

Early and Effective Intervention Framework of Core Elements

January 2015

EARLY AND EFFECTIVE INTERVENTION

FRAMEWORK OF CORE ELEMENTS

Introduction

This report was commissioned by the EEI Champions Group, under the direction of the national Youth Justice Strategic Group. As part of the work of the EEI Champions Group an EEI practitioner event was held in January 2013. The event demonstrated the positive benefits from EEI since its introduction. However, it also highlighted areas where practice differed across the country and areas where further work was required. Taking the learning from this event, the EEI Champions Group commissioned three short life working groups to look at certain aspects of practice across the country. This report outlines the findings of one of those groups which was commissioned to identify what should constitute a minimum standard for EEI practice.

The aim of the framework is to clearly set out the minimum expectations for the effective delivery of EEI in order to enable services to meet the objectives of EEI. It is recognised that there is much variety in the local delivery of EEI which cannot be fully reflected in a national set of core elements. Nevertheless, there is wide agreement that a framework of core elements is required in order to provide a shared language and where possible a commonality of processes.

As a reference point for the development of the Core Elements, it is important to set out the guiding principles and objectives of EEI that the short life group based their work on.

Principles of EEI

EEI is a key element of the wider Whole System Approach. The aim of the approach is to reduce offending by young people under the age of 18. For EEI to be effective it should be aligned to the principles of Getting it Right for Every Child (GIRFEC). It should enable timely and proportionate responses to offending behaviour by children and young people that places this behaviour in the holistic context of the child or young person's world. It should complement the statutory responsibilities of the Named Person once they have been implemented in August 2016, and provide an effective multi-agency information sharing, assessment, and decision making forum, that focuses on the needs of the child or young person. EEI should also fulfil the aspirations of the United Nations Convention on the Rights of the Child, which promotes a child centred approach to offending and the maximisation of opportunities to be diverted from formal judicial processes. EEI should not lead to unnecessary interventions into the lives of children and young people and where possible identified needs should be met through universal services including education, health and employment/training. Given the potential impact that offending can have on the lives of young people, their families and the wider community, it is important that EEI strives to provide a clear, consistent and credible response to such behaviour. Ultimately, it should lead to improved outcomes in the lives of the children and young people.

Objectives of EEI

The main objectives of the EEI process:

- To prevent/reduce offending by children and young people
- To respond as quickly as possible to offending behaviour by children and young people
- To undertake a multi-agency, proportionate and holistic assessment of need and to identify the most suitable response

- To provide clear information to children, young people, and families on the purpose of EEl
- Where appropriate to keep victims informed of the outcome of the EEl process
- For more young people to have their needs met through access to universal services
- To reduce unnecessary offence based referrals to SCRA
- To ensure that the most appropriate referrals reach statutory agencies thereby freeing up agency resources to focus on higher need/risk cases

Framework of Core Elements

NB It must be noted that Police Scotland is currently carrying out a review of their Standard Operating Procedures for youth justice with a view to establishing national practice. As a consequence Police Scotland are not in a position to agree any changes at this time. The recommendations relating to Police practice in the below table are subject to the outcome of the current review and may not form part of current local processes. Once this review has been completed this Framework will be updated to reflect their agreed national standards for EEI.

Stage in Process	Core Element (responsible agency)	Minimum Standards	Time scales
Alleged Offence	Police - Offence has been committed and young person has been charged	<p>There should be a sufficiency of evidence to charge and proceed, which will be ratified through robust police internal scrutiny.</p> <p>Police will decide on suitability for Formal Warning as the primary response to offence, provided that appropriate system checks are carried out. This can be reviewed and progressed to EEI if appropriate.</p> <p>Fixed Penalty Notices (FPN) should not be used at time of charge. The decision to issue a FPN should be made only after the consideration of the young persons need as part of the EEI process. Currently the use of FPNs for 16-17 year olds lessens the opportunity of being referred to EEI and their needs being considered.</p> <p>(As noted above Police Scotland is currently reviewing their Standard Operating Procedure (SOP) around youth justice with a view of establishing national practice. In the event Police Scotland agree not to issue FPN for 16 and 17 year olds at time of charge, it is essential that local partnerships are capable of offering a credible alternative intervention).</p>	
Suitability of offence for EEI	Police - Decision made as to the suitability for EEI based on the gravity of offence	<p>It is fully the responsibility of the police to determine the suitability of the offence to be referred to EEI based on the gravity. All offences should be considered for EEI unless excluded through one of the following criteria:</p> <ul style="list-style-type: none"> • For under 16s – Lord Advocate 	

