

16 and 17 year olds in the Children's Hearings System



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

Decision making on continuation of Compulsory Supervision
Orders past young people's 16th birthdays



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Executive summary

It is widely recognised that looked after young people are particularly vulnerable in their transition from being in care to independent adulthood, and that this happens at an earlier age and is more abrupt than that of their peers. Over the past 10 years, Scottish policy and legislation have developed to improve support for looked after young people in their transition to adult independence. As part of this, the Children's Hearings System is coming to be seen as a means by which more looked after young people can continue to be supported in this transition period. However, there is very little information on Children's Hearings' decision making on whether to extend young people's Compulsory Supervision Orders (CSOs) past their 16th birthdays, and on this group of young people - their needs, the risks they face and how they are supported. This research addresses these evidence gaps by examining the cases of young people approaching their 16th birthdays and Hearings decision making about them.

Research findings

This research looks at 113 young people (60 young women and 53 young men) on CSOs in 2016 who when aged between 15¾ and 16 had Hearings which decided whether or not to continue their CSOs past their 16th birthdays.

Young people's backgrounds

Young women had high rates of mental and physical health concerns – 30% had physical health issues and 60% problems with their mental health, 20% had both mental and physical health problems. 8% of young men had physical health problems and 32% mental health problems.

Almost all the young people (81%) had problems with their education, and for most this was related to poor attendance. Most (95%) were getting support for their educational problems. However, only 36% were at mainstream school on a full-time basis before they were 16 years old.

40% of young women were reported to have had used drugs and 43% alcohol; 36% of young men had used drugs and 23% alcohol.

60% of young women were reported to have been victims of offences or sexual or physical abuse - 35% had been victims of sexual abuse or offences, 37% victims of physical abuse or assaults, and 18% had been both physically and sexually abused. 26% of young men had been victims of physical abuse or assault.

26% had offence referrals when they were 15 years old.

History in Children's Hearings System

Over half of the young people (56%) were aged between 12 and 15 when their CSOs were first made; and 18% had been on CSOs for at least 10 years. Almost half (44%) first had their CSOs made on basis of grounds of lack of parental care, and 20% because of non-attendance at school.

Decision making on continuing Compulsory Supervision Order past 16th birthday

72% of young people's CSOs were continued past their 16th birthdays. These decisions followed social work recommendations that 75% of young people's CSOs should be continued. In most cases Hearings were recognising young people's vulnerabilities and the need to support them in the transition to further education and/or adult independence. For those with CSOs terminated just before their 16th birthdays, for most this was because the CSO was no longer required because the young person (and their family) would receive support on a voluntary basis and/or that the young person had addressed their problems. All of the young people whose CSOs were continued and 75% of those whose CSOs were terminated were to receive on-going supports from services after they were 16.

Conclusion

Much of the current debate on the continued involvement of young people in the Hearings System has centred on the view that Hearings decide to terminate CSOs too early. This research has shown that there is little evidence to support this and that in most cases Hearings do continue young people's CSOs past their 16th birthdays.

The young people in this study had complex lives and were exposed to risks from others and from their own behaviour. They are not a homogeneous group as current policy implies. Young men and young women faced different risks, with young women being particularly vulnerable from poor mental and physical health and abuse. Should there be a gender-based approach to policy and practice on supporting care leavers?

The factors that predict poorer outcomes for care leavers are known and were prevalent in the lives of young people in this study. Should support and planning for young people leaving care start earlier when these predictive risk factors are first apparent?

1. Introduction

In most cases, the legal definition of a 'child' in Scotland is someone aged under 16, and the Children's Hearings System mainly deals with children under 16. However, there are some young people aged 16 and 17 who are involved in the Hearings System. This may happen where they are still subject to Compulsory Supervision Orders (CSOs) made by Children's Hearings, if they had an open case which started prior to their 16th birthday, or where their case is remitted to a Hearing for disposal following conviction by a criminal court. In 2015-16¹, there were 10,379 children and young people with CSOs (SCRA, 2016), and 783 (8%) of them were aged 16 and 17².

This research on 16 and 17 year olds and their involvement in the Hearings System was carried out in two parts. The first examined the cases of young people who have had requests for advice to Hearings from the criminal courts and/or remittals from courts to Hearings in 2015-16, and is reported separately (Henderson, 2017).

This second part of the research looks at young people on CSOs who are aged between 15¾ and 16 and had Children's Hearings to decide whether or not to continue their CSOs past their 16th birthdays. These decisions are made at an important transition point in the lives of these young people and can determine whether they will continue to be looked after when they are aged 16 or leave care.

Policies and legislation to support looked after young people in their transition to adult independence

The national average age for leaving home is approximately 25, the average age at which young people leave care in Scotland is 16 to 18. The Scottish Care Leavers Covenant (2015) explains how the transition period towards independence is when looked after young people and care leavers are at their most vulnerable; that for many the leap from care to independence is just too great; and too many continue to experience problems that lead to much poorer outcomes than the general population. Over the past 10 years, policy and legislation have developed to improve support for looked after young people in their transition to adult independence.

In 2008, the Scottish Commissioner for Children and Young People's report, 'Sweet 16: The Age of Leaving Care in Scotland', highlighted the problem of looked after children leaving care too young, and it encouraged strong action to change the culture that assumed 16 as the age for leaving care. This was followed by the development of the Staying Put Scotland approach which aimed for looked after young people to enjoy a transition from care to adult independence that more closely resembles that experienced by other young people (Scottish Government, 2013).

