

# **Early and Effective Intervention - Framework of Core Elements**

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# Early and Effective Intervention - Framework of Core Elements

## Introduction

Core elements for Early and Effective Intervention (EEI) have been available since 2015. This updated version was commissioned by the Youth Justice Improvement Board's Advancing Whole System Approach (WSA) Implementation Group and is intended to reflect current practice, taking into account new research, changes in practice and legislation since the original document was published. The aim of this framework is to clearly set out best practice for the effective delivery of EEI in order to enable services to meet its objectives. It is recognised that there is local variation in the delivery of EEI which allows a local area to focus on their own priorities, and this cannot be fully reflected in a national set of core elements. However, there is wide agreement that a framework of core elements is required to provide a shared language, a shared intent and where possible a consistent approach.

The Children and Young People's Centre for Justice [practice guide](#) details the legislation and policy which supports youth justice practice in Scotland and will complement this framework of core elements. In addition to this the [Young Person's Journey](#) provides helpful background information on the Youth and Criminal Justice System in Scotland. Effective partnership working is crucial to the success of EEI, which aims to support positive outcomes for children. The core elements are for all individuals and organisations working with children who may meet the criteria for consideration via EEI.

EEI was developed as a mechanism to support children who came to the attention of the police for offending. Children's Services Planning as specified in the Children and Young People (Scotland) Act 2014 and subsequent guidance, makes it clear that the Children's Services Plan should "ensure that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising."<sup>1</sup> The age of criminal responsibility in Scotland will rise to 12<sup>2</sup>. The behaviour of children under the age of 12 will, on occasion, still be anti-social, cause a nuisance or harm, or be of concern so that intervention is required. For the benefit of local service delivery plans, and the benefit of individual children who require support, the scope of EEI should widen to include the concerning and harmful behaviour of children aged under 12 years<sup>3</sup>.

EEI must be an effective intervention to support children and understand the behaviours which have led to the referral to EEI and not simply a disposal option. The implementation and application is in line with the United Nations Convention on the Rights of the Child (UNCRC) Article 40 3 (b) that whenever appropriate and desirable, State Parties should establish measures for dealing with children in conflict with the law without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

The youth justice strategy [A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities](#), the Whole System Approach (WSA) and Getting it Right for Every Child (GIRFEC) provide the overarching policy frameworks for

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<sup>1</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/12/statutory-guidance-part-3-childrens-services-planning-children-young-people/documents/00512307-pdf/00512307-pdf/govscot%3Adocument/00512307.pdf> para 56.

<sup>2</sup> Expected by the end of 2021.

<sup>3</sup> The response from policing cannot change until the Age of Criminal Responsibility (Scotland) Act 2019 is fully commenced. While the scope of EEI can be widened now, the new duties on Police Scotland will only come into effect when Part 4 of the 2019 Act is implemented.

youth justice practice in Scotland. GIRFEC provides a consistent way for people to work with children and their families. It supports families by making sure children receive the right help, at the right time, from the right people. The aim is to help children to grow up feeling loved, safe and respected so that they can realise their full potential.

### The GIRFEC approach:

- **is child-focused** - it ensures the child and their family are at the centre of decision-making;
- **is based on an understanding of the wellbeing of a child in their current situation** - it takes into consideration the wider influences on a child and their developmental needs when thinking about their [wellbeing](#), so that the right support can be offered;
- **is based on tackling needs early** - it aims to ensure needs are identified as early as possible to avoid bigger concerns or problems developing;
- **requires joined-up working** - it is about children, parents, and the services they need, working together in a co-ordinated way to meet the specific needs and improve their wellbeing;
- **offers a clear contact person** for children and parents who may need advice, information or support to access services;
- **offers a personalised child's plan** when a child needs a range of extra support to be planned, delivered and co-ordinated.

### Aim of EEI

EEI aims to respond to children who come to the attention of the Police for offending, concerning or harmful behaviour. The overall aim is to improve the outcomes for children by ensuring proportionate responses that are right for the child, at the right time. EEI is underpinned by the principles of GIRFEC and the UNCRC. Children who come to the attention of the Police as a result of risk or vulnerability will be dealt with through processes already in place in local authorities. The risk and concern hubs should identify when EEI may also be the most suitable route for these children.

