. The success of the pilot has been based upon the welfare led approach and culture applied from strategic implementation to front line staff. It is imperative to the success of the pilot going forward to ensure the welfare led culture is maintained. The cautionary tale of Stuart's story highlighted how a punitive approach to sentencing can result in reduced outcomes for young people.

The finding that SDS in place of CPO's could improve recidivism rates and outcomes for young aligns with a burgeoning evidence base (MacDavitt, 2008, Eunson et al, 2011). CPO's are not the most suitable community sentencing option for young people. Active CPO's were the main reason young people were not considered as suitable for SDS and if sheriffs swapped CPOs for SDS it is expected that there would be higher completion rates and lower (re) offending rates. But this is an area that requires further research.

Consideration of absolute discharge in place of admonishment for first and second low tariff offenders has real opportunity to create long lasting change which will help improve outcomes for young people. The input of the frontline staff throughout this pilot has been commended and their skills and experience of working within criminal justice social work, as well as having a background in children and families, have ensured that the whole systems approach, which has been integral to the successes of this pilot, is adhered to. This does however bring with it some conclusions and further recommendations. Any further extension, development or implementation of an SDS scheme would require a fixed team, not only for the consistency required when working with young people, but also for the continuity necessary to support the cultural change needed across the sector. An administration officer who is responsible for the recording of data and outcomes from court referral to final sentencing will improve data recording for all organisations involved.

The need for a society-wide, cultural shift is evident with this age group and will require governmental funding and support. In the interim, we must ensure the support and training of more judges and those across the legal sector and look to widen their understanding of the multitude of benefits in developing and extending this welfare led pilot. In order to achieve this, additional training on the importance of welfare led approaches to criminal justice must be offered across the sector, and South Lanarkshire used as an example of best practice. If a welfare approach is not adopted then there may be similar outcomes to that of deferred sentences or CPOs such as low completion, high breaches etc. This welfare led community intervention has shown it can support young people in desisting from criminality. This progression will, in-turn, simultaneously re-align the

sectors goals towards those of young people and ensure desired outcomes are recognised and supported.

Recommendations

- SDS should be the first consideration for the sentencing of appropriate young people as SDS has the ability to down tariff young people within the Criminal Justice System.
- Active CPOs are not a criteria of unsuitability for SDS, for suitable young people their active CPO be replaced with SDS, not given in addition of.
- Continuation of SDS fixed courts with dedicated Sheriffs who are invested in the welfare led ethos of the approach and welfare led standing sheriffs who are able to step in if required.
- That social work and sheriffs utilise absolute discharge for low tariff offenders who successfully complete their SDS.
- Consistency of approach, both in terms of the welfare led approach and fixed staffing is essential in engaging with young people and ensuring the quality of the service.
- For SDS to continue providing a quality level of service which aides them in the desistance journey it requires national strategic buy in and budgetary input.
- Further research is required on the cost benefit analysis of deferred and structured deferred sentencing to allow for comparative data.