The Children and Young People (Scotland) Act 2014 placed the aims of the Staying Put Scotland approach on a statutory basis: - Part 11 (Continuing Care) introduced reforms around continuing care and aftercare; and Part 9 (Corporate Parenting) placed new duties

¹ 1 April 2015 to 31 March 2016

² Source: SCRA's Data Warehouse

on local authorities and other corporate parents³ to ensure the best possible outcomes for care leavers into adulthood.

Children's Hearings System

That the Hearings System can provide a means by which young people can be supported in the transition to adulthood through the statutory intervention of a CSO, is receiving increasing attention.

One of the priority areas for work in the Scottish Government's Looked After Children Strategy (2015a) is that there is a planned and supported transition to independent living which meets the needs of each child and young person. One of its recommendations is that:

'Corporate parents in a position to influence young people panels should "presume against" recommending the ending of a compulsory supervision order around the child's 16th birthday unless continuing the compulsory supervision order would lead to a significant and negative impact on the young person's wellbeing'.

In addition, Scotland's Youth Justice Strategy aims for more 16 and 17 year olds to be dealt with within the Hearings System rather than the adult criminal justice System (Scottish Government, 2015b).

More recently the Review of the Child Protection System recommended that:

'The Scottish Government should review both the measures available to protect 16 and 17 year olds and whether the Children's Hearings (Scotland) Act 2011 should be amended to allow any young person aged 16 and 17 years old to be referred to the Principal Reporter where there is a need for compulsory measures' (Scottish Government, 2017a).

The Scottish Government (2017b) responded to the Review's recommendation:

'The CHIP⁴ will continue influencing work regarding the treatment of 16 and 17 year old children within the care and justice system, to introduce practice and behavioural improvements, and will consider whether further legislative change is necessary.

The Scottish Parliament's Education and Skills Committee's recent review of reforms to the Hearings System raised questions about termination of young people's CSOs close to their 16th birthdays and if more young people should remain on CSOs (Scottish Parliament, 2017a).

Purpose of this research

Despite the increasing attention on the potential of the Hearings System to help support young people in the transition to independent adulthood, there is very little information on Hearings' decision making on whether to extend young people's CSOs past their 16th birthdays. There is also little information on this group of young people - their needs, the

³ Corporate parenting is defined in the statutory guidance to the Children and Young People (Scotland) Act 2014 as: "An organisation's performance of actions necessary to uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted." <http://www.gov.scot/Publications/2015/08/5260/3>

⁴ The Children's Hearings Improvement Partnership (CHIP) is a multi-agency group chaired and co-ordinated by the Scottish Government, designed to provide a strategic overview of the Hearings System. It brings together partners from across the Hearings System. <http://www.chip-partnership.co.uk/>

risks they face and how they are supported. Available evidence mainly comes from research on young people in custody and indicates that more of them would benefit from remaining in the Hearings System when aged 16 and 17 (Scottish Parliament, 2017a; Dyer & Carter, 2017; Dyer & Nolan, forthcoming). However, most looked after young people are not involved in offending.

This research was carried out to address these evidence gaps by examining the cases of young people approaching their 16th birthdays and Hearings decision making about them. It is hoped that the evidence from this research will inform development of policy and decision making practice on looked after young people and care leavers.

Methods

The sample comprised of all young people aged 15 years with a CSO and a Hearing held between 01/01/2016 and 31/03/2016 that made a substantive decision, and was within three months of their 16th birthday (i.e. they were aged >15¾ to <16 at the time of the Hearing). That is 113 young people.

Each young person's case was separately examined using the information held by SCRA in its Case Management System (CMS). The CMS is a secure system which only trained and authorised SCRA staff are permitted to access.

The research variables covered three areas (provided in full at Appendix 1):

1. Young people's backgrounds
2. History in the Hearings System
3. Decision making on continuing CSO past 16th birthday.

Information was collected from the CMS, and was recorded in an anonymous format and held on secure encrypted systems to which only the SCRA Research Team have access. The researcher is a PVG Scheme member in respect of regulated work with children⁵. The information was collated and analysed using MS Excel.

Numbers less than five are not given in most of the tables in this report to ensure anonymity. Where the phrase 'smaller numbers' is used in the text this denotes numbers less than five.

Limitations of this research

Most of the information for this research was obtained from the documents held in the CMS. These include social work reports, police reports, school reports, reports of Hearings proceedings, CSOs, etc. It does not include information from verbal discussions during decision making, for example in Hearings.

⁵ Section 52 of the Protection of Vulnerable Groups (Scotland) Act 2007

2. Young people's backgrounds

This chapter describes the young people's backgrounds in terms of their health, involvement in education, substance use, and experience of abuse. Where information is available comparisons are made with other looked after young people and with their peers in the general population.

Protected characteristics⁶

Sixty are female and 53 are male. They are from across Scotland, with over half (58%) being from Aberdeenshire, Edinburgh, Fife, Glasgow, Highland and Renfrewshire local authority areas (Appendix 2).

