

## **Comments from SCRA on draft of Multi-agency Early and Effective Intervention – Good Practice Implementation Guidance**

These comments supplement, and in places refer to, our comments on the predecessor of this draft document, “Early and Effective Intervention – Practice Guidance” (submitted on 11 May 2009).

We welcome the fact that many of our earlier comments have been accepted, and that this draft has a much more practical focus than the previous one. However, we are concerned that, in amending the earlier draft, a number of important statements have been removed.

Our comments on this draft focus on more general issues rather than the detail of the text. Given the time available, it has not been possible to provide many comments on the details.

### **General Issues**

1. The draft guidance places significant reliance on the findings of the evaluation. However as the evaluation is not completed and we have not seen a draft, it is very difficult to comment on the detail; until we have seen at least a draft of the evaluation we would want to reserve our position in relation to these points. It is also relevant to note that we are still awaiting details of some anonymised cases in order to provide information for the cost-benefit analysis in the evaluation.
2. Our view is that this guidance should focus only on responding to offending by children and should not refer to dealing with non-offending cases. Although we want to support the development of approaches that provide an early and effective response to other concerns about children (the Ministerial Task Group’s work in 2007 being an example of this), we do not think that this document is an appropriate vehicle for doing so due to:
  - The overall context for work being the Youth Offending framework;
  - Other work in relation to responding to non-offending concerns (for instance the Highland and domestic abuse pathfinders and Getting it Right generally) must be considered in producing national guidance on responding to such other concerns;
  - Most of the document is very specific to issues relating to offending – it would need considerable redrafting if it was to apply equally to other concerns.
3. This draft repeats the views that compulsion arises when other options have been exhausted and that referral to reporter is an alternative to services being offered. As noted in paragraphs 2 and 4 of our previous response, we do not agree that this is the case.
4. In seeking to create a more practical document, the result is one that is very heavy on the process involved. However it now leaves unanswered a number of critical questions :

- What outcomes are being sought and crucially, for whom? The previous draft referred to achieving beneficial change in the lives of children in trouble, helping children to change their behaviour, diverting children and young people away from offending behaviour and said that these should be set in the context of meeting the wider needs of the child.
  - What are the essential features of any responses to offending behaviour that are put in place? The previous draft said they should:
    - Relate directly to the needs and behaviour of the child or young person,
    - Take account of the impact on others, and make reparation and restoration where appropriate,
    - Support parental and child responsibility,
    - Be appropriate, proportionate, timely and fair
  - What is the connection between any intervention offered following the EEI group and the child's plan, recognising that it is a central feature of GIRFEC that there should only be one plan?
  - What are the principles that should be applied in decision making? The previous draft helpfully referred to principles of the Children (Scotland) Act and GIRFEC.
  - What are the criteria for a referral to the reporter? As requested in the previous draft we provided some text on the factors to be taken into account in considering the need for compulsion.
  - What should be provided to victims (particularly child victims) as a result of the EEI group's work? The previous draft said that they should be given information. Our previous response (at paragraphs 31 and 32) should be referred to in this regard. The absence of any mention of victims within the document is not consistent with Victim and Community Confidence strand of Framework.
5. We welcome the fact that phrases such as “an obvious need for compulsory measures” and “compelling reasons indicating that there is a need for compulsory measures” are no longer in the document. However, we repeat comment 1 in our previous response that a “likely need for compulsion” would be the appropriate wording to be used – whilst recognising that the legislation refers to a “reasonable cause to believe that compulsory measures of supervision may be necessary” the language may appear too legal for this document.
6. In his email of 19 January 2009 summarising the issues that the Best Practice Forum wanted to see in this guidance, George Nedley referred to information gathering and sharing. He makes the comment that this should ensure “compliance with data protection and the Government Protective Marking Scheme”. We agree with this and therefore would say that further thought should be given to:
- the first paragraph on page 11, in particular the information security requirements (how such information is used, kept, etc) as this information will be sensitive personal data.
  - The 2<sup>nd</sup> paragraph on page 14.

## **Detailed comments on the text**

7. The possibility of taking no further action at each stage of the process has been recognised before. In providing an overview of the process at page 4, it is important that this possibility is acknowledged.
8. In the section “Establish a conflict resolution process” on page 14 the document appears to envisage that a child may be referred to the reporter with a view to resolving a conflict between agencies as to what intervention should be put in place for a child. The purpose of referral to the reporter should be to consider the need for compulsory measures (or a change in compulsory measures if the child is already subject to a supervision requirement), not to resolve conflicts between agencies.
9. As is acknowledged at page 9, information from Referrals Administration Database (RAD) is obtained through contacting our staff. In order to avoid creating any confusion as to whether another agency can directly access RAD, it might be preferable to delete any specific reference to RAD, and instead simply refer to information from SCRA or the reporter. The most relevant information to be obtained from the reporter is whether the child is currently the subject of a supervision requirement or an open referral (as both should give rise to a presumption that the child is referred to the reporter). Although we acknowledge that the information referred to at the top of page 9 only gives examples, it would be helpful to specifically refer to this information.
10. The web reference for the Lord Advocate’s Guidelines (referred to at page 10), and the full title, is available here:  
<http://www.copfs.gov.uk/Resource/Doc/13547/0000235.pdf> .
11. At the foot of page 10, a full SPR will also be required when the child is jointly reported to the PF and reporter.

**22 May 2009**