

# **AUDIT COMMITTEE**

Wednesday 23 January 2008

Session 3

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## AUDIT COMMITTEE

### 2<sup>nd</sup> Meeting 2008, Session 3

#### CONVENER

\*Hugh Henry (Paisley South) (Lab)

#### DEPUTY CONVENER

\*Murdo Fraser (Mid Scotland and Fife) (Con)

#### COMMITTEE MEMBERS

\*Claire Baker (Mid Scotland and Fife) (Lab)  
Willie Coffey (Kilmarnock and Loudoun) (SNP)  
\*George Foulkes (Lothians) (Lab)  
\*Jim Hume (South of Scotland) (LD)  
\*Stuart McMillan (West of Scotland) (SNP)  
\*Andrew Welsh (Angus) (SNP)

#### COMMITTEE SUBSTITUTES

Derek Brownlee (South of Scotland) (Con)  
James Kelly (Glasgow Rutherglen) (Lab)  
Iain Smith (North East Fife) (LD)  
\*Sandra White (Glasgow) (SNP)

\*attended

#### THE FOLLOWING GAVE EVIDENCE:

Fergus Ewing (Minister for Community Safety)  
Olivia McLeod (Scottish Government Children, Young People and Social Care Directorate)  
Philip Rycroft (Scottish Government Education)

#### CLERK TO THE COMMITTEE

Tracey Reilly

#### SENIOR ASSISTANT CLERK

Joanna Hardy

#### ASSISTANT CLERK

Rebecca Lamb

#### LOCATION

Committee Room 3



## Scottish Parliament

### Audit Committee

*Wednesday 23 January 2008*

[THE CONVENER *opened the meeting at 10:31*]

### Decision on Taking Business in Private

**The Convener (Hugh Henry):** I welcome members, the press and the public to the second meeting of the Audit Committee in 2008. I also welcome staff from Audit Scotland. I ask everyone to ensure that all mobiles and pagers are switched off, so that they do not interfere with communications.

Item 1 is to ask members to agree to take items 3 and 4 in private. Is that agreed?

**Members** *indicated agreement.*

## “Dealing with offending by young people”

10:32

**The Convener:** Item 2 is the report, “Dealing with offending by young people: Performance update”. I welcome to the meeting Fergus Ewing, the Minister for Community Safety. We previously discussed the report with Philip Rycroft and his colleagues and thought that it was important to invite the minister to develop the theme further. The minister is accompanied today by Philip Rycroft and Donna Bell. Minister, would you like to make an opening statement, or do you wish to go straight to questions?

**The Minister for Community Safety (Fergus Ewing):** I have an opening statement to make, if I may.

**The Convener:** Certainly.

**Fergus Ewing:** Thank you, convener. Good morning, ladies and gentlemen. I very much welcome the opportunity to talk to you about the Auditor General for Scotland’s report, “Dealing with offending by young people”. I know that my officials gave evidence to the committee on 21 November last year. This morning, Philip Rycroft, Olivia McLeod and Donna Bell are here to assist me.

There is always value in seeking to understand and draw lessons from the experience of implementing policy, hence the key role of Audit Scotland and this committee. Therefore, I welcome the opportunity to address the key messages in the report and the Scottish Government’s response to them. Clearly, the detail of our future plans in this area will be a matter for other, more forward-looking committees, such as the Finance Committee and the Justice Committee.

The report contains positives and negatives. On the positive side, the key messages on page 3 of the report show that national standards are in place and are providing a focus for improved working among all agencies. The standards are set out in paragraph 10 on page 7 of the report. There are significant improvements in the timeliness of police reporting and children’s reporters decision making. More services are in place for young people who offend and 500 additional children’s services social workers have been recruited. The report highlights in the summary recommendations the increase in resources in this area, which underpins all that. Those are just some of the positives that the report brings out clearly.

However, there are also negatives. Increasing investment is not in itself enough. As the report says,

"More is not necessarily better."

The report states candidly on page 3 that

"sustained reductions in offending behaviour have yet to be realised."