The UNCRC sets out the fundamental rights of children. Article 12 clearly outlines children who are capable of forming their own views and have the right to express those views freely in all matters affecting them. Children's voices must be heard in relation to matters that affect them and they must be supported to be heard at all stages within the youth and criminal justice system, which includes EEI.

### Objectives of EEI

The main objectives of early & effective intervention:

1. Provide a timely and proportionate response to offending, concerning and harmful behaviour by children.

2. Provide clear information to children and families on the purpose of EEI.
3. When responses and interventions are necessary they must be child centred, based on holistic assessment of need and risk and in the best interests of the child in line with GIRFEC and the UNCRC.
4. Consideration must be given to the child's wellbeing and their views must be obtained and considered, alongside the views of the wider family and community.
5. Information must be shared proportionately and in accordance with legislation.
6. Where appropriate the victims of crimes should be informed about the outcomes of any formal charge or process.

In addition, EEI should consider the wider context for the child, and the following should be considered:

1. Where the child is not already subject to a Compulsory Supervision Order (CSO) or an open referral to the Children's Reporter then a referral to the Children's Reporter should be made, when the statutory criteria for referral are met in a child's case. Guidance on this is available at: <https://www.chip-partnership.co.uk/wp-content/uploads/2016/02/Guidance-on-Referral-to-Reporter-.pdf>
2. The [Lord Advocate's Guidelines](#) to the Chief Constable on Reporting to Procurators Fiscal of offences alleged to have been committed by children are to be followed before jointly reporting children to the to the Crown Office and Procurator Fiscal Service (COPFS) and the Children's Reporter.
3. Services and interventions to address specific behaviours and/or to provide support should be provided where they are required, whether or not the Police report an offence or incident to the Children's Reporter and/or Procurator Fiscal.
4. Behaviour by children aged 16 and 17 can be subject to EEI as an alternative to reporting to the Procurator Fiscal, if the child is not a "child" for the purposes of the Children's Hearings (Scotland) Act 2011 (i.e. they are not the subject of a CSO, an open referral to the Children's Reporter, or an open remit to a children's hearing by a criminal court).

## **Police Scotland and Children**

Police Scotland produced the Offending by Children Standard Operating Procedure (SOP) which provides guidance to police officers on the investigation, recording, referral and reporting of offences committed by children (under 18 years of age). Whilst the SOP recognises all under 18s as children, in line with Scottish Government position and the UNCRC, there are different levels of legal mechanisms to address behaviour of children, depending on their age and legal status and the seriousness of the offence they are suspected of committing.

The introduction of the Criminal Justice (Scotland) Act 2016 ("the 2016 Act"), brought about significant reform to the criminal justice system, protecting the rights of suspects, whilst also equipping the police with the necessary powers to carry out their role of investigating and detecting crime. Section 51 of the 2016 Act provides a duty to consider a child's (all persons under 18) wellbeing in respect of arrest, holding in police custody, interviewing and charging with an offence. Officers must treat the need to safeguard and promote the wellbeing of the child as a primary consideration. This is not the only consideration and must be balanced against the need to fully investigate crimes, the requirement for ethical recording of crimes (in line with the Scottish Crime Recording Standards) and the needs and rights of victims.

## Information Governance

Local partnerships must have in place governance arrangements to ensure regular review and monitoring of EEI decision making processes and any interventions that are put in place as a result. Information sharing protocols to support lawful sharing of information amongst all involved partner agencies are crucial. It is expected that the standards outlined below are supported by clear governance arrangements in each local partnership area.