Ethnicity – Most (91, 80%) were recorded as being: 'White: English/Welsh/Scottish/Northern Irish–British'; and eight (7%) as other ethnicities (information was not available for 14 young people). This similar to all looked after children, 88.4% of whom are 'White' (Scottish Government, 2017c). In comparison, 91% of children aged 0 to 15 in Scotland are White-Scottish or British (National Records of Scotland, 2015).

Disability - Fifteen of the young people (13%) were assessed as having a disability, and for seven this was a social, emotional and behavioural disability. Smaller numbers had disabilities related to learning, physical or motor impairment, other chronic disability, or had multiple disabilities. In comparison, 11.7% of all looked after children have a disability (Scottish Government, 2017c), and 2.3% of all secondary school pupils (Scottish Government, 2016d).

Health - physical and mental

Young women had high rates of mental and physical health concerns – 30% had physical health issues and 60% problems with their mental health, 20% had both mental and physical health problems. Fewer young men were reported to have physical (8%) or mental health (32%) problems (Table 1).

⁶ The Equality Act 2010 defines nine protected characteristics – age, disability, sex, gender reassignment, sexual orientation, race, religion or belief, pregnancy and maternity, and gender reassignment.

Table 1. Mental and physical health concerns

Health concerns		Female	Male	Total
Physical health	Total	18 (30%)	<5 (8%)	22 (19%)
	Chronic/inherited	8	<5	12
	Related to circumstances/ adversity**	10	0	10
Mental Health*	Total	36 (60%)	17 (32%)	53 (47%)
	Self-harm/ suicidal thoughts or attempts	22	5	27
	Emotional – impact of trauma	<5	<5	6
	Anxiety	<5	<5	6
	Others***	8	6	15
Both physical and mental health problems		12 (20%)	<5 (6%)	15 (13%)
Total with physical and/or mental health problems		42 (70%)	18 (34%)	50 (44%)
Total young people in research sample		60	53	113

*Some young people had more than one mental health concern

**Includes – morbidly obese, very poor dental health, sexual health related, stress-related conditions, anaemia, extreme head lice infestation.

***Smaller numbers had mental health problems including - low mood/depression, attachment disorder, soiling/poor hygiene, eating disorder, low self-esteem or ADHD.

This pattern of higher levels of **mental health problems** amongst 15 year old young women compared to young men is similar to general population of 15 year olds. Amongst pupils in school in Scotland, 15 year old girls are more likely to have a borderline or abnormal emotional problems score - 44% of girls compared to 15% of boys (Scottish Government, 2017d).

Our findings show that 15 year olds who are on CSOs are more likely to have mental health problems than their peers (Table 1), and these findings are in agreement with a previous UK-wide study which found that 46.4% of looked after children (aged 11 to 17 years) had a mental health disorder compared to 8.5% of non-disadvantaged children (Bazalgette, et al., 2015).

Levels of **physical health problems** amongst young women in this study are very likely to be higher than their peers – 91% of 14 to 15 year old girls in the Scottish general population described their physical health as good or very good. Amongst 14 to 15 year old boys in the general population, 93% described their physical health as good or very good (Scottish Government, 2016e). In our study, 30% of young women had physical health problems and 8% of young men (Table 1).

Support for mental health - Case files were examined to find out what supports the young people were receiving. It was not possible to assess extent of these services or young people's engagement with them as these were often not reported. It is only possible here to show that a support was offered or provided.

Most young people with mental health problems were getting support for them:

Thirty two (89%) young women with mental health problems were provided with help. This was most commonly Children and Adolescent Mental Health Services (CAMHS) – 24 young women; smaller numbers received support from psychologist, psychiatrist, counselling, or psychiatric hospital.

Fifteen (88%) young men with mental health problems were provided with help. Again for most this was CAMHS – 11 young men; smaller numbers received support from psychologist, psychiatrist, or psychiatric hospital.

There were six young people where no supports were reported as being provided.

Education

Almost all the young people (81%) had problems with education at some point in their lives, and for most this was related to poor attendance (Table 2).

Table 2. Educational concerns

Educational concerns – main types*	Female	Male	Total
Low/poor attendance	34	30	64
Disruptive or aggressive behaviour	14	21	35
Learning difficulties	5	8	13
Absconding/ truanting	6	5	11
Others**	8	<5	9
Total young people with educational concerns*	48 (80%)	44 (83%)	92 (81%)
All young people in sample	60	53	113

* Some young people had more than one type of educational problem

**Includes bullying, non-engagement, peer group, lack of confidence

Of the 48 young women with educational concerns - 12 had been excluded from school at some point; 25 had not been excluded; and for 11 this information was not evident.

Of the 44 young men with educational concerns - 19 had been excluded at some point; 18 had not been excluded; and for seven this information not evident.

Support for education - Almost all the young people with educational problems (95%) had been getting some sort of support for these (Table 3). Three were not and for two it was not evident.

Again, these are the supports reported to have been provided. The extent and quality of these provisions and/or the young people's engagement with them could not be assessed from the information available.