Plainly, that is not for lack of good intentions. I was interested to note from the report that youth crime and tackling youth offending were considered at the very first Cabinet meeting in 1999.

The Government has clearly signalled our belief that to be effective, action to tackle offending and antisocial behaviour must be taken at the earliest possible stage. That is why we are committed to strengthening early years provision and giving all young people more choices and more chances.

Where young people are involved in antisocial behaviour or offending, the focus must be on addressing the root causes. In part 3, on page 17, the report identifies concerns about the role of antisocial behaviour orders for under-16s. It is perhaps no surprise that there has been very limited use of ASBOs for under-16s and that their appropriateness and effectiveness have been questioned, not least by the Commissioner for Children and Young People in Scotland, who said that ASBOs were described to her just last week by a young person as the new fashion in an area.

Consistent with our preventive approach, we believe that ASBOs are a measure of last resort for young people and are likely to be appropriate in only limited circumstances—if at all. I recently announced a review of antisocial behaviour measures that will inform our strategy for tackling youth offending. In the meantime, we continue to expand the range of positive diversionary activities for young people, through, for example, Proceeds of Crime Act 2002 measures, which the cabinet secretary announced around a fortnight ago.

The report identifies concerns about the substantial increase in the number of referrals to children's hearings and the pressure that that has put on the children's hearings system. We are doing important work with agencies to strengthen early intervention and to ensure that cases are referred to the reporter only when compulsion is required. We have seen some early reductions in the total number of referrals and significant falls in referrals on offence grounds. The Scottish Children's Reporter Administration published figures in November last year that showed that referrals were down by almost 14 per cent compared with the same period in the previous year.

Progress on performance reporting, which I know is of considerable interest to the committee, has been much more mixed. The report recognises that there has been significant improvement in the provision and use of

performance data over the years, but more needs to be done in the area.

Members will be aware that I have decided that we will no longer use a reduction in the persistent young offender numbers as the sole means of measuring performance; neither will we expect agencies to meet that target. My view, which is supported by the report on page 14, is that the focus of the PYO target was far too narrow and told us more about the habits of the adults referring young people to the hearings system than it told us about the behaviour of those young people. I simply do not believe that the PYO data or target provide the information that we need to help us tackle youth offending most effectively. Instead, we are working with Audit Scotland and others to develop performance information that will support local agencies to understand and tackle offending behaviour at every stage, from prevention through to high risk.

Under the terms of the concordat, we are committed to working with our partners to develop performance information systems that identify and tackle local needs and priorities. That outcome agreement approach will support improved accountability to communities and the fulfilment of local government's statutory duty to report to the public on its functions. That is another area in which the committee has expressed a clear interest.

The report highlights the increased funding that has been directed towards tackling youth offending. It also shows the complexity of past funding arrangements. I refer to the useful table at exhibit 5 on page 11, which demonstrates that complexity. The Government proposes substantially to simplify the funding arrangements by removing ring fencing from the majority of funding around youth justice. That will free up local partners to make decisions based on needs and priorities and to spend energy on tackling the issue rather than on filling in forms. At the same time, central Government will be able to focus on identifying and promoting best practice, rather than on processing forms.

Some people will ask how we will ensure that money is spent appropriately. I would ask those people: who is in a better place to appreciate the importance of supporting vulnerable children, and to understand the best means of doing that, than those who are closest to the children involved? We understand that, which is perhaps why our proposals have been broadly welcomed by people across local government—including the Labour Party leaders of North Ayrshire Council, South Lanarkshire Council, North Lanarkshire Council and Dundee City Council, who recently spoke in favour of the Government's decision to allow local authorities to spend their money as they see fit.

I welcome the Auditor General's report and the Audit Committee's interest. The report has informed the development of our approach to tackling youth offending, and it has helpfully reinforced some of the key principles that underpin our thinking. We will take full account of the recommendations in the report. I re-emphasise that point: we will take full account of the recommendations in the report. We will also take full account of the recommendations made by the former Justice 2 Committee. With our partners in local government and other agencies, we will ensure that action is taken to address the issues and shortcomings that they have identified.