		<p>Guidelines for jointly reported cases.</p> <ul style="list-style-type: none"> • 16-17 – COPFS guidelines. • Police guidance for immediate referral to Reporter. 	
Notification and Consent	<p>Young person should understand that a referral is being made to EEI</p>	<p>Police should explain to child and parent that the case may be referred to EEI and what this process involves. Partners should have appropriate information leaflets for this purpose.</p> <ul style="list-style-type: none"> • Young person must be charged in person. • Under 16 parent/carer must be notified. • Consent to an EEI referral is not required but is preferable. • Initial denial of the offence should not prevent the offence being referred. • Consenting to EEI referral is not an admission of culpability however, the young person's attitude to being charged will form part of the assessment. • Where possible the young person should understand what EEI entails. • Each young person involved in offending behaviour should be informed that information will be shared with partners. • Views of the child should be sought where a targeted intervention is proposed. 	
SCRA Checks	<p>Police - is young person on CSO, or subject of an open referral?</p>	<p>Police should obtain this information from SCRA. There should be clear systems in place for this information to be readily available on request.</p> <p>If the child or young person is the subject of an open referral the police should submit an SPR2 to SCRA (and PF if over 16).</p>	<p>Information to be shared by next working day</p> <p>As per police standards</p>

<p>Role of the Named Person</p>	<p>Named Person must be central to EEI decision making process</p>	<p>Named Person will be notified by police of the alleged offence and associated wellbeing concerns. See relevant CYCJ information sheet on Children and Young People (Scotland) Act 2014 including implementation dates.</p> <p>EEI decision making models will vary however decisions and planning will be guided by information held by the Named Person.</p> <p>Where multi-agency EEI groups are established any decision to offer an intervention must form part of a Single Child's Plan. The Named Person will agree the appropriate Lead Professional to manage the plan where required.</p> <p>Where formal meeting structures are not in place, the Named Person / Lead Professional may convene a multi-agency planning meeting (Child's Plan Meeting) to address the alleged offending behaviour and associated wellbeing concerns. With regard to offence based concerns, it is important that any such arrangements should reflect the principles of EEI and these Core Elements.</p>	
<p>Children on Supervision</p>	<p>Referral to SCRA</p>	<p>Young people on Supervision will have a Lead Professional and an existing Child's Plan which should be reviewed in response to offending behaviour.</p> <p>If a child is subject to a CSO, there is a presumption that the child will be referred to the Children's Reporter in relation to the offence. However this presumption may be rebutted if, due to the very minor nature of the offence it is decided that either no further formal action or police direct measures is the appropriate response.</p> <p>In any other circumstances, the presumption should apply and the child should be referred to the children's reporter.</p>	
<p>Decision Making</p>	<p>Frequency</p>	<p>Decisions regarding children who offend must be made timeously if they are to be effective.</p>	<p>15 working days from child being charged to</p>

		<ul style="list-style-type: none"> • Number/nature of exclusions • Additional support needs • Knowledge of family/carers and any concerns over attitudes or engagement with school staff • Response to any previous EEI interventions • Wellbeing assessment. Strengths and Concerns <p>Health</p> <ul style="list-style-type: none"> • Any relevant mental or physical health diagnoses • Details of any previous or current treatment or support required – in particular relating to mental health or substance abuse • Wellbeing assessment. Strengths and Concerns <p>Community Safety/Anti-social Behaviour Services</p> <ul style="list-style-type: none"> • Any historical concerns regarding young person • Response by young person and their family to services • Any current and relevant information re community issues • Response to any previous EEI interventions <p>Non-core Where local resources and arrangements allow, other service providers should be considered for potential membership of the multi-agency group, for example: Community Education, Training /Employment Services, Specialist /3rd Sector providers.</p>	
<p>Multi-agency decision making</p>	<p>Shared decision based on available information</p>	<p>Local arrangements should reflect the importance of EEI decision making as being a multi-agency responsibility. Assessment of the young person should be based on the GIRFEC national practice model. It should be holistic and needs led, while also being proportionate to the gravity of the alleged offence and level of concerns for the young person.</p> <p>It is essential that information is shared where it is proportionate and justifiable to do so and in accordance with existing legislation and guidance.</p>	<p>If referral to SCRA/PF is one of the decisions of the group, this should be done within 5 working days</p>

		engage with services offered. If the relevant agency has new/on-going concerns over the wellbeing of the young person then these must be reported to the Named Person / Lead Professional/ SCRA if required.	
Communication of outcomes	With Young Person, Parent /Carer Named Person and Lead Professional where relevant	Child/parents or young person should be notified in writing the outcome of the EEI referral. Outcome of EEI process should be reported to the victim unless the provision of the information would be detrimental to the best interests of the child concerned in, or any other child connected with the case. All decisions must be fully documented in the chronology / child's plan held for that Young Person by the Named Person / Lead Professional.	Within 5 working days
Performance	Process data collection Impact of EEI decision making	As per requirements of Scottish Government under Whole System Approach. This will capture information relating to number of young people, processed through EEI etc. Service providers commissioned and contracted by Local Authorities will be under a duty to share concerns with the Named Person therefore outcomes / results of interventions must form part of on-going assessment and planning.	

Glossary of Terms

CAMHS – Child & Adolescent Mental Health Service

COPFS – Crown Office & Procurator Fiscal Service

CSO – Compulsory Supervision Order

FPN – Fixed Penalty Notice

GIRFEC – Getting it Right for Every Child

LA – Lord Advocate

SCRA – Scottish Children’s Reporter Administration

SOP – Standard Operating Procedures

SPR2 - Standard Prosecution Report

UNCRC – United Nations Convention on the Rights of the Child



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