Table 3. Supports that young people with educational problems received

Type of educational support – most common*	No. young people
Additional support provided in school	26 (30%)
Part-time timetable/Flexible curriculum/Alternative curriculum/shared timetable	23 (26%)
Educational alternatives/ community support/ outreach support	18 (21%)
Educational psychologist	12 (14%)
Residential school or secure unit	12 (14%)
Individualised learning plan	10 (11%)
Home-school liaison	7 (8%)
Vocational training	5 (6%)
Others**	10 (11%)
Total*	87

* Some young people had more than one type of educational support

**Includes college, mentoring, taxi to and from school, specialist school, home support

At the time of the Hearing within three months of their 16th birthdays – all except eight young people (7%) were in education. These eight young people had either left school or were refusing to attend.

Of the 105 young people in education:

- 41 (39%) attended mainstream school full-time;
- 29 (27%) attended some form of alternative educational resource, including vocational training and outreach educational support;
- 17 (16%) were at mainstream school on a part-time timetable⁷;
- 13 (12%) were in residential schools, including secure units;
- 5 (4%) were at college.

This means that just over a third (41, 36%) of the 113 young people on CSOs when they were nearly 16 years old were at mainstream school on a full-time basis.

Alcohol and drug use

Twenty four young women (40%) were reported to have had used drugs and 26 (43%) alcohol; 18 (30%) had used both drugs and alcohol. 19 young men (36%) had used drugs and 12 (23%) alcohol; the 12 who had used alcohol had also used drugs.

The most common type of drug taken was cannabis – 39 young people; followed by legal highs – 11 young people; ecstasy – five young people; smaller numbers of young people had tried prescription drugs, heroin or speed.

Drug use amongst 15 year olds on CSOs found in this study (i.e. 38%) appears to be higher than that of their peers. Amongst school pupils aged 15 years old, 19% have said that they have ever used drugs with the most common drug being cannabis (Scottish Government, 2016a).

Amongst 15 year old school pupils, 66% report having ever used alcohol (Scottish Government, 2016b). This appears to a much higher rate than the young people in this study, and may be because the alcohol use reported in this study (i.e. 32%) tends to be that which is problematic rather than ever used.

Victims of abuse or offences

A total of 36 young women (60%) were reported to have been victims of offences or sexual or physical abuse - 21 (35%) had been victims of sexual abuse or sexual offences and 22 (37%) victims of physical abuse or assaults, and 11 young women (18%) had been both physically and sexually abused. Smaller numbers had been victims of other types of offences including domestic abuse, cyber-bullying, threats of violence, and abandonment. In over half of cases (58%) the young women had been victims of abuse or offences by their family members.

⁷ Also referred to as flexible curriculum, alternative curriculum, reduced timetable, adapted timetable

A total of 14 young men (26%) had been victims of physical abuse or assault, and for eight (57%) of them this was by family members. A small number had been victims of sexual abuse or assault.

It is difficult to draw direct comparisons with general population of 15 year olds in Scotland, as data are lacking. What data are available indicate that 15 year olds on CSOs are much more likely to have been the victims of physical or sexual abuse or offences than their peers (i.e. the 60% of young women and 26% of young men in this study). In Scotland, 6% of females and 8.7% of males aged 16 to 24 have been victims of violent crimes⁸ (Scottish Government, 2016c). In England and Wales, 5.7% of 10 to 15 year olds were victims of violent crime in 2014-15; and across the UK 18.6% of 11 to 17 year olds reported being victims of severe maltreatment (including sexual and physical abuse) (Bently et al., 2016).

⁸ It is not possible to give data on under 16s as this age group is not currently included in the Scottish Crime Survey.

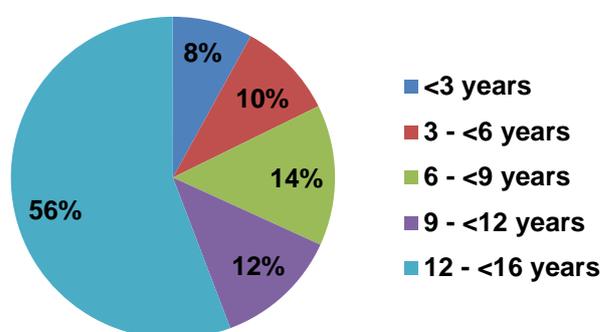
3. History in Children’s Hearings System

This chapter describes the young people’s involvement in the Hearings System up to the Hearing held within three months of their 16th birthdays. It looks at their length of their involvement in the Hearings System, referrals, types of CSOs, and services and supports provided to them.

Age at first Compulsory Supervision Order

Over half of the young people (63, 56%) were aged between 12 and 15 when they were first subject to CSOs (Figure 1). Twenty (18%) had been on CSOs for at least 10 years at the time of their Hearing when they were almost 16.

Figure 1. Age when CSO first made



Almost half (44%) of the young people first had their CSOs made on basis of grounds of lack of parental care, and 20% because of non-attendance at school (Appendix 2).

14 and 15 year olds with first CSOs

There were 44 young people (39%) who were 14 or 15 years old when their CSOs were first made. The first accepted or established grounds for most (84%) of these young people related to their behaviour:

- Twelve – the child’s conduct has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person (2011 Act⁹ s67(2)(m))
- Twelve - the child is beyond the control of a relevant person (2011 Act s67(2)(n))
- Thirteen – the child has failed without reasonable excuse to attend regularly at school (2011 Act s67(2)(o))
-

There were smaller numbers of young people with 2011 Act s67(2)(a), (b), (e), (f), (g) or (j) first grounds.

