



SCOTTISH EXECUTIVE

## Evaluation of the Airdrie and Hamilton Youth Court Pilots

Crime and Criminal Justice



# **EVALUATION OF THE AIRDRIE AND HAMILTON YOUTH COURT PILOTS**

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# EXECUTIVE SUMMARY

## Background

1. Pilot Youth Courts were introduced at Hamilton Sheriff Court in June 2003 and at Airdrie Sheriff Court in June 2004. Although introduced as one of a number of measures aimed at responding more effectively to youth crime (including young people dealt with through the Children's Hearings System), the Youth Courts were intended for young people who would otherwise have been dealt with in the adult Sheriff Summary Court. The objectives of the pilot Youth Courts are to:

- reduce the frequency and seriousness of re-offending by 16 and 17 year old offenders, particularly persistent offenders (and some 15 year olds who are referred to the court);
- promote the social inclusion, citizenship and personal responsibility of these young offenders while maximising their potential;
- establish fast track procedures for those young persons appearing before the Youth Court;
- enhance community safety, by reducing the harm caused to individual victims of crime and providing respite to those communities which are experiencing high levels of crime; and
- test the viability and usefulness of a Youth Court using existing legislation and to demonstrate whether legislative and practical improvements might be appropriate.

2. In addition to judicial oversight, supervision by multi-disciplinary teams and the availability of a range of additional programmes, other distinguishing features of the Youth Courts include:

- fast tracking of young people to and through the courts and fast track breach procedures;
- the ability to electronically monitor as a condition of bail;
- dedicated staff to support and service the Youth Courts (Procurator Fiscal, clerk, social work)
- additional resources across agencies to enable provision of a consistent, high quality service;
- the formation of multi-agency Youth Court Advisory Fora in Hamilton and Airdrie, each chaired by a Sheriff, to review the working and operation of the courts;
- appointment of a Youth Court Co-ordinator and Deputy Co-ordinator to service the forum and co-ordinate practice;
- external research and evaluation of the Youth Courts' operation and programmes.

3. Many of the procedures, agencies and personnel are similar in the two pilot courts. However there are some organisational differences between the two pilot sites, which reflect the size of the sheriff courts and anticipated volume of Youth Court cases and target timescales for processing cases take account of this.

### **Identifying potential Youth Court cases**

4. Accused detained in police custody or released on undertaking were reported to the Procurator Fiscal by the police. In these cases and in cases where an accused had a possible citation to attend court, the Procurator Fiscal decided whether to prosecute and in what forum. When marking cases for possible prosecution in the Youth Court Procurators Fiscal considered whether cases met agreed criteria with respect to persistency of offending and contextual circumstances, though in Airdrie the persistency criterion was not formally applied. Procedures for identifying potential Youth Court cases were said to be operating smoothly as a result of good working relationships between the agencies concerned.

5. Most youth cases reported by the police to the Procurator Fiscal were not marked for prosecution. Prosecution in both Youth Courts was most likely if a pattern of persistent offending was established *and* other contextual factors suggested that such a course of action would be appropriate.

### **Cases dealt with by the Youth Courts**

6. During the period covered by the evaluation, the Hamilton Youth Court (June 2003 – December 2004) had dealt with 611 cases involving 402 young people while 543 cases featuring 341 young people had been dealt with by the Youth Court in Airdrie (June 2004 – December 2005). Most of those prosecuted in both courts were male, were 16 or 17 years of age and were prosecuted on a single occasion.

7. Most young people (74%) had first come into contact with the criminal justice system at least two years before their first Youth Court appearance. Just over a third of young people sentenced in Hamilton (35%) and slightly more of those in Airdrie (43%) had had at least one previous referral to the Reporter on offence grounds. However, only 47 per cent of young people in Hamilton and even fewer of those in Airdrie (26%) had previously been convicted in an adult court.

8. Most young people who appeared in the Youth Courts for whom the relevant data were available lived at with a parent and many were reported to have had difficulties at school. Two-fifths of those on who Social Enquiry Reports (SERs) were prepared and who were sentenced in Hamilton were unemployed. Many young people acknowledged their offending to be alcohol related or, less often, related to the misuse of drugs. The charges most commonly prosecuted in the Youth Courts included breaches of the peace, petty assault, carrying offensive weapons and possession of drugs.

### **Progress of cases through the courts**

9. In their broad operation the Youth Courts proceeded as any other summary adult court. Overall they were tightly run with a heavy volume of cases being heard in Airdrie. Just under one half of the cases in Hamilton and just over half of those in Airdrie were resolved prior to the setting of a trial diet, with only 10 per cent of cases in Hamilton and 9 per cent of cases in Airdrie proceeding to an evidence-led trial. A relatively high incidence of guilty pleas at first calling in Airdrie may have been brought about by a number of procedures that are distinctive to the Youth Court. However there was no evidence that the Youth Court differed markedly from the

Sheriff Summary Court in this respect.

10. The proportion of cases appearing on citation was higher than expected in both courts. Following their appearance in court most accused were granted bail or ordained to appear. Sheriffs in Hamilton occasionally made use of electronic monitoring as a condition of bail but Airdrie Sheriffs preferred police monitored curfews.

11. The professional consensus was that designated timescales relating to different stages in the prosecution process were being met, partly through the avoidance of unnecessary adjournments, was borne out by an analysis of how quickly cases were dealt with at different stages of the prosecution process. A comparison of cases processed by the Youth Court and by the Sheriff Summary Court in Airdrie showed that the mean period of time that elapsed between the charge and the first calling of the case was much shorter in the Youth Court, a higher percentage of cases in the Youth Court were resolved by way of a guilty plea and Youth Court cases were, on average, resolved more quickly than cases dealt with by the Sheriff Summary Court. The fast-tracking of young people into and through the court was the aspect of the Youth Court that was perceived by various professionals as having been most effective. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful and was regarded as something to be aspired to in all summary court business.

### **Sentencing in the Youth Courts**

12. Sheriffs in Hamilton were content with the quality of social work reports to the Youth Court. The perceived quality of certain social enquiry reports was initially a source of concern to Sheriffs in Airdrie but this issue was resolved over the course of the pilot through steps taken by the social work department to improve the quality of reports and through the appointment of Youth Court social workers.

13. The sentences most commonly passed in the Youth Court were probation orders, community service orders, monetary penalties and detention. Hamilton made more use of probation orders than Airdrie while Airdrie made greater use than Hamilton of monetary penalties and community service orders. The relatively high use of probation in Hamilton and the infrequency of probation as a final disposal in Airdrie was particularly striking.

14. The Youth Courts have available to them a range of additional resources and services that are intended to meet the assessed needs of young people made subject to supervisory orders. Services were provided by youth justice workers, by non-statutory agencies and by other local authority staff. However, Sheriffs and some other professionals in Airdrie were initially of the view that there was little difference in the packages of intervention offered to young people sentenced in the Youth Court. This appeared partly to reflect differing perspectives on the appropriateness of intensive packages of services for young people assessed as presenting little risk of re-offending. Social workers observed that some young people dealt with in the Airdrie Youth Court in particular did not have an established pattern of offending and they were wary of offering services to young people that they did not consider to be required.

15. Most of those given probation orders had their orders reviewed by the Sheriff in court. Sheriffs found reviews useful in monitoring progress but dialogue with young people was limited and, despite them often having lengthy waits in court, the contribution of social workers was not usually sought. Reviews, which were conducted formally, tended to emphasise the consequences of non-compliance and the importance of young people taking responsibility for themselves and their behaviour. Sheriffs and other professionals expressed disappointment at the suspension of the power to review probation orders from July 2005.

### **Operational issues**

16. The existence of dedicated staff across agencies and the forum provided by the Implementation Group were believed by professionals to have facilitated the efficient operation of the Youth Court pilot, though in Airdrie some believed that the Implementation Group should focus more on strategic analysis and there was no direct line of communication between it and front-line social work staff.

17. In practice, the Youth Courts functioned as any other court being distinguishable largely by the fast-tracking of cases. While this aspect was deemed to be worthy of wider implementation, other problems with the Youth Court model as operated (such as the perceived lack of clarity regarding the criteria) and the impact on other court business were highlighted.

### **Youth Court Outcomes**

18. Analysis of sentencing in Airdrie between 2002 and 2005 suggested that there was more use made of community-based social work disposals in 2004 but that the proportionate use of these disposals decreased in 2005 while the use of imprisonment rose. There was a sharp rise in cases dealt with in Airdrie following the introduction of the Youth Court, suggesting that its introduction may have encouraged prosecution in cases that might previously have attracted an alternative. In Hamilton there was no overall change in the proportionate use of different disposals following the introduction of the Youth Court, suggesting that the greater use of community sentences and detention in the Youth Court compared with the Sheriff Summary Court reflected the characteristics of the young people concerned.

19. In terms of crime reduction at the aggregate level, changes in the recording of crimes in 2004 make it very difficult to interpret any changes in recorded crime levels in Hamilton, Airdrie and in comparison courts. At the individual level, only a limited analysis of reconviction data was possible in view of the timeframe for the evaluation. While the Airdrie data were too incomplete for meaningful interpretation, 6 and 12 month reconviction rates among those sentenced in Hamilton Youth Court were encouraging, particularly given the prior criminal histories of this sample.

20. There was little change in community attitudes towards youth crime over the period of the Hamilton pilot, though any differences tended to be in a positive direction. In particular people reported feeling less unsafe in their neighbourhood after dark, more believed that the crime rate had improved over the previous 2 years and fewer thought that there was a problem with youth crime. However it is not

possible to say whether these changes can be attributed to the Youth Court or are part of a broader national trend.

21. Most professionals were cautiously optimistic that the Youth Courts would be effective in reducing re-offending, at least with some young people who appeared before them. The police in particular believed that since the Youth Court was introduced there had been a reduction in levels of public disorder in areas served by it. The Youth Courts had available to them a wider range of services and resources than had previously been available to young people made subject to supervision by the courts. Social workers were of the opinion that most interventions undertaken with young people would be effective to some extent, though they also believed that most young people were likely to re-offend. Young people were generally positive about the supervision and services they had received.

22. Only a limited analysis of the costs and cost savings associated with the Youth Courts was possible in light of the available data. The costs of operating the Youth Courts were offset to a limited extent by savings in criminal justice costs. Although the costs of orders made in the Youth Court were higher than the costs of standard probation orders, this reflects the additional supports and services made available through the Youth Courts. These costs could be offset to a significant extent if the Youth Courts prove effective in preventing crime.

## **Conclusion**

23. The Hamilton and Airdrie Sheriff Youth Court pilots have, as far as can be assessed, been successful in meeting the objectives set for them by the Youth Court Feasibility Group. Both are tightly run courts that – particularly in Airdrie - deal with a heavy volume of business. The particular strengths of the Youth Court model over previous arrangements include the fast-tracking of young people to and through the court, the reduction in trials, the availability of a wider range of resources and services for young people and ongoing judicial review. The successful operation of the pilot Youth Courts was dependent upon effective teamwork among the relevant agencies and professionals concerned. Good information sharing, liaison and communication appeared to exist across agencies and the procedures that were in place to facilitate the sharing of information seemed to be working well. This was also facilitated by the presence of dedicated staff within agencies, resulting in clear channels of communication, and in the opportunity provided by the multi-agency Implementation Groups to identify and address operational issues on an ongoing basis.

24. Whether Youth Courts are required or whether procedural improvements are possible in the absence of dedicated resources and personnel is more difficult to assess. Two issues in particular require further attention. First, consideration needs to be given to whether the Youth Courts should be more explicitly youth focused and what this might entail. Second, greater clarity is required regarding for whom the Youth Courts are intended. This suggests the need for further discussion of Youth Court targeting and its potential consequences among the various agencies concerned.

# CHAPTER ONE: INTRODUCTION AND BACKGROUND

## INTRODUCTION

1.1 In recent years the Scottish Executive has explored a number of options for enhancing responses to young people who offend. A Ministerial Group on Youth Crime recommended in 2002 the establishment of a feasibility study to explore the potential for introducing a Youth Court for 16 and 17-year-old persistent offenders (Scottish Executive, 2002a). A Youth Court Feasibility Group subsequently set up by the Scottish Executive concluded that the establishment of a pilot Youth Court was feasible under existing primary legislation (Scottish Executive, 2002b).

1.2 A pilot Youth Court was introduced in Hamilton Sheriff Court in June 2003. It was targeted at alleged offenders aged 16 and 17 years (and appropriate 15 year olds) who were resident in parts of North or South Lanarkshire served by Hamilton Sheriff Court, who had at least 3 separate incidents of alleged offending that had resulted in criminal charges in the previous 6 months and who were appearing summarily before Hamilton Sheriff Court ('persistency criterion'). There was also flexibility for cases to be prosecuted in the Youth Court where the young person's contextual background and circumstances suggested that a referral to the Youth Court would be appropriate in terms of enhancing community safety and reducing the risk of re-offending ('contextual criterion') (Hamilton Sheriff Youth Court, 2003).

1.3 A second pilot Youth Court was introduced at Airdrie Sheriff Court in June 2004. The referral criteria included, potentially, any 16 and 17 year olds (and appropriate 15 year olds) who were charged by the police and not just those who were deemed 'persistent offenders'<sup>1</sup>. The pilot courts serve neighbouring Sheriff Court districts in the Sheriffdom of South Strathclyde, and Dumfries and Galloway. Airdrie Sheriff Court covers the northern area of North Lanarkshire while Hamilton Sheriff Court serves the rest of North Lanarkshire and the northern part of South Lanarkshire. It was anticipated that the majority of young people appearing before the Airdrie Sheriff Youth Court would reside in North Lanarkshire, though those offending in the Airdrie Sheriff Court area and resident in South Lanarkshire were also eligible to appear. Although introduced as one of a number of measures aimed at responding more effectively to youth crime (including young people dealt with through the Children's Hearings System), the Youth Courts were intended for young people who would otherwise have been dealt with in the adult Sheriff Summary Court

1.4 The objectives of the pilot Youth Courts are to:

- reduce the frequency and seriousness of re-offending by 16 and 17 year old offenders (and some 15 year olds who are referred to the court) through targeted and prompt disposals with judicial supervision and continuing social work involvement;

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<sup>1</sup> Persistency is defined as 3 separate incidents of offending which have resulted in criminal charges within a six-month period. Charges arising from these incidents need not have resulted in a referral by the Reporter to the Children's Panel nor a prosecution.

- promote the social inclusion, citizenship and personal responsibility of these young offenders while maximising their potential;
- establish fast track procedures for those young persons appearing before the Youth Court;
- enhance community safety, by reducing the harm caused to individual victims of crime and providing respite to those communities which are experiencing high levels of crime; and
- assess the viability and usefulness of a Youth Court using existing legislation and to demonstrate whether legislative and practical improvements might be appropriate.

## **OPERATION OF THE YOUTH COURTS**

1.5 A distinguishing feature of the Youth Court pilots is the operation of fast-track processes that aim to ensure that young offenders are brought to court quickly. The police report all cases involving 16 and 17 year olds (including co-accused) and appropriate young people under 16 years of age to the designated Youth Court Procurators Fiscal. The marking depute Procurators Fiscal then sift potentially eligible cases in consultation, where appropriate, with the police, the Reporter and the social work department. The criteria for referral to the Youth Court are slightly different since in Airdrie they may include any 16 and 17 year olds (and appropriate 15 year olds) who are charged by the police and not just those who are deemed ‘persistent offenders’<sup>2</sup>. As we shall see, however, in practice the approach of Procurators Fiscal to the marking of cases for the Youth Courts was similar in the 2 pilot areas.

1.6 In Hamilton, it was intended that young people who are suitable for the Youth Court should appear before it for the first time within 10 (and exceptionally 14) days by means of custody or an undertaking to appear in court. In report cases (for both Hamilton and Airdrie), the police had 28 days to submit the case with the PF having a further 14 days to cite the accused. In Airdrie, Youth Court accused should normally make their first appearance in court within 14 days from custody or on an undertaking. In both courts, where it was practical to do so, all known outstanding and other charges would be rolled up and taken together.

1.7 During the first 2 years of the pilot, the Hamilton Youth Court sat daily, presided over by 4 of the 9 Sheriffs from the Hamilton bench<sup>3</sup>. However since September 2005 all of the 9 Sheriffs preside over the Youth Court which now sits for 3 rather than 5 days per week. In Airdrie, the Youth Court sits for one day per week (a Friday) with each of the 4 Airdrie Sheriffs presiding over it on a rotating basis. The Sheriffs sentence young people who appear in the Youth Court and may seek to review orders made in the Youth Court on a regular basis when it is competent to do

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<sup>2</sup> Persistency is defined as 3 separate incidents of offending which have resulted in criminal charges within a six-month period. Charges arising from these incidents need not have resulted in a referral by the Reporter to the Children’s Panel nor a prosecution.

<sup>3</sup> As a result of turnover 6 Sheriffs in total sat in the Youth Court during this period.

so<sup>4</sup>. The Youth Courts have the same range and powers of sentence as the Sheriff Summary Court. Community supervision orders available to the Youth Court include probation, community service orders, restriction of liberty orders, drug treatment and testing orders and deferred sentences (structured and other). These orders can be imposed singly or in any competent combination.

1.8 A full-time Co-ordinator and Deputy Co-coordinator were appointed to co-ordinate practice across the relevant agencies. The role of Youth Court Co-ordinator – seconded from Strathclyde Police - entails overseeing the operation of the Youth Court and ensuring that processes and procedures are operating smoothly. With the development of the Airdrie Youth Court, the post of Deputy Co-ordinator was created and both posts were extended to both Hamilton and Airdrie Youth Courts. Whilst no additional shrieval resources were been invested in the Youth Court, additional dedicated resources included a Sheriff Clerk and 2 Procurators Fiscal in both Airdrie and Hamilton.

1.9 The sentences available to the Youth Courts are identical to those available to the Sheriff Summary Court. However the resources available to the Youth Courts are specifically designed for this younger group of offenders and Sheriffs may stipulate access to them as a condition of a probation order or structured deferred sentence. They include a broader and more intensive range of community programmes, services that can tackle the social and personal problems which might lead these young people to re-offend and enhanced intervention programmes specifically targeted at the young offender age group. Services are provided by the local authority and by specialist programme providers from the voluntary sector who are contracted by the local authority to provide a range of individual and groupwork opportunities. Orders made in the Youth Court are supervised by the local social work departments which are also responsible for providing reports to the court. Failure to comply with community supervision orders imposed by the Youth Court will be dealt with by means of a fast track breach process.

1.10 The organisation of services differs in the 2 local authorities served by the Hamilton Youth Court (North and South Lanarkshire). In South Lanarkshire, a dedicated youth justice team is based in Blantyre and provides a service to the Youth Court as well as a youth justice service to the local area teams. In North Lanarkshire, dedicated Youth Court social workers are located throughout the authority's area teams<sup>5</sup>. A centralised service that provides a range of individual and groupwork programmes and placement coach support for young people, including those made subject to orders by the Youth Courts in Hamilton and Airdrie, began operating in May 2005. The Airdrie Youth Court is serviced by multi-disciplinary local authority youth justice teams in North Lanarkshire, by the centralised team and by specialist Youth Court social workers.

1.11 In addition to judicial oversight, supervision by multi-disciplinary teams and the availability of a range of additional programmes, other distinguishing features of the Youth Courts include:

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<sup>4</sup> The ability to review orders was, however, suspended between 26 July 2005 and 8 February 2006 as a result of an appeal court ruling on the use of probation reviews in another Sheriff Court.

<sup>5</sup> The Youth Court Social Workers in North Lanarkshire provide a dedicated service while area team workers also undertake youth justice and adult criminal justice cases as part of their broader remit.

- fast tracking of young people to and through the court and fast track breach procedures;
- ability to electronically monitor as a condition of bail;
- dedicated staff to support and service the Youth Court (Procurators Fiscal, clerk, social work)
- additional resources across agencies to enable provision of a consistent, high quality service;
- the formation of a multi-agency Youth Court Implementation Groups in each pilot area, chaired by a Sheriff, to review the working and operation of the court;
- appointment of a Youth Court Co-ordinator and Deputy Co-ordinator to service the forum and co-ordinate practice;
- external research and evaluation of the Youth Courts' operation and programmes.

1.12 Many of the procedures, agencies and personnel are similar in the 2 pilot courts. However there are some organisational differences between the 2 pilot sites, which reflect the size of the sheriff courts and anticipated volume of Youth Court cases and target timescales for processing cases take account of this.

## **EVALUATION OF THE PILOTS**

1.13 A team of researchers from the University of Stirling, the University of Strathclyde and TNS Social were commissioned by the Scottish Executive to undertake an independent evaluation of the pilot Youth Courts. The aims of the evaluation were to:

- assess the advantages and disadvantages of the Youth Court model over existing arrangements for dealing with the target group through other summary courts;
- determine the effectiveness of the Youth Courts in relation to process, delivery, outcome and costs;
- assess the overall effectiveness of the Youth Courts in achieving its stated objectives; and
- explore the longer-term viability of Youth Courts across Scotland.

1.14 The evaluation of both courts was conducted in 3 phases. The first phase aimed to establish an appropriate baseline against which the impact of the Youth Court within the pilot area could be evaluated. It consisted of an audit of existing provision, the collection of baseline statistical data and, in Hamilton only, a survey of experiences and attitudes to youth crime in the areas serviced by the pilot<sup>6</sup>. The second phase comprised a formative/process study of the early operation of the pilot Youth Courts. The final phase of the evaluation examined the influence of the Youth Court on sentencing practice, and its effectiveness in reducing offending and related problems and in promoting the social inclusion of young people and generated additional information about Youth Court processes. Because the 2 pilot sites were

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<sup>6</sup> Reported in full in Popham et al. (2005)

introduced 12 months apart, they were evaluated separately though similar methods were employed, adapted as appropriate to local circumstances.

## **ORGANISATION OF THE REPORT**

1.15 To reflect the different timescales during which the pilot Youth Courts have been in operation, their evaluations have been presented in separate reports. This report draws together the main findings from the 2 separate evaluations of the Hamilton and Airdrie Youth Courts, enabling some comparison of the processes and arrangements employed. Chapter 2 describes the methods used in the evaluation while the findings are presented in the subsequent 3 chapters. Chapter 3 describes the process of referral to the Youth Court, the criteria employed in identifying potential suitable cases and the characteristics of young people referred. Chapter 4 focuses upon the progress of cases through the Youth Court (including the associated timescales), the sentences imposed, services provided and review of Youth Court orders. In Chapter 5 Youth Court outcomes are considered including changes in sentencing and recorded crime, professional perspectives on its effectiveness, recidivism among young people sentenced in the Airdrie Youth Court and in comparator courts serving similar populations and Youth Court costs. The main findings and their implications are discussed in Chapter 6.

## **CHAPTER TWO: METHODS**

2.1 A range of qualitative and quantitative methods were drawn upon in the evaluation of the Youth Court pilots. They are described briefly in this chapter.

### **PROCESS EVALUATION**

#### **Analysis of marking decisions by Procurators Fiscal**

2.2 The Youth Court Procurators Fiscal provided information about marking decisions in respect of relevant young people reported to them by the police. The information provided included the age and sex of the young person, whether there were any co-accused, whether other incidents had been rolled up with this one, whether the case was discussed with the social work department or the Reporter, whether the case met the persistency criteria or contextual criteria, the case outcome, the route of the referral and, for those prosecuted in the Youth Court, the date of charge that triggered the referral. An additional space was provided for Procurators Fiscal to record any other observations about the case. This information was provided on 1,668 youth prosecution cases marked by the Procurators Fiscal in Hamilton between June 2003 and October 2004 and 2,236 Cases marked by the Airdrie Procurators Fiscal between June 2004 and February 2006. It enabled some comparison to be made between Procurator Fiscal marking outcomes and the characteristics of reported cases.

#### **Analysis of cases prosecuted in the Youth Courts**

2.3 Information on cases prosecuted in the pilot Youth Courts was collected by the Youth Court Co-ordinator. The database provided information about the characteristics of young people and the progress of cases through the Youth Court. The daily court sheets completed by the court clerk were the main source of information. Supplemental information came from other agencies involved in the court process. An anonymised version of the co-ordinator's database was provided to the research team. This provided details of 611 cases prosecuted in to the Hamilton Youth Court from June 2003 to December 2004 and 543 cases prosecuted in the Airdrie Youth Court between June 2004 and December 2005. Young people could feature in more than one case. For example, where an individual was prosecuted for 2 separate cases on the same day, these were treated as separate cases if this was how the court regarded them. Young people with multiple cases may have had their them merged (with the cases being heard on the same day) as they progressed through court.

#### **Analysis of data provided by the Scottish Children's Reporters Association**

2.4 In order to gather information on the previous involvement of young people prosecuted in the Youth Court with the Children's Hearings System, the Scottish Children's Reporter Administration (SCRA) provided information held on their national Referral Administration Database (RAD). This covered whether, since RAD was rolled out in 2002, the young person had been referred to the Children's Reporter (Reporter), the details of such referrals and Reporters' and Hearings' decisions,

including whether to make supervision requirements. In order to maintain the anonymity of young people, the Youth Court co-ordinator forwarded the name, date of birth, SCRO number<sup>7</sup> and date of first appearance in the Youth Court directly to SCRA. This enabled SCRA to provide the researchers with individually anonymised data from RAD. It was not possible to link this information to other records collected. The analysis focused upon all referrals recorded on RAD while taking some account of the variable length of time for which information was available in individual cases. Because information was not available prior to 2002, the data are likely, if anything to underestimate the extent of historic involvement with the Children's Hearing System, especially in Hamilton where the relevant data were accessed in February 2005. A similar process was undertaken for Airdrie Youth Court cases in February 2006.

### **Analysis of social work data**

2.5 To gain an insight into the situation of young people at time of sentencing in the Youth Court, Social Enquiry Reports (SERs) written by social workers in one of the local authorities serving the Hamilton Youth Court were reviewed. Including supplementary SERs (produced for reviews and deferred sentences), this local authority had produced at least 402 reports for the Youth Court up to the end of December 2004, an average of 21 reports per month. The aim was to study the young person's first SER written for the court. However, in a few cases only later reports were made available. Details of the information extracted from SERs are provided in the Appendix. It should be recognised that SERs are written in a specific context (to inform a Sheriff at sentence) and thus the information presented here is indicative rather than a definitive record of the young people's situations.

2.6 It was also intended that information be gathered on the characteristics of young people convicted in the Airdrie Youth Court and the services provided to those made subject to probation orders and structured deferred sentences. While some basic demographic data (age, sex) was available from the Youth Court database, it was envisaged that information held by the social work department would provide for a richer profile of Youth Court cases. Requirements of the Data Protection Act meant that it was not possible to access social work files directly. Instead, it was agreed that relevant data could be provided anonymously from the Social Work Information System (SWIS) in an electronic format. However it transpired that the information required was not in electronic format and that extracting it manually would be a very time-consuming exercise that was not feasible within the resource and time constraints on the research.

2.7 Alternative approaches were taken to secure additional information about the services provided to young people who were sentenced in the Youth Court. First, the groupwork project to which most young people given supervisory disposals in the Youth Court were referred (Community Alternatives) provided anonymised information about the services made available to young people. Second, one of the Youth Court social workers provided anonymised information about the characteristics of and services provided to a sample of 39 young people who had been sentenced in the Youth Court between July and December 2005. Third, information

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<sup>7</sup> The unique reference number assigned to an individual by the Scottish Criminal Records Office.

on the background of all young people given orders (probation orders, community service orders and restriction of liberty orders) by the Airdrie Youth Court was provided by the Youth Justice Social Work Co-ordinator from North Lanarkshire Council. These data referred to Social Enquiry Reports completed prior to sentencing throughout the pilot period of the Airdrie Youth Court and related to 118 orders imposed on 90 young people. Although these approaches cannot be said to provide a comprehensive or representative overview of Youth Court cases and the interventions undertaken with them, the data thus generated are included to provide a flavour of aspects of the circumstances of the young people sentenced in the Youth Court.

### **Interviews with professionals**

2.8 During the first 6 months of operation of the Youth Courts, interviews were conducted with a range of professionals associated with its operation. A further round of interviews was conducted after the pilot Youth Courts had been operational for around 18 months. For the most part, the same respondents participated in both rounds of interviews. Where this did not occur, it was as a result of personnel changes in the agencies concerned. The purpose of these interviews was to elicit views about the operation and effectiveness of the Youth Court and its associated processes. In total 32 and 41 professional interviews were conducted in Hamilton during the first 6 months and after 18 months respectively. The comparable number of professional interviews in Airdrie were 31 and 32. A summary of those interviewed is presented in the Appendix. Subject to the agreement of respondents, all of the interviews were tape recorded and transcribed.

### **Interviews with young people**

2.9 Through their social workers young people who had appeared in the Youth Courts were asked to consent to participate in a research interview. The purpose of these interviews was to elicit young people's experiences of and views about the Youth Courts and the services they received through them. Interviews with young people, arranged through the relevant social worker, took place either in the social work offices or, more rarely, the young person's home. Nearly all the interviews were conducted in private, with the social worker present during only one. In total 27 young people in Hamilton consented to being interviewed and 19 did not. It proved possible to interview 23 young people (18 male, 5 female), 21 of whom were on probation from the Youth Court and 2 of whom were engaged with social work as part of a structured deferred sentence. Overall 9 young people were interviewed at the start of their order (within the first few months), 9 in the middle part of their orders and 8 towards the end of the order (with 3 interviewed both at the beginning and the end).