Thank you for this opportunity, convener. I welcome questions from committee members.

**The Convener:** Thank you, minister. I should have said at the beginning of the meeting that we have received apologies from Willie Coffey. Sandra White is here as his substitute.

I want to ask a couple of questions based on what you have just said. You spoke about the contribution that recovered assets will make, and you referred to the cabinet secretary's announcement. Will those resources be used in the areas that are hardest hit by drug dealing and youth offending, or will they be spread across Scotland?

**Fergus Ewing:** That money is money recovered from criminals under the Proceeds of Crime Act 2002, which came into effect in March 2003. The measure has proved very successful; it was sought and supported by all parties in the Parliament. More than £17 million has already been recovered from criminals. At present, around £8 million is available to reinvest in services and activities that will make a difference to young people's lives.

We want to use the proceeds to provide more choices and chances for young people—in particular, for young people who perhaps would not normally have such choices and chances. The cabinet secretary is determined that, although the money must be distributed fairly across Scotland, we should try to reach the parts of the country in which we have been unable to provide young people with choices and chances before.

The first announcement on those issues was made by the cabinet secretary on 11 January—in Glasgow, I believe—in partnership with the Scottish Football Association. That initiative will provide free football coaching and playing opportunities for upwards of 30,000 young people across Scotland. That measure is non-partisan and non-party. I believe that it will be supported by everyone who wants young people to be offered such activities to occupy their time, rather than being tempted to get involved in other activities.

**The Convener:** Yes, but I asked whether the money from recovered assets would be concentrated in the communities that are most affected by drug dealing and where persistent youth offending is highest, or whether it would be spread across Scotland.

**Fergus Ewing:** Youth offending and crime give rise to particular problems. However, it is fair to say that very few parts of Scotland are unaffected. It is extremely difficult to take the line—and I do not think that this Government will—that money will be devoted to only the one or two parts of Scotland that are perceived to contain the most ingrained problems. That approach would be wrong; it is not the approach that previous Administrations took.

An appropriate balance must be found when money is spent, but we are always willing to receive suggestions from our colleagues in Opposition if they think that we err.

10:45

**George Foulkes (Lothians) (Lab):** I think that the answer is no, convener.

**The Convener:** My question is whether the money from the recovered assets will be concentrated on the areas that are most affected by drug dealing, which are also the areas that are most affected by youth disorder and youth crime, or whether the money will be spread across Scotland.

**Fergus Ewing:** Which particular areas are you suggesting?

**The Convener:** I am not suggesting any areas; I am asking you the question. Will the money from the recovered assets be concentrated on the areas that are most affected by drug dealing, or will it be spread across Scotland?

**Fergus Ewing:** There will of course be considerable expenditure in areas where there are perceived to be considerable social problems—in parts of Glasgow, parts of Edinburgh, parts of Aberdeen—

**The Convener:** So it will be weighted.

**Fergus Ewing:** If I may finish. If you wish me to analyse exactly how the money is to be distributed, I could go away and investigate that. However, I point out that the application of current funding might, as I understand it, be more of a matter for the Finance Committee. The issue of POCA money is not specifically covered by the Auditor General's report, for the good reason that the Government's decision on the matter was very recent—it was taken after the report's publication in August 2007. Therefore, it seems to me that the issue is not of direct relevance to the report.

However, I accept the principle that we want the areas with the most serious and acute social problems to receive sufficient resources. With respect, convener, the question would have to be directed at the Cabinet Secretary for Finance and Sustainable Growth if you want to ascertain how a financial policy would cater for the issue.

**The Convener:** Forgive me, minister. You question the relevance of my question, but it followed the comments that you made. You referred to the issue in your opening statement. That is the only reason why I am asking about it. If the matter was not relevant, I presume that you would not have mentioned it. I am seeking to find out about the distribution of funding in areas where there are high levels of drug dealing and youth offending. I also want to consider how you will follow through on what you say you are intending to do. I asked the question because you mentioned the matter. How will the money be distributed?