⁹ Children’s Hearings (Scotland) Act 2011

Referrals after Compulsory Supervision Order first made

Eighty young people (71%) had further referrals whilst on CSOs: 47 had offence referrals; 70 had non-offence referrals; and 37 had both offence and non-offence referrals.

Thirty three young people (29%) had no further referrals. Twenty one of these young people first had their CSOs made when they were aged 14 or 15.

Offence referrals for 15 year olds

Twenty nine of the 113 young people (26%) with CSOs had offence referrals when they were 15 years old. In most of these cases (17, 58%), the police referred the young person to the Reporter within one month of the offence. There were six cases (21%) where there was more than three months between the date of the offence and referral to the Reporter.

The locations of most offences were in the community (13 young people, 45%) or in residential units (nine young people, 31%). Smaller numbers of young people had committed offences in their parents' homes, at their foster carers or in school.

The most common offences were s38(1) Criminal Justice & Licensing (Scotland) Act (13 young people, 45%) and assault (eight young people, 28%). There were smaller numbers of young people referred for offences under the Criminal Law Consolidation (Scotland) Act, Police & Fire Reform (Scotland) Act, Misuse of Drugs Act, Civic Government (Scotland) Act, Sexual Offences (Scotland) Act, robbery, shoplifting, theft, and OLP with intent (some young people had committed more than one offence).

Types of Compulsory Supervision Orders

The first types of CSOs for 70% of the young people were at home with their parent(s). This is not surprising as this is the type of first CSO made for most children and young people, and especially those aged between 13 and 16 (SCRA, 2014).

At age <15½, 41% of young people were living with their parent(s) and 43% were in some form of residential care (Table 4).

At the Hearing just before their 16th birthdays, 28% of young people had their CSOs terminated, 26% were in residential care and 22% were on CSOs at home (Table 4).

Table 4. Types of CSO when first made, before Hearing within 3 months of 16th birthday, and at Hearing within 3 months of 16th birthday

CSO type	CSO - 1st made	CSO prior to Hearing held within 3 months of 16 th birthday (i.e. aged <15¾)	CSO at Hearing within 3 months of 16 th birthday (i.e. aged >15¾)
At home – parent/ relevant person	70 (62%)	46 (41%)	25 (22%)
Foster care	16 (14%)	20 (18%)	15 (13%)
Kinship care	16 (14%)	13 (12%)	9 (8%)
Local authority home/ Children’s Unit	7 (6%)	14 (13%)	20 (18%)
Residential school	0	8 (7%)	5 (4%)
Secure Unit	<5	10 (9%)	5 (4%)
Others*	<5	<5	<5
Not recorded	<5	0	0
CSO terminated	0	0	32 (28%)
Total			113

*Shared care, prospective adopters, other residential

Conditions attached to CSOs – prior to the Hearing held within 3 months of 16th birthday (i.e. aged <15¾):

- There were Non Disclosure Orders in place for seven young people (6%) – these related to non disclosure of the young person’s residence to one or both of their parents.
- There were contact conditions as part of the CSOs of 24 young people (21%). These were to restrict or regulate contact with one or both parents, and/or other relatives or associates of their parents.
- Five CSOs had conditions that the young person attend school or other educational provisions. There were smaller numbers of young people who had CSOs with the conditions: that they engage with assessments by social work health or education; to allow medical assessment or treatment; that they can go on school outings and holidays; and that they stay at home at night (including curfews).
- Five CSOs had conditions of early reviews.

Services and supports provided

All of the young people were receiving support prior to the Hearing within 3 months of their 16th birthdays. They all had support from social work and for 20 of them (18%) this was their only reported service involvement.

As well as social work, most young people were receiving a range of services. The most common were those to provide support for mental health (41%), to address offending and/or behavioural issues (30%), and educational alternatives (29%).

Reports from social work, other services and Hearings proceedings were examined to find out to what extent young people were engaging with the services provided to them, and the main types of services. This information was often lacking, and it is difficult to draw conclusions on the extent of provisions or the young people’s engagement with them. (see appendix 2 for detail of services provided)

4. Decision making on continuing Compulsory Supervision Orders past 16th birthday

This chapter examines decision making at the Hearing close to the young people's 16th birthdays. Forty Hearings (35%) were held within one month of 16th birthday, 35 (31%) within two months, and 38 (34%) within three months of this. At this stage Hearings can decide to terminate the CSO or to continue it for up to a further year.

Social work recommendations and Hearings' decisions

Social work recommendations were that CSOs of 27 young people (25%) should be terminated; and that those of 82 young people (75%) should be continued. Overall, Hearings agreed with social work recommendations in 98 (90%) of the 109 cases where there was a recommendation, and disagreed in seven cases (6%) (Table 5).

Table 5. Social work recommendations and Hearings' decisions

Social work recommendation*	Hearing decision		
	Agree	Disagree	Agree in part
Terminate CSO	23	3	1
Continue CSO	75	4	3
Total	98 (90%)	7 (6%)	4 (4%)
Total recommendations*	109		

* Four cases – social work recommendation was not evident

Termination of Compulsory Supervision Order before 16th birthday

There were 32 young people (28%) whose Hearings decided to terminate their CSOs within three months of their 16th birthdays.

Twenty two (69%) of these young people had been on CSOs at home. There were six young people (19%) in kinship care, and smaller numbers in foster care, residential school or with adoptive parents when their CSOs were terminated.