2.10 Five interviews with young people who were made subject to supervision from Airdrie Youth Court took place between October and December 2005. It had not been intended that interviews with young people would form a substantial part of the Airdrie Youth Court evaluation. Social work staff reported a significant refusal rate amongst the young people who were approached to participate in the research. Three other young people consented to be interviewed but employment and others commitments served as an obstacle to participation.

2.11 Whilst it would have been preferable to have had more control over the composition of the sample, recruitment of interviewees proved challenging and a pragmatic approach had to be adopted, with interviews arranged through the supervising social worker. This restricted the sample to those who were currently engaged with the social work department (that is, those who had breached their Orders were not included) and their views cannot be considered representative of all young people made subject to supervisory orders through the Youth Courts.

### **Observation of the Youth Courts in operation**

2.12 Detailed observation of Hamilton Youth Court was made between November 2003 and July 2004. In total the business of 31 days and 200 case stages was recorded by 4 of the research team. This represents approximately one sixth (17%) of all Youth Court business during that period. Five Sheriffs sat in the Youth Court during the observations. More limited observation was undertaken in Airdrie where 2 of the Youth Court Sheriffs were observed over 7 days between September 2004 and October 2005 involving 145 separate case stages. In both courts observation covered the full range of court business from first callings through intermediate diets and trials to sentence, reviews and breaches.

2.13 A pro forma observation schedule was used to record the court sessions observed. It included details of those present, the duration of each session, the content and nature of the interactions between the various parties (Sheriffs, offenders, Procurators Fiscal, defence agents and social workers) and the proportion of time in which the bench and the offender were engaged directly in a dialogue. Information recorded was processed in 2 ways: firstly quantitative information on the proceedings was entered in SPSS for analysis; secondly qualitative descriptions of what occurred during the Youth Court were written and subsequently coded for analysis.

### **Analysis of the progress of Airdrie Sheriff Summary cases**

2.14 One of the aims of the Youth Court is to enable the fast-tracking of cases to and through the court. An exercise was therefore undertaken to compare the timescales of Youth Court cases with cases going through the Airdrie Sheriff Summary Court. Following discussions with the Airdrie Sheriff Court clerks, the Scottish Court Service were approached to obtain information about the timeframes of case processing, stages at which guilty pleas were entered etc. in relation to adult cases calling at Airdrie Sheriff Summary Court during the pilot period. The Scottish Court Service were unable to resource this task to completion so it was therefore decided to gather this information from the court sheets and associated hard copy documents held at the court itself. Due to the resource intensive and time consuming nature of such a task, rather than examine all cases, a decision was made to sample between 100 and 150 cases brought before the citation court during the pilot period. New citation cases call in Airdrie Sheriff Summary Citation Court for the first time every second Tuesday. Sampling the cases calling at all of the diets falling within a particular month (sufficiently historical to allow the completion of most cases) during the pilot period was seen as the preferable method of gathering this information. The month of March 2005 was selected, yielding 3 diets and a total of 140 cases relating to

148 individuals<sup>8</sup>. This constituted a sufficiently sized sample to compare usefully with the data from the Airdrie Youth Court.

### **Analysis of documentary material**

2.15 Relevant documentary material was scrutinised to obtain insights into the operation of the Youth Court and to identify operational issues arising during the period of implementation and early operation. This included the Youth Court Information and Reference Document, minutes of the Implementation Group Meetings (the multi-agency Youth Court Advisory Fora) and regular statistical summaries compiled by the Youth Court Co-ordinator. A member of the research team was invited to attend the regular multi-agency Implementation Group meetings for the Hamilton Sheriff Youth Court. This offered an opportunity to identify emerging issues and how they were addressed.

## **OUTCOME EVALUATION**

### **Survey of community attitudes to youth crime**

2.16 One of the objectives of the Youth Court is ‘to enhance community safety by reducing the harm caused to victims of crime, and providing respite to those communities which are experiencing high levels of crime’. To evaluate this, a baseline and follow-up study of members of the public living within the Hamilton Youth Court jurisdiction was undertaken. The overarching aim was to measure any changes in public perceptions of crime and confidence in the judicial system. To do so, the study measured changes in: perceived patterns of offending locally; fear of crime; actual experience of crime; perceptions of the criminal justice system; and awareness of the Youth Court and its effectiveness.

2.17 The fieldwork for the baseline study was undertaken between mid-September and early November 2003 and the fieldwork for the follow-up survey was undertaken approximately 16 months later, between mid-January and mid-February 2005. A total of 1069 individuals were interviewed, 541 in the baseline and 528 in the follow-up. Further details of the methodology are presented in the report of the survey which is presented as an Appendix to this report.

### **Analysis of sentencing patterns following the introduction of the Youth Courts**

2.18 To assess whether the introduction of the pilot Youth Courts had an impact on sentencing patterns of the target age group, the Scottish Executive’s Justice Statistics Unit provided details of sentencing in Hamilton Sheriff Court in 2002, 2003 and 2004 and in Airdrie Youth Court in 2003, 2004 and 2005. In the analysis 2002 was treated as the baseline year in Hamilton and 2003 as the baseline year in Airdrie since in these years all young people had their summary proceedings heard in the normal adult summary court. 2003 and 2004 were transitional years in Hamilton and Airdrie respectively with the introduction of the Youth Court pilots taking place mid-way

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<sup>8</sup> On the first date sampled a total of 27 cases relating to 30 individuals were brought before the court. The second date yielded a total of 54 cases relating to 57 individuals. The third date saw 59 cases relating to 61 accused brought before the court.

through the year. This analysis focused on the impact of the Youth Court on summary level sentencing of 15-17 year olds with a view to identifying whether the absolute and proportionate use of different disposals had changed following the introduction of the Youth Court.

### **Analysis of changes in recorded crime**

2.19 To assess whether the operation of the Youth Courts had impacted upon recorded crime levels in the area covered by the, recorded crime figures for the 2002 and 2004 calendar years were requested from Strathclyde Police for the operational areas serving Hamilton and Ayr Sheriff Courts and from Central Scotland Police for the region covered by Falkirk Sheriff Court. Comparable data were obtained for the police areas covering Airdrie Sheriff Court and the comparator courts for 2003 and 2005. The comparison courts were selected on the basis of their local authorities having a similar socio-economic profile to North and South Lanarkshire, the local authorities serving the Airdrie and Hamilton Sheriff Youth Courts. The analysis focused upon the full year prior to the introduction of the Youth Courts and the first full year of the Youth Courts' operation.

2.20 Recorded crime statistics are dependent on the level of crime reported to, and subsequently recorded by, the police. Evidence from the 2003 Scottish Crime Survey suggests that 49 per cent of crimes in 2002 were reported to the police (McVie et al., 2004). Historically reported crimes were only subsequently recorded as crimes if the police deemed there to be evidence of a crime having taken place. However, under the new Scottish Crime Recording Standard introduced for the 2004/05 financial year the recording of crime became victim led, meaning that reported incidents were more likely to be recorded as crimes (HMIC, 2003). Obviously these changes in police recording made direct comparison of data for before and after this figures problematic as like with like were not being compared. The greatest impact of the new standard was predicted to be on minor crimes such as vandalism; the type of offence commonly dealt with in a summary court. However it should also be recognised that even if there had not been a change in recording standards any changes in recorded crime could be caused by a variety of factors independent of the impact of any changing court process.

### **Monitoring the progress of young people under supervision**

#### ***Individual case discussion with social workers***

2.21 To obtain an indication of the progress made by the Hamilton Youth Court cases they supervised, almost all of the social workers in South Lanarkshire's Youth Justice Team were interviewed about their individual clients. This method allowed a large number of cases (45) to be covered whilst minimising the impact on individual workers. It supplanted earlier attempts to encourage social workers to complete written questionnaires on individual young people, which had met with limited success<sup>9</sup>. Young people sentenced by the court to a period of probation or deferred sentence with social work involvement (a structured deferred sentence) were included.

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<sup>9</sup> Although some questionnaires were completed (9 initial, 12 6-month and 8 12-month) the low numbers precluded any detailed quantitative analysis. Instead we have drawn upon some of the qualitative data from these questionnaires at appropriate points in the report.

### *Completion of questionnaires by supervising social workers*

2.22 Social workers involved in the supervision of young people given Probation Orders or Structured Deferred Sentences by the Airdrie Youth Court were invited to complete questionnaires regarding the focus of intervention and the young person's progress approximately 6 months after the making of the Order. As had previously occurred in Hamilton<sup>10</sup>, attempts to encourage social workers to complete the questionnaires met with limited success. Twenty questionnaires in total were completed (16 relating to probationers and 4 to young people subject to structured deferred sentences), mostly by the dedicated Youth Court social workers, and they cannot therefore be viewed as a definitive record of all work that took place. As with the social worker interview in Hamilton, however, they provide some indication of the focus and perceived effectiveness of the interventions with which young people were engaged.

### **Analysis of reconviction data**

2.23 To examine whether the Youth Court had an impact upon recidivism among those appearing before it, aggregate rates of reconviction were assessed for young people sentenced in the Youth Courts, in the Sheriff Summary Courts at Hamilton and Airdrie and in 2 other comparator courts: Ayr Sheriff Court and Falkirk Sheriff Court. As with the recorded crime data, the comparison courts were selected on the basis of their local authorities having a similar socio-economic profile to North and South Lanarkshire, the local authorities serving the Airdrie and Hamilton Sheriff Youth Courts. The Scottish Executive Justice Statistics Unit provided information on convictions among those sentenced in these courts (June 2003 to May 2005 in Hamilton and June 2004 to May 2005 in Airdrie. The data provided was for convictions up to the end of 2005. Because of the short time frame of the study, these data were provisional and incomplete. It was possible only to obtain details of reconvictions (excluding pseudo reconvictions<sup>11</sup>) within 6 or, at most, 12 months of sentencing in the Youth Court. A two-year follow-up period following adjudication is generally accepted as being required to provide a more accurate picture of the impact of different disposals upon recidivism.

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<sup>10</sup> In Hamilton, interviews were subsequently conducted with social workers to obtain information about young people's progress in individual cases. This was not, however, feasible in Airdrie in light of available resources.

<sup>11</sup> Reconvictions but where the offence date involved pre-dates the sentence date of the reference record.

## **CHAPTER THREE: IDENTIFYING CASES FOR THE YOUTH COURTS**

### **INTRODUCTION**

3.1 This chapter describes the procedures through which potential cases were identified for the pilot Youth Courts and the outcomes of making decisions of young people reported to the Procurator Fiscal. It also provides details of the number and characteristics of young people prosecuted in the Youth Courts.

### **IDENTIFYING POTENTIAL YOUTH COURT CASES**

3.2 The police reported all cases involving 16 and 17 year olds (including co-accused) and appropriate young people under 16 years of age to the designated Youth Court Procurators Fiscal. A fast track arrangement had been put into place with a view to offenders gaining access to court supervised and monitored disposals within 2 months of the commission of the offence or date of detection. Reports for custody cases and undertakings were expected to be prepared and submitted by reporting officers prior to concluding their tour of duty<sup>12</sup>, with custody cases appearing in court on the next working day and undertakings appearing within 10 days ( or 14 in Airdrie). Reports involving non-arrested accused (cited cases) were expected to be prepared and submitted to the Procurator Fiscal within 28 days of the commission of the offence or date of detection. In both pilot sites these procedures appeared, from the perspectives of the professions involved, to be working well. Many associated the efficiency and smoothness of their operation with the existence of dedicated staffing arrangements and the experience of relevant personnel within the Procurator Fiscal office and police case management section. Interagency training for dedicated staff was reported to have encouraged cross-agency co-operation while having named and known staff across different agencies improved existing lines of communication.

3.3 As in all prosecutions, the Procurator Fiscal is the sole judge in deciding whether or not to prosecute and in what forum. In the Youth Court pilot areas the designated Procurators Fiscal reviewed all police reports in respect of 16 and 17 year olds to determine whether a referral to the Youth Court might be appropriate. The Procurator Fiscal would decide first whether there was sufficient evidence and it was in the public interest to prosecute. If a case was thought suitable for prosecution at the Sheriff Summary Court level the Procurator Fiscal would consider whether it was suitable for prosecution in the Youth Court. Jointly reported cases were discussed

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<sup>12</sup> Additional dedicated resources, in the form of overtime payments for police officers, were available to enable this to occur.

with the Reporter<sup>13</sup>. More generally, any marking decisions in respect of potential Youth Court cases were made in liaison with the Reporter, social work department and the police to ensure that relevant background information was considered. Co-accused of any age of alleged offenders marked for prosecution in the Youth Court would also be prosecuted in that forum.

3.4 The target group for the Youth Courts was intended to include alleged offenders aged 16 or 17 years (and appropriate 15 year olds) who were resident within North or South Lanarkshire and who would otherwise be prosecuted in Hamilton or Airdrie Sheriff Summary Court. In Hamilton, young people with at least 3 separate incidents of alleged offending that had resulted in criminal charges in the previous 6 months were deemed to meet the Youth Court ‘persistence criterion’. However, there was also flexibility for cases to be prosecuted in the Youth Court if the alleged offender’s contextual background and circumstances suggested that such a course of action was appropriate to enhance community safety and reduce the risk of re-offending. In Airdrie a similar approach was adopted, although the ‘persistence criterion’ was not formally applied.

3.5 Professional respondents in both pilot sites were generally of the view that the target group for the Youth Court was appropriate, though some suggested that the upper age limit for the Youth Court should be increased so that 18 –20 year olds could also benefit from the fast track approach and the additional interventions to address their needs in relations to offending. Some professionals also felt that some young people on indictment and petition could benefit from going through the Youth Court, unless their offences were so serious as to be destined for the High Court. One Sheriff also suggested that the wrong group was being targeted, arguing that it would have been more beneficial to target resources on 18 to 22 year olds who were regarded as more likely to exhibit problematic patterns of persistent offending.

3.6 Overall, the procedures for identifying potential Youth Court cases were believed to be operating efficiently and effectively. An initial difficulty with police officers undertaking cases for days on which the Airdrie Youth Court did not sit had been addressed through further training. The process of identifying potential cases generally was reported to benefit from a good working relationship between the different agencies concerned: police, Procurator Fiscal, social work and Reporter. A strength of the procedures was seen as the ability of the Procurators Fiscal to gain an oversight of the pattern of offending in any one case and to consider an offence in its wider context.

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<sup>13</sup> The Lord Advocate’s Guidelines require that certain cases are jointly reported to the Reporter and the Procurator Fiscal. The categories of offences which are to be reported to procurators fiscal with a view to possible prosecution are:

Category 1: very serious offences e.g. treason, murder, rape, assault and robbery using firearms

Category 2: offences alleged to have been committed by children aged 15 years or over which in the event of conviction oblige or permit a court to order disqualification from driving

Category 3: offences alleged to have been committed by children over the age of 16 and under 18 years who are subject to a supervision requirement of a children’s hearing.

However any case may be reported to the Procurators Fiscal if the police are of the opinion that for special reasons, which must be stated, prosecution might be considered. The Procurator Fiscal has discretion to pass suitable cases to the Reporter. Only the Lord Advocate can authorise criminal proceedings against a child under 16 (The Children’s Hearings System in Scotland 2003 Training Resource Manual 2nd edition, <http://www.scotland.gov.uk/library5/education/chtm-13.asp#3>).

3.7 Where concerns about this stage of the Youth Court process were expressed, they typically centred around the nature and interpretation of the Youth Court criteria. For example, Sheriffs and social workers in Hamilton expressed some concern that the application of the contextual criterion was drawing in a few young people for first and relatively minor offences (such as breaches of the peace), though some other professionals defended the application of the ‘contextual criterion’ on the grounds that even first offenders could represent a threat to community safety on account of the types of offences (for example, carrying offensive weapons) with which they had been charged. For social workers, however, if young people had few social problems and were assessed as having a low risk of re-offending, it became difficult to identify points of engagement and a focus for intervention.

### **CASES REPORTED TO THE PROCURATOR FISCAL**

3.8 This section focuses on the marking decisions made by the Procurators Fiscal in relation to 1,668 cases reported by the police in Hamilton and 2,236 in Airdrie. This analysis provides an insight into the criteria used in the marking of Youth Court cases by the Procurators Fiscal. Note that the totals upon which percentages are based may differ slightly as a result of missing data.

3.9 Of the young people (1668<sup>14</sup>) reported by the police to the Hamilton Procurator Fiscal until the end of October 2004, 45 per cent were resident in North Lanarkshire and 55 per cent in South Lanarkshire. Ten per cent of cases came from the police sub division serving the Bellshill area, 33 per cent from the sub division serving Motherwell and Wishaw, 22 per cent from the sub division serving East Kilbride and Strathaven and 34 per cent from the sub division serving the Hamilton area. Less than one per cent of cases came from other police areas. Two police sub-divisions serve the Airdrie court. In the 2,231 cases where a police reference number was provided, 1,445 (65%) were from the sub-division covering Airdrie and Coatbridge, whilst 783 (35%) came from the sub-division serving Cumbernauld. British Transport Police had referred 3 cases.

3.10 The majority of reports in both pilot areas (90% in Hamilton and 87% in Airdrie) featured young men. In Hamilton, 44 per cent of cases were aged 16 years, 46 per cent were 17 and 4 per cent were 15 years of age while in Airdrie 48 per cent of reports involved 16 year olds and 49 per cent were 17 years of age. Procurators Fiscal in Airdrie indicated that they would not mark cases involving 17 year olds for prosecution in the Youth Court if they would be 18 years of age when the case came to court. For example:

*“Accused could not be presented in the Youth Court because just about to turn 18 and would not appear before his birthday.”*

3.11 In Hamilton, those outside the target age range (generally co-accused charged with a young person in the Youth Court age range) varied from 10 to 21 years of age (with half being 18 years of age) while in Airdrie they varied from 12 to 18 years of

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<sup>14</sup> This is the maximum number of cases. The number of cases varies during the discussions of different parts of the Youth Court process due to missing data.

age. Across the 2 pilot sites all except one of those under 15 years of age (a case marked as ‘no prosecution’) were jointly reported and therefore discussed with the Reporter.

3.12 In both Hamilton and Airdrie the majority of youth prosecution cases marked by the Procurators Fiscal were citations (87% and 92% respectively). Seven per cent of those in Hamilton and 5 per cent in Airdrie were held in custody while 6 per cent in Hamilton and 3 per cent in Airdrie had been released on a police undertaking. In Hamilton 78 per cent of cases featured a single accused, while in Airdrie this figure was 88 per cent. The maximum number of co-accused in each area was 4.

### Marking outcomes

3.13 According to the data provided by the Procurators Fiscal, in Hamilton 24 per cent of cases reported to the Procurator Fiscal that were marked met the persistency criterion and 30 per cent met the contextual criterion and 10 per cent met both. In Airdrie, 16 per cent of youth prosecution cases reported to the Procurator Fiscal involved ‘persistent’ offenders<sup>15</sup>, while 14 per cent met the contextual criterion (according to which referrals could be made to the Youth Court if it would be appropriate in terms of enhancing community safety and reducing the risk of re-offending)<sup>16</sup> and 10 per cent met both.

3.14 As Table 3.1 indicates, however, most cases reported to the Youth Court Procurators Fiscal were not marked for prosecution in either the Youth Court or another court. The most common outcome of marking was an alternative to prosecution (a fiscal fine or warning or, less commonly, a social work diversion programme). Overall 21 per cent of cases in Hamilton and 19 per cent in Airdrie were marked for the Youth Court with 7 per cent in Hamilton and 5 per cent in Airdrie marked for prosecution in a different court<sup>17</sup>.

**Table 3.1: Marking outcomes of cases reported by the police to the Procurators Fiscal in Hamilton and Airdrie**

Marking outcome	Hamilton (n=1,687)	Airdrie (n=2,215)
No prosecution	8%	10%
Alternative to Prosecution	56%	63%
Refer to Reporter	7%	3%
Prosecute – Youth Court	21%	19%
Prosecute – other court	7%	5%

Source: Data provided by Procurators Fiscal.

Note: Percentages do not sum to 100 due to rounding

3.15 As Tables 3.2 and 3.3 show, prosecution in the Youth Courts was closely related to whether a case was deemed to have met the relevant criteria. In both pilot sites cases were most likely to be marked for prosecuted in the Youth Courts if they met both the persistency *and* contextual criteria: 93 per cent of cases in Hamilton and 90 per cent of cases in Airdrie that were considered to have met both criteria were marked for prosecution in the Youth Court. Discussions with the social work department about the case had occurred in respect of 85 per cent of cases marked for

<sup>15</sup> Although the Procurators Fiscal in Airdrie did not formally apply the persistency criterion, they nonetheless indicated for the researchers whether or not individual cases met this criterion.

<sup>16</sup> (Airdrie Sheriff Youth Court, 2004)

<sup>17</sup> The type of court in which the case would be prosecuted was not recorded.

prosecution in the Youth Court in Hamilton and 90 per cent of cases in Airdrie. Fifteen per cent of Youth Court cases in Hamilton and 20 per cent in Airdrie had been discussed with the Reporter in accordance with the Lord Advocate’s Guidelines<sup>18</sup>.

**Table 3.2: Marking outcomes by whether or not the case met the Youth Court Criteria (Hamilton, June 2003 – December 2004)**

Outcome	Meets neither criteria (%)	Meets persistency criterion only (%)	Meets contextual criterion only (%)	Meets both criteria (%)
No / alternative to prosecution	91	35	11	1
Prosecute in the Youth Court	<1	60	81	93
Prosecute in an other court	8	6	7	5
<i>Total number</i>	<i>1270 (100%)</i>	<i>52 (101%)</i>	<i>150 (99%)</i>	<i>150 (99%)</i>

Source: Data provided by Procurators Fiscal

Note: Percentages do not sum to 100 due to rounding

**Table 3.3: Marking outcomes by whether or not the case met the Youth Court Criteria (Airdrie, June 2004 – February 2006)**

Outcome	Meets neither criteria (%)	Meets persistency criterion only (%)	Meets contextual criterion only (%)	Meets both criteria (%)
No / alternative to prosecution	95	15	1	3
Prosecute in the Youth Court	1	80	83	90
Prosecute in an other court	4	4	15	7
<i>Total number</i>	<i>1,666 (100%)</i>	<i>91 (100%)</i>	<i>78 (100%)</i>	<i>233 (100%)</i>

Source: Data provided by Procurators Fiscal

Note: Percentages do not sum to 100 due to rounding

3.16 When cases were marked for prosecution in the Youth Court having met the contextual grounds only, comments provided by Procurators Fiscal in individual cases suggested that these cases were often marked for the Youth Court for community safety reasons because, for example, the young person's offence was relatively serious, there was a pattern developing to the offending, or an offensive weapon was involved:

*“This is an assault. It is a pretty serious assault and therefore I feel it meets the community safety criteria.”*

*“Accused has offended twice in one month repeating threats of violence and vandalism to police. Threat to public safety.”*

3.17 Additional comments provided by Procurators Fiscal suggested that when a decision was taken to prosecute in another court, this was often because of the serious nature of the offending concerned:

*“Too serious - potential high court.”*

<sup>18</sup> Please see footnote on Page Thirteen for an overview of the Lord Advocate’s Guidelines.

*“Too serious to place in the summary court.”*

3.18 In 44 per cent of Youth Court cases where the relevant information was available (52/118 cases in Airdrie) other reports had been 'rolled up' for prosecution. This is consistent with a relatively high proportion of those marked for prosecution in both Youth Courts being considered to meet the criterion of persistent offending.

## **YOUNG PEOPLE PROSECUTED IN THE YOUTH COURTS**

### **Volume of cases**

3.19 Information from the Youth Court database provided details of all young people prosecuted in the Youth Court by the Procurator Fiscal. In Hamilton between June 2003 and December 2004 there were 611 cases featuring 402 people. Prior to the introduction of the Airdrie Sheriff Youth Court, the Implementation Group predicted that around 150 young people per annum would appear in it. This estimate was informed by the numbers of proceedings taken against 16 and 17 year olds in 2003 in Airdrie Sheriff Court, the number of Social Enquiry Reports (SERs) prepared for Airdrie Sheriff Court by North Lanarkshire Council and the experience of establishing a pilot Youth Court in Hamilton. In practice, the volume of cases dealt with by the Airdrie Youth Court has been higher than expected. Analysis of the Youth Court database revealed that it had 553 cases involving 341 young people during the period from its introduction to the end of December 2005. This is, on average, 5 more cases per month or 60 more per year than predicted.

3.20 Most accused had been prosecuted only once in the Youth Court but 28 per cent in Hamilton and 01 per cent in Airdrie had been prosecuted there on 2 or more occasions (Table 3.4).

**Table 3.4: Number of individuals prosecuted by number of times prosecuted in the Youth Courts**

Number of referrals	Hamilton	Airdrie
	(June 2003-December 2004)	(June 2004 – December 2005)
One	71%	69%
Two	18%	16%
Three	3%	7%
Four	4%	4%
More than four <sup>19</sup>	3%	3%
<i>All</i>	<i>402 (100%)</i>	<i>341 (100%)</i>

Source: Youth Court database

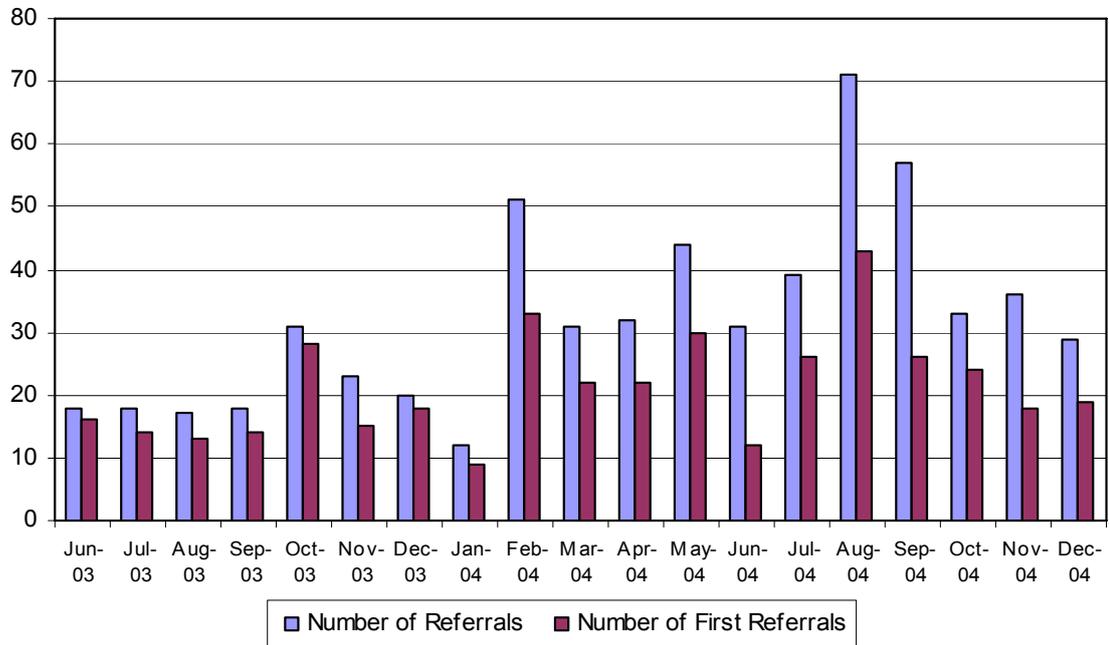
Note: Percentages do not sum to 100 due to rounding

3.21 Figures 3.1 and 3.2 show the number of cases and number of first time prosecutions in the Youth Courts by month. In Hamilton there was a mean of 32 cases per month. The number of monthly cases has been higher since February 2004, peaking in August 2004 when 71 new cases appeared. In Airdrie the mean number of new cases per month was 28 ranging from lows of 19 cases in September 2004 and September 2005 to a high of 45 cases in March 2005. Over time the proportion of

<sup>19</sup> The maximum number of referrals was 9 in Hamilton and 8 in Airdrie (one young person each).