## Standards

Stage	Responsible Agency & Core Element	Minimum Standard	Supporting Guidance
Offending, concerning or harmful behaviour identified	Police Scotland –Crime or harmful behaviour reported and child is alleged to be responsible	<ul style="list-style-type: none"> <li>• To be reported there must be sufficient evidence that the child is responsible for the crime or harmful behaviour.</li> <li>• If EEI is an option Police must explain to the child and their parent/carer (if child under 16 years or subject to a CSO) that they may be referred to local partnerships to respond to the child’s needs.</li> <li>• Involved agencies should have easy to access information which clearly explains EEI.</li> <li>• Initial denial of the crime or behaviour should not prevent the child being considered for EEI. A child should only be referred to the Children’s Reporter if there is evidence that it might be necessary for a compulsory supervision order to be made in relation to the child.</li> <li>• The child’s views must be obtained and recorded within the relevant police report.</li> </ul> <p>Police Scotland will only share information where it is lawful and when it is necessary, proportionate and justifiable to do so and in line with information sharing agreements.</p>	<a href="#">Police Scotland Offending By Children Standard Operating Procedure</a>

Stage	Responsible Agency & Core Element	Minimum Standard	Supporting Guidance
Child's Legal Status	All EEI partners – Consideration of child's legal status	<p>If the police or EEI partners are aware a child is subject to a CSO or an open referral to the Children's Reporter then a referral to the Children's Reporter should be considered. EEI should still be considered alongside the referral if it provides an appropriate response to the offending or harmful behaviour incident. Upon request SCRA can confirm whether a child is subject to a CSO or open referral.</p> <p>If the child is subject to a CSO or an open referral to the Children's Reporter, there is a presumption that they will be referred to the Children's Reporter in relation to an 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. Children on a CSO will have a Lead Professional and an existing Child's Plan which should be reviewed in response to offending or harmful behaviour.</p> <p>A child aged 16 or 17 and subject to a CSO or open referral to the Children's Reporter, would normally be jointly reported to COPFS and the Children's Reporter as required by the Lord Advocate's Guidelines. However, if the offence falls within the Framework on the use of Police Direct Measures and Early and Effective Intervention for 16 and 17 year olds, the offence should be reported to the Children's Reporter alone.</p> <p>Continued/</p>	<p><a href="#">Lord Advocate's Guidelines to the Chief Constable on the Reporting to Procurators Fiscal of offences alleged to have been committed by children (2014)</a></p>

Stage	Responsible Agency & Core Element	Minimum Standard	Supporting Guidance
		<p>Again this presumption may be rebutted for children aged 16 and 17 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>	
EEI Decision Making	All EEI partners – Outcome of EEI	<p>Decisions must be made timeously if EEI is to be credible and effective. It is recommended that EEI decisions are made within 10 working days of a police report being produced.</p> <p>EEI should ensure that relevant core agencies are involved in decision making. It should also include the child and parents either physical attendance or clear expression of their views and decision whether to participate or not.</p> <p>Core agencies include Police, Social Work, Scottish Fire and Rescue Service, Education, Health, Community Safety/Anti-Social Behaviour Services. Those involved in the process must have the necessary level of authority to provide agency information and action requests for additional support either directly or on behalf of others.</p> <p>Information sharing protocols must be in place to support lawful information sharing.</p> <p>There are two key decisions, with additional options in relation to decision (2):</p> <p>1) Whether to refer the child to the Children’s Reporter and/or COPFS.</p> <p>Continued/</p>	<p><a href="#">CYCJ Practice Guidance – EEI and Diversion Chapter</a></p> <p><a href="#">GIRFEC National Practice Model</a></p>

Stage	Responsible Agency & Core Element	Minimum Standard	Supporting Guidance
		<p>2) What support or intervention, if any, the child requires.</p> <p>a) No action.  b) Police Direct Measures.  c) Single Agency Response/Referral – via social work, education, health etc.  d) Referral to a targeted intervention such as restorative justice, fire service programme, training and employment or substance use service.</p> <p>Where appropriate, identified intervention &amp; supports should progress and do not need to wait for the outcome of any referral.</p>	
Information to Support Decision Making	All EEI partners - Lawful and proportionate information sharing	<p>Involved partners must use their professional judgement and only share information which is proportionate and relevant to the concerns identified. This should include:</p> <ul style="list-style-type: none"> <li>• Behaviour which triggered police contact.</li> <li>• Impact of the behaviour on any victims.</li> <li>• Child and parent/carer response.</li> <li>• History/pattern of behaviour.</li> <li>• Level of contact with community safety services or involvement in issues of anti-social behaviour.</li> <li>• Previous decisions regarding behaviour and details of outstanding matters.</li> <li>• Current and past professional support, level of engagement and effectiveness.</li> <li>• Legal status.</li> </ul> <p>Continued/</p>	<p><a href="#">National Guidance for Child Protection in Scotland - 2014</a></p> <p><a href="#">Information Commissioners Office (ICO) – Conditions for Sensitive Processing</a></p> <p><a href="#">ICO – Lawful Basis for Processing Criminal Offence Data</a></p>