The reasons that Hearings decided to terminate (or continue) the CSOs were recorded in the Reports of Proceedings. The most common reasons for terminating the CSOs are shown in Table 6. For over half of these young people (62%), Hearings decided that their CSOs were no longer necessary because they (and their families) would accept support on a voluntary basis. For half of young people, their CSOs were terminated in recognition of how they themselves had addressed their problems.

There was a minority where Hearings had terminated CSOs because the Panel Members considered that the CSOs had not made a difference (16%), that the original non-attendance at school grounds no longer applied (19%), or because the young person was about to be 16 (9%) (Table 6). It could be questioned whether these are valid reasons for terminating a CSO as they did not take into account the young person's welfare or current needs.

Table 6. Reasons for terminating CSOs before 16th birthday

Reasons for CSO termination	Number of young people*
Young person will engage with services on a voluntary basis	20 (62%)
Young person's improved behaviour/ engagement/ progress	16 (50%)
Young person's plans for education/ training/ employment	10 (31%)
Original non-attendance grounds no longer apply	6 (19%)
CSO has made no difference/ young person's non compliance	5 (16%)
Family support	5 (16%)
Young person is nearly 16	3 (9%)
Others	4 (12%)
Total young people	32

*Some Hearings gave more than one reason

For 24 young people (75%) there were plans for **on-going support**, and for eight there were none. The main types of supports to be provided were education/training – 13 young people (54%), and social work – 10 young people (42%). Smaller numbers of young people were to receive support with employment, throughcare/aftercare services, offending, housing, befriending, and mental health.

Young people's views - were recorded in social work reports, Reports of Proceedings, All About Me forms, etc. There were six whose views were not evident.

Of the 26 young people, whose views at the time of their final Hearing were recorded (some expressed more than one), the most common were that they:

- Enjoyed or wanted to get involved with education, training or employment – 11 young people (42%)
- Wanted their CSOs to be terminated – nine young people (35%)
- Did not want to go to school or wanted to leave – seven young people (27%)
- No longer wanted to be in care and/or involved with services – five young people (19%)

Smaller numbers felt that they could address their problems themselves, agreed to work with services, wanted to return to their parents, were happy where they were living, or wanted no contact with a parent.

Parent's views – were not as often recorded as young people's - there were 12 cases (38%) where parent's views were not evident. In over half of these it was because parents refused to engage with social work or did not attend the Hearing.

Where parent's views were available (some expressed more than one), nine parents wanted the CSOs to be terminated and five said that they were pleased with their child's progress. Smaller numbers of parents wanted their child to be involved in education or training, were concerned about their behaviour, wanted their child to live with them, were supportive of on-going service support, or wanted their child to stay in care.

Continuation or variation of Compulsory Supervision Order past 16th birthday

Eighty one of the 113 young people's (72%) CSOs were continued to beyond their 16th birthdays. The most common placement types when they were aged 16 were in residential

care (including residential schools, secure units) – 30 young people (37%); with parents – 25 young people (31%); foster care – 15 young people (18%); and kinship care – nine young people (11%).

Conditions of CSOs – made at Hearing held within three months of 16th birthday:

- There were Non Disclosure Orders in place for four young people (5%)
- Secure authorisations were made for four young people (5%)
- ICSOs were made in three cases (4%)
- Fourteen CSOs specified early reviews (17%)

Variations of CSOs

Forty one (50%) of the young people’s CSOs were varied by Hearings. Most of these were changes to placements (25, 61%). Seven young people had contact conditions with parents made or varied (9%); and another seven (9%) had contact conditions removed.

Reasons for CSO continuation

The most common reasons for continuing CSOs are shown in Table 7. For over half of young people (47, 58%), the CSO was continued to provide them with security or to protect them, and for 34 (42%) to support them in the transition to training or employment, or independent living.

Table 7. Reasons for continuing CSOs past 16th birthday

Reasons for CSO continuation	No. young people*
For safety/ security/ protection of young person	47 (58%)
To support transition to adulthood/ independence/ employment/ further education	34 (42%)
Cannot return to parent’s care	21 (26%)
To ensure young person engages with services/ supports	14 (17%)
Contact conditions to restrict/ control contact with family member(s)	14 (17%)
To safeguard placement	11 (14%)
To support rehabilitation home to parent(s)	8 (10%)
To protect the safety of others	4 (5%)
Total young people	81

*Some Hearings gave more than one reason

All these 81 young people were to receive on-going support, the most common of which was from social work (71, 87%). Twenty nine young people were to get support with education (excluding mainstream and residential school), training or employment (36%); 18 were to receive mental health support (22%); 13 were to receive throughcare/aftercare services (16%), 13 were to receive services to address their offending or behavioural issues (16%); and six with family support services (7%). Smaller numbers were to receive services for addictions, advocacy, befriending, and domestic abuse.

Young people’s views - of the 73 young people (90%) whose views at the time of their Hearing were recorded (some expressed more than one), the most common were that they wanted:

- To stay in their current placement and/or their CSO to continue – 34 young people (46%)
- Support to continue their education/training or plans for employment – 21 young people (28%)
- To return home to their parent(s) – 16 young people (22%)
- To have no contact with parent(s) or to not return home – 12 young people (16%)
- To be closer to their family or have more contact with them – five young people (7%)
- For their CSO to be terminated and/or no service involvement – five young people (7%).