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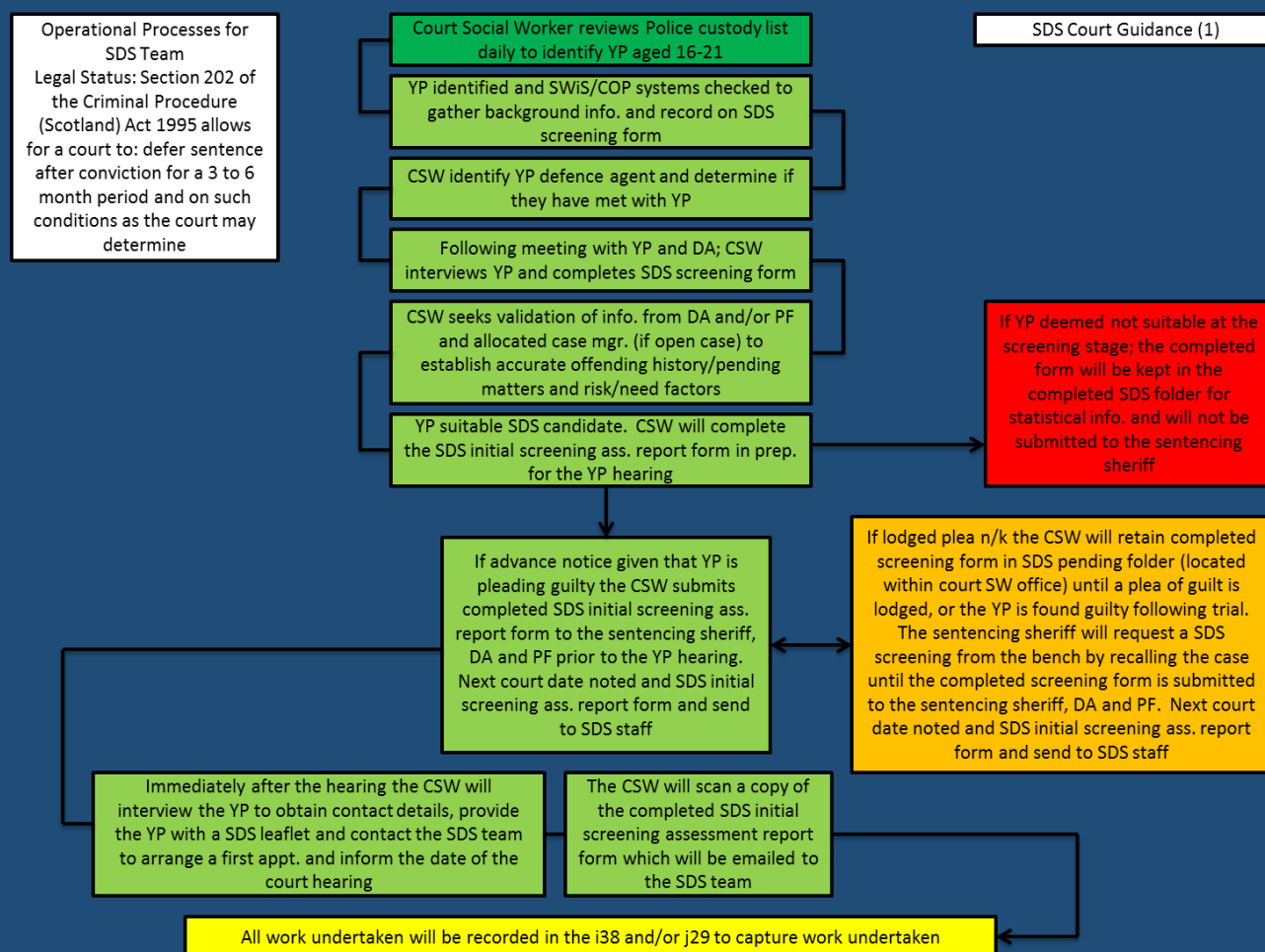
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Appendices