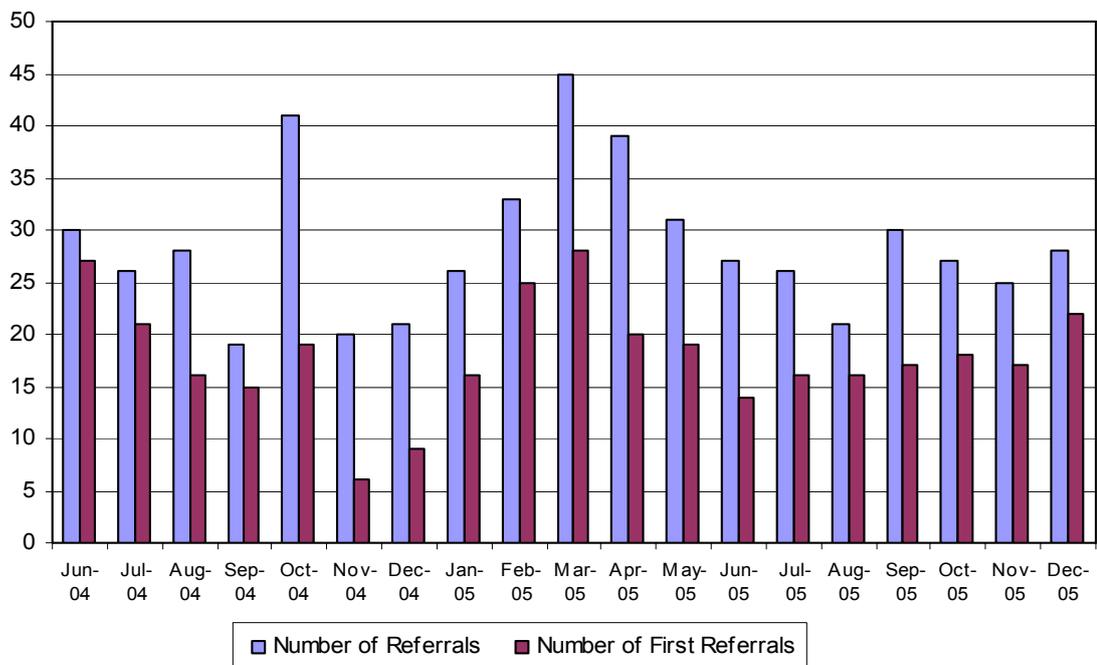
first time Youth Court prosecutions reduced (because more young people had been prosecuted in the Youth Court on a previous occasion) though they still made up the majority of cases.

**Figure 3.1 Total number of referrals and first referrals to the Hamilton Youth Court by month, June 2003 – December 2004 (n=611)**



Source: Youth Court database

**Figure 3.2. Total number of referrals and first referrals to the Airdrie Youth Court by month, June 2004 – December 2005 (n=553).**



Source: Youth Court database

## Age and sex

3.22 The vast majority of young people prosecuted in the Youth Courts (91% in Hamilton and 88% in Airdrie) were male and were 16 or 17 years of age (76% in Hamilton and 87% in Airdrie). Seven young people in Hamilton (2%) and 6 (2%) in Airdrie were 15 years of age. Eighty-eight people in Hamilton (22%) and 40 in Airdrie (12%) were 18 years of age or older. The latter appeared in the Youth Court as co-defendants of young people in the target age range

## Offending history

### *Age at first contact with the criminal justice system*

3.23 From their Scottish Criminal Records Office (SCRO) unique reference number it was possible to identify the year in which young people prosecuted in the Youth Courts had first been charged in the adult criminal justice system. The analysis here was restricted to those aged 18 or less on first appearance (18 year olds were included as they may have been in the target age group when first identified for prosecution). The relevant data are summarised in Table 3.5. They suggest that while many young people had had a relatively extensive history of involvement with the criminal justice system (in terms of the period of time that had elapsed since first contact) almost one quarter in Hamilton and one fifth in Airdrie had first come to the attention of the police within the previous 12 months. These data are consistent with the views of professionals that Youth Court cases contained a mixture of accused with and without prior police involvement, with the latter being referred on account of the risk they were deemed to present to themselves or others.

**Table 3.5: Comparison of year SCRO number created and first appearance in the Youth Courts among those aged 18 or less (column percentages)**

	<b>Hamilton (June 2003 – December 2004) (n=342)</b>	<b>Airdrie (June 2004 – December 2005) (n=316)</b>
<b>Same year</b>	24%	21%
<b>1 year before</b>	20%	22%
<b>2 years before</b>	25%	17%
<b>3 years before</b>	14%	15%
<b>4 or more years before</b>	17%	26%
<b>Total</b>	100%	100%

Source: Youth Court database

Note: Percentages do not sum to 100 due to rounding

### *Previous convictions*

3.24 Further details of previous involvement in the adult criminal justice system were available in respect of 369 young people who were sentenced in the Hamilton Youth Court between June 2003 and May 2005 and 117 young people sentenced in the Airdrie Youth Court between June 2004 and May 2005<sup>20</sup>. This analysis revealed

<sup>20</sup> This was the sample upon which the reconviction analysis reported in Chapter 5 was based. The information provided by the Justice Statistics Unit of the Scottish Executive included details of previous adult convictions.

that almost 58 per cent of those referred to the Hamilton Youth Court had no previous convictions while this was true of almost three-quarters (74%) of those referred to the Youth Court in Airdrie<sup>21</sup>. The high incidence of young people with no previous convictions is not surprising given the target age group for the Youth Courts. In Hamilton, however, a higher percentage of young people prosecuted in the Sheriff Summary Court were first offenders compared with the Youth Court (70% compared with 58%) while in Airdrie there were fewer first offenders prosecuted in the Sheriff Summary Court than in the Youth Court (61% compared with 74%). These differences in prior criminal history are reflected in different sentencing patterns between the Youth Courts and Sheriff Summary Courts (see Chapter 5) and suggest that there may have been differences across the 2 pilot sites in the types of cases identified for prosecution in the Youth Court by Procurators Fiscal.

### ***Involvement with the Children's Hearings System***

3.25 Under the Criminal Procedure (Scotland) Act 1995 (S. 49 (3) (b)) the Sheriff is required to request that the Principal Reporter arranges a Children's Hearing to obtain their advice as to the treatment of a young person who is subject to a supervision requirement from the Children's Hearings System and who pleads guilt to or is found guilty of an offence. According to the Youth Court database, 45 cases prosecuted in Airdrie Youth Court involving 18 different young people featured a young person who was subject to a Supervision Requirement from the Children's Panel while this was also true of 22 cases involving 18 young people in Hamilton<sup>22</sup>. All except 2 of those subject to such requirements (one each in Hamilton and Airdrie) were under 17 years of age. Just as the majority of those prosecuted in the Youth Court were male, most young people subject to Supervision Requirements (16 in Hamilton and 15 in Airdrie) were young men.

3.26 More detailed information about previous involvement with the Children's Hearings System among those referred to the Youth Court was provided by the Scottish Children's Reporter Administration (SCRA) from the Referral Administration Database (RAD). The relevant data were available in respect of 313 young people in Hamilton and 293 in Airdrie<sup>23</sup>. Table 3.6 shows that 56% of those aged 17 years or younger when prosecuted in the Hamilton Youth Court and 61% of those of the same age prosecuted in the Airdrie Youth Court were recorded as having had a referral on RAD<sup>24</sup>.

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<sup>21</sup> The data for Airdrie and Hamilton are not directly comparable since the Hamilton data, being older historically, is likely to be more complete.

<sup>22</sup> As shall be seen from the data provided by SCRA, young people in Airdrie were more likely than those in Hamilton to have had one or more previous referrals to the Reporter on offence grounds.

<sup>23</sup> A further 17 cases included in the data gave a suggested RAD number along with a note that the dates of birth on the SCRA system and the Youth Court co-ordinator's database did not match. As the veracity of these entries was unconfirmed, these were not included in the analyses presented.

<sup>24</sup> Given the relatively recent roll-out of RAD this may underestimate the number referred to the Reporter at some point in their lives.

**Table 3.6: Young people aged 15 – 17 years prosecuted in the Youth Courts having a record / referral on RAD by age at first appearance and court (row percentages)**

Age at first appearance in Youth Court	Hamilton (June 2003 – December 2004)	Airdrie (June 2004 – December 2005)
15	100% (7/7)	83% (5/6)
16	79% (115/145)	69% (97/141)
17	32% (54/161)	53% (77/146)
<b>All</b>	<b>56% (176/313)</b>	<b>61% (179/293)</b>

Source: Data provided by SCRA

3.27 To explore why these young people had been referred to the Children’s Hearing System, details of referrals which occurred up to the end of January 2005 were examined from RAD. To exclude from this analysis referrals that may have been linked to the operation of the Youth Court, 3 types of referrals were removed:

- referrals made jointly to the Procurator Fiscal and the Children’s Hearing System, which had been retained by the Fiscal;
- referrals remitted by the court to the Children’s Hearing System for disposal;
- referrals made on or after the young person’s date of first appearance in the Youth Court.

3.28 As Tables 3.7 and 3.8 show, out of 342 young people aged 17 or younger on first appearance in Hamilton Youth Court, 36% had had previous referrals made to and retained by the Reporter. In Airdrie, the comparable figure was 46%. Thirty-five per cent of young people in Hamilton and 43% in Airdrie had at least one referral on an offence ground. Those referred on offence grounds in Hamilton had had an average of just under 8 referrals per young person while those in Airdrie had an average of just over 8 referrals per young person. This suggests that while some young people referred to the Youth Courts had no prior recorded involvement with the Children’s Hearings System as a consequence of offending, a sizable proportion from both courts had between them a substantial record of previous offending.

**Table 3.7: Young people who had had a referral retained by the Reporter before their first Youth Court appearance in Hamilton (June 2003 – December 2004) by reason for referral and age at first appearance (row percentages)**

Age at first appearance in Youth Court	% referral retained by Reporter before Youth Court	% offence referral	% non offence referral
15	100% (7/7)	100% (7/7)	71% (5/7)
16	53% (77/145)	52% (75/145)	14% (21/145)
17	25% (40/161)	24% (38/161)	7% (11/161)
<b>All</b>	<b>36% (124/342)</b>	<b>35% (120/342)</b>	<b>11% (37/342)</b>

Source: Data provided by SCRA

**Table 3.8: Young people who had had a referral retained by the Reporter before their first Youth Court appearance in Airdrie (June 2004 – December 2005) by reason for referral and age at first appearance (row percentages)**

Age at first appearance in Youth Court	% (n) referral retained by Reporter before Youth Court	% (n) offence referral	% (n) non offence referral
15	83% (5/6)	83% (5/6)	50% (3/6)
16	61% (86/141)	57% (81/141)	20% (28/141)
17	29% (43/146)	28% (41/146)	8% (12/146)
<b>All</b>	<b>46% (134/293)</b>	<b>43% (127/293)</b>	<b>15% (43/293)</b>

Source: Data provided by SCRA

3.29 As Table 3.9 illustrates, the majority of young people from both Youth Courts referred to the Reporter on offence grounds had on at least one occasion been accused of a group 6 offence, most commonly a breach of the peace or an assault. Just over or under a third from both courts had on at least one occasion been accused of a crime of dishonesty (covering mainly thefts and attempted thefts), group 4 crimes (mainly vandalism) and other crimes (mainly possession of an offensive weapon, drug offences and resisting arrest). Referrals for the most serious crimes were, as would be expected, rare. Most of the offence referrals were not recent, with 36% of young people in Hamilton and 31% in Airdrie having been referred to the Reporter within 6 months or less of their first due appearance in the Youth Court. The average time from the most recent prior offence referral to first calling in the Youth Court was 322 days in Hamilton and 319 days in Airdrie (both around 11 months).

**Table 3.9: Young people aged 15-17 years when first prosecuted in the Youth Courts having an offence referral to the Reporter by crime / offence type (column per cents)**

Crime / offence category	Hamilton (June 2003 – December 2004)	Airdrie (June 2004 – December 2005)
Group 1 - Crimes of violence <sup>25</sup>	4 (3%)	5 (4%)
Group 2 - Crimes of indecency	2 (2%)	5 (4%)
Group 3 - Crimes of dishonesty (includes housebreaking and thefts)	43 (36%)	44 (35%)
Group 4 - Fire-raising and malicious mischief etc	46 (38%)	49 (39%)
Group 5 - Other crimes (includes possession of drugs, carrying an offensive weapon and resisting arrest)	44 (37%)	39 (31%)
Group 6 - Miscellaneous offences (includes breach of the peace and petty assault)	93 (78%)	90 (71%)
Group 7 - Motoring offences	6 (5%)	13 (10%)
Other – not classified	37 (31%)	63 (50%)
<i>Total number of young people</i>	<i>120</i>	<i>127</i>

Source: Data provided by SCRA

Note: Because a young person could have had a referral for more than one crime / offence type, percentages do not add to 100.

<sup>25</sup> This category includes violent crimes that would be dealt with on petition.

3.30 Children's Hearings had made continued Supervision Requirements for 66 youth court cases in Hamilton (19% of those that were aged 17 or under on first appearance in the Hamilton Youth Court) between RAD roll out in 2002 and January 2005. Ten of these young people attended a residential school while subject to a Supervision Requirement, 8 were resident at some point in a local authority home and 3 lived with foster carers. However, most young people had continued to live with a parent or other relative. Twenty-six young people's supervision requirements were ongoing at the time of first appearance (8% of the sample), including 5/7 of the 15 year olds. Thirty-nine had had their Supervision Requirements terminated before they made their first appearance in the Youth Court (most - 31 - having been terminated a year or less before) and eighteen others subsequently had their supervision terminated after appearing in the Youth Court.

3.31 Children's Hearings had also made continued Supervision Requirements for 44 young people in Airdrie (15% of those aged 17 or under on first appearance in the Airdrie Youth Court) between RAD roll out in 2002 and December 2005. Six of these young people attended a residential school while subject to a Supervision Requirement, 9 were resident at some point in a local authority home and 2 lived with foster carers. However, most young people had continued to live with a parent (35) or other relative (4). Thirty-seven young people's supervision requirements were ongoing at the time of first appearance (13% of our under sample), including 4/6 of the 15 year olds. Twenty-two had one or all of their Supervision Requirements terminated before they made their first appearance in the Youth Court (most - 17 - having been terminated a year or less before) and 7 others subsequently had their supervision terminated after appearing in the Youth Court.

### *Young people's perspectives on offending*

3.32 Consistent with what we already know about the offence histories of young people referred to the Youth Courts, the interviews with young people indicated that some had been prolific offenders, some since they were aged 13 or 14, while others had become heavily involved in offending more recently<sup>26</sup>. A number reported (older) siblings or others they knew having been involved with the criminal justice system and some reported having attended a court to support a friend or family member. Much of their offending was related by young people to the misuse of alcohol and, to a lesser extent, other drugs. It included street crime ranging from vandalism to assault (commonly assaults involved fighting with other groups of young people). Some had been involved in car theft and related offences. A few had been prolific shoplifters (often related to their drug misuse). Some described their neighbourhoods as featuring 'gangs' and felt unable to visit or walk through certain local areas as a consequence. A few said they carried weapons for this reason. However, not all those interviewed had been 'persistent' offenders before coming to the attention of the Youth Court. First time offenders were not uncommon, some of whom admitted committing relatively serious offences (often again related to alcohol).

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<sup>26</sup> It should be noted that these were young people made subject to supervision through the Youth Courts and were not, therefore, representative of all young people dealt with by these courts.

## **Social and personal circumstances of young people sentenced in the Youth Courts**

### ***Hamilton***

3.33 Prior to sentencing, social workers in North and South Lanarkshire would prepare a Social Enquiry Report (SER) for the Youth Court if requested to do so by the Sheriff. While SERs are required before the imposition of certain sentences (such as custodial sentences and probation orders) they are not mandatory in all cases (usually those involving less serious offences or offenders where a disposal such as an admonition or monetary penalty is likely to be imposed). Information was gathered from SERs prepared by social workers in one of the local authorities on the backgrounds of 106 young people sentenced by Hamilton Sheriff Youth Court<sup>27</sup>. It also draws, where relevant, upon interviews conducted with a smaller sample (28) of young people referred to the Youth Courts. This section summarises the characteristics of this group of young people, and thus is not representative of all the young people who appeared before the Youth Court.

3.34 According to the SERs, most young people (90 or 85%) lived in the family home or with other relatives (9 or 8%). One young person was statutorily accommodated, 3 young people lived in their own accommodation, one was living with friends and 2 had no fixed abode. Eighty-five of the 90 young people living in the family home resided with their mother while only 39 lived with their father. Forty-seven (43%) of the young people residing at home lived in a lone parent household, most of whom (43) resided with their mother. Whilst our interviews with young people were not focused on obtaining family biographical histories, a number of young people revealed that they had had very difficult upbringings, for example extensive familial involvement in drug misuse. From the description of the circumstances some clearly lived in poverty; many said they lived in neighbourhoods with a range of social problems.

3.35 For 91 young people information was available on when they had left school (2 others were still in schooling). Eighty-five (90%) had left school at the end of compulsory schooling (some young people had effectively left before this date as they had not been receiving any schooling). Sixty-four (60%) young people were reported to have had difficulties at school. These included: behavioural problems (41), truancy (29) and being the victim of bullying (9). Many of those recorded as having behavioural problems had served short suspension periods and reports indicated that 13 young people had been permanently excluded from a school at some point in their education. Twenty-one young people (out of 66) were recorded as having left school with no qualifications, while 36 had standard grade passes as their highest achievement and 3 young people had passed Higher examinations<sup>28</sup>. Forty-three young people were reported as being unemployed at the time of their SER, although most were reported in SERs as actively seeking employment.

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<sup>27</sup> This included all young people in that authority for whom an initial SER had been requested by the court (June 2003 – December 2004).

<sup>28</sup> In 6 cases the young person was said to have achieved some qualification but further details were not provided.

3.36 Consistent with the information provided in interviews with young people themselves, the misuse of alcohol was highlighted in many of the SERs as either an ongoing problem or as a major factor in the criminal incident that had brought the young person to court. For each young person a judgement was made by the researcher, on the basis of the SER, as to whether (excess) alcohol consumption was reported in relation to the offence or alcohol misuse was an ongoing problem. Sixty-one Social Enquiry Reports (58%) mentioned alcohol in these contexts.

3.37 Forty-five young people (43%) reported to the SER author that they took drugs. For most of these young people (34 or 32%) this was limited to cannabis consumption. For some this was occasional use, however reports often recorded daily cannabis consumption. In 11 cases the use of other drugs was reported - ranging from the misuse of prescription drugs through to heroin addiction. Young people were reported to have mental health problems in 11 (10%) of the SERs reviewed, a few of whom had a history of involvement with mental health services.

### *Airdrie*

3.38 Information was provided by North Lanarkshire Social Work Department in respect of 39 young people who had Social Enquiry Reports prepared for the Youth Court (35 male and 4 female)<sup>29</sup>. In terms of living circumstances, 72 per cent (28/39) were living in the parental home and 13 per cent (5/39) were living with other relatives. The other 6 lived in either supported accommodation, a homeless unit, a children's unit, a remand fostering placement, had their own tenancy or were homeless. Fifty one percent (20/39) were unemployed, 28 per cent (11/39) were in full time employment, 8 per cent (3/39) were in full time training, 8 per cent (3/39) were at college full time and 5 per cent (2/39) were full time mothers. The problems that the young people were identified as having at the point of sentence are summarised in Table 3.10. Problems relating to alcohol misuse were most common, followed by the negative influence of peers. Seven young people, however, had no problems identified when the SER was prepared.

**Table 3.10: Problems identified at the point of sentence among 39 young people who had SERs prepared for the Youth Court in July – December 2005**

Offending related problem	Percent/number <sup>30</sup>
Alcohol misuse	29% (13/45)
Peer influence	20% (9/45)
None identified	16% (7/45)
Chaotic family/home circumstances	9% (4/45)
Drug misuse	4% (2/45)
Family addiction	4% (2/45)
Death/Grieving	4% (2/45)
Learning difficulties	4% (2/45)
Mental Health issues	4% (2/45)
Previous care concerns	2% (1/45)
Sexual issues	2% (1/45)

Source: Forms completed by social workers

<sup>29</sup> This was all SER requests made to the Airdrie social work office between July and December 2005.

<sup>30</sup> Some young people had more than one problem identified, whereas some had none. Percentages do not therefore add to 100.

3.39 Information was also provided by North Lanarkshire Council in respect of 90 young people who received a social work disposal from the Youth Court. Information about the young person's living circumstances at the point of sentence was available in 54 cases. Most of these young people were living in the parental home (38 or 70%). The majority of the young people in respect of whom the relevant information was available were unemployed (34/59 or 57%), while just under a third (18 or 31%) were in full-time employment.

3.40 The problems that these young people were identified as experiencing at the point of sentencing are summarised in Table 4.6. In comparison with the earlier SER sample, the present sample had a higher incidence of problems, which is to be expected given that they had received a social work disposal (in most cases probation). Alcohol misuse was the most commonly identified problem, followed by drug misuse and anger management. One third of young people who had received an order from the Youth Court had no problems identified, though the extent to which this reflects missing data or an actual absence of problems cannot be identified. It should also be noted that most of these cases (21/30) involved individuals given community service orders or restriction of liberty orders where there would be no expectation of offending-related needs being identified or addressed.

**Table 3.11: Offending-related problems identified in SERs resulting in Youth Court Orders (June 2004-December 2005)**

<b>Offending related problem*</b>	<b>Percent/number</b>
Alcohol misuse	56% (50/90)
Drug misuse	26% (23/90)
Anger	24% (22/90)
Peer influence	14% (13/90)
Unemployment	8% (7/90)
Poor consequential thinking	8% (5/90)
Family problems	7% (4/90)
Lifestyle	7% (3/90)
Mental health problems	5% (3/90)
Attitudes to offending	5% (3/90)
Discrimination	5% (2/90)
Learning difficulties	2% (1/90)
<b>None identified</b>	<b>33% (30/90)</b>

Soucre: Information provided from SERs by North Lanarkshire Council

\* As more than one factor associated with offending could be identified, percentages total more than 100%.

### **Charges faced**

3.41 Each charge faced by young people dealt with in the Youth Courts during the periods covered by the evaluation was coded using the Scottish Executive's standard crime and offence coding (2005 version). In Hamilton the 611 cases prosecuted in the Youth Court featured 1860 charges. Thirty per cent of cases featured one charge, 25 per cent 2 charges, 15 per cent 3 charges and 30 per cent 4 or more charges. The maximum number of charges in one case was 24. In Airdrie, 1369 charges could be coded in this way. Thirty-nine percent of cases involved a single charge, 25 per cent involved 2 charges, 14 per cent 3 charges and 22 per cent 4 or more. Here the maximum number of charges in one case was 20.

3.42 Table 3.12 shows the crime or offence category of the charges. The majority of charges in both courts involved other crimes (Category 5) and miscellaneous offences (Category 6). As would be expected for summary business, relatively few young people faced the most serious charges covered by Groups 1 and 2. However in Airdrie a significant increase in the proportion of offences coded as crimes of violence appears to have occurred after February 2005 since these accounted for less than 1 per cent of charges in the first 9 months of the court's operation. This may indicate that over time the Youth Court was dealing with more serious offences.

**Table 3.12: Charges prosecuted in the Youth Courts by crime and offence categories (column percentages)**

	<b>Hamilton (June 2003 – December 2004)</b>	<b>Airdrie (June 2004 – December 2005)</b>
Group 1 – Crimes of violence	4 (< 1%)	48 (4%)
Group 2 – Crimes of indecency	10 (< 1%)	-
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	292 (16%)	120 (9%)
Group 4 – Fire raising, vandalism, etc.	133 (7%)	137 (10%)
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	555 (30%)	302 (22%)
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	688 (37%)	629 (46%)
Group 7 – Motor vehicle offences	178 (10%)	133 (10%)
<i>Total number of charges</i>	<i>1860 (100%)</i>	<i>1369 (100%)</i>

Source: Youth Court database

Note: Percentages do not sum to 100 due to rounding

3.43 The percentages of young people who had been prosecuted in the Youth Court for charges in each of the standard crime and offence categories are summarised in Table 3.13. Seventy per cent of people in Hamilton and 75 per cent in Airdrie had been charged with committing a miscellaneous offence such as a breach of the peace. An offensive weapon charge had been laid at least once against 38 per cent of the young people in Hamilton and 13 per cent of young people in Airdrie.

**Table 3.13: Percentage of people appearing in the Youth Courts who had at least one charge in the crime and offence categories (column percentages)**

Crime category	Hamilton (June 2003 – December 2004)	Airdrie (June 2004 – December 2005)
Group 1 - Crimes of violence	3 (1%)	40 (12%)
Group 2 - Crimes of indecency	3 (1%)	-
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	115 (29%)	67 (20%)
Group 4 – Fire raising, vandalism, etc.	82 (20%)	86 (25%)
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	250 (62%)	145 (43%)
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	283 (70%)	256 (75%)
Group 7 – Motor vehicle offences□	43 (11%)	34 (10%)
<i>Total number of people</i>	402	341

Note: Percentages sum to more than 100 as young people could have charges in a number of different categories.

## SUMMARY

3.44 Accused detained in police custody or released on undertaking were reported to the Procurator Fiscal by the police. In these cases and in cases where an accused had a possible citation to attend court, the Procurator Fiscal decided whether to prosecute and in what forum. When marking cases for possible prosecution in the Youth Court Procurators Fiscal considered whether cases met agreed criteria with respect to persistency of offending and contextual circumstances, though in Airdrie the persistency criterion was not formally applied. Procedures for identifying potential Youth Court cases were said to be operating smoothly as a result of good working relationships between the agencies concerned.

3.45 The majority of youth cases reported to the Procurator Fiscal were not marked for prosecution. Prosecution in both Youth Courts was most likely if a pattern of persistent offending was established *and* other contextual factors suggested that such a course of action would be appropriate.

3.46 During the period covered by the evaluation, the Hamilton Youth Court had dealt with 611 referrals involving 402 young people while 543 referrals featuring 341 young people had been made to the Youth Court in Airdrie. The volume of referrals to the pilot courts was therefore broadly similar. Most of those prosecuted in both courts were male, were 16 or 17 years of age and were referred on a single occasion.

3.47 Most young people (74%) had first come into contact with the adult criminal justice system at least 2 years before their first Youth Court appearance. Just over a third of young people prosecuted in the Hamilton Youth Court (35%) had had at least one previous referral to the Reporter on offence grounds. However, only 47 per cent of young people in Hamilton and even fewer of those in Airdrie (26%) had previously been convicted in an adult court, possibly reflecting differing application of ‘persistency’ criteria in the two areas. Compared to the Youth Courts, the proportion of first offenders was higher in Hamilton Sheriff Summary Court but lower in Airdrie Sheriff Summary Court.

3.48 For those cases for whom the relevant data were available, most young people who appeared in the Youth Courts lived with a parent and the majority were unemployed. In many cases young people’s offending was alcohol related or, less often, related to the misuse of drugs. The charges most commonly prosecuted in the Youth Courts included breaches of the peace, petty assault, carrying offensive weapons and possession of drugs.

## **CHAPTER FOUR: SENTENCING IN THE YOUTH COURTS**

### **INTRODUCTION**

4.1 This section of the report focuses upon the progress of young people through the Youth Courts. It includes discussion of the disposals received and the range of services for those made subject to supervisory orders. It begins, however, with an overview of the operation of the Youth Court and a summary of the stages at which prosecutions were resolved.

### **GENERAL OPERATION OF THE YOUTH COURTS**

4.2 Observation of the operation of the Youth Courts confirmed that in their broad operation they proceeded as any other summary adult court. All stages of cases were held in open court<sup>31</sup> in an adult courtroom and the court layout was that of any adult summary court. Legal professionals wore their formal court attire at all times. In Hamilton Youth Court business lasted during observed days for between 2 minutes and four and three quarter hours including recesses and any down time while in Airdrie, where the Youth Court sat for only one day per week business lasted during observed days for between 3 and 6 hours.

4.3 During the period covered by the evaluation, Hamilton Youth Court business did not necessarily occupy all of the time scheduled. This meant that it was possible for other court business, such as short summary trials, to be re-scheduled and dealt with by the Youth Court Sheriff. Indeed, laterally other summary trials were being timetabled to be heard by Youth Court Sheriffs immediately following the Youth Court on 2 days per week. This meant that, despite having its own courtroom, the Youth Court was not separated fully from adult proceedings since those due to attend for adult summary trials were also present in the Court. However a generally relaxed and friendly atmosphere to the court was noted before court and in recesses, with young people able to approach professionals for information. The court's full-time police officer and court clerk were particularly important in this respect. Family or other supporters often accompanied young people to the court. Young people appearing were nearly always legally represented while social workers (usually the court social worker) were present in nearly 90 per cent of the case stages observed.

4.4 A number of general observations can also be made about the operation of the Airdrie Youth Court. Firstly, it appeared that the Sheriffs dealt with young people as they would in any summary Sheriff court. Second, Sheriffs paid close attention to the background evidence in each case and to Social Enquiry Reports. Third, the interactions between the legal representatives and Procurators Fiscal were generally congenial. Fourth, the courtroom was regularly filled up with families and friends of the accused<sup>32</sup>, who often – in the initial stages of the pilot when most of the observation was undertaken - appeared unaware of, or who otherwise failed to respect, the formality of the court. This resulted in the issuing of reprimands (asking members of the public gallery to remove hats, refrain from eating and stopping talking) and on some occasions a need to exert some control and order over the public

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<sup>31</sup> In cases involving 15 year olds hearings are held in closed court.