You have made the offer to analyse the matter and come back to us. I accept that. I ask you to provide us with a detailed breakdown showing whether the areas that are most affected by drug dealing and youth offending will have resources targeted at them, or whether the money will be spread widely across Scotland. We will wait for that information to come in. Thank you.

I turn to another issue that you mentioned. You said that action was needed at the earliest possible stage, which is why you have been strengthening early years provision. Again, can you confirm that you are targeting your early years resources on the areas where there are persistent problems, or are the resources being spread evenly across Scotland?

**Fergus Ewing:** With respect, I did not actually say earlier exactly how the resources have been spread. That is not something that I have analysed, because it is not the subject of the Auditor General's report. I will come back to that, but it is correct to say that the resources that I have mentioned will be accessible to, and will apply to the benefit of, the areas that have the most acute social need.

Moving on to the next issue that you raised, it would perhaps be useful to look at what the report has to say in part 4, in relation to children's hearings.

**The Convener:** I am asking you a specific question, minister. I am not talking about the generality of the subject. You said that you believe that action is needed at the earliest possible stage. I do not disagree with that. You then said that, because of that, you were strengthening early years provision. I am asking you how you are doing that. Are you concentrating on the areas

where the problems are most persistent, or is your early years provision being spread across Scotland? For example, what are you doing about vulnerable youngsters who currently do not get early years services? Are the resources being targeted, or are they being spread?

**Fergus Ewing:** I think that the Government's spending on tackling youth offending will seek to tackle the problems where they are most acute. The precise way in which that is done relates to the complex way in which the funds are invested and how the new concordats will operate. That is because the decisions about how a large part of the funding will be spent—exhibit 5 shows that the funding totalled £336 million in 2005-06—are made by a number of agencies, principally local authorities but also the SCRA, the police, the Scottish Legal Aid Board, the Scottish Court Service, the Crown Office, the Scottish Prison Service and the Scottish Government. There is clearly a complex mix.

A key message in the report is that

"sustained reductions in offending behaviour have yet to be realised",

despite the increased investment—resources have increased from £235 million to £336 million. As the convener knows, because he was a minister from 2002 until May 2007, decisions were made by previous Governments. I cannot comment on why those decisions were made, although I assume that it would be open to the committee to seek evidence from the convener on the matter, were it so advised. It seems that it has not been demonstrated that results arose from increased investment. Therefore, perhaps the most salient question that arises from the report is how we should all tackle that issue, whatever party we are in.

**The Convener:** Minister, can I interrupt? I do not disagree with that, and I am not trying to dispute what you say. I am simply asking a question based on your opening statement. You said that you believe that action is needed at the earliest possible stage. I agree with you. You referred to the fact that there is no direct correlation between resources and outcomes. I agree, and I think that there are lessons to be learned. I am simply asking a question that is based on what you say you intend to do, which is to strengthen early years provision because you think that that will make a difference in tackling youth offending. How are you strengthening early years services in the areas where there are the largest problems? Are you targeting resources or are you spreading resources evenly across Scotland? It is a simple question.

**Fergus Ewing:** Plainly, it is not prudent for any Government to deprive any particular part of the



country of funding. That would be nonsensical, and were any Government to propose that it would be immediately and correctly condemned. I am focusing on the message in the report. In order to use taxpayers' money most effectively, it behoves us to study carefully what the report says. One example, which indicates a way in which we can use money more effectively and achieve the Government's policy objectives, is that of tackling, through an approach of intervention and prevention, the root causes of problems when youngsters err. Convener, I do not say this—

**The Convener:** Minister, please—

**Fergus Ewing:** I am answering the question in my own way.

**The Convener:** I want to move on to other, more substantive issues. I am asking a simple question; I am not asking you to go into the philosophy or the logic. You said that you believed that it was necessary to strengthen early years provision in order to take action at the earliest possible stage, and that you do not believe that any part of the country should be denied resources. I am merely asking whether you will target your investment at and concentrate it on the areas where the problems are greatest.