Smaller numbers of young people felt they could sort their problems out themselves, were worried about leaving care, wanted a change of placement type, or wanted more freedom in their placement.

There were eight young people whose views were not evident.

Parents' views - there were no parents' views recorded in 23 cases (26%), for most of these this was because the parent had had no contact with the young person for many years, did not attend Hearings/ engage with social work, was deceased, had no parental rights, or was ill.

In the 58 cases where parents' views were available (some expressed more than one):

- 29 cases (50%) – parent(s) agreed with CSO/ plans for their child/ with the placement
- 13 parents (22%) wanted their child to live with them
- Eight (14%) expressed support for their child
- Five (8%) were worried about their child

Smaller numbers of parents did not want their child in their care, wanted changes to the level of contact, or did not see the need for the CSO.

5. Discussion

Looked after young people's transition to adult independence

It is widely recognised that looked after young people are particularly vulnerable in their transition from being in care to independent adulthood, and that this happens at an earlier age and is more abrupt than that of their peers (Scottish Commissioner for Children and Young People, 2008). In 2005, the UN Committee on the Rights of the Child recommended that: *"States parties and other stakeholders facilitate and enhance the child's transition from institutional care to independent living...."*¹⁰

There is also a body of evidence that shows that young people who are navigating the transition to adulthood without a supportive home environment, and those with early experiences of abuse and neglect, are at increased risk of experiencing more complex and challenging problems at this developmental stage (Wilkison & Bowyer, 2017, and references therein). During this period, young people are particularly vulnerable to mental health problems and predictors of this include older age at entry into care, intellectual disability, placement instability and adverse life events. Leaving care early (aged 16 to 17) has also been associated with poorer outcomes and these young people tend to display more challenging behaviour (including offending and substance misuse). Research has also found that young people placed in care for behavioural problems have poorer outcomes on leaving care than those placed for other reasons (such as abuse or neglect) (Akister, et al., 2010, and references therein). Young women leaving care are at greater risk of sexual exploitation and have a high prevalence of mental health problems (Heerde, et al., 2016). There is also a high prevalence of mental health problems in the Scottish prison population of young people who had been in care at age 16 (Broderick & Carrie, 2016).

The above risk factors were also present in the lives of young people in this study. Young women in particular had high rates of mental health problems (60%), poor physical health (30%) and had been the victims of physical and/or sexual abuse (60%). 39% of young people had become looked after when they were older (aged 14 or 15) and for most of them this was related to behavioural problems, and about a quarter of young people had offence referrals when they were aged 15. That all these factors have been found to be predictors for poorer outcomes suggests that there may be benefit in an earlier targeted approach to those young people most at risk during the transitional period from being in care. Attention until now has been on young men involved in offending. These findings strongly suggest that young women deserve separate consideration and there is a need to better understand their needs and how best to support them in the transition from care to adult independence. This would also meet one of the priorities of Equally Safe that: *'interventions are early and effective, preventing violence and maximising the safety and wellbeing of women and girls'* (Scottish Government, 2014)

¹⁰ For more on the interpretation of how the UNCRC applies to care leavers - refer to Sweet 16: The Age of Leaving Care in Scotland.
http://lx.iriss.org.uk/sites/default/files/resources/Leaving_Care_Report_for_Web_20080325.pdf

Children's Hearings' decision making

Although the numbers of looked after 16 and 17 year olds has increased over the past 10 years (from 1,379 young people in 2006 to 1,632 in 2016¹¹), the proportion of them in the looked after population aged under 18 has remained constant – it was 10.6% in both 2006 and 2016 (Scottish Government, 2017c). This is despite increasing awareness of the importance of the transition from care and the introduction of policies and legislation to support this. Some commentators have raised whether Hearings are too readily terminating CSOs before or around 16th birthday and the need to educate the workforce and Panel Members on the importance of young people remaining on CSOs for longer (Scottish Parliament, 2017a). This followed on from research that found that 59% of young men interviewed in Polmont Young Offenders Institute who had been involved with the Hearings System said that their CSOs had been terminated just prior to or just following their 16th birthday (Dyer & Nolan, forthcoming).

This study found that 72% of young people's CSOs were continued past their 16th birthdays. These decisions followed social work recommendations that 75% of young people's CSOs should be continued. In most cases Hearings were recognising young people's vulnerabilities and the need to support them in the transition to further education and/or adult independence. For those that were terminated just before their 16th birthdays, for most this was because the CSO was no longer required because the young person (and their family) would receive support on a voluntary basis and/or that the young person had addressed their problems. All of the young people whose CSOs were continued and 75% of those whose CSOs were terminated were to receive on-going supports from services after they were 16.

Hearings were considering social work recommendations and in 90% of cases agreed with them, and did take into account young people's views. This is similar to research on young people on Supervision Requirements (SRs) for at least five years which found the main reasons that Hearings continued SRs until age of 16 and 17 were that the young person required the continued support of services or to support them in the transition to independent living; and the main reasons for termination were because the young person would engage with services on a voluntary basis or that they were taking responsibility for themselves (Henderson & Hanson, 2012).