<sup>32</sup> The court was busy because it only sat on one day per week and dealt with a large volume of cases.

gallery<sup>33</sup>. The need to maintain order in court was felt by many professionals to impinge on the potential for honest dialogue between the accused and the Sheriff in the early stages of the pilot, though there were indications from professionals attending court regularly that the issue of public order had improved over time. This was facilitated by the transfer of the Youth Court to a larger courtroom in order that the numerous attendees could be facilitated, so that the court could be more easily policed and so that easier access to the cells could be available. However Sheriffs were concerned that that some offenders did not take the Youth Court seriously, viewing it as an extension of the Children's Panel Hearings, rather than an adult summary court.

4.5 Despite this, Airdrie Sheriff Youth Court gave the impression overall of being tightly run with a heavy volume of cases being heard. Despite the large volume of court work, the procedures were tightly adhered to. Those professionals more involved with court business felt that although the capacity was sufficient at present the issue should be kept under review, particularly in light of court probation reviews being reinstated and maintaining adequate time for trials.

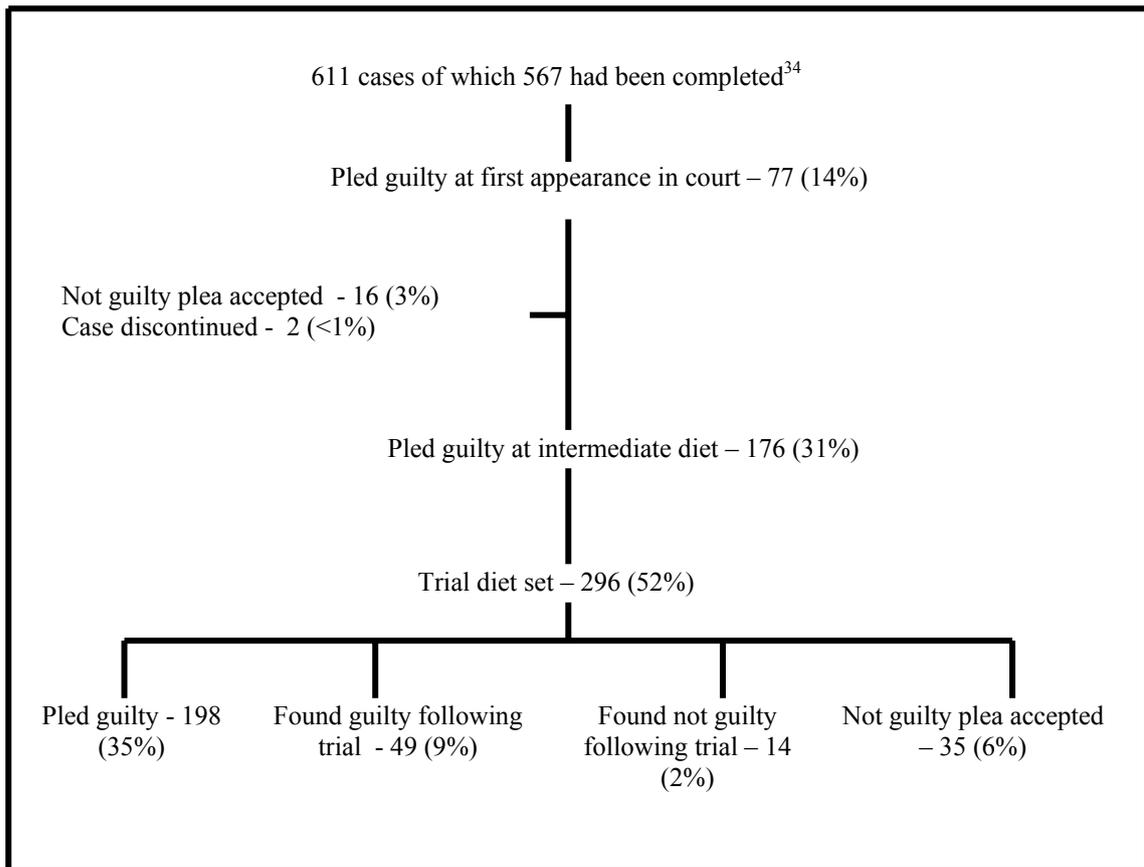
## **PROGRESS OF CASES THROUGH THE COURTS**

4.6 The progress of the referrals that had been completed by the end of December 2004 in Hamilton and December 2005 in Airdrie is illustrated in Figures 4.1 and 4.2. In just under one half of cases in Hamilton and just over one half of those in Airdrie a guilty plea was tendered at first appearance or at the intermediate diet. The proportion of cases resulting in a guilty plea at first calling of the case was higher (at 30%) in Airdrie than in Hamilton, where only 14 per cent of cases were resolved at this stage. However, as a comparison of the progress of citation cases in the Youth Court and Sheriff Summary Courts will demonstrate later in this chapter, the resolution of this proportion of cases at this stage in the Airdrie Youth Court appears similar to the Sheriff Summary court. A further 31 per cent of accused in both courts tendered a guilty plea at the trial diet. Forty-five cases in Hamilton (9%) resulted in an evidence-led trial, with 24 of these (5% of referrals or 53% of evidence-led trials) resulting in a finding of guilt. The percentage of cases resulting in the setting of a trial date was slightly lower in Airdrie (45% compared with 52% in Hamilton) but the proportion of cases resulting in an evidence-led trial was broadly similar in the 2 pilot sites (9% compared with 11% in Hamilton).

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<sup>33</sup> Following the assault of a young person outside the courtroom a second police officer was brought in to help maintain order in the court.

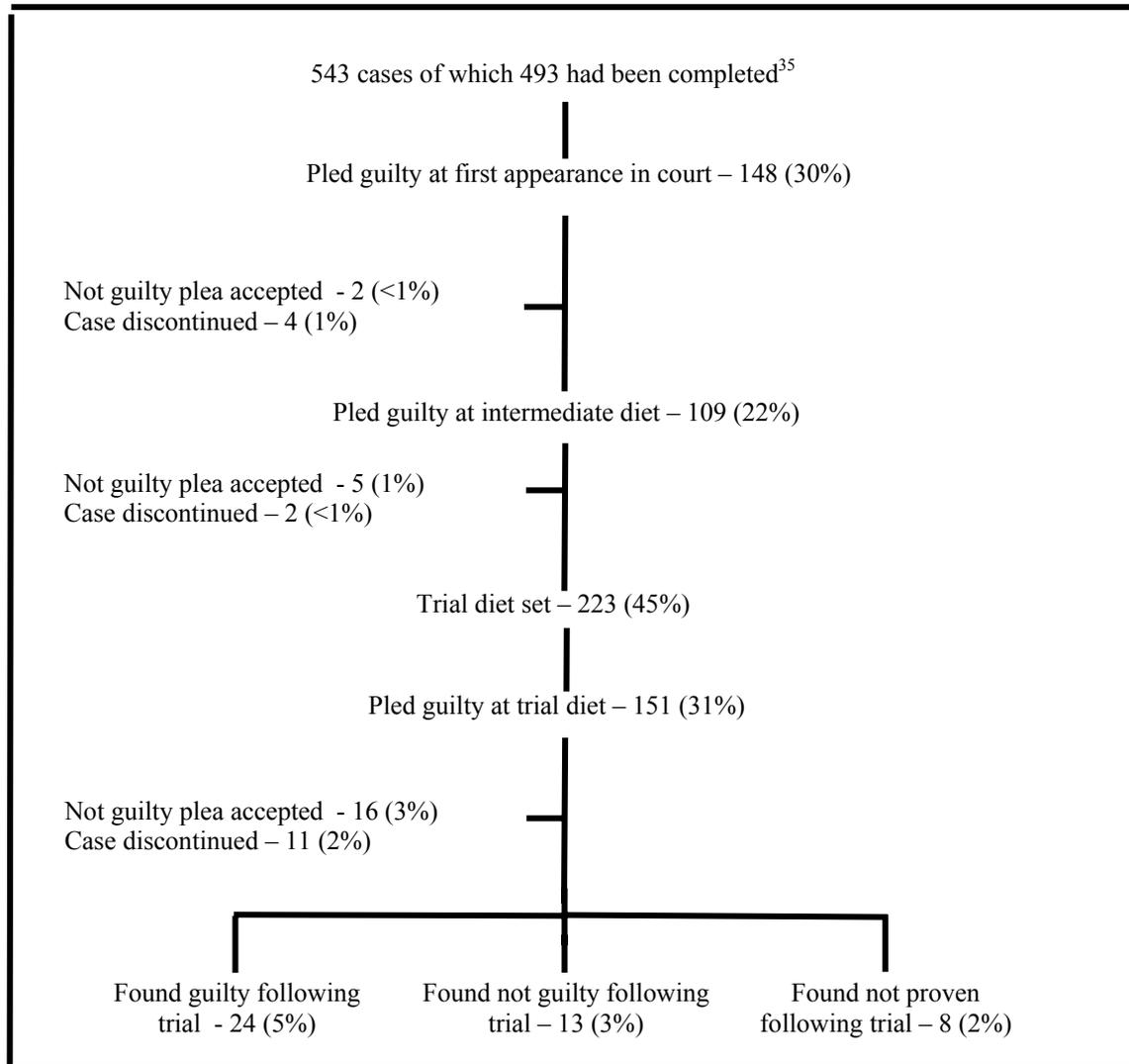
**Figure 4.1: The route of cases through the Hamilton Youth Court (June 2003 – December 2004)**  
 Source: Youth Court database



<sup>34</sup> 44 referrals were ongoing. The remaining percentages are based on 567 referrals (i.e. excluding these cases).

**Figure 4.2: The route of cases through the Airdrie Youth Court (June 2004 – December 2005)**

Source: Youth Court database



## FIRST APPEARANCE AND BAIL

4.7 Accused referred to the Youth Court made their first appearance at Court from police custody, on a citation or on a police undertaking. Although it was anticipated when the pilot was established that most cases would appear from custody or on an undertaking, in practice 42% of referrals in Hamilton were scheduled to appear from custody, 16% per cent on a police undertaking and 42% were cited to appear. In Airdrie in the majority of referrals to the court (61%) the young person was cited to appear while 27 per cent of those referred made their first appearance from custody and 12 per cent on a police undertaking. Overall 43 per cent of people referred to the Youth Court in Hamilton and 28 per cent of those referred to Airdrie Youth Court made at least one of their appearances in court from custody. Despite initial concerns

<sup>35</sup> Twenty-nine referrals were ongoing. In addition, 7 other cases had been transferred into the Youth Court for sentence, 8 had been transferred out of the court before guilt was established and 6 involved new petition cases. The remaining percentages are based on 493 referrals (i.e. excluding these 50 cases).

that the high proportion of reports and citations in Airdrie might result in delays in some cases reaching court, it was noted at the Implementation Group meeting in December 2004 that report cases were reaching the Procurator Fiscal from the police very quickly with the result that they were being called to court within the expected timescales.

4.8 Although not explicitly recorded it was possible, using dates provided, to infer the bail decision of the court at first calling of the referral. Overall at first callings where the case was not resolved, 9% of accused in Hamilton were remanded, 41% were bailed and 50% were ordained to appear at the next hearing. In Airdrie, 41% of referrals were bailed, 52% were ordained and 7% were remanded. When the Procurator Fiscal opposed bail, it was usually in cases where the young person was alleged to have committed further offences whilst on bail or probation or was without a fixed address. Where bail was not opposed the Crown sometimes requested additional conditions, usually for the young person to be excluded from certain areas or prohibited from contacting certain individuals.

### **Electronic monitoring on bail**

4.9 Although electronically monitored bail is only now being piloted in other Scottish Courts this option was available to the Youth Court pilots. Data provided by Reliance Monitoring Services showed that electronic monitoring on bail was utilised at some point during 5 per cent of referrals in Hamilton (31) with 6 per cent of people (25)<sup>36</sup> referred to the Youth Court being subject to electronic monitoring on bail at some stage. For the majority (21) of the 31 electronically monitored bail conditions the person was on curfew for 12 hours, with 5 for periods over 12 hours (up to a maximum of 16 hours). All monitored curfew conditions applied for 7 days a week. The earliest a curfew started was 5pm, the latest 11pm. The latest end of a curfew was at 9am.

4.10 Just over half the people (13 people on 18 separate occasions) were deemed to have failed to complete their envisaged period of electronic monitoring on bail because of a significant breach. In addition, 2 people who completed their period of electronically monitored bail were also recorded as having breached the curfew during it. The most common reason noted for non-completion and breaches was the withdrawal of consent for the tagging by the premises holder (9 occasions). Other reasons included the young person having gone absconded (4), being taken into custody (2) and having tampered with the tag's strap (1).

4.11 Electronic monitoring on bail was viewed by Sheriffs and by social workers interviewed as a useful alternative to a custodial remand, though relatively little use was made of this option and levels of non-compliance were relatively high. It was considered by social workers not to be appropriate for young people with chaotic living conditions who would have difficulty adhering to the terms of the monitoring arrangements, though they acknowledged that it was difficult to predict who would struggle to comply and who would succeed. Sheriffs stressed that electronic monitoring would only be considered as an option if a decision had already been made that a custodial remand was required. They regarded lengthy monitoring

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<sup>36</sup> Six of these young people had been made subject to electronic monitoring twice: 5 for separate referrals to the court and one at different points during the same referral.

periods as unrealistic and one suggested that electronic tagging could provide an unnecessary stigma for some young people.

4.12 The power to bail accused subject to electronically monitored curfew was not used by Sheriffs in Airdrie during period of the evaluation. This was perhaps partly because of the low number of custody cases in Airdrie and an apparent Shreival preference for police monitored curfews. Sheriffs expressed a preference for the use of police monitored curfews, arguing that, due to the proactive approach taken by the police, this was an effective and rigorously enforced means of promoting compliance which could be brought to bear without delay. According to some police respondents, the additional work involved in checking addresses to verify the presence of the accused was more than offset by a reduction in the number of new incidents with which they had to deal. However others felt that the curfews were personnel intensive and could prove disruptive to other members of the family and that electronic monitoring could potentially be more effective in maintaining the young person's compliance. Nevertheless the police respondents felt that the curfews imposed had had a positive impact on communities and that they were witnessing a reduction in crime in some areas through their use.

## **FAST-TRACKING OF CASES THROUGH THE YOUTH COURTS**

### **Time to first appearance**

4.13 The Youth Court's target was for young people to appear in Hamilton within 10 days (exceptionally 14) and in Airdrie within 14 days of being charged with an offence<sup>37</sup>. The initial expectation was for most cases to either appear from custody or on police undertaking with only rarely young people being cited to appear after report to the Fiscal (hereafter referred to as 'report cases'). In such cases the police target of the report to the Procurator fiscal was submission within 28 days from commission or detection of the alleged offence.

4.14 The Youth Court database did not contain the relevant data from which the length of time between a young person being charged and first appearing in court could be calculated. To enable such a calculation to be made the Procurators Fiscal provided the date of charge and the date of report to the Fiscal for 83 cases marked for Hamilton Youth Court prosecution between June and December 2004 and for 107 cases marked for prosecution in the Airdrie Youth Court<sup>38</sup>.

4.15 In Hamilton, the 18 custody cases all appeared in the Youth Court in 4 days or less following charge as legally they must appear on the next working day. The 13 undertakings all appeared between 10 and 14 days from charge. For report cases the time from referral to the Fiscal to their appearance in the Youth Court was measured. Thirty- five per cent of the 52 report cases in this sample appeared within 14 days or less (8 days being the minimum) with 50 per cent appearing within 20 days or less. The maximum period was 183 days. Although the report cases did not in most cases

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<sup>37</sup> The figures in this section all relate to calendar days rather than working days.

<sup>38</sup> This information was not routinely being recorded by the Procurators Fiscal but was provided as additional information in a sample of cases to enable the relevant timescales to be calculated.

meet the proscribed timescales it had not been envisaged that many Youth Court cases would appear from this route.

4.16 Sixteen of the 20 custody cases (80%) in Airdrie appeared in court within 2 days of charge. The median time period<sup>39</sup> from charge to first due appearance for custody cases was 1 day. Twelve of the 13 undertakings (92%) appeared in court within the 14-day target time (the remaining case was 21 days in coming to court) and the median time period from charge to first due appearance was 7 days. Information was available for 83 report cases, with 11 per cent (9) cited to appear within 14 days of the offence, 59 per cent (49) within 8 weeks and 93 per cent (77) within 90 days. The median time period for citation case was 45 days (around six and a half weeks). The minimum period between an accused being charged and the first calling of a referral was zero days, the maximum was 125 days and the median time period was 29 days. Overall, fifty-two per cent of these cases were called in the Youth Court within one month of the charge date. As in Hamilton, the timescales that had been set for custody cases and undertakings were often not being met in respect of citations. However, for custody cases and undertakings, in cases where relevant data were available the Youth Court timescales for this stage of the prosecution process were in most cases being met.

### **Progress through the Youth Courts**

4.17 A principle aim of the Youth Court pilot was the fast tracking of young people both to the court and through the court. Each referral in the Youth Court database (up to December 2004 in Hamilton and December 2005 in Airdrie) was examined in order to determine timescales of case processing, resolution and sentencing. The progression of cases through the court itself was influenced by a number of processes and pressures and resulted in a wide range of possible outcomes. However, it was possible to determine the length of time from first calling to the resolution of a case (this could mean a plea or finding of guilt, acceptance of a plea, or finding, of not guilty, a finding of not proven or a case being deserted), when cases were resolved (at first calling, intermediate diet, trial diet or after an evidence-led trial) and when sentence was passed.

4.18 At pre-sentence stage the main target was for a trial diet date to be set no more than 40 days after the case was first called. As an intermediate diet and trial diet date would not be set at first calling if a plea was not entered, the first calling date in this instance has been taken as the first date a not guilty plea was entered. The Youth Court Co-ordinator's database did not record explicitly the date the plea was first entered, so this was estimated taking into account any warrants for initial non appearance and continuations without pleas. Excluding the 77 referrals where the individual involved pled guilty on first appearance, information was available for 517 referrals in Hamilton. Ninety-five per cent of these had trial dates set within 40 days, with 46 per cent having trial dates set within 35 days. Of those outside the target, the maximum was a trial set 49 days after first estimated date of plea. In the Youth Court,

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<sup>39</sup> Due to the relatively small number of cases for which a charge date was available and the susceptibility of mean averages to be skewed by the presence of outliers, medians are used when discussing charge dates from the Airdrie data supplied by the Procurator Fiscal. Other data (e.g. PF referral dates, dates from co-ordinator's database) proved less problematic and are, therefore, reported using means.

it is also expected that an intermediate diet will be set not more than 19 days after an initial plea is entered. All of the referrals had an intermediate trial date set within 10 days, with an average of 5 days. In all of these cases, therefore, this timescale had been met.

4.19 At the pre-sentence stage the proposed target in Airdrie was also for a trial date to be set no more than 40 days after the case was first called. The relevant information was available for 377 referrals in Airdrie. Forty-four per cent (165) of these cases had trial dates set within 40 days, while the average was 42 days. The percentage of cases with trial dates set within 40 days was markedly lower in Airdrie than in Hamilton, possibly because the Youth Court in Airdrie only sat on one day a week while the Hamilton Youth Court was sitting on 5 days a week in the period covered by this analysis. Of those outside the target, the Airdrie maximum was a trial set 154 days after the estimated date of plea. It appears that the Youth Court was achieving these targets more effectively during its first 9 months of operation: if only those cases having their first calling before the end of February 2005 are examined, 72% (127 of 176) met the proposed timescale.

4.20 The initial guidance issued for the Airdrie Youth Court also proposed that an intermediate diet should be set within 21 days of an initial plea being entered. Of the 376 cases where the relevant information was available, 49% (183) were set within 21 days, while the overall average was 27 days. In just under half of the cases, therefore, this timescale had been met. However, if only those cases having their first calling before the end of February 2005 are examined, 83% (147 of 177) met the proposed timescale. It appears that the ability to fast-track cases through the court in Airdrie has diminished to some extent over time though. However, as we shall see, the Youth Court was much quicker in processing comparable cases than Airdrie Sheriff Summary Court.

### ***Time to case resolution and sentence in Hamilton***

4.21 The majority of first calling stage cases (80% of these 77 referrals) were resolved on the day of the young person's scheduled first appearance in court, with a mean of 7 days to resolution. The mean for intermediate diet stage resolutions was 26 days and for referrals reaching the trial diet stage it was 46 days (in the 63 referrals where the case proceeded to trial the mean time was 52 days). Overall Youth Court referrals took an average of 34 days to resolve. The non-appearance of young people for the calling of a case could delay the court process. Sheriffs would normally issue a warrant for the arrest of a young person who failed to attend court. Overall, warrants had been taken in 18% of referrals before their resolution. The average time for a referral to be resolved when a warrant was taken was 54 days in contrast to the 30 days for referrals where a warrant was not taken. Therefore although non-appearance delayed the resolution of referrals, their enforcement by the police ensured that they were generally resolved within a reasonable period of time.

4.22 For those convicted an assessment was made of the length of time from resolution to initial sentence. Only first referrals<sup>40</sup> to the Youth Court were included in this analysis. Referrals where initial sentence was deferred for 3 months or more

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<sup>40</sup> Because how subsequent referrals were dealt with is likely to have been influenced by whether or not they were already subject to an order from the Youth Court.

were excluded, as this deferment was likely to have been for good behaviour. Out of 190 referrals assessed, 27 per cent were sentenced within 3 weeks of resolution of the case and 70 per cent within 4 weeks. Sixteen per cent were sentenced on the day of resolution of the case, with the majority of these being admonished or fined.

### *Time to case resolution and sentence in Airdrie*

4.23 Table 4.1 shows the proportion of cases resolved at each stage of the Youth Court process in Airdrie and the time period for resolution associated with each stage. As anticipated, cases resolved at first calling were dispensed with quickly (78% (120) on the date of the first appearance). Case resolution at intermediate diet was also very quick; 53% (62) of these cases were concluded within one month of the first appearance. Cases resolved at the trial diet were concluded marginally quicker than at an evidence-led trial: 17% (30) and 7% (3) of the cases resolved at these stages respectively were concluded within one month of the first calling date. Overall, Youth Court cases which were resolved up to the end of December 2005 took an average of around one month to resolve, with 49% (242) concluded within one month of first calling.

**Table 4.1: Number of days taken from first calling to resolution of cases through Airdrie Youth Court (June 2004 – December 2005)**

Stage	N (%)	Min	Max	Mean
1 <sup>st</sup> Calling*	154 (31%)	0	108	4.8
Intermediate diet	116 (24%)	4	231	36
Trial diet	178 (36%)	11	155	50.1
Evidence-led trial	45 (9%)	21	133	61.1
Total	493 (100%)	0	231	34

Source: Youth Court database

\*This is not zero in all cases due to instances where first callings were continued without plea, for personal appearance or where warrants were issued.

4.24 Three hundred and ninety-nine (81%) of the 493 referrals which were resolved resulted in at least one disposal (including deferred sentences of 3 months or more for good behaviour) being imposed before the end of December 2005. The minimum time taken to pass sentence was zero days, while the maximum time was 252 days (around 8 and a half months). In the main, sentences were passed relatively swiftly; the most prevalent response was that sentence was passed on the same day that the case was resolved (101 cases, or 25%). However, in 30% of cases (119) it took more than 30 days to pass sentence, possibly as a result of deferments for social work and other reports to be prepared and non-appearance of the accused at court. Overall, there was an average of 31.5 days between case resolution and sentence.

4.25 Taking account of the pre-court data, it took an average of 56.5 days (1.9 months) for cases to progress from initial charge to resolution. A quarter of cases (24% or 28) were resolved within one month and 97% (112) in 6 months (180 days) or less. From charge to initial disposal took an average of 91 days (3 months). Eleven per cent (12) of these cases were disposed of within one month, while 85% were disposed of within 6 months.

## **Cited cases**

4.26 In order to compare like with like, the case processing timeframes of cited Youth Court cases in Airdrie were examined alongside the data for cited cases from the Sheriff Summary Court. Excluding those cases not cited to appear in the court, charge dates in relation to 83 cases were available from the forms provided by the Procurator Fiscal. In 75 cases it was possible to compare these with the dates on which complaints were received by the Procurator Fiscal. The minimum period between an accused being charged and referred to the Procurator Fiscal was zero days, the maximum was 110 days and the median time period was 10 days. Sixty-eight per cent of these cases were referred to the Procurator Fiscal within one month of the date that charges were imposed.

4.27 The dates on which cited cases were passed to the Procurator Fiscal were available in respect of 157 Youth Court referrals. These data were compared with the dates on which referrals were first called in the Youth Court. The minimum period between a case being referred to the Procurator Fiscal and first calling in the Youth Court was zero days, the maximum was 106 days and the mean time period was 29 days. Sixty-three per cent of these cases were called in the Youth Court within one month of the date they were received by the Procurator Fiscal.

4.28 It was also possible to compare the charge dates of the 83 referrals discussed above with the dates on which cited cases first called in the Youth Court. The minimum period between an accused being charged and the first calling of a referral was zero days, the maximum was 125 days and the median time period was 45 days. Overall, 33% of these cases were called in the Youth Court within one month of the charge date.

4.29 Figure 4.3 shows the progress of cited cases through the court. The patterns of case resolution observed here do not differ markedly in any respect from those observed among the wider Airdrie Youth Court sample. In the full Youth Court sample, the proportions pleading guilty at the first calling, intermediate diet and trial diet stages were 30%, 22% and 31% respectively; totalling 83% across all stages. The same figure for the cited cases was 81%.

4.30 Regardless of specific outcomes, Table 4.2 shows the proportion of cited cases resolved at each stage of the Youth Court process and the time period for resolution associated with each stage. As anticipated, cited cases resolved at first calling were dispensed with quickly (75% (69) on the date of the first appearance). Case resolution at intermediate diet was also very quick; 50% (29) of these cases were concluded within one month of the first appearance. Cases resolved at the trial diet were concluded marginally quicker than at an evidence-led trial; 12% (12) and 6% (2) of the cases resolved at these stages respectively were concluded within one month of the first calling date. Overall, cited Youth Court cases which were resolved up to the end of December 2005 took an average of just over 1 month to resolve, with 46% (131) concluded within one month of first calling.

**Table 4.2: Number of days taken from first calling to resolution of cited cases through Airdrie Youth Court (June 2004 – December 2005)**

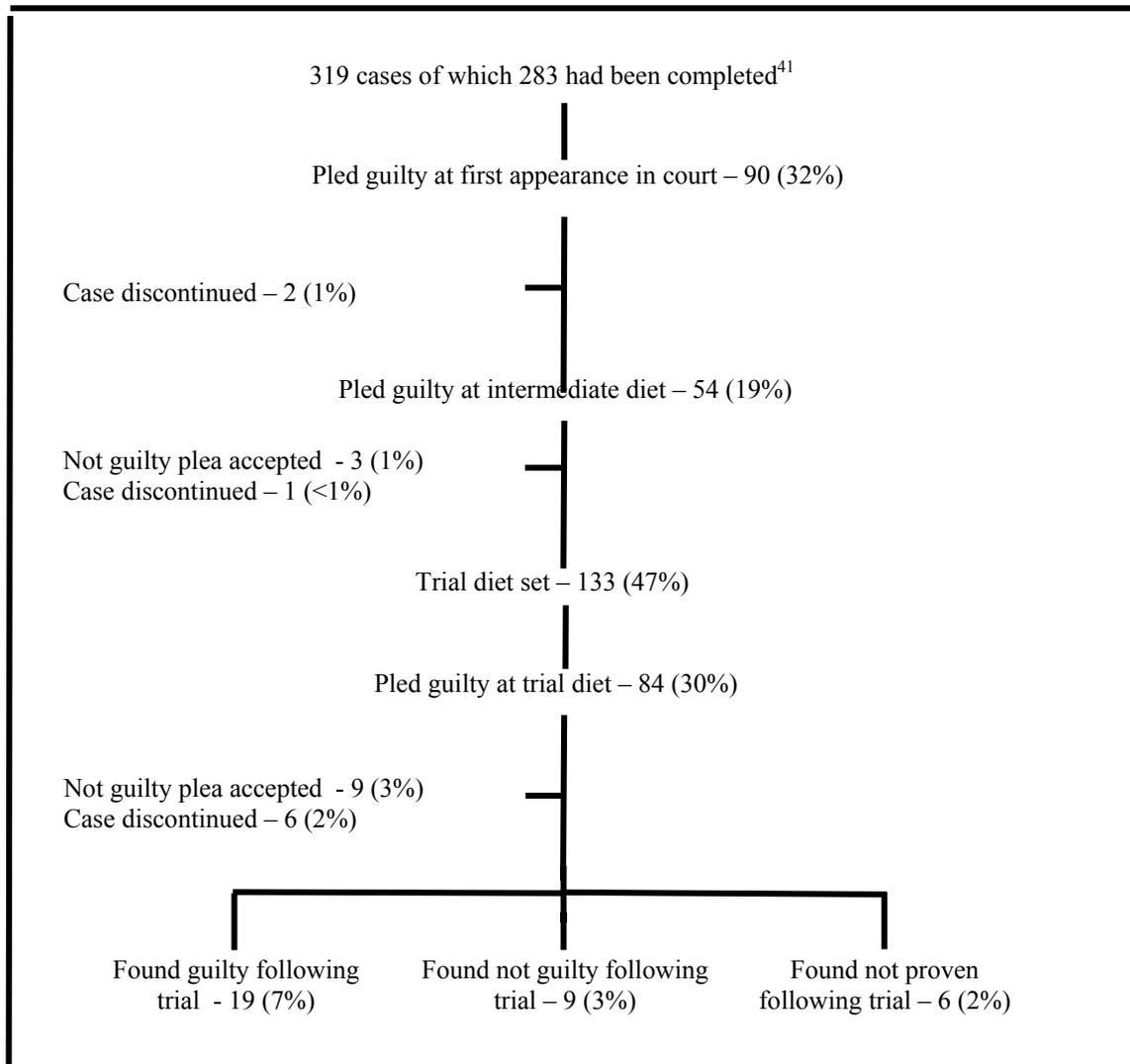
Stage	N (%)	Min	Max	Mean
1 <sup>st</sup> Calling*	92 (31%)	0	108	5.6
Intermediate diet	58 (24%)	4	231	39.8
Trial diet	99 (36%)	14	154	51.7
Evidence-led trial	34 (9%)	21	133	62.7
Total	283 (100%)	0	231	35.6

Source: Youth Court database

\*This is not zero in all cases due to instances where first callings were continued without plea, for personal appearance or where warrants were issued.