**Fergus Ewing:** I wish to see extra resources devoted to that objective—yes. I am saying that I believe that that can be done by more effective use of the current resources. The report indicates that, for example, £7 million was devoted to pursuing junior ASBOs, despite the fact that only four were issued over the period in question.

The report also states that the target relating to PYOs perhaps detracted from making funding available to devote to the precise objectives that I have set out. That recommendation is contained in the report, and I am here to talk about the report. Overall budget policy, and targeting of policy, is for Mr Swinney to pursue.

**Andrew Welsh (Angus) (SNP):** Is it possible to ask a question? It has been a bit of a dialogue so far.

**The Convener:** Hold on—I just want to finish this, because I thought that I asked a fairly simple question. I do not disagree with what the minister says about the use of resources and whether ASBOs for under-16s were ineffective—I am not asking about that.

I ask the minister whether he can provide more information at a later date showing how the early years investment will be provided and whether it is being targeted on the areas where the problems are greatest. I will leave it there, since we are getting nowhere on that point.

**Andrew Welsh:** I would like to follow up on the point that the convener has made. This committee

is, surely, about best use of resources. Extra resources are always acceptable, but it is clear that resources alone have not solved the problems. As the minister said, sustained reductions in youth offending have yet to be attained. The problem is how that can be overcome. Why have the resources that have been applied not been successful? This committee should be looking at the best use of very scarce resources. If putting the resources in was enough—we would all like it to be, but it is clearly not—why have sustained reductions not yet been attained? The problem lies in overcoming that.

**The Convener:** We will come to that. I agree entirely with Andrew Welsh, but we need to move on—later questions will deal with that area. I was merely trying to ask a simple question about where the resources are going, so that we could develop that later on.

**Andrew Welsh:** The question is simple—the answer is complex.

**George Foulkes:** I will ask an entirely different question.

**The Convener:** Is it on the same issue?

**George Foulkes:** Yes, it is on this subject.

Minister, from what you have said in your introduction, you are claiming that the Government gives tackling youth offending a high priority—is that right?

**Fergus Ewing:** We take all our responsibilities in government seriously. We do not put them in a league table. Plainly, ensuring that young people receive the support that they need and tackling youth offending is always going to be a priority for national and local government—whether the Government is Labour or Scottish National Party, and whether councils are Labour, Tory, SNP or of any other complexion. It is self-evident that it is extremely important that we tackle the problem very seriously. That is why I am very pleased that we have this weighty piece of work, the specific details and recommendations of which merit close and careful attention, rather than high-level criticisms about fiscal practice and hypothecation of funding.

**George Foulkes:** I assure you that the committee has been giving the report careful attention; if you look at the proceedings of the meeting on 21 November, you will find that out. I think that your answer was yes, it is a high priority. Why is it, then, that of the 15 national outcomes and the 45 national indicators, not one refers to youth offending?

**Fergus Ewing:** I refer you to annex A of the concordat—

**George Foulkes:** I have it here.

**Fergus Ewing:** The national outcomes include the following:

“Our young people are successful learners, confident individuals, effective contributors and responsible citizens.

Our children have the best start in life and are ready to succeed ...

We have improved the life chances for children, young people and families at risk.

We live our lives safe from crime, disorder and danger”

and

“We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.”

Those are some of the contents of the concordat, and I put it to all members present—not in a partisan way—that this is a new relationship between partners. As someone who was formerly in business as a partner, I know that a feature of partnership is joint and several liability. We are responsible and local government is responsible, and Mr Swinney and Mr Watters will have bi-monthly meetings in which they will seek to develop that partnership as events unfold. We are immensely confident about the positive approach that Pat Watters and some of his colleagues are displaying.

11:00

**George Foulkes:** With respect, minister, we have heard that comment a number of times in the chamber and you have already made it this morning. The fact is that we have no specific indicator for youth offending in the same way that, for example, we have indicator 34, which is to

“Improve the state of Scotland’s **Historic Buildings**”

and

“monuments”,

and indicator 37, which is to

“Increase the proportion of adults making one or more visits to the outdoors per week”.