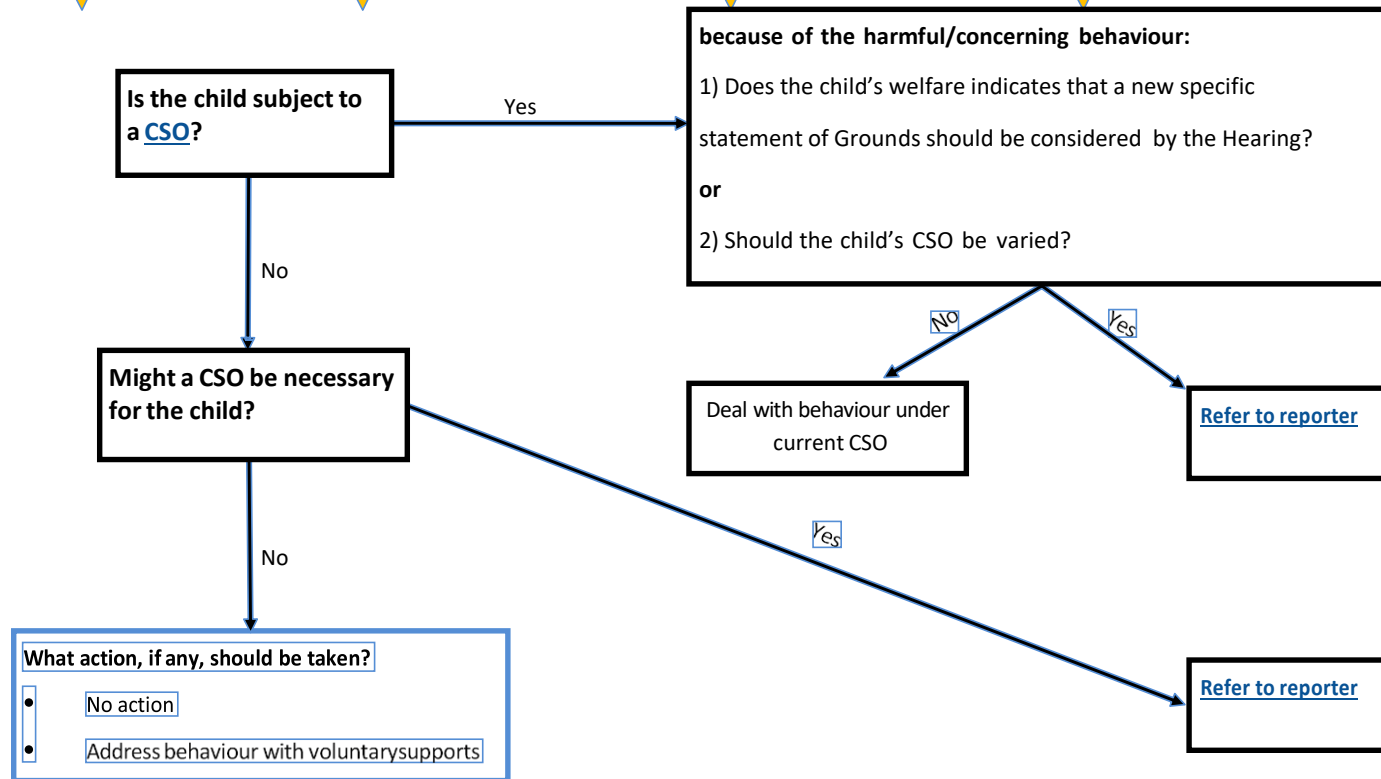


Stage	Responsible Agency & Core Element	Minimum Standard	Supporting Guidance
		<ul style="list-style-type: none"> <li>• Relevant strengths and concerns detailed in the child’s assessment and plan (if there is one).</li> <li>• Attendance and engagement with education, including periods of exclusion and supports in place or available.</li> <li>• Relevant mental or physical health assessment or diagnosis and response to treatment.</li> </ul> <p>Where information indicates that a child is at significant risk to themselves or poses a significant risk to others then child protection and/or Care and Risk Management process must be followed dependent on the nature of the risk.</p>	
Outcome	All EEI partners - Communication of Outcomes	<p>Children and parents/carers should be notified in writing of the outcome of EEI within 10 working days. Where additional supports are being offered the details of the main point of contact should be provided. The responsibility for this task must be clearly outlined in the local governance arrangements.