**Figure 4.3: The route of cited cases through the Airdrie Youth Court (June 2004 – December 2005)**

Source: Youth Court database



<sup>41</sup> Twenty-two cited referrals were ongoing. In addition, 7 other cases had been transferred into the Youth Court for sentence, 5 had been transferred out of the court before guilt was established and 2 involved new petition cases. The remaining percentages are based on 283 cited referrals (i.e. excluding these 36 cases).

4.31 One hundred and ninety-seven (70%) of the 283 cited referrals which were resolved resulted in at least one disposal (including deferred sentences of 3 months or more for good behaviour) being imposed before the end of December 2005. The minimum time taken to pass sentence was zero days, while the maximum time was 217 days (around 7 months). In the main, sentences were passed relatively swiftly; the most prevalent response was that sentence was passed on the same day that the case was resolved (54 cases, or 27%). However, in 31% of cases (61) it took more than 30 days to pass sentence for the reasons previously outlined. Overall there was an average of 33.4 days between case resolution and sentence.

4.32 Taking account of the pre-court data, it took an average of 78.5 days (2.6 months) for cited cases to progress from initial charge to resolution. Only around a tenth of cases (11% or 9) were resolved within one month and 95% (78) in 6 months or less. From charge to initial disposal took an average of 102 days (3.4 months). Four per cent (3) of these cases were disposed of within one month, while 81% (61) were disposed of within 6 months.

### **Airdrie Sheriff Summary Court**

4.33 Charge dates in relation to 146 individuals were available in order to be compared to the dates on which cases first called in the citation court. The minimum period between an accused being charged and their first calling was 35 days, the maximum was 407 days and the mean time period was 148 days (around 5 months). The median time period<sup>42</sup> between charge and first calling was 132 days, while the comparable figure for the Youth Court was 50 days; around three and a half months quicker than in the adult court.

4.34 Figure 4.4 shows the passage of adult cited cases through Airdrie Sheriff Summary Court. When compared to the data from cited Youth Court cases, broadly similar patterns can be observed in respect of when, during their passage through the court process, cases were resolved. However, it can be noted that the proportion of adults entering guilty pleas at first calling, intermediate and trial diets was slightly lower than among cited cases in the Youth Court (32%, 19% and 30% respectively). While none of these was significantly different on its own, taken together, the proportion of cases resolved by a guilty plea was much lower in the adult court (81 or 64%) than in the Youth Court (228 or 81%). Even more striking is the significantly higher proportion of adult cases discontinued at each stage of court proceedings; these accounted for 20% of adult cases (25) compared to only 3% (9) of cited Youth Court cases. While this difference cannot easily be explained, it may partly reflect the impact of the fast track Youth Court procedures on the quality of evidence available.

4.36 Regardless of specific outcomes, Table 4.3 shows the proportion of cases resolved at each stage of the adult court process and the time period for resolution associated with each stage. It can be seen that, as would be expected, cases resolved at first calling were dispensed with relatively swiftly. However, there was little difference in the time taken to resolve cases at the intermediate and trial diet stages

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<sup>42</sup> As discussed in footnote 39, medians were used in reporting charge date-related time periods in the Youth Court. Therefore, although the means for the adult courts are included (they proved not to be susceptible to skewness due to outliers), where appropriate, medians are also reported for the purposes of comparison.

(unexpectedly, the latter were resolved more quickly); both took around 6 months to conclude. Cases that resulted in evidence-led trial took the longest to resolve – an average of 7 months from first calling. Overall, citation cases beginning in Airdrie Sheriff Summary Court in March 2005 took an average of 4 months to resolve, a significantly longer period of time than for comparable cases in the Youth Court across the period covered by this evaluation (35.6 days).

**Table 4.3: Number of days taken from first calling to resolution of cited cases through Airdrie Sheriff Summary Court (March 2005)**

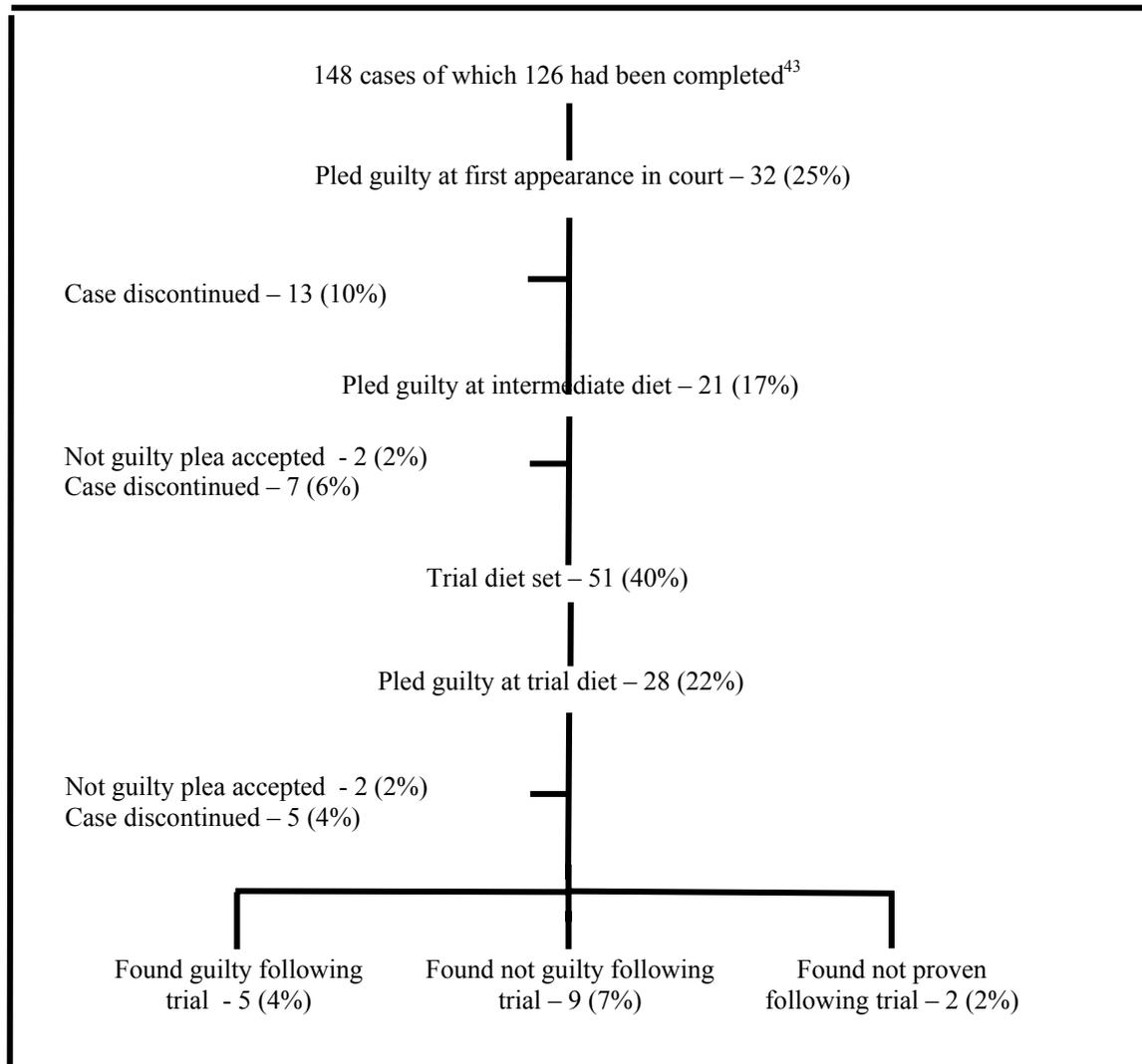
<b>Stage</b>	<b>n (%)</b>	<b>Min</b>	<b>Max</b>	<b>Mean</b>
1 <sup>st</sup> Calling*	45 (36%)	0	226	17.6
Intermediate diet	30 (24%)	48	283	171.7
Trial diet	35 (28%)	21	338	170.2
Evidence-led trial	16 (13%)	44	575	210.1
<b>Total</b>	<b>126 (100%)</b>	<b>0</b>	<b>575</b>	<b>121.2</b>

Source: Sheriff Court records

\*This is not zero in all cases due to instances where first callings were continued without plea, for personal appearance or where warrants were issued.

**Figure 4.4: The route of cited cases through Airdrie Sheriff Summary Court (March 2005)**

Source: Citation court records



4.37 Eighty-five (67%) of the 126 referrals which were resolved resulted in at least one disposal (the same as in the Youth Court, including a deferred sentence of 3 months or more for good behaviour) being imposed in the period before the data was collected. The minimum time taken to pass sentence was zero days, while the maximum time was 176 days (almost 6 months). The imposition of sentences occurred swiftly in the adult court; the most prevalent response was that sentence was passed on the same day that the case was resolved (55 cases, or 65%) while in only 14% of cases (12) did it take more than 30 days to pass sentence. Overall there was an average of 14 days between case resolution and sentence in the adult court. In this regard, the Youth Court was somewhat slower, with an average of 33.4 days elapsing between case resolution and sentence. This is probably because in a higher proportion of Youth Court cases a Social Enquiry Report was requested prior to sentence.

<sup>43</sup> Twenty-two cases were ongoing for various reasons, such as outstanding warrants, failures to attend etc. The remaining percentages are based on 126 cited cases (i.e. excluding these 22 cases).

4.38 Taking account of the pre-court data, it took an average of 267 days (8.9 months) for cases to progress from initial charge to resolution. A third of cases (33% or 41) were resolved in 6 months or less and 78% in a year or less. The median time period from initial charge to resolution in the adult court was 262 days (8.7 months). The Youth Court was significantly quicker in this regard, with an average time period of 78.5 days between initial charge and case resolution; a difference of 6 months. In the adult court, the period from charge to initial disposal took an average of 273 days (9.2 months). Thirty-two per cent of these cases were disposed of within 6 months (180 days) while 76% were disposed of within a year. The median time period from initial charge to resolution in the adult court was 281 days (9.4 months). Despite the longer period of time between case resolution and initial disposal observed in the Youth Court, in terms of processing cases from charge to disposal it remained significantly quicker than the adult court. On average, this took 102 days in the Youth Court; 6 months less than the comparable timeframe for the Airdrie Sheriff Summary Court.

4.39 Procurators Fiscal identified a culture in both Hamilton and Airdrie of maintaining not guilty pleas right up to the trial diet and this resulted in heavy workloads for the deutes. However the Youth Courts were reported by professionals to have resulted in a lower percentage of cases proceeding to trial and a greater proportion of guilty pleas at first calling or intermediate diet. This was attributed to some of the distinctive features of the Youth Court process. These include the rolling up of charges by the Procurator Fiscal, the early disclosure of the Crown's case to the defence - the Procurator Fiscal is expected to provide a case summary to the defence after a not-guilty plea is entered and to make available police statements prior to or at the intermediate diet - and the availability of legal aid to enable the young person's solicitor (rather than the duty solicitor) to represent them on appearance from custody or on an undertaking. The defence agents felt that young people, particularly those with no established pattern of repeat offending were more inclined to take their advice than more hardened recidivists. The early disclosure of the Crown's case also meant the young person saw the evidence against them, this combined with the rolling up of cases and their inclination to take advice often resulted in a tendering of guilty pleas earlier in the prosecution process. The availability of legal aid was seen as a huge improvement to the system by Defence Agents, who were keen to see such resourcing continuing for both those who plead guilty and for those who chose to go on to trial. From the perspective of the Defence Agents, each of these changes is likely to have encouraged the tendering of earlier pleas.

4.40 The fast-tracking of young people into and through the court was the aspect of the Youth Court that was perceived by various professionals as having been most effective. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful and was regarded as something to be aspired to in all summary court business. One difficulty that arose with fast tracking in Airdrie was in relation to the rolling up of several offences. There had been occasions when social work reports had been compiled based on offences known to them at the time. However when they got to court other offences had been rolled up together with those addressed in the social enquiry report. Although this process had the potential to up tariff a young person (because appropriate disposals may not have been considered in the social enquiry report) it was not possible to determine from the available data whether this was the case.

## YOUTH COURT DISPOSALS

### Reports to the court

4.40 The Youth Court Sheriff will often call for a Social Enquiry Report (SER) before sentencing a young person<sup>44</sup>. In addition to furnishing information about the background characteristics of the young person, the SER is intended to discuss the likely impact of the various sentencing options available to the court and how the young person is likely to respond to them. In the Youth Courts it was intended that the preparation of the SER would be underpinned by the use of a formal risk/needs assessment – the YLS/CMI or LSI-R<sup>45</sup> - and should contain an individualised action plan identifying the proposed level and method of intervention with the young person. Social Enquiry Reports and supplementary review reports played a vital part in observed proceedings, informing both the Sheriffs and the defence about the young person’s background. From court observations, Sheriffs read over SERs and asked questions or made comments to the accused, particularly about their employment situation and about their alcohol or drug consumption (which featured heavily in a very high number of the cases observed). Reports prepared for the Youth Court contained more detail and fuller action plans than reports prepared for other courts, and Sheriffs reported in interview that they valued this.

4.41 The perceived quality of SERs provided to the Youth Court was a source of concern to Sheriffs in Airdrie throughout the first 9 months of the pilot. In particular, reports were criticised as being ‘bland’, lacking the additional detail that was expected of them, including the likely response of the young person to different disposals and a detailed action plan. Criticism of reports in open court was regarded as very stressful by social workers. Social work managers attributed the problem to delays they had encountered in appointing dedicated Youth Court workers, reflecting wider difficulties in social work recruitment on a national basis<sup>46</sup>. With the appointment of Youth Court social workers – who were also able to provide the court with additional relevant and up-to-date information on request – and the institution of quality assurance measures, the quality of reports was perceived to have improved and the matter was effectively resolved. In hindsight, social work staff believed that the issue could have been resolved more quickly if they had been party to early discussions on the matter<sup>47</sup>.

4.42 Social workers also believed that many of the criticisms reflected a difference in understanding between themselves and the Sheriffs with respect to the appropriateness of intensive interventions for young people who were assessed as presenting a low risk of re-offending. While Sheriffs were keen that all young people made subject to probation orders in the Youth Court should have access to a range of resources, social workers were reluctant to ‘widen the net’ and offer an intensive

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<sup>44</sup> These reports are required prior to the imposition of a custodial sentence or a community-based social work disposal such as probation.

<sup>45</sup> Youth Level of Service/Case Management Instrument and Level of Service Inventory – Revised. The former was used with young people who were at school or who had left school within the previous 6 months: the latter was used with other young people.

<sup>46</sup> The recruitment incentives provided by North Lanarkshire Council in the face of a national staff shortage are likely to have assisted with the recruitment of dedicated Youth Court staff.

<sup>47</sup> Discussion of the issue mainly took place in the Implementation Group which did not always have a social work representative in attendance and on which front line workers were not represented.

service to those for whom such a level of intervention was not warranted. The lack of reference in SERs to detailed packages of intervention did not, as the Sheriffs had initially supposed, mean that relevant services did not exist: rather, they were not being proposed as appropriate in that particular case. Clarification of this matter was thought by social workers to have resulted in Sheriffs in Airdrie having more confidence in their recommendations to the Youth Court.

### Social work recommendations

4.43 The researchers were provided with access to a sample of 106 anonymised SERs from one of the local authorities that participated in the Hamilton Youth Court pilot. As Table 4.4 shows, the most common recommendations<sup>48</sup> were for deferred sentences and probation orders. In the 85 cases where both the recommended and imposed sentence was available, the sentence recommended was imposed in 64 per cent of cases. In most of the 31 cases where the Sheriff decided to impose an alternative sentence to that recommended, a more severe sentence was imposed. These included 11 cases of probation and 6 cases of community service being imposed rather than the recommended deferment. One young person was sentenced to detention rather than having their sentence deferred as recommended. A number of the cases receiving higher tariff sentences than recommended involved the carrying of offensive weapons by young people who mainly had little, if any, previous involvement with the criminal justice system but whose behaviour could be regarded as posing a risk to public safety.

**Table 4.4: Sentence recommended in sample of Hamilton SERs and sentence given (column percentages)**

	SER recommendation %	Sentence given %
Detention	2	6
Community Service Order	6	12
Restriction of Liberty Order	3	2
Probation	21	35
Deferred Sentence <sup>49</sup>	61	34
Monetary	3	5
Admonition	3	6
<i>Total number</i>	<i>99</i>	<i>85</i>

Source: Social Enquiry Reports

Some social work reports (31/106) gave an assessment of the young person's 'risk' of re-offending. Just over half of these assessments (16) concluded that the young person was at a low risk of re-offending, with the rest being at a medium (5) or high (10) risk of further offending. From data provided by social workers in respect of 39 young people for whom and SER has been prepared for the Airdrie Youth Court, a risk of re-offending assessment had been conducted on 38 out of these 39 young people.

<sup>48</sup> Although the practice of making recommendations was previously common, the latest version of the National Standards for SERs suggests that social workers should refrain from doing so. The Sheriffs in the Hamilton Youth Court were content for social workers to offer a recommendation where appropriate.

<sup>49</sup> Includes 27 structured deferred sentences.

Twenty-six were deemed to be at low risk, 7 were deemed medium risk and 5 were deemed to be at high risk of re offending. The results of risk assessments conducted at the SER stage were also available in respect of 42 young people who received a community-based social work disposal from the Airdrie Youth Court. Nine young people were assessed as having a low (8) or low-to-medium (1) risk of re-offending, 14 had a medium (13) or medium to high (1) risk of re-offending and in 19 cases the risk of re-offending was assessed as high. This suggests that the risk profile of those given orders was different (i.e. generally more serious) from that of the wider population of young people who were subject to SERs, though the relatively small numbers mean that such a conclusion must be tentative.

### **Sentences imposed**

4.44 The Youth Court has available to it the same disposals that are available to a Sheriff Court sitting summarily. The observations showed that at sentencing the key source of support for the young people came from the defence agents. Through in-depth accounts of the mitigating factors surrounding cases - the age and immaturity of the young people; absence of key kinship support; poor parental relations; alcohol and/or drug dependencies; family breakdowns and, in several cases, litany upon litany of personal problems (physical and mental health) - the defence agents were instrumental in their advocacy role. Backed up with Social Enquiry Reports and supporting statements from a range of individuals and social work services (some of whom might have been present in the court), the defence agents gave clear and concise indications of the young person's situation and were central in advocating services and supports.

4.45 For each referral to the Youth Courts the most severe initial and final (that is, following a period of deferment) penalty imposed was identified. The initial sentence includes sentences deferred for 3 months or more to allow the young person to prove they could be of good behaviour or to undertake work with the social work department (structured deferred sentence). Referrals transferred out of the Youth Court for sentence, cases where guilt was not established and cases where guilt was yet to be resolved were excluded.

4.46 A deferred sentence was the most common initial disposal in both Hamilton in Airdrie (Table 4.6). Hamilton made more use of probation orders than Airdrie while Airdrie made greater use than Hamilton of monetary penalties and slightly more use of detention. Little use was made of restriction of liberty orders in either court. A similar pattern pertained across the 2 courts with respect to the final disposals imposed (Table 4.7). Particularly striking is the relatively high use of probation in Hamilton compared with Airdrie

**Table 4.6: Most severe sentence imposed for cases dealt with by the Youth Courts: initial sentences imposed**

	<b>Hamilton (June 2003 – December 2004)</b>	<b>Airdrie (June 2004 – December 2005)</b>
Detention	31 (7%)	43 (11%)
Community Service Order	23 (5%)	19 (5%)
Restriction of Liberty Order	16 (4%)	13 (3%)
Probation Order	128 (28%)	66 (16%)
Deferment (includes structured deferments) for a period of 3 months or more	180 (40%)	137 (34%)
Monetary penalty (Compensation Order or Fine)	56 (12%)	107 (26%)
Admonition	11 (2%)	15 (4%)
Remitted to the Children's Panel	8 (2%)	6 (1%)
<i>Total number of referrals</i>	<i>453<sup>50</sup> (100%)</i>	<i>406 (100%)</i>

Source: Youth Court database

**Table 4.7: Most severe sentence imposed for cases dealt with by the Youth Courts: final sentence imposed (i.e. includes disposals following deferred sentence)**

	<b>Hamilton (June 2003 – December 2004)</b>	<b>Airdrie (June 2004 – December 2005)</b>
Detention	35 (10%)	53 (15%)
Community Service Order	26 (8%)	22 (6%)
Restriction of Liberty Order	18 (6%)	14 (4%)
Probation Order	131 (41%)	78 (23%)
Deferment (includes structured deferments) for a period of 3 months or more	N/A	N/A
Monetary penalty (Compensation Order or Fine)	64 (20%)	126 (37%)
Admonition	41 (13%)	43 (13%)
Remitted to the Children's Panel	8 (2%)	6 (2%)
<i>Total number of referrals</i>	<i>323 (100%)</i>	<i>342 (100%)</i>

Source: Youth Court database

### ***Detention***

4.47 Thirty-five (10%) referrals in Hamilton and 53 (15%) in Airdrie were sentenced to a period of detention. All those detained in Hamilton were male while 4 in Airdrie were young women. Nearly all periods of detention were for 6 months or less, with the maximum imposed being 17 months in Hamilton and 26 months in Airdrie.

<sup>50</sup> Although 500 referrals had resulted in a conviction, sentence had yet to be passed in 47 cases.

## ***Probation***

4.48 Up to the end of December 2004, 34 per cent of all young people convicted in Hamilton (115), 11 (10%) of whom were female, were given a probation order. Nine of those given a probation order were subject to a supervision requirement at the time of referral to the Youth Court. Orders in Hamilton varied in length from 6 months to 3 years with a mean order length of 22.2 months. In Airdrie, 96 Probation Orders were imposed upon 74 of the young people dealt with by the court. Orders varied from 6 months to 3 years, with a mean Order length of 20.8 months. Ten (14 %) of those placed on probation were young women while 12 (16%) were subject to a Supervision Requirement from a Children's Panel at the time of referral to the Youth Court.

4.49 Those on probation could have had other community disposals imposed by the court either as a condition of their probation or as separate orders. Of those on probation in Hamilton, 39 (34%) had also had a restriction of liberty order imposed and 2 an untagged curfew as a condition of probation. A period of unpaid work was a condition of the order for 8 young people (7%), whilst a quarter had had separate community service orders at some point. Five of the young people on probation in Airdrie were made subject to electronic monitoring as a condition while 15 had to complete a period of unpaid work, either as a condition of probation (3) or through a separate community service order (12)<sup>51</sup>. The extent to which Sheriffs placed other formal conditions, such as attendance on a prescribed course, on probation orders was not clear from the database however the court sheets did occasionally record courses that people would be expected to attend on their probation. These included attendance at counselling (often for alcohol and drugs), undertaking a cognitive behavioural programme and attending an activity course.

4.50 The Youth Court database recorded a breach of probation for 29% of the young people placed on orders in Hamilton while 13 young people in Airdrie (18%) had breached their probation order. In the absence of additional information, however, it is not possible to explain these differences between the courts. Given that many orders had only recently commenced, the overall breach rate may ultimately be higher. Further scrutiny of cases through discussion with supervising social workers in Hamilton revealed that in 58% of cases discussed (25/43) there had been full compliance or only acceptable non-compliance with social work appointments. In most cases where breach reports were submitted (15/20) this was as a result of further offending. In Airdrie 6 of those whose orders were breached were imprisoned for an average of 7.6 month, one was admonished and in 6 cases the order was continued. In Hamilton, 5 probation orders had been breached and a custodial sentence imposed (with a mean of 8.8 months) and one young person had their order terminated and was admonished.

4.51 A fast track breach procedure operates in the Youth Court, with breaches reported to the Youth Court clerk to be fast tracked subject to agreement of the Sheriff concerned. In Hamilton, where a higher number of breaches had been heard, the mean time to breach was 23 weeks with the minimum being 6 weeks and the maximum 50 weeks, with 70 per cent of breaches occurring in the first 6 months of

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<sup>51</sup> A further 10 referrals resulted in a CSO being imposed without an accompanying Probation Order.

the orders<sup>52</sup>. In Airdrie, of the 16 breach cases where data were available, the mean time to breach was 25 weeks with the minimum being 4 weeks and the maximum 56 weeks.

4.52 Sheriffs did not, for the most part, express strong views upon the levels of compliance with Youth Court Orders because they felt they did not possess enough information to do so. They regarded compliance as generally satisfactory but expressed a sense of hopelessness in relation to some clients, stating that they were destined to breach their orders regardless of their specific content (though it was suggested that in these cases the fast track procedures were effective in swiftly bringing further offences before the court). On a positive note, Sheriffs stated that they did not hear about many clients again – an indication that they were successfully complying with their orders. Some professionals in Airdrie felt that a relatively low number of orders had been breached given that, in their view, some young people had been made subject to lengthy and tough orders that involved many conditions and interventions. There was a concern amongst some professionals, not only social work staff, that many young people could not cope with the level and frequency of interventions imposed and that this could impact upon their compliance with their orders. Some professionals highlighted how the length of many Youth Court orders meant that young people would turn 18 while still subject to the jurisdiction of the Youth Court. For reviews they would appear in the Youth Court but if they re-offended the case may be heard elsewhere. Retaining those on Youth Court orders within the Youth Court system until their order was completed would, it was argued, allow a more consistent approach to be taken to their sentencing should they re-offend.

### ***Monetary penalties***

4.53 Monetary penalties – mostly fines - were relatively common disposals in both courts, but particularly so in Airdrie. Fines imposed in Hamilton ranged from £50 to £1,000 (with a mean of £283), with compensation ranging from £50 to £915 (with a mean of £255). In Airdrie fines ranged from £40 to £960 (with a mean of £282) while compensation ranged from £50 to £750 (with a mean of £308). Airdrie Sheriffs sometimes increased the weekly fine instalments because the amounts recommended by the defence agents were said to “*not hurt enough*”.

### ***Structured deferred sentences***

4.54 Whilst not explicitly being recorded, the Youth Court database indicated that 9 young people in Hamilton and 11 in Airdrie (13 referrals) had been given a structured deferred sentence requiring them to engage with the social work department for a period before returning to court for final sentencing. Social workers would have welcomed greater use of structured deferred sentences in some cases to enable a shorter, more focused period of intervention than would be possible with probation.

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<sup>52</sup> Unfortunately, although the date of the breach hearing was recorded on the Youth Court database, the date of submission of the breach application was not. It was not, therefore, possible to identify how quickly breach applications were processed.

### ***Remit to the Children's Panel***

4.55 Under the Criminal Procedure (Scotland) Act 1995 (S. 49 (3) (b)) the Sheriff is required to request that the Principal Reporter arranges a Children's Hearing to obtain their advice as to the treatment of a young person who is subject to a supervision requirement from the Children's Hearings System and who pleads guilt to or is found guilty of an offence. The Sheriff may, on that advice, remit the case to a Hearing for disposal. Overall, 8 young people convicted in Hamilton and 6 in Airdrie (2 and 5 of whom respectively were subject to Supervision Requirements) had their cases remitted to the Children's Panel for disposal.

### **SERVICES AVAILABLE TO THE YOUTH COURTS**

4.56 A distinctive feature of the pilot Youth Courts is the availability of a range of additional services and resources for those made subject to supervisory orders. In addition to young people being able to access existing services, new services were introduced through the additional funding provided for the Youth Court. The services provided to young people sentenced in the Youth Courts were based on an assessment of their risk and need. A list of the services available in North and South Lanarkshire is included in the appendix to this report. It should be noted that some of these services are not specific to the Youth Court (they can, for example, be accessed via the Children's Hearings System) while others are.