Why is there no specific indicator for youth offending?

**Fergus Ewing:** I did not come here to talk about ancient monuments or, for that matter, ancient institutions.

**George Foulkes:** I am sure that you are aware of the value of making comparisons with regard to priorities.

**Fergus Ewing:** As Andrew Welsh said earlier, the key issue is to secure value for money. The concordat will be an effective means of doing that. I remind Mr Foulkes that the current best-value regime will continue. Indeed, the Local Government in Scotland Act 2003 places on

councils a statutory best-value duty that covers strategic leadership, sound governance, consultation, joint working and accountability.

While reading the *Official Report* of the committee’s meeting on 21 November, at which Mr Rycroft and others answered members’ questions, I noted that Mr Foulkes repeatedly asked officials whether there would be enough resources to tackle the job. With respect, such questioning fundamentally misses the report’s point. The report does not say that results were not achieved; it says that it was not possible to demonstrate whether any results were achieved. We should focus on that point.

One particular weakness was the lack of performance management systems when the national standards—which, I should point out, are welcome—were devised. A challenge for the new regime will be to respond to such key recommendations in the report and ensure that national Government and local government, working in partnership with the SCRA, the police and others, deliver the best results—results that have not necessarily been delivered in the past.

**The Convener:** But will that be enough to demonstrate best value, or will you introduce other measures to allow us to determine that? If so, what will those measures be?

**Fergus Ewing:** It should give us the capacity to put in place such measures. The precise way in which the new relationship will emerge is not set in stone—and, again, I should say that looking forward on these issues is probably more of a matter for the Finance Committee. As I understand it, audit reports take a retrospective look at these subjects.

Nevertheless, it is reasonable to point out that a consequence of not having 60 ring-fenced funds—which I always think of as little piggy banks sitting on the mantelpiece—is that we do not need 60 different accounting systems or 60 different sets of officials counting the money that goes into or comes out of those piggy banks. Instead, we can use the freed-up resources to tackle early intervention more effectively.

In saying that, I mean no disrespect to councils of all political persuasion throughout Scotland that are doing excellent work in helping young people. Indeed, as I have travelled around Scotland, I have been struck by the way in which the most effective interventions can happen at the most local level. That is one reason why I am pleased that local government will no longer be what you might call the executor of a will, simply doing what it has done in the past and carrying out orders in so many areas, and will be more of a trustee, governing locally.

Although the precise way in which the relationship develops has not been cast in tablets of stone, I am optimistic that we can secure best value. The best way of starting to do that is to focus on the report's specific criticisms and recommendations.

**The Convener:** I want to take you back to a comment that you made in response to George Foulkes's question about the absence of specific indicators for youth offending. How will you assure yourself that the moneys that you are investing in youth justice will lead to improvements in addressing offending behaviour if you do not have those specific targets and measures?

**Fergus Ewing:** You will want to look at the indicators that are contained in the concordat, which provide part of the answer.

The statistics and information that are available on tackling youth offending are not perfect. For example, there are no statistics on youth crime; there are only statistics about the number of referrals to children's hearings for reasons of either care and protection—welfare—or offending. Because of the nature of the children's hearings system—which, as I recall, was a measure whose introduction was called for by people such as Donald Dewar and which is focused on the child—we have a different system for under-16s, except in the case of very serious offences, which can be dealt with in the sheriff courts. So, for the system that we have inherited, perfect statistics are not available; there are only limited statistics.

It is also important to grasp—I did not grasp this until I had the benefit of reading the report—that, as the report indicates, the practice of referrals by the police differs throughout Scotland. Therefore, a persistent young offender in one part of Scotland might not have been labelled a persistent young offender in other parts of Scotland. In that respect, we have—although I do not suppose anyone has ever said this and I do not mean to be flippant in any way—a system of postcode persistent young offenders. That is an illustration in the report of the imperfections in the system that we have inherited. We look forward to working with local authorities throughout Scotland to address those imperfections.