</p> <p>Identified victims should be given information about what has happened in their case by the police or the children’s reporter, in line with legislation.</p> <p>Where appropriate, decisions must be fully documented in the chronology/child’s plan.</p>	
Review	All EEI partners – Review and monitoring	To support internal monitoring and evaluation of EEI a review of cases or a sample of cases at 6 month intervals will support learning and best practice.	

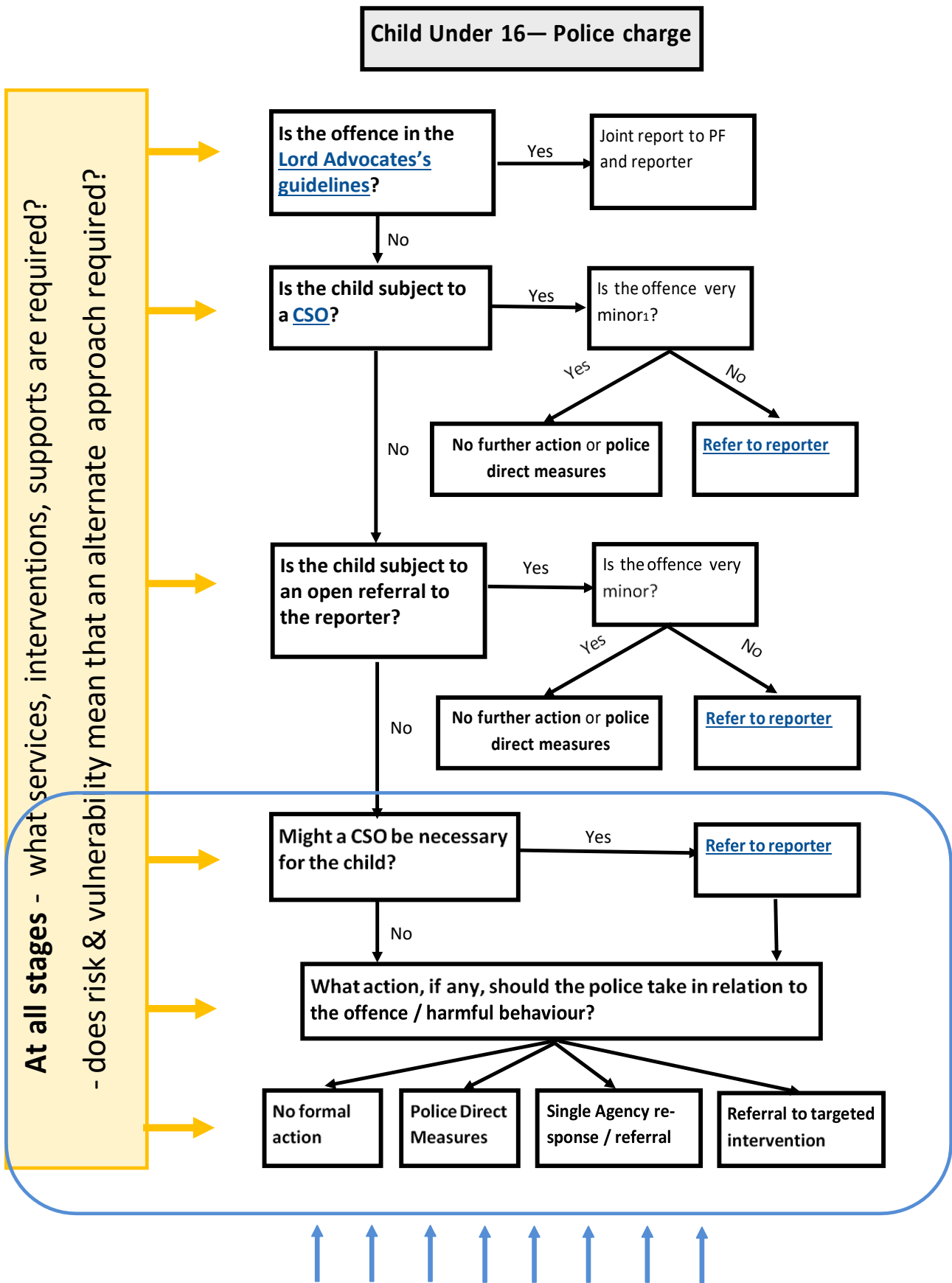
Stage	Responsible Agency & Core Element	Minimum Standard	Supporting Guidance
Performance	All EEI partners – Data collection and analysis	<p>To support local and national monitoring of EEI, data collection is essential. All cases considered by EEI and the outcomes, including any disposal codes, must be accurately recorded.</p> <p>Child - Age, gender, legal status and number of times previously discussed at EEI in 12 month period.</p> <p>Offence – Offence (by category), date of offence and date considered by EEI.</p> <p>Response - Decision of EEI and reasons for decision. Date intervention started, concluded and outcome.</p>	