However, there was a minority of cases in this study where the Hearing's decision to terminate the CSO did not consider the young person's current needs and circumstances and/or was simply because they were about to be 16. It would therefore seem that the extent that Hearings terminate CSOs just before or shortly after 16th birthday is not as great as has been suggested. However, this does not mean that the work underway to produce guidance and training materials for practitioners and Panel Members (Scottish Parliament, 2017b) is not required.

¹¹ These figures are on all looked after young people and include those with CSOs and those looked after under measures made by the courts (e.g. Permanence Orders).

Conclusion

Much of the current debate on the continued involvement of young people in the Hearings System has centred on the view that Hearings decide to terminate CSOs too early. This research has shown that there is little evidence to support this and that in most cases Hearings do continue young people's CSOs past their 16th birthdays.

The Hearings System is one part of a network of wider services and systems that support vulnerable young people. The young people in this study had complex lives and were exposed to risks from others and from their own behaviour. They are not a homogeneous group as current policy implies. The young men and young women in this study faced different risks, with young women being particularly vulnerable from poor mental and physical health and abuse. Should there be a gender-based approach to policy and practice on supporting care leavers?

The factors that predict poorer outcomes for care leavers are known and were prevalent in the lives of young people in this study. This raises the question of whether supports and planning for young people leaving care should start earlier when these predictive risk factors are first apparent.

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Appendix 1

Decision making before and after 16th birthday – research variables

Young person's background	Prior to Hearing	Hearing
Gender	CSO 1 st made - date	Date
Date of birth	CSO 1 st made – type/placement	Purpose of Hearing
Local authority	Further referrals - offence	CSO terminated?
Ethnicity	Further referrals – non- offence	CSO cont. with or w/o variation
	Most recent referral – date and referral grounds	Other measures made
Disability	Most recent offence referral – date of offence - date police decided to refer to Reporter - date referred to Reporter - location of offence	Placement type
Health concerns – physical		Social work recommendation
Health concerns – mental		Hearing agrees with recommendation?
Educational concerns	Current CSO - type/placement and conditions	Hearing's reasons
Exclusions	Services currently working with young person	Services to be provided to young person
Drug use	Young person's engagement with each service	Young person's views
Alcohol use	Is young person currently in education - type	Parent/ relevant person's views
Peer group issues	Is young person currently in employment - description	
Victim of an offence		

Appendix 2

Additional tables

1. Local authority areas of young people in the research sample

Local authority area*	Number of young people
Aberdeen city	5
Aberdeenshire	8
Angus	<5
Clackmannanshire	<5
Dundee	<5
East Ayrshire	<5
East Dunbartonshire	<5
Edinburgh	13
Falkirk	<5
Fife	7
Glasgow	13
Highland	7
Inverclyde	<5
Midlothian	<5
Moray	<5
North Ayrshire	<5
North Lanarkshire	5
Orkney	<5
Perth & Kinross	<5
Renfrewshire	10
Scottish Borders	<5
South Ayrshire	<5
South Lanarkshire	5
Stirling	<5
West Dunbartonshire	5
West Lothian	5
Total	113

*None were from Argyll & Bute, East Lothian, Shetland, Dumfries & Galloway, East Renfrewshire, Eilean Siar local authority areas.

2. First established or accepted grounds

Grounds for referral**	No. young people		%
	Ground 1	Ground 2	
Beyond control of a relevant person (1995(a) and 2011(n))	14	<5	14%
Failure to attend school (1995(h) and 2011(o))	23	0	20%
Lack of parental care (1995(c) and 2011(a))	48	<5	44%
Victim schedule 1 offence (1995(d) and 2011(b))	<5	11	12%
Member of same household as schedule 1 offender (1995(f))	<5	0	*
Has committed an offence (1995(i) and 2011(j))	<5	0	*
Child's conduct harmful to self or others (2011(m))	11	<5	12%
Exposed to persons whose conduct such that the child will be abused or harmed or the child's health, safety or development will be adversely affected (2011(e))	<5	0	*
Close connection with a person who has carried out domestic abuse (2011(f))	<5	0	*
Close connection with a person who has carried out a sexual offence (2011(g))	<5	0	*
Member of same household as victim of schedule 1 offence (1995(e))	0	<5	*
Established/accepted pre-2002 (no record of ground)	5	0	4%
Not recorded	<5	0	*
Total young people	113		

* Suppressed due to low numbers

**Grounds from the 1995 and 2011 Acts are combined where they are similar

3. Services provided to young people (YP) on CSOs prior to the Hearing before their 16th birthday

Service type	YP engaged with service	YP disengaged/ refuses service	No information on YP's involvement	Total YP*
Social work	50	23	40	113 (100%)
Mental health	19	16	11	46 (41%)
Educational alternatives (excl. residential)	20	8	5	33 (29%)
3 rd sector services to address offending or behavioural issues	18	12	<5	34 (30%)
Advocacy	<5	<5	7	12 (11%)
Career/ training	7	<5	<5	9 (8%)
Family/ home support	9	<5	<5	17 (15%)
Throughcare/Aftercare	<5	<5	8	10 (9%)
Mentoring/ befriender	5	<5	<5	11 (10%)
Physical health	<5	0	<5	5 (4%)
Others*	<5	6	<5	11 (10%)

*Some young people had more than one type of support

**Others includes - addiction services, young carers group, Victim Support, Women's Aid, taxi to school



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August 2017