4.57 In their discussion of 45 individual cases sentenced in Hamilton Youth Court (41 probation orders and 4 structured deferred sentences) social workers in South Lanarkshire gave an overview of the type of work undertaken or planned in each case (Table 4.8). The types of work undertaken with young people have been classified into 10 categories. It should be recognised that this is not an exhaustive list of interventions. Moreover, one intervention may cover a number of areas of work (for example, a general offending programme could also touch on issues related substance misuse). The most common type of provision was offending and cognitive behavioural work (36 cases) followed by employment, education or training and work related to alcohol misuse. All of these were, or were to be, utilised in a majority of referrals. Mental health provision was not originally included as an explicit category in our interview schedule and so the results here are likely to underestimate the use of this type of service.

**Table 4.8: Type of work undertaken with young people sentenced in Hamilton Youth Court and its progress (number of cases)**

Type of work	Not indicated	To Start	Started	Total number
Offending behaviour (including cognitive behaviour etc.)	9	7	29	45
Employment / education or training	14	7	24	45
Alcohol	17	7	21	45
Drugs	25	4	16	45
Intensive support (beyond that normally provided by SW)	31	3	11	45
Restorative Justice	30	8	7	45
Support to young person's family	28	4	13	45
Accommodation	35	1	9	45
Activity programme	41	-	4	45
Mental health	-	-	5	-

Source: Individual case discussions with social workers

4.58 In 18 cases non-statutory organisations played a role in providing services. Many of the non-statutory services provided emanated from the intensive support provided by organisations such as INCLUDEM. In 32 cases there was a service provided or to be provided by a local authority department other than the Youth Justice Team. This particularly included employment, alcohol and restorative justice work (usually through community service). Finally the Youth Justice team were involved or to be involved in providing services to at least 38 of the young people particularly through the provision of offending and cognitive behavioural work (at an individual, and to a lesser extent, group level), work on alcohol and drug misuse and in providing familial support.

4.59 From the 20 questionnaires completed by social workers in respect of young people sentenced in the Airdrie Youth Court, the most frequently identified objectives were to address alcohol and anger management problems followed by addressing offending and accommodation problems<sup>53</sup>. The most frequently referred to interventions were groupwork (most often programmes to address alcohol and drug problems), anger management, a placement coach and addiction services, although cognitive behavioural and individual issue work, the car offenders' programme and throughcare services were also utilised. In most cases social workers felt that these interventions would meet the objectives set to a large extent.

4.60 The additional resources made possible by the introduction of the Youth Court and the communication between services was regarded positively by social workers and Sheriffs associated with the Hamilton Youth Court, though the latter expressed some concern that cases were not being allocated quickly enough because of staff shortages. Two key gaps in service provision were identified as bail accommodation and mental health services for young people, though links between social work and

<sup>53</sup> These do not correspond directly to the problems identified in Table 4.8 since the latter were not necessarily assessed as being linked to the young person's offending.

mental health services had been developed on an informal basis. Local opposition had hampered the development of bail accommodation in South Lanarkshire. In addition, some use was made of restorative justice interventions with young people, though it would appear that this more often took the form of unpaid work for the community rather than direct or indirect reparation to the victim of the offence. This was an area of work that social workers in both Youth Court areas believed could usefully be expanded and which was viewed positively by Sheriffs.

4.61 Towards the end of 2004, Sheriffs in Airdrie began to express concern that the expected levels of services and supervision were not available because the full complement of Youth Court social workers was not yet in post<sup>54</sup>. This meant that additional resources made available to the local authority had not been fully utilised and resulted in the perception by some professionals that the content of community based disposals being offered in the Youth Court differed little from the content of those normally imposed in the summary court. Social workers did not, however, share Sheriffs' concerns about the adequacy of the services made available. Overall, they were satisfied with the range and availability of services for the Youth Court. The main gaps in services identified by social workers included secure placements, which were not always available for young people who could be held in prison. A remand fostering scheme – introduced to provide the court with an alternative to a custodial remand - had eventually been introduced following delays in the recruitment of carers though social work respondents felt that there was still a lack of remand fostering places. Social workers in Airdrie observed that similar services to some of those made available to the Youth Court were also available through area teams for lower risk offenders who did not require such intensive individual and groupwork programmes, through an expansion of groupwork provision in early 2005. Although Sheriffs were keen that young people made subject to supervision through the Youth Court should have access to a wide range of services, social workers were reluctant to increase the number of services accessed by a young person if their circumstances did not merit it because this might result in young people being 'up-tariffed' if they failed to comply.

4.62 Regular monitoring and co-ordination was viewed by social workers as crucial when a range of services were put in place as part of a Youth Court Order. In this respect, social workers assumed the role of case manager. Prior to the appointment of the dedicated Youth Court social workers in North Lanarkshire, most social workers who were supervising Youth Court cases were not working solely with this client group and this limited the extent to which they could provide the intensive levels of supervision and support that the Youth Court Sheriffs desired. That said, all cases were allocated and provided with an appropriate service and the appointment of 3 dedicated Youth Court social workers appeared to have ameliorated this situation. With regard to capacity, social work respondents were of the view that if they were not required to carry out other work, they could take on an increased number of Youth Court cases if the demand arose.

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<sup>54</sup> Temporary Youth Court social workers were in post by March 2005 and by December 2005 Coatbridge, Cumbernauld and Airdrie all had permanent dedicated Youth Court social workers.

## **YOUTH COURT REVIEWS**

4.63 A distinctive feature of the pilot Youth Court was the facility for the Sheriffs to review probation orders they make on a periodic basis by bringing the young person back to court, if they deemed it appropriate, to have ongoing judicial oversight of the community supervision orders they imposed<sup>55</sup>. The frequency at which these hearings were held was at the discretion of the Sheriff taking into account the circumstances of the case. The potential to be flexible in determining the frequency of reviews was viewed by social workers as useful since individual young people generally had different requirements. According to the Youth Court database, 61 per cent of people placed on probation in Hamilton and 74 per cent of those given probation orders in Airdrie had had at least one formal review scheduled or heard. Sheriffs could also review the progress of young people by deferring sentence on other charges. However it was not possible to identify the extent to which this had occurred.

4.64 Sheriffs, like other professionals, were generally supportive of the review process, believing it to be important as a means of monitoring young people's progress, holding them to account and providing encouragement when they were doing well. The potential to call a review of an Order also made it possible to respond quickly to instances of non-compliance. Sheriffs were keen to emphasise that the convening of reviews did not mean that the Youth Court was a soft option nor was it to be construed as a mechanism to build rapport with the young person. On the whole, communication between Sheriffs and young people was generally described by other professionals as minimal, with most business being conducted through defence agents. Possibly as a result of the formality of the court, in observed reviews young people spoke rarely and often appeared awkward in doing so.

### **Content of reviews**

4.65 Despite varying shrieval styles the messages given at reviews were similar. Sheriffs strongly emphasised the consequences of non-compliance when disposing of the case and re-iterated this at appropriate points in an order. That said, Sheriffs also regularly demonstrated concern, encouragement and support for young people appearing before them at reviews. Certain characteristics such as maturity, having vision and showing capability were highlighted as positive. Sheriffs particularly emphasised the importance of work and training. More generally, Sheriffs appeared to place responsibility for improving their behaviour firmly with the young people themselves. The onus was placed firmly on young people to adhere to their orders and to meet regularly with their social workers as required.

### **Practical issues**

4.66 The supervising social worker usually attended court for observed reviews and whilst efforts were made to have these cases heard promptly this was not always possible and social workers in both Youth Courts often had lengthy waits. They could spend all morning in court waiting for the young person they were working with to be called, then not be invited to contribute when the case did call. Social workers were asked for their views in around one third of observed reviews in Hamilton and their

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<sup>55</sup> The power of review extended to Probation Orders, deferred sentences and DTTOs.

contribution was usually short (a maximum of 2 minutes). The extent to which social workers was consulted appeared to vary between Sheriffs. It was suggested by some professional respondents that social workers could be more fully involved in the process when they attended court with young people.

4.67 In sentences and reviews and more generally throughout the court process personal details of the accused were disclosed to the open court. Attempts were made to minimise such disclosures but this was not always possible. However there was evidence that consideration was being given by Sheriffs to the implications of disclosing sensitive matters. For example in one observed case (in Airdrie) the Sheriff was made aware of an abusive relationship between the male defendant and another male but chose not to disclose this information publicly.

### **Losing the Power to Review Probation Orders**

4.68 The power of the Courts to review Probation Orders was lost as a result of a High Court ruling in July 2005<sup>56</sup>. This was lamented by the Sheriffs in Airdrie and by other professionals who agreed unanimously that the loss of the power to review probation orders was a backward step for the Youth Court. It undermined potential for continuity in the contact between the sheriff and the young person. Professionals were of the view that court-based reviews were more effective in encouraging and sustaining the young person's motivation than were social work reviews, particularly for young people who had previous experience of the Children's Hearing System. Sheriffs also regarded the review as an important tool in promoting ongoing compliance with Orders (due to their repeated contact with the young person and the instilling of mutual expectations among sentencers, clients and workers). Though optimistic that such powers would soon be available again<sup>57</sup>, they argued that those clients they were reviewing before were effectively 'lost' now, only to come before them again under circumstances relating to the breach of an order. Despite this, Sheriffs made innovative use of their powers to 'keep a tight rein' on some young people, with other professionals commenting on their imaginative use of a combination of sentencing options in order to bring the young people back for reviews. If 2 charges were brought before the court Sheriffs reported making increased use of a normal or Structured Deferred Sentences along with a Probation Order, using the SER to report on the offender's response to both disposals. However, they recognised there was a lack of flexibility if only one charge was available; this usually resulted in the imposition of a Structured Deferred Sentence to bring individuals before the court on a periodic basis.

## **INTER-AGENCY TEAMWORK AND COMMUNICATION**

4.69 Professionals who were interviewed believed that, in general, the Youth Court was operating efficiently and effectively. There was shared understanding of and commitment to the objectives of the Youth Court among the different professionals associated it. The successful operation of the pilot Youth Court was recognised as

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<sup>56</sup> This occurred after the end of the evaluation period in Hamilton.

<sup>57</sup> Legislative provision for the conducting of probation review hearings was subsequently introduced through Section 12 of the Management of Offenders etc. (Scotland) Act 2005 with effect from 8 February 2006.

being dependent upon effective teamwork among the relevant agencies and professionals concerned. Good information sharing, liaison and communication appeared to exist across agencies and the procedures that were in place to facilitate the sharing of information seemed to be working well. The role of the Co-ordinator was pivotal in ensuring that the various professionals worked effectively together and appeared to be particularly important in the early stages of the Court's implementation. The key task of the Co-ordinator included: liaising with people across all agencies and facilitating the reaching of agreement over issues as they arose; understanding the criminal justice system including how it operates and the role of different agencies in it; taking action to resolve issues; communicating effectively with other Youth Court professionals and with a wider constituency; and the establishment of appropriate information gathering systems.

4.70 Effective teamwork was also said by professional respondents to have been facilitated by the presence of dedicated staff within agencies, resulting in clear channels of communication and by the opportunity provided by the multi-agency Implementation Groups for each Youth Court to identify and address operational issues on an ongoing basis. The effectiveness of the Implementation Group had increased as the experience, confidence and relationships between those who participated in it had developed. Although much problem-solving was done informally, the creation of an effective multi-agency forum for discussion of operational issues helped to promote teamwork between different professionals and ensured that any ongoing operational difficulties were identified and addressed.

4.71 That said, some professional respondents in Airdrie believed that the remit of the group needed further clarity. It was suggested that more room could be made for discussing and revisiting the roles and responsibilities of the agencies involved and that a greater emphasis could be placed on strategic analysis rather than problem-solving in relation to operational matters. Some professionals in Airdrie were concerned that no new lines of communication between some agencies had been opened other than at the level of the Implementation Group. Social work respondents in North Lanarkshire suggested that having a dedicated Youth Court team with resources attached to it and with clear line management structures would be more effective than the initial arrangements in which practice differed across the authority. Social workers and Sheriffs alike believed that had effective links been in place much of the early criticism of SERs and misunderstandings regarding the matching of resources to offender risk could have been avoided. Steps taken to address these issues included the strengthening of social work involvement in the Implementation Group (including attendance by frontline workers) and the convening of regular meetings of Youth Court social work staff.

## **THE YOUTH COURT MODEL**

4.72 Although Youth Court business is separated from other court business, the Youth Courts were observed as operating essentially as adult courts 'adapted' for young people and as such did not have a distinctive ethos. Sheriffs perceived little difference between the Youth Court and the conduct of normal summary court business, other than in the fast-tracking of cases and the availability of additional resources. The label 'Youth Court' met with disapproval from Sheriffs in Airdrie,

who suggested re-naming it as the 'Fast-Track Court' in order to overcome the problems relating to its perception by young people that the current label appeared to engender. They also suggested that concentrating young people in this way might not be the best model for dealing with young offenders. Whilst the fast tracking element should be retained, cases involving young people could be dealt with in a normal fashion or as early diets throughout adult summary court proceedings. On the whole there was a perception among Sheriffs (and, indeed, among other professionals) that fast-track procedures were the most notable success of the Youth Court. This led to the suggestion by some professionals that the system would benefit greatly from their wider application.

4.73 It was also recognised by Sheriffs that fast-tracking Youth Court cases created dilemmas in that resources were being diverted from the processing of other cases which, arguably (for example, on the basis of seriousness), merited a comparable or greater degree of targeting. This had become more of a concern in Hamilton as the Youth Court caseload and the numbers of cases going to trial increased. A particular difficulty centred on accommodating the rotation of 4 Youth Court Sheriffs within the wider 9 Sheriff cycle of rotation to enable all areas of court business to be covered. Since September 2005 each of the Sheriffs in Hamilton have presided over the Youth Court on a rotating basis.

4.74 In broad terms the additional staffing resources made available to the Youth Court appeared to have been adequate. The rolling up of cases in the Youth Courts and the increased proportion of guilty pleas at first appearance or intermediate diet was thought by various professionals to probably have had a positive impact on the workload of the Sheriff Courts. However, in Hamilton as the number of referrals and the caseload increased this began to stretch, in particular, prosecution and social work resources. For example, there were a few problems getting social work reports to the court in a timely manner due largely to the volume of work. In North Lanarkshire prior to the employment of dedicated Youth Court social workers, Youth Court work was undertaken by social workers in area teams for whom this was only one aspect of their role. The creation of dedicated posts appeared to facilitate communication, engendered a sense of shared ownership and prevented time intended for Youth Court work being encroached upon by other demands.

4.75 The feasibility of applying the Youth Court model to other courts was questioned by Sheriffs. Sheriffs in both courts were not supportive of the level of specialisation that was occurring in larger courts and were in favour of employing each member of the Shrieval team on the Youth Court bench, rather than involving only a limited number of Sheriffs. On the other hand smaller Sheriff Courts with one or 2 Sheriffs would face problems implementing specific Youth Court arrangements due to the accompanying loss of time spent on other business. Sheriffs in Airdrie believed that in Airdrie it had been important for this reason to limit the capacity of the court to one day and to have a dedicated specialised team exerting tight control over the operation of the Youth Court.

4.76 At a more general level, a central issue concerned the perceived purpose of the Youth Courts. In particular, there appeared to some lack of consensus in Airdrie (and, indeed, to some extent in Hamilton) over whether it intended to deal with persistent young offenders or with all 16 and 17 year olds who committed an offence. In other

words, was it meant to identify young people who *may* become persistent offenders and intervene early or to provide services to those who *already* had an established pattern of offending behaviour and who whose risk of recidivism was already high. This issue was complicated by that fact that, unlike in Hamilton where ‘persistent’ offending could serve as a trigger for referral to the Youth Court, in Airdrie similar persistency criteria were not formally adopted but were informally applied. Some professional respondents suggested that, as a consequence, some very minor offences and offenders were being prosecuted in the Youth Court. Despite the existence and application of persistency criteria, social workers reported that young people they were supervising from the Youth Courts sometimes had no established pattern of offending and a low assessed risk of re-offending and this had resulted in the need to adapt existing interventions to accommodate young people for whom less intensive programmes (or little or no social work intervention) were required.

4.77 Given the perceived lack of clarity surrounding the criteria for the youth court and the reservations expressed about the transferability of the model to other parts of the country, the question arises as to whether the Youth Court model that has been adopted in the Scottish pilots *is* the most appropriate for this age-group or whether there are alternative approaches that should be considered. For example, some social work respondents suggested that a Youth Court might best serve as a bridge between the Children’s’ Hearing System and adult criminal justice system.

## SUMMARY

4.78 In their broad operation the Youth Courts proceeded as any other summary adult court. Overall they were tightly run with a heavy volume of cases being heard in Airdrie. Just under one half of the cases in Hamilton and just over half of those in Airdrie were resolved prior to the setting of a trial diet, with only 10 per cent of cases in Hamilton and 9 per cent of cases in Airdrie proceeding to an evidence-led trial. A relatively high incidence of guilty pleas at Airdrie in comparison with the adult Sheriff Summary Court may have been brought about by a number of procedures that are distinctive to the Youth Court.

4.79 The proportion of cases appearing on citation was higher than expected in both courts. Following their appearance in court most accused were granted bail or ordained to appear. Sheriffs in Hamilton occasionally made use of electronic monitoring as a condition of bail but Airdrie Sheriffs preferred police monitored curfews.

4.80 The professional consensus was that designated timescales relating to different stages in the prosecution process were being met, partly through the avoidance of unnecessary adjournments, was borne out by an analysis of how quickly cases were dealt with at different stages of the prosecution process. A comparison of cases processed by the Youth Court and by the Sheriff Summary Court in Airdrie showed that the mean period of time that elapsed between the charge and the first calling of the case was much shorter in the Youth Court, a higher percentage of cases in the Youth Court were resolved by way of a guilty plea and Youth Court cases were, on average, resolved more quickly than cases dealt with by the Sheriff Summary Court. The fast-tracking of young people into and through the court was the aspect of the Youth Court that was perceived by various professionals as having been most

effective. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful and was regarded as something to be aspired to in all summary court business.

4.81 Sheriffs in Hamilton were content with the quality of social work reports to the Youth Court. The perceived quality of certain social enquiry reports was initially a source of concern to Sheriffs but this issue was resolved over the course of the pilot through steps taken by the social work department to improve the quality of reports and through the appointment of Youth Court social workers.

4.82 The sentences most commonly passed in the Youth Court were probation orders, community service orders monetary penalties and detention. Hamilton made more use of probation orders than Airdrie while Airdrie made greater use than Hamilton of monetary penalties and detention. The relatively high use of probation in Hamilton compared with Airdrie was of particular note.

4.83 The Youth Courts have available to them a range of additional resources and services that are intended to meet the assessed needs of young people made subject to supervisory orders. Services were provided by youth justice workers, by non-statutory agencies and by other local authority staff. However, Sheriffs and some other professionals in Airdrie were initially of the view that there was little difference in the packages of intervention offered to young people sentenced in the Youth Court. This appeared partly to reflect differing perspectives on the appropriateness of intensive packages of services for young people assessed as presenting little risk of re-offending. Social workers observed that some young people dealt with in the Airdrie Youth Court in particular did not have an established pattern of offending and they were wary of offering services to young people that they did not consider to be required. Bail accommodation and mental health services for young people were identified as 2 key gaps in services in Hamilton.

4.84 Most of those given probation orders had their orders reviewed by the Sheriff in court. Sixty-one per cent of people placed on probation in Hamilton and 74 per cent of those given probation orders in Airdrie had had at least one formal review scheduled or heard. Sheriffs found reviews useful in monitoring progress but dialogue with young people was limited and, despite them often having lengthy waits in court, the contribution of social workers was not usually sought. Reviews, which were conducted formally, tended to emphasise the consequences of non-compliance and the importance of young people taking responsibility for themselves and their behaviour. Sheriffs and other professionals expressed disappointment at the suspension of the power to review probation orders from July 2005.

4.85 The existence of dedicated staff across agencies and the forum provided by the Implementation Group were believed by professionals to have facilitated the efficient operation of the Youth Court pilots, though in Airdrie some believed that the Implementation Group should focus more on strategic analysis and there was no direct line of communication between it and front-line social work staff.

4.86 In practice, the Youth Courts functioned as any other court being distinguishable largely by the fast-tracking of cases. While this aspect was deemed to be worthy of wider implementation, other problems with the Youth Court model as

operated (such as the perceived lack of clarity regarding the criteria) and the impact on other court business were highlighted.

## CHAPTER FIVE: OUTCOMES OF THE YOUTH COURTS

### INTRODUCTION

5.1 This chapter focuses upon the outcomes of the Youth Court with particular reference to its effectiveness in bringing about reductions in recidivism. This is examined by comparing rates of recorded crime in the areas served by the Youth Court and in other areas with similar demographic characteristics and by comparing reconviction among young people sentenced in the Youth Court with those of a similar age sentenced in other courts. This chapter also considers intermediate outcomes as indicated by young people's reported responses to orders made by the Youth Court along with the views of professionals and young people themselves. First, however, the impact of the Youth Court upon sentencing patterns is examined.

### SENTENCING BEFORE AND AFTER THE INTRODUCTION OF THE YOUTH COURTS

5.2 To assess whether the introduction of the Youth Courts had an impact on sentencing patterns of the target age group, information about sentencing in Hamilton and Airdrie Sheriff Courts prior to and following the introduction of the Youth Court was examined.

5.3 Comparing the sentencing of those aged 17 or younger in Hamilton in 2004 to the 2002 baseline (Table 5.1), shows that although the pattern of sentencing changed in 2003 (the year in which the Youth Court was introduced) the proportions receiving different categories of disposal in 2004 (the first full year of operation of the Youth Court) were very similar to those in 2002 (the year prior to its introduction). The introduction of the Youth Court did not, therefore, seem to have had a major impact on overall sentencing patterns of those aged 17 or younger at sentence.

**Table 5.1: Sentences imposed on under 18 year olds at summary level in Hamilton Sheriff Court 2002 – 2004 (column percentages)**

Sentence	2002 (n=242)	2003 (n=238)	2004 (n=275)
Detention	22 (9%)	14 (6%)	31 (11%)
Community sentence	85 (35%)	88 (37%)	96 (36%)
Monetary	88 (36%)	101 (42%)	88 (33%)
Other sentences	47 (19%)	35 (15%)	55 (20%)

Source: Scottish Executive Justice Statistics Unit

5.4 There is, however, evidence that the Youth Court exhibited different sentencing patterns in comparison to business sentenced in 2004 in the normal summary court (see Table 5.2). In comparison with the Sheriff Summary Court, the Youth Court made proportionately greater use of detention and community-based social work disposals and much less use of monetary disposals. However, given the absence of sustained changes in sentencing patterns from 2002 to 2004, these differences were probably due to the referral criteria used in the Youth Court rather

than its introduction dramatically changing the sentencing patterns for young people appearing at a summary level in Hamilton.

**Table 5.2: Disposals for 15-17 year olds sentenced summarily in 2004 in Hamilton by court type (column percentages)**

Sentence	Youth Court (n=131)	Sheriff Summary Court (n=139)
Detention	19 (14%)	12 (9%)
Community sentence	54 (41%)	42 (30%)
Monetary	31 (24%)	58 (42%)
Other sentences	27 (21%)	27 (19%)

Source: Scottish Executive Justice Statistics Unit

5.4 The Youth Court in Airdrie began operating in June 2004. Concentrating on the 15 – 17 target age group, there was a sharp increase in 2004 in the numbers of young people in this age group who were sentenced in Airdrie. The disposals received in each of the 4 years are summarised in Table 5.3.

**Table 5.3: Summary proceedings for 15-17 year olds sentenced in Airdrie by year of sentence (column percentages)<sup>58</sup>**

Sentence	2002	2003	2004	2005
Detention	9 (10%)	12 (10%)	17 (8%)	27 (16%)
Community sentence	18 (21%)	22 (18%)	64 (29%)	36 (21%)
Monetary	51 (59%)	71 (57%)	110 (50%)	76 (45%)
Other sentences	8 (9%)	19 (15%)	31 (14%)	29 (17%)
<i>Total Number</i>	<i>86 (100%)</i>	<i>124 (100%)</i>	<i>222 (100%)</i>	<i>168 (100%)</i>

Source: Scottish Executive Justice Statistics Unit

5.5 Comparing disposals, the use of community sentences (probation order, community service order or restriction of liberty order) increased in 2004 but declined again in 2005 while the use of fines or compensation orders decreased from 2003 to 2005. The use of imprisonment decreased slightly from 2002 to 2004 but increased sharply in 2005 while the use of other sentences (mostly admonitions) increased in the same year. These data suggest that the introduction of the Youth Court in 2004 may have had an impact on the use of community sentence in Airdrie in that year but that this impact was short-lived. It is possible that the suspension of the power to review probation orders in court in July 2005 and dissuaded Sheriffs from making greater use of this option in the latter part of that year with the consequence that the proportionate use of community-based social work disposals in Airdrie was the same as prior to the Youth Court's introduction. What is less easy to account for is the very large increase in the numbers of young people convicted in Airdrie in 2004 and 2005, though it is possible that the introduction of the Youth Court and availability of associated resources encourage prosecution of cases in it that might previously have been dealt with in some other way, such as a fiscal fine. Additional data provided by the Justice Statistics Unit indicated that the number of young people convicted in the District Court covering the Airdrie Sheriffdom had not similarly risen in 2004 in comparison

<sup>58</sup> The figures were supplied by the Justice Statistics Unit towards the end of the evaluation. The sentencing data for 2005 and likely to be incomplete and the data for 2003-4 are still provisional.

with previous years (though it rose sharply in 2005 to 238 cases from 124 cases in 2004).

5.6 Table 5.4 compares sentences passed in the Youth Court and in the Sheriff Summary Court in 2005<sup>59</sup>. This suggests that the increased use of custody in that year was attributable largely to its proportionately high use by the Sheriff Summary Court . Both courts made broadly similar use of community-based social work disposals and monetary penalties, however the use of admonitions was much higher in the Youth Court. This would be consistent with the previous finding that the Youth Court was dealing with a higher proportion of first offenders than the Sheriff Summary Court.

**Table 5.4: Disposal for 15-17 year olds sentenced summarily in 2005 in Airdrie by court type (column percentages)**

Sentence	Youth Court	Normal Summary Court
Detention	17 (14%)	10 (22%)
Community sentence	24 (20%)	12 (27%)
Monetary	56 (46%)	20(44%)
Other sentences	26 (21%)	3 (7%)
<i>Total Number</i>	<i>123(99%)</i>	<i>45 (100%)</i>

Source: Scottish Executive Justice Statistics Unit

## CHANGES IN RECORDED CRIME

5.7 To assess whether the introduction of the Youth Courts had brought about a reduction in crime among those in its target group, and hence in crime rates more generally, a comparison was made of the levels of recorded crime in the areas covered by the Youth Courts and in 2 comparator areas before and after the pilot commenced, drawing upon data provided by the police. Criminal incidents in Scotland are officially recorded as crimes (usually more serious) or offences (usually less serious) and these are categorised under 7 headings. As the Youth Court was a summary court it tended not to hear cases categorised in groups 1 and 2 covering violent and sexual offences. The focus for the analysis was therefore on categories 3 through to 6 that cover less serious crimes and offences. Road traffic offences were also excluded from the analysis (although offences such as theft of or from vehicles would be included under category 3).

5.8 Across these categories there was an increase in the number of crimes recorded from 2002 to 2004 (Table 5.5). Whilst the largest change was in Hamilton, this was not much greater than the comparison areas. In all areas there was a large percentage increase in group 4 and group 6 crimes and offences; in all likelihood attributable to the new recording practices<sup>60</sup> rather than a dramatic rise in the level of these incidents. The picture for group 5 crimes was less clear, with one of the comparison areas showing a decrease while the level in the other 2 areas had increased. Group 3 crimes decreased across the 3 areas from 2002 to 2004. The fall in the two comparison areas was identical (6%), however, Hamilton showed the largest

<sup>59</sup> These data are not complete however this is the first full year in which the Youth Court was operational.

<sup>60</sup> see description in Chapter 2 of this report.

decrease at 17%. As this category, covering the theft of motor vehicles and housebreakings, was forecasted to be less susceptible to recording practice changes, it, perhaps, was the most valid to compare year on year. However extreme caution, for the reasons outlined in the methodology chapter, should be exercised in interpreting all these results.

**Table 5.5: Percentage change in recorded crime in Hamilton and comparison areas 2002 to 2004 by crime and offence category**

<i>Crime / offence group</i>	<i>Hamilton % change</i>	<i>Ayr % change</i>	<i>Falkirk % change</i>
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	-17	-6	-6
Group 4 – Fire raising, vandalism, etc.	43	31	74
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	17	-15	19
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	41	38	16
<i>Overall</i>	<i>18</i>	<i>13</i>	<i>15</i>

Sources: Strathclyde Police and Central Scotland Police

5.9 Across these categories there was an increase in the number of crimes recorded from 2003 to 2005 in Airdrie, Ayr and Falkirk (see Table 5.6). The largest overall increase was in Ayr while the increases in Airdrie and Falkirk were of a similar magnitude. In all areas there was a large percentage increase in group 4 and group 6 crimes and offences. With respect to Group 5 crimes, there was no increase in Airdrie while the 2 comparison areas showed an increase. In all 3 areas the incidence of Group 3 crimes decreased but the percentage decrease in Airdrie was smaller than in the comparison areas. Again, the changes in recording practices make interpretation of these data highly problematic. There is no consistent evidence from these data of a reduction in crime in the areas covered by the Youth Court in comparison to other demographically similar parts of the country. However, given these problems of interpretation, neither would a conclusion that the Youth Court had had no impact on local crime be warranted.