Appendix One: Process Chart for SDS

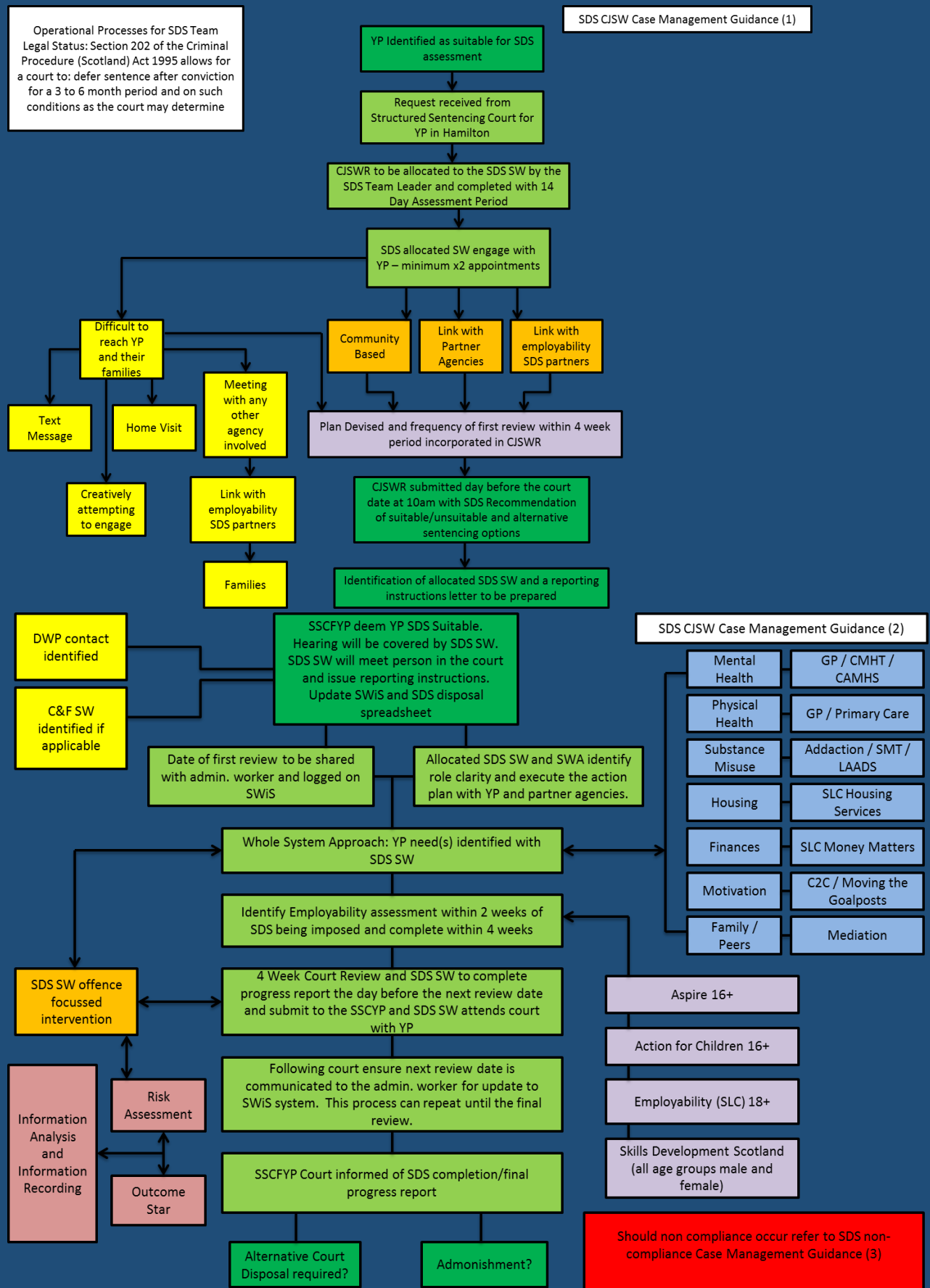
SDS Process Chart 1: Court Guidance



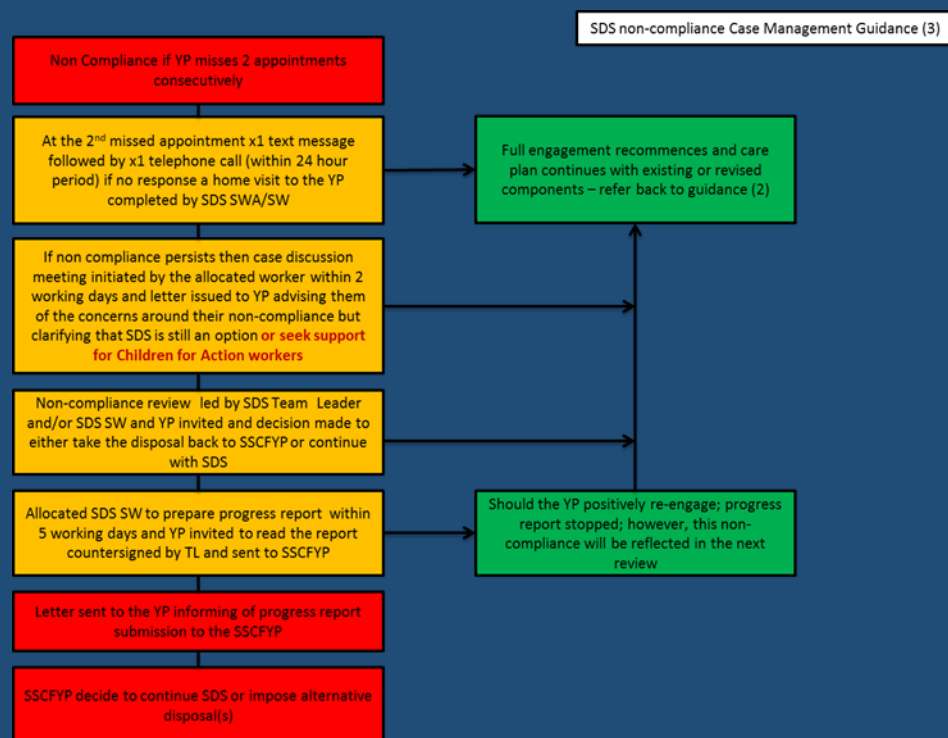
Undertakings and Trial outcomes: In such cases the CSW will complete the SDS screening form following the sheriff's directive, if requested. Following the completion of system checks as outlined, the CSW will provide the sheriff, DA and PF with a completed SDS initial screening assessment report from identifying suitability or unsuitability. All paperwork and interventions will be recorded as outlined.