**Under 12 – Harmful and / or concerning behaviour**

**At all stages - what services, interventions, supports are required?  
- does risk & vulnerability mean that an alternate approach required?**



**EEI involves Police & partners making the decisions in the blue box**



1 — The offence is so minor that either no further formal action or police direct measures is the appropriate response.

**Young person aged 16 or 17 - Police Charge**

Is the offence in Category 3 of the [Lord Advocates's guidelines](#)? i.e. is the young person a "child" as defined in s.199 of the 2011 Act?

Yes

No

Yes

No

No

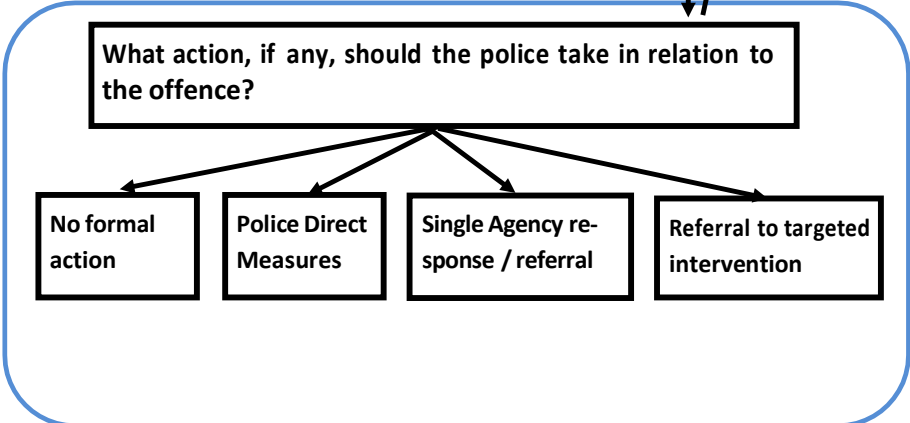
Yes

Refer to reporter only (as per page 2 of the [Lord Advocates's guidelines](#))

Joint report to PF and Reporter (as per Category 3 of the [Lord Advocates's guidelines](#))

Report to PF only

EI considered, but PF referral determined as appropriate response



EI involves Police & partners making the decisions in the blue box

**At all stages - what services, interventions, supports are required?**  
 - does risk & vulnerability mean that an alternate approach required?



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