**Table 5.6: Percentage change in recorded crime in Airdrie and comparison areas 2003 to 2005 by crime and offence category**

<i>Crime / offence group</i>	<i>Airdrie % change</i>	<i>Ayr % change</i>	<i>Falkirk % change</i>
Group 3 – Crimes of Dishonesty ( <i>includes housebreaking and thefts</i> )	-4	-14	-25
Group 4 – Fire raising, vandalism, etc.	56	49	11
Group 5 – Other crimes ( <i>includes possession of drugs, carrying an offensive weapon and resisting arrest</i> )	0	27	8
Group 6 – Miscellaneous offences ( <i>includes breach of the peace and petty assault</i> )	11	46	12
<i>Overall</i>	<i>12</i>	<i>24</i>	<i>11</i>

Sources: Strathclyde Police and Central Scotland Police

## RECONVICTION

5.10 Due to the time span of this research, it was not possible to conduct the standard 2-year follow-up matched reconviction study of all the young people appearing in the pilot period of the Youth Courts. This would be the only way to produce reliable results on the reconviction rate among young people sentenced in these Courts and among similar cases sentenced elsewhere. An indicative reconviction study was completed however these results should be treated with caution, especially in Airdrie, due to the limited duration of the follow-up period and the fact that reconviction data for 2005 were incomplete.

5.11 Details were provided by the Justice Statistics Unit of the Scottish Executive reconvictions among 361 young people sentenced in the Hamilton Youth Court between June 2003 and May 2005. Similar data were also provided in respect of 383 young people sentenced in Hamilton Sheriff Summary Court and in comparator Sheriff Courts in Ayr (265 cases) and Falkirk (347 cases). The resultant 6 and 12 month reconviction rates are summarised in Table 5.7. The analysis excluded 'pseudo-reconvictions' (convictions known to relate to charges before the index sentence) and, in the case of those given custodial sentences, measured reconvictions from the estimated date of release<sup>61</sup>.

**Table 5.7: 6 and 12 months reconviction rates for those aged 18 years and under in Hamilton Youth Court and comparator courts**

	<b>Hamilton Youth Court (n=361)</b>	<b>Hamilton Sheriff Summary Court (n=383)</b>	<b>Ayr Sheriff Summary Court (n=265)</b>	<b>Falkirk Sheriff Summary (n=347)</b>
% reconvicted within 6 months	19%	20%	22%	28%
% reconvicted within 12 months	27%	28%	28%	35%

Source: Scottish Executive Justice Statistics Unit

5.12 These data suggest that the lowest reconviction rates at 6 and 12 months were among those sentenced in the Hamilton Youth Court, though they were only slightly lower than those sentenced in Hamilton Sheriff Summary Court and at the Sheriff Court in Ayr. However, 2 additional points need to be made. First, given the fast track procedures in operation in Hamilton, it might have been expected that, all things being equal, the reconviction rate there would have been higher since new offences would have been dealt with more quickly and would therefore have been more likely to have appeared in the reconviction data. Second, although the comparator courts were assumed to have been dealing with similar types of offender (in terms of age and level of court proceeding), in practice there were differences across the sample in terms of previous criminal history. The Youth Court cases were less likely to be first offenders and had a higher average number of previous convictions than those sentenced in the other courts<sup>62</sup>. This is not surprising given that the Youth Court targeted persistent offenders. This being so, however, it would be expected that the Youth Court cases

<sup>61</sup> This was assumed to be after half of the sentence imposed had been served.

<sup>62</sup> Fifty-five per cent of Youth Court cases were first offenders compared with 70% in Hamilton Sheriff Summary, 77% in Ayr and 69% in Falkirk. The mean number of previous convictions was 2.1, 0.8, 0.5 and 0.9 respectively.

would have had a *higher* reconviction rate than the cases from the comparator courts, since reconviction is strongly related to previous criminal history. On balance, therefore, and bearing in mind the caveats already mentioned, the reconviction data for the Hamilton Youth Court are encouraging.

5.13 The Justice Statistics Unit also provided details of reconvictions among 117 young people sentenced in the Airdrie Youth Court between June 2004 and May 2005. Similar data were also provided in respect of 153 young people sentenced in Airdrie Sheriff Summary Court and in comparator Sheriff Courts in Ayr (163 cases) and Falkirk (219 cases) over the same period. This necessarily limited analysis indicated that 20 per cent of the Youth Court cases had had a least one new conviction (at any time since the index sentence) compared with 22 per cent of the Airdrie Sheriff Summary cases, 18 per cent of Ayr cases and 31 per cent of cases in Falkirk. It should also be noted, however, that there were differences across courts in the numbers of previous convictions that the young people had, these being highest in Falkirk and lowest in the Youth Court. Given that previous criminal history is one of the strongest determinants of the likelihood of reconviction, the differences in observed reconviction rates between the 4 samples might simply reflect their different pre-existing levels of risk. As previously indicated, a longer follow-up period with more complete reconviction data is required before the impact of both Youth Courts on recidivism can be more fully and accurately assessed.

## **COMMUNITY ATTITUDES TOWARDS YOUTH CRIME AND THE HAMILTON YOUTH COURT**

5.14 One of the objectives of the Youth Court is to ‘enhance community safety by reducing harm caused to the victims of crime and providing respite to those communities which are experiencing high levels of crime’. As part of the evaluation of the Hamilton Youth Court, baseline and follow-up surveys of the local community were undertaken. The aim was to measure the impact of the Youth Court - over the 16 month period between 2 surveys<sup>63</sup> - on local perceptions of crime and confidence in the criminal justice system. The key findings of the survey are summarised here. The full report from which they are drawn is presented in Popham et al. (2005).

### **Fear of crime and impact on behaviour**

5.15 There was no difference in the proportion who worry about themselves, or someone in their household, being a victim of crime. Nor was there a change in the overall extent to which people think their quality of life is affected by fear of crime. There was little difference in concerns about specific crimes. Although there was no change in how safe people felt when alone in their homes at night, fewer reported feeling ‘very unsafe’ when walking alone in their neighbourhood after dark.

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<sup>63</sup> It should be noted this data may be seasonally affected due to the timescale for the survey.

## **Perceptions of crime in the local area**

5.16 Respondents in the follow-up survey were more likely to think that the crime rate in their local area had improved over the past 2 years. However, there was rather more uncertainty about the future: fewer follow-up respondents said it was ‘not at all likely’ that their home would be broken into or that they would be a victim of crime in the next year and more answered ‘don’t know’. There was little change in relation to specific problems in the area, although follow-up respondents thought people who have been using drugs was less of a problem.

5.17 Overall, youth crime and offending was seen as less of a problem by follow-up respondents (53% thought it was a problem compared with 60% in the baseline survey). In addition to a drop in the number of people who thought youth crime was a problem, among those who *did* think it was a problem, there appeared to be a slight shift towards perceiving the problem to involve less serious crimes (such as public disorder and drunkenness, and verbal abuse and harassment).

## **Satisfaction with the criminal justice system and views of the Youth Court**

5.18 Satisfaction with the criminal justice system in the area had improved (26% of follow-up respondents were satisfied, compared with 19% in the baseline). Despite this, and the fact that youth crime was seen as slightly less of a problem, there was no change in satisfaction with how the criminal justice system in the area deals specifically with youth crime. In part, this may be due to the high proportion who did not feel they know enough about this issue to comment.

5.19 There was no change in the proportion who thought young offenders should be treated in the same way as older offenders (2/3 of respondents in each wave) and awareness of the Youth Court had not increased since the baseline survey (42% of baseline respondents and 43% of follow-up respondents were aware of it). Views on how effective the Youth Court might be were also unchanged. Most people either thought it would reduce youth crime a little or would make no difference. Few thought it would reduce youth crime a lot.

5.20 Comparison of the baseline survey results with the follow-up survey results show, therefore, that there has been relatively little change. Overall measures of worry about being a victim of crime, and the effect of fear of crime on quality of life, remain unchanged. However, where there *were* differences, they were nearly always in a positive direction: there is less concern about having cars damaged by vandals or having things stolen from cars, fewer people feel unsafe when walking alone in their neighbourhood after dark, and more people think the crime rate has improved over the past 2 years. More importantly, fewer people think there is a problem with youth crime and there has been a slight increase in satisfaction with how the criminal justice system deals with crime in the area – although there was no difference in how it deals specifically with youth crime.

5.21 It was always going to be very difficult to attribute any changes to the existence of the Youth Court. Until comparisons of trend data can be made with results from the Scottish Crime Survey and/or Scottish Household Survey, it is not possible to say whether the changes reflect national trends, or whether they appear to

be a phenomenon restricted to parts of Lanarkshire served by it which might point to the influence of the Youth Court.

5.22 However, given that awareness of the Youth Court and views on its likely effectiveness have not increased between waves, the changes are not explained simply by the existence of the Youth Court sending a message to the community that youth crime is being taken seriously and tackled more effectively. The changes are either independent of the Youth Court, or are the result of the Court making a real difference to patterns of offending and the behaviour of young people.

## **PERCEIVED EFFECTIVENESS OF THE YOUTH COURTS**

5.23 Professionals associated with the pilot Youth Courts were, on the whole, cautiously optimistic that it would help to reduce re-offending among at least some of those who participated in it, so long as they were able to access the necessary resources to address problems such as drug and alcohol misuse, unemployment and housing issues. Some professionals thought that even if the interventions offered through the Youth Courts were not effective in all cases, the ability for the Youth Court to impose custodial sentences – at first sentence or on breach of a community based social work disposal – could enhance community safety and have a deterrent effect at both the individual and general levels. In Hamilton, many professionals pointed to the difficulty of changing behaviour among the target group of young people referred to the Youth Court. Similarly, the range of problems experienced by many young people was unlikely to be addressable by intervention in the short term. For this reason, preventing re-offending was regarded as longer-term strategy, though reductions in the frequency or seriousness of offending might be achieved in the shorter term. Professionals who were more guarded in their appraisal of the Youth Courts wished to defer judgement until furnished with evidence of their impact on youth crime

5.24 In Airdrie, police respondents were particularly positive about the effectiveness of the Youth Court. They felt that the fast tracking process and knowledge amongst those being brought to court that they would go to trial without delay was having an impact. They also felt that options available to the Youth Court prior to and following sentencing, most noticeably the curfews, were having a positive impact on communities. They reported that there had been a noticeable decline in public disorder in particular areas, which they attributed to a small number of young offenders having been in custody and to the use of bail curfews.

5.25 Factors that professionals regarded as having contributed to the effectiveness of the Youth Courts included the fast-tracking of cases, the availability of a wider range of appropriate resources and services and the option of shrieval review. Inter-agency commitment and co-operation was also regarded as having helped make the Youth Courts more effective. There was a shared view among many professionals that the Youth Courts should not be viewed as a ‘soft option’ and that failure to comply with the court’s requirements should be dealt with swiftly to prevent undermining of its effectiveness and credibility.

5.26 Professionals were mostly unified in being positive about the effectiveness of the Youth Courts in terms of bringing about speedier justice and attempting to meet the needs as well as the deeds of young people. Within this there were also, however, some concerns. For example, some professionals observed that young people who had been through the Children's Hearing System tended to respond less well to the Youth Courts. It was thought these young people had difficulty in understanding the seriousness of the situation they found themselves in, the repercussions of not complying with their orders and the different relationship they now had with their social worker. They seemed to struggle with the expectations and responsibilities placed upon them by the court and needed help in managing the transition into the adult criminal justice system. One solution, it was suggested, was to provide the services that were available to the Youth Courts to those identified as being at risk of recidivism while still within the Children's Hearings System.

5.27 Reservations about fast-tracking included the observation from the Fast Track Children's Hearings pilots that getting established and appropriate services to the young people quickly may have been more important than the fast track process per se<sup>64</sup> and concern was expressed that an unintended outcome of fast tracking - the rolling up of cases and the use of too many or inappropriate interventions - was that the young person could breach their orders and end up in custody very quickly. However, the majority view was that the benefits of fast-tracking outweighed the potential disadvantages and that as long as there were appropriate interventions that could be accessed quickly, the fast track model was one to be aspired to as a feature of all summary justice.

## **PERSPECTIVES ON INDIVIDUAL PROGRESS**

5.28 In addition to discussing the effectiveness of the Youth Court in general, the progress of 45 individual young people under supervision through the Hamilton Youth Court was discussed with their supervising social workers<sup>65</sup>. In most cases the social worker indicated that at least one intervention would have had some positive effect on the young person. As Table 5.8 shows, social workers were generally of the opinion that across the range of interventions there had been effective work done even if in some instances the impact was relatively minor. However, when it came to rating whether the young people worked with were likely to further offend social workers considered that at least 25 out of the 45 would offend again (and in 5 of the other cases they were unsure). In some cases the level of offending was thought likely to have been reduced.

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<sup>65</sup> It should be noted that this sample is not representative of all the individuals who were subject to social work intervention.

**Table 5.8: Rated effectiveness of type of work undertaken with a sample of young people sentenced in Hamilton Youth Court (number of cases)**

<b>Type of work</b>	<b>Effective</b>	<b>Total number rated</b>
Offending behaviour (including cognitive behavioural etc.)	24	28
Employment / education or training	14	20
Alcohol	12	15
Drugs	11	13
Intensive support (beyond that normally provided by SW)	8	10
Restorative Justice	2	5
Support to young person's family	11	13
Accommodation	5	6
Activity programme	4	4
Mental health	2	2

Source: Individual case discussions with social workers

5.29 From the 20 questionnaires completed by social workers in respect of young people sentenced in the Airdrie Youth Court, 13 young people were deemed by their social workers to be responding positively to their orders, while 5 were showing a mixed response and 2 were said to be responding poorly. The same number (13) were reported to be responding positively to the services that were being provided while 3 were showing a mixed response and 4 were responding poorly. Groupwork, individual issue-based intervention and cognitive behavioural work were regarded as being most helpful for young people. More specifically, alcohol-focused groupwork and the service provided by placement coaches were singled out as being of most help. More generally, social workers highlighted how young people were obtaining help and support through services that had not previously been available.

5.30 Fifteen young people were regarded by social workers as having reduced (or ceased) their offending while in 2 cases the level of offending remained unchanged and in 3 cases it was perceived to have increased. In 14 cases the reduction in offending was attributed partially or entirely to the young having been placed on supervision by the Youth Court and to the services accessed as a result. Reductions in offending were attributed to young people gaining employment (or having increased prospects of doing so), improved family circumstances, increased maturity and improved attitude.

5.31 Eight young people were considered unlikely to re-offend, 6 were though likely to commit further offences and in 6 cases the risk of further offending was considered unclear. Those who were thought likely to continue offending were reported by their social workers as being less motivated to engage with services. Risk of further offending was also indicated by continued offending while subject to supervision, deterioration in family circumstances, reluctance to acknowledge problems regarding substance misuse and the existence of a range of risk factors that had yet to be addressed. Those with more negative outcomes seemed to have 'not yet peaked' in relation to their offending and had continued motivational and engagement issues, generally seemed related to their family or peer relationships.

5.32 Further information about the services provided to young people and their outcomes was provided by Community Alternatives: a social work funded centralised service that provides a range of individual and groupwork programmes for young people, including those made subject to orders by the Youth Courts in Hamilton and Airdrie. The service began in May 2005 and between May 2005 and January 2006 Community Alternatives received 102 referrals from the Youth Courts in Hamilton and Airdrie. Seventy-six young people had been referred to the Placement Coach service, 30 of whom had since secured employment following periods of training in either skill seeker or career training (with another 16 young people awaiting training placements). Fifty-six young people were referred to Offending is Not the Only Choice (an offending reduction programme) of whom 22 had completed the group programme and 14 the individual programme<sup>66</sup>. Thirty-two young people had been referred to the DROP programme, 18 of whom had completed either individual or group work.

## **YOUNG PEOPLE'S VIEWS ON THE YOUTH COURTS**

### **Services provided**

5.33 The Youth Court had been the sole experience of the criminal justice system for some young people while others had previously appeared in a Sheriff Summary Court. The latter suggested that the Youth Courts were faster, provided more information about your case and provided more help. There was also, however, a perception that the Youth Courts were harder and harsher than a Sheriff Summary court and some young people believed that the sentences they had received had been disproportionate to the offence.

5.34 Many of the young people who were interviewed praised the support they had received from their supervising social worker and others involved with their case. Social workers' initial persistence in encouraging engagement through to the accessing of job advice were all highlighted as being helpful and important by young people. Generally, the young people interviewed valued having someone to provide them with advice and to share their concerns with. Group work completed as part of probation was similarly valued as it allowed young people to discover that others had had similar experiences and faced problems similar to their own. Some young people described the social work involvement as being pivotal to them changing their behaviour and some of those who were unemployed highlighted the assistance they had received in starting to access employment or further education. Others wanted more assistance in gaining employment, which they felt was made more difficult by the fact that they had a criminal record. Young people believed that being employed provided an incentive to avoid further offending but some of those who were in employment suggested that balancing work commitments and the requirements of their orders was difficult at times.

5.35 Discussion of offending behaviour with social workers during appointments was not always highly regarded by young people, with some suggesting that its function was simply to pass the time in an appointment. However, even in such cases,

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<sup>66</sup> 12 others did not attend any sessions and 8 failed to complete.

young people would sometimes indicate that they had started, through such social work involvement, to reflect on the situations where they may offend.

5.36 A number of young people had been sent for alcohol counselling. Some reported the counselling as positive as it helped them reflect on the role alcohol was playing in their offending and provided them with information about the effects of alcohol misuse. A number recognised that alcohol had been a major factor in their offending, with some reporting regular very high levels of consumption. For example, each of the 5 young people interviewed in Airdrie indicated that their involvement in offending had begun after they had become involved in binge drinking and that their offences were committed while under the influence of alcohol. Some young people denied they had an alcohol problem and saw such intervention as unnecessary. Others had reduced their alcohol levels either independently or, more commonly as a result of the support they had received.

### **Further offending**

5.37 Those young people who described themselves as ‘one-off offenders’ had no intention of offending again and thought it very unlikely they would come to the attention of the criminal justice system again. The others, who could be described as more persistent offenders before their involvement with the Youth Court, mainly hoped to stay out of trouble in the future. However, a number had had further involvement with the criminal justice system and some admitted undetected offending.

5.38 Rarely did the young people *want* to continue to offend. Many wanted to work, form relationships, have their own house and car. Some already were, or were soon to become, parents. For those who were less involved in offending, the influence of family members and partners was important in encouraging and sustaining desistance from further offending. Some said they were already growing out of their offending behaviour as they matured or had been deterred from further offending by the prospect of imprisonment. Others directly attributed reductions in their offending to the social work support and advice they had received.

5.39 Looking to the future a number hoped to avoid further trouble, but thought that they may end up in situations (often alcohol-related or drug-related) that made offending likely. Many still lived in neighbourhoods with a variety of social problems and faced similar difficulties to those experienced before they became involved with the Youth Court.

## **THE COSTS OF THE YOUTH COURTS**

5.40 The introduction of the pilot Youth Courts in Hamilton and Airdrie sought to improve the outcomes of the justice system based on changing the nature of the inputs (both financial and resource), the process (the delivery and scope of the justice system) and the outputs (the disposals and their impact upon re-offending). This section offers an analysis of the costs involved in the establishment and functioning of the Youth Courts.

5.41 It should, however, be noted at the outset that it has only been possible to undertake a very limited cost analysis. This is due principally to two factors, data limitations and robust outcome data. The Home Office does publish more detailed and comprehensive cost information for England and Wales<sup>67</sup>, but these data cannot readily be extrapolated to the Scottish context. Scotland has a different criminal justice system from other parts of the UK therefore it is unclear to what extent the costs associated with the processing of cases at different stages of the criminal justice system in Scotland (upon which the estimated costs of different types of crime were based) are comparable to the costs of similarly processing cases in England and Wales. The available Scottish data are limited to information about on the average amount paid in legal aid for various types of court, and the average cost per case for four types of court and the average cost of selected disposals. However, the cost data published for Scotland refer only to cases dealt with in ‘traditional’ courts, and do not therefore deal with the key cost issue, which is the additional costs imposed because specific new procedures have been introduced as part of the Youth Court system.

5.42 The benefits of the Youth Court system are believed to be twofold. Firstly, the extra support provided to offenders may produce a long-term reduction in recidivism, and so save a range of crime costs. However, it is simply not possible at present to estimate savings from reduced recidivism - this would require a long-term examination of re-offending rates of those who have been processed through the Youth Court system, and an assessment of the extent to which any reduction in re-offending is attributable to the new system. Given the limited time in which Youth Courts have been operating, it is simply not possible to undertake such an analysis at the moment.

5.43 Secondly, the exchange of information at the early stages of the criminal procedure may increase the number of guilty pleas and so save trial costs. It is important to state that it is only possible to make a partial estimate of the cost savings that might arise from this aspect of the Youth Courts (see below). In practice, therefore, we have only very limited information on the two major cost saving benefits the introduction of the Youth Court system may give rise to.

5.44 We can assess some of the additional costs, and this aspect is discussed in the remainder of this section. However, it is important to bear in mind the one-sided nature of what follows and that this does not, for the reasons discussed above, address the important question of the potential benefits of Youth Courts.

### **The direct costs of operating the youth courts**

5.45 The cost assessment relates to the **additional** costs of operating the Youth Courts – that is, to the extra costs required to process offenders through the Youth Courts compared to processing through the ordinary criminal justice system. While we have managed to obtain some of the necessary data, these data are also subject to some caveats.

5.46 Firstly, the figures with which we were provided are typically the estimated budgets made available to agents (courts, social work departments, police, etc.) to

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<sup>67</sup> ‘The Economic and Social Costs of Crime’, Home Office Research Study 217, 2000 (HORS 217).

operate the new system, and do not therefore reflect the actual outcome expenditures made.

5.47 Secondly, the financial information available to underpin a costing of the Youth Courts could not easily be disaggregated across the two pilot sites. For this reason, it was not possible to undertake a separate costing of the Hamilton and Airdrie Youth Courts. Instead, we have concentrated upon a 12 month period in which the Hamilton Youth Court was fully operational and in which the Airdrie Youth Court was operational for 10 months (1 April 2004 – 31 March 2005) and have derived a combined average unit cost based upon throughput data from the two pilot sites. As noted, this does allow us to make some estimate of the **additional** costs of the Youth Courts.

5.48 In certain respects the Youth Courts simply replaced existing criminal justice procedures with the consequence that no additional costs over and above those associated with traditional processing would apply. However in order to achieve the fast tracking of cases to and through the court, to make available of a range of additional age appropriate resources for young offenders and to provide more intensive supervision, additional funding was provided by the Scottish Executive Justice Department to a range of agencies, and it is these expenses that represent the additional costs attributable to Youth Courts. The funding provided by the Scottish Executive in financial year (FY) 2004-2005 is summarised, by agency, in Table 5.9.

**Table 5.9: Additional Funding provided by the Scottish Executive for the pilot Youth Courts April 2004 – March 2005**

Agency	Funding FY 2004 -5
Social work departments (North and South Lanarkshire)	£1,363,125 <sup>68</sup>
Crown Office (Procurator Fiscal Service)	£248,000
Scottish Courts Service	£40,000
Strathclyde Police	£529,670
Total	£2,180,795

Source: Scottish Executive Justice Department

5.49 Some further comments on the figures in Table 5.9 are warranted. Firstly, the majority of identified costs appear to be annual recurring costs. The agents involved identified few capital costs - there were some costs associated with the adaptation of a courtroom in Hamilton but these have not been taken into account since they are neither recurrent nor likely to apply in other areas. It is therefore interesting to note that the existing court infrastructure appears to be able to accommodate the Youth Court system comfortably.

5.50 Secondly, it is clear that the largest single allocation of funding was provided to the social work departments for the provision of reports to the Youth Courts (including review reports), the supervision of young people and the provision of a range of additional services and resources by the local authority and by other contracted service-providers. The allocations to the local authorities are made to the criminal justice grouping of North and South Lanarkshire (under s.27, 100% funding),

<sup>68</sup> This is based on the audited accounts and is lower than the funding allocation by the Scottish Executive (£1,488,350).

with the host authority for the budget alternating on an annual basis. The allocation covers both Hamilton and Airdrie Youth Courts. Although it has not been possible to obtain a detailed breakdown of expenditure across the two local authorities, the social work allocation will mostly consist of staff costs.

5.51 The costs borne by Strathclyde Police include the salaries and other costs associated with the appointment of the Youth Court Co-ordinator and Deputy Co-ordinator and overtime allocation to enable officers to complete reports before the end of a shift and therefore meet the Youth Court timescales. Additional costs borne by the Crown Office include two Procurators Fiscal each in Hamilton and Airdrie. The additional funding is aimed at supporting the fast tracking of youth court cases and the rolling up of cases for young people appearing before the Youth Court. The additional funding to Crown Office and the Scottish Courts Service was made under budget transfer. In the latter case it was intended to support the use of dedicated clerks. It is likely to be an underestimate of actual costs since funding was also provided to SCS under an Education Department Youth Crime initiative. There was minimal impact on shrieval resources as Sheriffs would otherwise have heard the cases in normal summary court.

### **Estimating the unit costs of Youth Court cases**

5.52 In costing Youth Court cases the preferred methodology would have been to derive average costs from actual spend and from this to derive overall expenditure based on the number of cases. In practice, however, this approach – which would have produced a unit cost that was less vulnerable to fluctuations in the number of case dealt with - was not viable in view of the limited data available. Instead, in order to estimate the additional costs associated with the operation of the Youth Courts it was necessary to link the overall financial allocations to the different agencies with information about the throughput of cases at different stages in the Youth Court process. At the simplest level, this involves allocating agency costs across the volume of cases deal with by the youth courts to obtain a mean agency cost per Youth Court case. In Chapter Three it was noted that the Hamilton Youth Court had dealt with an average of 32 cases per month while the Airdrie Youth Court dealt, on average, with 28 new cases per month. Overall, then, the two courts combined dealt with an average of 60 new cases per month or 720 per year. For the period covered by this cost analysis, this would involve 384 cases from Hamilton Youth Court (32 multiplied by 12) and 280 from Airdrie Youth Court (28 multiplied by 10) or 664 in total. Dividing the total additional allocation to the Youth Court by the Scottish Executive provides an estimated cost per case of £3,284.

5.53 Clearly, however, the costs of each case will vary, depending primarily upon the disposal imposed. In particular the social work costs will be concentrated upon those offenders for whom a Social Enquiry Report is requested by the court and upon those who receive supervisory disposals (probation orders and structured deferred sentences) and who therefore access the additional services for which the financial allocation provides. It is therefore necessary to estimate how much of the social work resource should be allocated across these activities and to estimate the impact that this has upon unit costs for young people appearing before the Youth Court.

5.54 Although it was not possible to obtain a detailed breakdown of social work expenditure across different headings, some additional information provided by one of the local authorities suggested that the approximate distribution of funding across different activities was as follows: assessment and case management 12%; programme delivery 34%; inclusion/desistance (access to external service provision) 40%; and other support costs 14%. It is assumed that the assessment costs are spread across the total number of cases for who SERs were requested while the remaining costs are spread across those who received supervisory disposals. It would appear that approximately 60 Social Enquiry Reports per month were requested by the Youth Courts in the financial year 2004-5, resulting in approximately 642 reports across the period in question. The assessment and case management costs also, however, are assumed to include the preparation for and attendance at court-based probation reviews. Although the preparation of review reports was, presumably, less time-consuming than the preparation of SERs, social worker attendance at court would increase their unit costs. We are therefore assuming that in terms of social work costs, SER and review preparation were broadly comparable. Assuming an average of one review per 3 months for probation orders would result in 4 court based reviews per case per year<sup>69</sup> and an average of 148 probation orders active at any one time (based on the annual number of new orders made) would result in 1776 review reports on top of the 642 SERs. The cost of a social work assessment, therefore, would be approximately £68 (£163,575<sup>70</sup>/2,418).

5.55 It is assumed that the other local authority costs apply principally to those supervised on structured deferred sentences or probation orders. In the period of the Youth Courts' operation covered by the evaluation, an average of 132 probation orders and 67 structured deferred sentences were imposed over a 12 month period<sup>71</sup>. Given that the average length of a probation order was around 18 months, then each probation order can be assumed to represent an average 12 supervision months within a year, giving a total of 1584 supervision months for Youth Court offenders per year. Precise information on the length of structured deferred sentences was not available but it is assumed that they would be, on average, around 4.5 months. This would result in approximately 302 supervision months per annum. Taken together, it is assumed that the social work costs (excluding assessment and case management) were spread across 1886 supervision months at a cost of £636 per month. This would result in an average cost of a deferred sentence being £2,862, the cost of a 12 month probation order being £7,632 and the cost of an 18 month probation order being £11,448.