SDS review cover: If the CSW is informed by the SDS team within SLC or the allocated worker in NLC that there will be no worker available to attend a YP review then the CSW will attend in their absence to cover the review and feedback the findings to the SDS team/allocated worker in NLC and next court appearance date and time will be communicated to the SDS staff/allocated worker

SDS Process Chart 2: Criminal Justice Social Work Case Management



SDS Process Chart 3: Non Compliance Case Management Guidance



Appendix Two: Court Screening Document



Structured Deferred Sentence Screening Form

Admin Screening Number:	
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Name:		Date of Birth:	
Address:		Employee Status:	
		Ethnicity:	
Phone Number:			
Court:		Date of Court:	
Offence:			
CJ Social Worker:		Area Team:	

Recommendation for Structured Deferred Sentence (SDS)

Suitable ☐ Unsuitable ☐

Reasons:

-
-
-

Key Criteria - Is offender:

1. Aged 16-21 years of age? (That are not suitable for remittance back to Children's Hearing System) Yes ☐ No ☐

2. A permanent resident within South Lanarkshire? Yes ☐ No ☐

3. Attending Hamilton or Lanark Sheriff Courts? Yes ☐ No ☐

4. No active Community Payback Order or outstanding breach pending Yes ☐ No ☐

Requirements: Yes ☐ No ☐

1. The offender should have Medium-High risk/needs rating using LSCMI or YLS/CMI Score:

2. Individual understands the expectation of SDS and is willing to comply. Yes ☐ No ☐

Additional considerations: (affecting ability to attend/participate):

N.B Please note that these considerations do not preclude the service user from inclusion in SDS

1. Severe and Enduring mental health problems? Yes ☐ No ☐

2. Contact difficulties for example, homeless or hostel accommodation? Yes ☐ No ☐

3. Any current alcohol or drug issues (average use alcohol/drugs?)

4. Any other factors that may affect ability to engage for example, literacy issues, familial responsibilities, employment etc.?

5. History of previous offending behaviour?

Is service user currently receiving a service from any other agencies?

Yes ☐

No ☐

If yes, state where

Contact with Social Services (Children and Families/Criminal Justice)

Past/Present involvement with Social Services?

Yes ☐

No ☐

If yes, what is the status of that current involvement and which Team provide this?

Past/present involvement with Criminal Justice Services, that is, Statutory Order?

Yes ☐

No ☐

If yes, outcome

Based upon initial findings and preliminary discussions what would be the four main key points for focussed interventions and support during a proposed SDS period (consider focus for future training/employability options)?

1.

2.

3.

4.

Screening Completed by:

Date:

Acknowledgements

I would like to thank the young people who engaged with this project and continued to meet with me to share their stories. You are courageous, honest and strong people who taught me a lot, thank you for sharing your journey with me. This could not have been done without you and I hope that you continue to do well. It is yourselves that has made this project a success, so be proud of your achievements, as one of you repeatedly said: “pressure makes diamonds” this is how I view you all.

I would like to thank all the professionals who gave up their time to speak with us for your candour and integrity. The SDS team in particular for giving up time in their busy schedule for organising and re-organising, it was appreciated. We could not capture all your daily kindnesses which helped improve outcomes for young people in this document but we do know that they were felt by the young people who received them. Of particular note are the sherrifs, the operations manager and the SDS team you all helped improve outcomes for young people in this project.

Blane Abercrombie as research assistant in this project your support and input was valued Dr Sarah Anderson, Dr Kirstin Anderson and Dr Hayley McEwan thank you for your help in constructing this report, you always provide a critical eye.