5.56 In comparison with the published costs of probation orders and community service orders, the costs of Youth Court supervision appears high. For example, the average cost of a probation order for 2003-04 was recorded as £1,059 (Scottish Executive, 2005). Updated for inflation<sup>72</sup> to 2004-05 prices, a probation order costs £1,085. This is the cost of a standard order without additional requirements. Probation orders made in the youth court often had one or more additional

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<sup>69</sup> The costing covers a period prior to the suspension of review hearings. It is therefore assumed that probation orders were being regularly reviewed.

<sup>70</sup> 12% of £1,363,125.

<sup>71</sup> There was an average of 201 deferred sentences over a 12 month period. Precise information about the proportion that were structured deferred sentences is not available. Here we assume that they represented one third of all deferments for three months or more.

<sup>72</sup> Assuming a 2.5% inflator.

requirements attached. Each additional requirement will add considerably to the unit cost of a probation order, though by how much is difficult, in the absence of relevant data, to determine. A more meaningful comparison can be made with the costs of providing services to young people through the Fast track Hearings initiative which, though operating within the Children’s Hearings System, had similar aims. Here the mean cost of services, per case was £41,868 but this very high unit cost reflected the exceptionally high costs of residential provision in some cases. The unit costs for young people who remained in the community throughout the period of supervision was £8,244 (Hill et al., 2005).

### Estimating the cost savings associated with the Youth Court

5.57 The average costs of disposals made within the Scottish court system are published by the Scottish Executive (Scottish Executive, 2005), with the last data available for 2003-04. The final column in Table 5.10 presents projected figures for 2004-5 based upon the assumption of annual inflation at 2.5%.

**Table 5.10 – Criminal case costs in Sheriff Summary Courts 2003-04**

	£	£ inflated to 2004-5 figure
Plea at first diet	78	80
Plea at first diet/continued first diet and one adjournment for reports	117	120
Plea at intermediate diet and one adjournment for reports	156	160
Plea at trial diet and one adjournment for reports	234	240
Case concluded at evidence led trial and one adjournment for reports	1,464	1,501

Source: Scottish Executive (2005)

5.58 One of the main aims of the Youth Courts was to ensure that cases were fast-tracked to and through the courts. As we have seen in Chapter 4, there was evidence that Youth Court cases were dealt with more quickly and that more were resolved by way of a guilty plea. The effect of this would be to alter the cost distribution shown in Table 5.10 (and also in Table 5.11 below) towards the “Plea at first diet” category. This being so, the Youth Courts are likely to have been associated with some cost savings associated with greater efficiencies in the processing of cases to and through the courts. For example, in the fast track Children’s Hearings the speed with which persistent offenders were processed was estimated to have resulted in a saving of £355.60 per case (Hill et al., 2005). In order to estimate whether the Youth Court was associated with lower criminal case costs than the Sheriff Summary Court, a mean cost per case can be derived based on the known percentages resolved at different stages of the prosecution process. Linking the data for citation cases that called in Airdrie Youth Court and Airdrie Sheriff Summary Court<sup>73</sup> (Tables 4.2 and 4.3) with the data in Table 5.10 produces a mean cost per Youth Court case of £282 and a mean cost per Sheriff Summary citation case of £337, producing a cost saving of £55 per Youth Court case (or a saving of 16%).

5.59 The Scottish Executive also publishes information about prosecution costs broken down by stage of case resolution. The relevant data are presented in Table 5.11. Again figures for 2003- 4 have been inflated by 2.5% to provide an estimate of projected costs for 2004-5. Linking the data on the progress of citation cases in Airdrie Youth Court and Airdrie Sheriff Summary Court (Tables 4.2 and 4.3) with the

<sup>73</sup> Comparable data are not available for Hamilton non Youth Court cases.

data in Table 5.11 produces a mean prosecution cost per Youth Court case of £369 and a mean cost per Sheriff Summary citation case of £383, producing a cost saving of £14 per Youth Court case (or a saving of just under 4%).

**Table 5.11 – Prosecution costs in Sheriff Summary Courts 2003-04**

	£	£ inflated to 2004-5 figure
Plea at pleading diet	163	168
Plea at intermediate	367	377
Plea at trial diet	449	461
Case concluded at evidence led trial	653	670

Source: Scottish Executive (2005)

5.60 There are also likely to be savings in legal aid as a result of fewer cases in the Youth Court proceeding to an evidence-led trial, however published data (Scottish Executive, 2005) does not provide information about legal aid costs by stage at which a case was resolved.

### **Recidivism**

5.61 While the unit costs of the Youth Court may appear high, the resources are being targeted upon young people perceived to present a risk of re-offending. As we have pointed out elsewhere, a longer follow-up period is required before firmer conclusions can be reached about the impact of the Youth Court upon reconviction among young people. It is perhaps worth noting that the estimated average cost of a youth crime utilised in the evaluation of the Fast Track Hearings was £3,556 (based upon data compiled by the Prince’s Trust). This being so, if the Youth Courts prove in the longer term (that is, when a more robust analysis of reconviction is possible) to be effective in reducing recidivism, this could result in the Youth Court costs being offset (to an unknown degree) by financial savings and associated reductions in social costs, whose financial value it is much more difficult to estimate. The difficulty lies in determining the benefits, both of the new system and of the old. It is difficult to quantify the benefits of any justice system, since the benefits deriving from it are largely immeasurable and include, for example, individuals’ perception of their safety and security and the ‘worth’ of justice being done. At present, therefore, the estimated unit cost of Youth Court cases is independent of any intended benefits that might accrue from the pilot.

### **SUMMARY**

5.62 Analysis of sentencing in Airdrie between 2002 and 2005 suggested that there was more use made of community-based social work disposals in 2004 but that the proportionate use of these disposals decreased in 2005 while the use of imprisonment rose. There was a sharp rise in cases dealt with in Airdrie following the introduction of the Youth Court. One could speculate that this may be due to cases being prosecuted that previously attracted an alternative, however it should be noted that there was also an increase in cases prosecuted in the District Courts serving the Airdrie Sheriffdom in 2005 which could suggest a wider trend not related to the Youth Court.. In Hamilton there was no overall change in the proportionate use of different disposals following the introduction of the Youth Court, suggesting that the greater use of community sentences and detention in the Youth Court compared with

the Sheriff Summary Court reflected the characteristics of the young people concerned.

5.63 In terms of crime reduction at the aggregate level, changes in the recording of crimes in 2004 make it very difficult to interpret any changes in recorded crime levels in Hamilton, Airdrie and in comparison courts. At the individual level, only a limited analysis of reconviction data was possible in view of the timeframe for the evaluation. While the Airdrie data were too incomplete for meaningful interpretation, 6 and 12 month reconviction rates among those sentenced in Hamilton Youth Court were encouraging, particularly given the prior criminal histories of this sample.

5.64 There was little change in community attitudes towards youth crime over the period of the Hamilton pilot, though any differences tended to be in a positive direction. In particular people reported feeling less unsafe in their neighbourhood after dark, more believed that the crime rate had improved over the previous 2 years and fewer thought that there was a problem with youth crime. However it is not possible to say whether these changes can be attributed to the Youth Court or are part of a broader national trend.

5.65 Most professionals were cautiously optimistic that the Youth Courts would be effective in reducing re-offending, at least with some young people who appeared before them. The police in particular believed that since the Youth Court was introduced there had been a reduction in levels of public disorder in areas served by it. The Youth Courts had available to them a wider range of services and resources than had previously been available to young people made subject to supervision by the courts. Social workers were of the opinion that most interventions undertaken with young people would be effective to some extent, though they also believed that most young people were likely to re-offend. Young people were generally positive about the supervision and services they had received.

5.66 Only a limited analysis of the costs and cost savings associated with the Youth Courts was possible in light of the available data. The costs of operating the Youth Courts were offset to a limited extent by savings in criminal justice costs (court costs and prosecution costs). Although the costs of orders made in the Youth Court were higher than the costs of standard probation orders, this reflects the additional supports and services made available through the Youth Courts. Given that it is not yet possible to draw robust conclusions about the impact of the Youth Courts on recidivism, the estimated unit cost of Youth Court cases is independent of any intended benefits that might accrue from the pilot. However, these costs could be offset to a significant extent if the Youth Courts prove effective in preventing crime.

## **CHAPTER SIX: MAIN FINDINGS AND CONCLUSIONS**

6.1 In this final chapter, the Youth Court pilot is assessed with reference to the objectives set for the pilot courts in Hamilton and Airdrie by the Youth Court Feasibility Group. Key differences between the operation of the 2 pilot courts are identified and the advantages and disadvantages of the Youth Court model are highlighted.

### **SIMILARITIES AND DIFFERENCES BETWEEN THE PILOT YOUTH COURTS**

6.2 When the pilot Youth Courts were established, many of the procedures, agencies and personnel were similar in the 2 pilot courts. The main organisational differences between the 2 pilot sites reflected the size of the sheriff courts involved and the anticipated volume of Youth Court cases and the target timescales for processing cases took account of this. This being the case, it is not surprising that in their operation the pilot courts had more similarities than differences. However, there were some points of divergence between them that need to be highlighted since they appear to reflect important differences in the types of young people prosecuted in the Youth Courts and, correspondingly, in the types of disposals imposed.

6.3 When the second pilot was established at Airdrie Sheriff Court, a decision was taken not to formally apply the ‘persistence’ criteria that had previously been adopted in Hamilton. In practice, however, it appeared that Procurators Fiscal in Airdrie informally adopted similar criteria to their colleagues in Hamilton with respect to the marking of Youth Court cases so that in both sites prosecution in the Youth Court was most likely if both the persistence and contextual criteria were deemed to have been met. However, when the previous criminal histories of young people referred to the Youth Courts were compared, those referred to Hamilton Youth Court were less likely to be first offenders, suggesting that Airdrie Sheriff Court tended to deal with less persistent offenders. Indeed, while Hamilton Youth Court appeared to deal with more persistent offenders than the Sheriff Summary Court, in Airdrie the reverse was true. This, combined with a sharp increase in the number of cases prosecuted summarily in Airdrie following the introduction of the Youth Court pilot suggests that some young people may have been drawn into the Youth Court who would otherwise have received an alternative to prosecution, such as a fiscal fine.

6.4 The introduction of the Youth Court in Airdrie was also associated with an increased use of community sentences in its first year of operation, though this apparently decreased in the second year. The proportionate use of specific disposals differed between the 2 courts, with Hamilton Youth Court apparently making greater use of supervisory social work disposals (especially probation). Concerns were voiced, especially in Airdrie, about the appropriateness of the intensive packages of services and interventions being sought by the Youth Courts for some young people made subject to probation orders or structured deferred sentences who had little or no previous criminal history and whose risk of re-offending was assessed as being low.

6.5 There were also differences in the organisation of social work services across the 2 local authorities responsible for providing reports and supervising young people

sentenced in the Youth Court. In one authority, resources were concentrated in a dedicated team, which appears to have facilitated communication at a number of levels. In the other authority, prior to appointment of Youth Court social workers, social workers based in area teams were tasked with report-preparation and supervision of Youth Court cases as part of a wider generic caseload. The original management structures that were in place in that authority did not appear best-suited to facilitating the types of multi-professional communication that the efficient and effective operation of the Youth Court required. Subsequently, with the appointment of a Youth Justice Co-ordinator, considerable efforts were made to improve communication within the local authority and between social work staff and staff in other agencies.

## **ACHIEVING YOUTH COURT OBJECTIVES**

### **Reducing the frequency and seriousness of offending by 16 and 17 year olds (and some 15 year olds) through targeted and prompt disposals with judicial supervision and continuing social work involvement**

6.6 Although the Youth Court pilot began almost 3 years ago, given the timescales required for a robust analysis of recidivism it has only been possible to undertake a limited analysis of reconviction at this stage. In Airdrie, where only a very limited reconviction analysis was possible, there was little difference between the Youth Court and comparator courts. In Hamilton, where a slightly more robust analysis was possible, the lowest 6 and 12 month reconviction rates were found among those sentenced in the Youth Court even though these young people had more previous adult criminal involvement than the comparison samples.

6.7 Hamilton Youth Court made greater use of community sentences than the Sheriff Summary Court, probably reflecting differences in the characteristics of young people sentenced in the two courts. In Airdrie it appeared that the Youth Court was dealing with a higher percentage of first offenders than the Sheriff Summary Court and that this was reflected in a lower use of custodial sentences and higher use of admonitions. Although the use of probation increased sharply in Airdrie in 2004, by the following year it had reverted to pre-Youth Court levels (possibly as a result of the suspension of review hearings) and there was little difference in the use of community-based disposals by the Youth Court and Sheriff Summary Court.

6.8 Young people given Orders in the Youth Courts, and who were interviewed, were mostly of the view that the intervention they had received had reduced their likelihood of further offending and professionals were cautiously optimistic that the Youth Courts were reducing re-offending in most cases. The additional resources made possible by the introduction of the Youth Court was regarded positively by professionals, though there had been some differences in perspectives between social workers and Sheriffs, particularly in Airdrie, regarding the appropriateness of intensive packages of intervention for low risk offenders, resulting in a perception by the latter that services that they wished some young people to have access to were not available.

6.9 Professionals were generally supportive of the judicial review process, believing it to be important both as a means of holding young people to account and

providing encouragement when they were doing well. The potential to call a review of an order also made it possible to respond quickly to instances of non-compliance. Sheriffs made it clear that the review was not a soft option or a chance to build rapport with the young person and communication between Sheriffs and young people was generally limited. However, Sheriffs and other professionals lamented the suspension of the power to review probation orders from July 2005 and welcomed its re-introduction through new legislation in February 2006. Given the amount of time spent by social workers in court waiting for reviews to be heard, however, their limited involvement in the reviews process would not appear to represent the best use of their time.

### **Promoting the social inclusion, citizenship and personal responsibility of the young offenders whilst maximising their potential**

6.10 The services provided to young people made subject to orders and structured deferred sentences through the Youth Court are intended to impact upon their risk of re-offending. However they are also aimed at promoting the social inclusion of young people and maximising their potential. The extent to which the pilot has been successful in this regard is more difficult to establish, especially in light of the relatively short follow-up period. Social workers believed that interventions aimed at employment, training or education would have some positive effect and some young people had valued assistance in these areas. Information provided by Community Alternatives suggested that several young people had secured employment following periods of training in either skill seeker or career training.

### **Establishing fast-track procedures for those young offenders appearing before the Youth Court**

6.11 The aspect of the Youth Court that was perceived by various professionals as having been most effective was the fast-tracking of young people into court. In both courts the time-scales for getting young people into the Youth Court and disposing of their cases were generally met. Furthermore warrants were issued in a timely manner for non-compliance and would be enforced promptly by the police. Fast-tracking was viewed by Sheriffs and other professionals as making the connection between the offence and the resulting sentence more meaningful. This and other associated procedures – such as the early disclosure of the Crown case to the defence, the availability of legal aid and the rolling up of cases by the Fiscal – were thought by professionals to have contributed to a higher level of guilty pleas and lower incidence of evidence-led trials in the Youth Court. This was supported by a comparison of citation cases dealt with by the Airdrie Youth Court and Sheriff Summary Court.

6.12 A reported disadvantage of the priority afforded to Youth Court cases was the impact upon other court business. This had become more of a concern in Hamilton as the Youth Court caseload increased. Although there was widespread support for the introduction of fast track procedures for dealing with young offenders, this created dilemmas in that resources were being diverted from the processing of other cases which, arguably, merited a comparable or greater degree of targeting.

## **Enhancing community safety by reducing the harm caused to victims of crime and providing respite to those communities which are experiencing high levels of crime**

6.13 This particular objective of the Youth Court is more difficult than the others to evaluate because the relevant data are difficult to interpret. At an anecdotal level, police officers reported that the introduction of the Youth Courts and the implementation of specific measures such as police monitored curfews had resulted in a marked reduction in some types of crime in some areas covered by the courts. However, changes to the recording of crimes in 2004 render any direct comparisons between figures before and after that date highly problematic and almost impossible to interpret.

6.14 Some use was made through both pilot Youth Courts of restorative justice interventions with young people (including, in Airdrie, Restorative Justice Conferencing), though it would appear that this more often took the form of unpaid work for the community. Restorative justice was an area of work that social workers believed could usefully be expanded. In particular there is scope for greater use to be made of forms of restorative justice that involve direct reparation for or contact with victims, though how this would fit within existing adversarial processes would need to be considered.

6.15 The evaluation of the Hamilton pilot Youth Court included a community survey that sought to establish whether the introduction of the Youth Court had been associated with less fear of crime and altered perceptions of youth crime in the communities served by it. More people in the follow-up survey believed that the crime rate had improved over the previous 2 years and fewer of this sample believed that there was a problem with youth crime. However, whether this could be attributed to the existence of the Youth Court is more difficult to establish, especially in the absence of similar data on national trends.<sup>74</sup>

## **Examining the viability and effectiveness of existing legislation in servicing a Youth Court and to identify whether legislative and other changes may be required**

6.16 The Youth Courts have available the same disposals that are available to a Sheriff Court sitting summarily. This being so, Sheriffs were content with the range of options available to deal with young people appearing before the Youth Courts. Sheriffs did not consider the Youth Courts to be 'distinctive' other than in the fast-tracking of young people and believed that it would be inappropriate to treat young people appearing before the Youth Courts any differently than those appearing before the Sheriff Court. Similarly, the range of sanctions available to the Youth Courts in the event of non-compliance by a young person on an Order was regarded as adequate.

6.17 An additional option that is available to the Youth Courts (and only now being piloted on a wider basis) is for Sheriffs to bail the young person with an electronically monitored curfew. Although this was viewed by professionals as a useful option

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<sup>74</sup> The latest published Scottish Crime Survey (McVie et al, 2004) covers an earlier period than that covered by the Hamilton survey.

where a custodial remand was otherwise likely, it had been used relatively infrequently by Sheriffs in Hamilton and not at all by Sheriffs in Airdrie who preferred to make use of police monitored curfews instead.

6.18 As previously indicated, the ability of Sheriffs to bring young people back to court periodically to review their probation orders was suspended by an Appeal Court ruling in July 2005. Given the perceived importance and increasing prominence of court-based probation reviews in Scotland (not just in the Youth Courts but also in, for example, the Drug Courts), legislative provision for reviews was introduced by the Scottish Executive through Section 12 of the Management of Offenders etc. (Scotland) Act 2005 which came into effect on 8 February 2006. Otherwise, none of the professionals who were interviewed identified additional legislative provision that would make the Youth Court procedures more effective or efficient. Existing legislation would therefore appear to be adequate to accommodate Youth Court procedures.

## **CONCLUSIONS**

6.19 The Hamilton and Airdrie Sheriff Youth Court pilots have, as far as can be assessed, been successful in meeting the objectives set for them by the Youth Court Feasibility Group. Both are tightly run courts that – particularly in Airdrie - deal with a heavy volume of business. The particular strengths of the Youth Court model over previous arrangements include the fast-tracking of young people to and through the court and the availability of a wider range of resources and services for young people involved in offending. The successful operation of the pilot Youth Courts was dependent upon effective teamwork among the relevant agencies and professionals concerned. Good information sharing, liaison and communication appeared to exist across agencies and the procedures that were in place to facilitate the sharing of information seemed to be working well. This was also facilitated by the presence of dedicated staff within agencies, resulting in clear channels of communication, and in the opportunity provided by the multi-agency Implementation Groups to identify and address operational issues on an ongoing basis.

6.20 The impact of the Youth Courts on offending among young people referred to them will take longer to establish, though the data thus far for Hamilton are encouraging in this regard. However, Youth Court procedures were operating effectively and the pilot has demonstrated that the operation of Youth Courts in Scotland is viable without the need for legislative change. There was a broad consensus that the Youth Courts represented an improvement over previous arrangements for dealing with youth crime, though whether this required a dedicated Youth Court or whether these procedural improvements could be brought about by other means was less clear. For example, given that many (and in Airdrie most) young people who were dealt with in the Youth Court were first offenders, would it have been more appropriate for them to have accessed similar resources through the Children's Hearings System? Alternatively, should the Youth Court be more explicitly youth focused and, if so, what might be the practical implications for the way in which it is run?

6.21 It is also important, however, to consider aspects of the Youth Court pilot that were less successful. These include operational issues that during the course of the pilot were on the whole successfully addressed. In Hamilton these included: the scheduling of business to accommodate Youth Court arrangements and increasing pressure on staff resources as caseloads grew. In Airdrie they included: the police undertaking accused to appear on the wrong day; difficulties maintaining order in a busy courtroom; shrieval concerns about the quality of reports; and the perception by Sheriffs and by some other professionals that anticipated services and resources were either not available or not being made use of.

6.22 Of greater concern, however, is the ongoing lack of clarity in both courts as regards for whom the Youth Court was intended. In Hamilton this centred upon the interpretation of the ‘contextual criteria’, leading to a concern among some professionals that young people were being drawn into the young court and dealt with more severely than might previously have been the case though there is little objective evidence that this occurred on any significant scale. In Airdrie, where the ‘persistency’ and ‘contextual’ criteria were not formally applied, many of those who found themselves appearing before the Youth Court were first offenders who were assessed by social workers as presenting little risk of recidivism. The steep increase in Sheriff Summary prosecutions following the Youth Court’s introduction may have resulted from an increased propensity to prosecute cases that previously might have received some alternative such as a fiscal fine. The potential for net-widening in this way (that is, drawing young people into the court system who would not otherwise have been there) will require careful monitoring and suggests the need in Airdrie for further discussion of Youth Court targeting and its potential consequences among the various agencies concerned.

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## **APPENDIX**

### **Interviews with professionals**

#### **Hamilton: first round of interviews**

- 3 of the sheriffs who sat in the Youth Court
- 3 Procurators Fiscal
- 5 defence solicitors who had represented clients in the Youth Court
- 8 police officers from diverse ranks and roles (duty officer, case management, shift inspector, and community constable)
- the principal sheriff clerk, the clerk responsible for criminal business and the dedicated Youth Court depute
- the Youth Court Co-ordinator
- 2 Reporters to the Children's Hearings System
- 3 social work managers, one team leader and 4 social workers

#### **Hamilton: second round of interviews**

- 5 Sheriffs including 4 who sat in the Youth Court and one non-Youth Court Sheriff
- the Youth Court Co-ordinator and Deputy Co-ordinator
- 9 police officers including a senior officer, station Inspector, 2 case markers, a custody Sergeant (duty officer) and 4 community officers
- 3 Procurators Fiscal
- 2 Reporters to the Children's Hearings System
- 3 clerks to the Court
- 10 social work managers and practitioners including the Criminal Justice Managers in North and South Lanarkshire, the co-ordinator for young people at risk/youth justice, a senior social worker; 5 social workers (2 based in South Lanarkshire and 3 in North Lanarkshire) and the court social worker
- 5 defence agents who had represented clients in the Youth Court
- employees of 2 non-statutory organisations working with young people involved with the Youth Court

#### **Airdrie: first rounds of interviews**

- 4 Sheriffs from Airdrie Sheriff Court
- the clerk and sheriff clerk
- the Youth Court Co-ordinator and Deputy Co-ordinator
- 9 social work managers and practitioners (including the Children and Families and Justice Manager, Youth Justice Co-ordinator, court social worker and 6 social workers)
- 3 Procurators Fiscal
- 5 police officers
- one Reporter to the Children's Hearings System
- 5 defence agents

### **Airdrie: second round of interviews**

- 4 Sheriffs
- the clerk
- the Youth Court Co-ordinator and Deputy Co-ordinator
- 9 social work staff (including the Depute Head of Social Work Services; the Youth Justice co-ordinator for Lanarkshire, 2 court social workers, 3 youth justice social workers and 2 group workers)
- one reporter to the Children's Hearings System
- 3 Defence Agents
- 2 Procurators Fiscal
- 10 police officers (including 2 duty officers, 2 case management officers, a Chief Inspector, a Superintendent, 2 community officers and 2 court officers)

## EXISTING AND PLANNED SERVICES: NORTH LANARKSHIRE

- **OINTOC (Offending Is Not The Only Choice)** – Intensive 13 week individual or group cognitive behavioural programme focussing on recognition of problems, problem solving, examining options and consequences, lifestyle choices, thinking morality, dilemmas and victim awareness. Provided by Community Alternatives, Coatbridge since May 2005.
- **Rushes** –Provides information, advice and support for young people to reduce problematic use of drugs and or alcohol. Based in Bellshill. Social work resource, mainline funded since 2000.
- **DROP programme (Drink Related Offenders Programme)** – A 10 week harm reduction programme which focuses on the criminogenic implications of alcohol use. Provided by Community Alternatives, Coatbridge since October 2005.
- **Placement Coach Services** - Offers support to motivate and facilitate young people to uptake employment opportunities and training. Provided by Community Alternatives, Coatbridge since May 2005.
- **A remand fostering scheme** – Offers support in living arrangements to young people placed on remand by the court. Social work resource, funded since 2004.
- **Family group conferences** –Restorative and supportive meetings including the victim or their representative, the offender and their family. To facilitate identifying problematic issues and engendering discussion. Provided by SACRO.
- **Restorative Justices Services** – integrated with the Community Service Order scheme, this will provide individual and group work programmes and restorative placement opportunities to young people whose orders include a condition of community reparation.
- **Video Interactive Guidance** – working with parents and young people where relationships are stressed or broken down. The project will build upon and enhance positive interaction between parent and young person.
- **INCLUDEM** – an intensive all hours support service for young people.
- **Anger Management Programme**
- **Active Steps programme** – Promotes positive behaviour to help tackle truancy and exclusion from school. Promotes social inclusion and improves opportunities to improve health through sporting and cultural programmes. North Lanarkshire leisure department provides application form.
- **Duke of Edinburgh Award Scheme**

- **SACRO Reparation and Mediation Scheme** – this is primarily used where the Fiscal diverts cases from prosecution to social work services, although it may be used as an element of Youth Court work.

## **EXISTING AND PLANNED SERVICES: SOUTH LANARKSHIRE**

### **1. Bail and Accommodation Support**

A service was being commissioned for those young people who require support to live in the community. Expressions of interest had been sought from interested providers. The service was expected to become available during Autumn 2003, however local political opposition to the plans had delayed the introduction of this service.

### **2. Intensive Support Services**

South Lanarkshire Council already commission INCLUDEM to provide services to chaotic young people who need support outwith normal working hours and who are at high risk of custody, secure care or residential school. The average cost per placement is £5,200. This service has been in place since 2000. It works with 58 young people (contracted numbers on a year by year basis for both North and South Lanarkshire) but the cumulative number of actual service users will be less as some young people require more than a year's input.

### **3. Pathway**

Pathway has been developed by the Youth Justice Board and offers a structured approach to working with young people who offend. South Lanarkshire staff intended it to be used with young people subject to a probation order or structured deferred sentence.

Pro-social Action & Thinking Way provides a comprehensive modular cognitive-behavioural programme to address offending behaviour. It can be delivered either to individuals or groups. The programme is suitable for the 10-18 year old range. There are over 70 sessions in total, but each module can stand alone to enable flexibility in delivery. The modules are:

*working it out* – 10 sessions which use the ideal building block approach to enable young people to develop skills in problem solving – consequential thinking, information gathering, decision making, etc.;

*learning new skills* – social skills training, providing young people with the opportunity to develop the essential pro-social life skills necessary for the improvement in interpersonal relationships;

*thinking things through* – 10 sessions to facilitate skills in social perspective taking, values enhancement, understanding attitudes and skills in self regulation;

*considering others* – 10 sessions to teach skills which underpin empathic thinking and behaviour;

*working with others* – sessions to develop co-operation with others, followed by project work to engage in and practice pro-social behaviours, which provides the opportunity for youth justice teams to develop links between the programme and other areas such as work with families, mentoring and reparation.

#### **4. Restorative Justice**

Restorative Justice is expected to form an integral part of work with young people. There are different forms of service available:

- SACRO Reparation and Mediation Scheme: operational from 2002, this work is normally undertaken as diversion from prosecution for low-risk offenders, but in the context of the Youth Court could be used as part of programmed activity. It involves the young person (subject to the victim's agreement) providing some form of reparation directly or indirectly to the victim. The average cost of an intervention is £800. In 2002-03, 49 young people completed a programme.
- Community Service: this can be a specific disposal of the court. A community service resource assistant will develop options relevant to young people, and will work alongside the Youth Court social workers to develop appropriate in-house reparative packages as part of programmed activity.
- Giveback: is a scheme developed by INCLUDEM, which aims to raise victim empathy and involve the young person in appropriate reparative activities. It is aimed at the most persistent and chaotic group of young offenders.

#### **5. Befriending, Mentoring and Throughcare**

This service will be commissioned from the independent sector. It recognises that young people can desist from offending when involved in programmed activity but may require support to sustain pro-social behaviour after completing the order. The aim of this service is to support social inclusion – encouraging young people to engage in community based activities including positive use of leisure, employment, training and education.

#### **6. Support to Parents and Carers**

South Lanarkshire Council is developing appropriate support services to parents which will also be available, where relevant, to those appearing before the Youth Court. As part of the wider development of family support services, young people who themselves are parents will also have access to relevant support services.

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