Although it is not for me to say, it may be that a system could be worked up whereby each local authority would study the recommendations of audit reports as they affect its functions and each local authority could consider having some sort of audit committee of its own—especially in the new world of partnership and equal relations. However, no matter how that work is developed, I am confident that, with good will and a willingness to learn from the specific recommendations in these reports, we can achieve improvements in performance that previous Administrations strove for with every good intention.

**The Convener:** Let us move on to performance reporting and accountability.

**George Foulkes:** The concordat was signed by the leadership of the Convention of Scottish Local Authorities, but the implementation will be carried out by the 32 councils. Given the potential lack of consistency in the councils' approach, how can you assure yourself that the improvements in addressing offending behaviour are being delivered effectively throughout Scotland?

**Fergus Ewing:** First, section 13 of the Local Government in Scotland Act 2003, supported by statutory guidance, already places a legal duty on councils to report to the public on the performance of their functions. As tackling youth offending is a function for which councils are responsible, prior to and irrespective of the concordat they were subject to a legal responsibility. That said, I have faith in the good intentions of local authorities throughout Scotland to tackle their task. If there is a difference between me and George Foulkes, it is that I do not expect that there will necessarily be failure.

I will ask Mr Rycroft, in a moment, to say how he envisages the particular relationships developing. To put your point more starkly, you are asking what will happen if one of the 32 councils fails abjectly and does not spend any money on youth offending. That is a hypothesis. Mr Rycroft and Colin Maclean said, in a previous evidence session, that local authorities could spend all the money in their schools budget on parks. That, too, is a hypothesis, but I would say that it is a remote possibility. If a local authority disregarded its responsibilities and failed completely, what would happen? The concordat contains a mechanism that helps to assure people who have doubts. I understand that Mr Watters and Mr Swinney have bi-monthly meetings, which provide a high-level opportunity for the leading representative of local authorities and the leader of the Scottish Government's finances to exchange views and discuss problems. I hope that that provides some assurance, but I ask Mr Rycroft to add to that answer.

**Philip Rycroft (Scottish Government Education):** We are negotiating with COSLA and local authorities the 32 single outcome agreements that are necessary to underpin the national concordat. That work continues in the context of the national outcomes and indicators. All of that will give us a transparent and clear framework for how local government believes that it is contributing to achieving the goals that are set out in the national outcomes, as measured by the national indicators, which will provide a good picture of what is happening in communities.

Your question was about how we will deal with progress over time. Under the concordat, it is

agreed that COSLA and the Government will put in place arrangements jointly to oversee and monitor the new partnership and, as part of that, to assess how the new arrangements are working. That will all be in the context of an enriched national and local data set. That environment will allow us and local government to monitor trends and to identify early what is not working well. That will be a big difference from what we have previously experienced.

**George Foulkes:** That enriched national data set sounds a bit like form filling to me, but I will let that pass.

Faith is an admirable quality, but it does not answer the question of how you will find out whether each council is delivering on tackling youth offending. In their meetings every two months, Pat Watters and John Swinney will have a huge range of subjects to discuss. Youth offending is your responsibility, minister. How will you ensure that councils do what they are supposed to do?

I was a councillor in the 1970s and I know that councils switch money around when they are given the opportunity to do so. In the 1970s, much of what councils were supposed to do to help vulnerable people was sometimes not done by Conservative councils, if I may say so, Murdo. Pressure had to be put on them to fulfil their obligations. How will you find out whether councils are doing what they are obliged to do and what they say that they are doing on youth offending?

**Fergus Ewing:** I am a bit taken aback by that apparent confession of responsibility for various acts and omissions in your time as a councillor some years ago, although I am not sure whether Mr Fraser will accept that a confession that has been made on his behalf is valid.

The question is serious, but I do not expect failure. The system is complex. For example, the information about referrals comes from the SCRA and will not dry up. If no children's hearings took place, do you not think that we would find out about that pretty quickly?

The report goes into the nitty-gritty on a somewhat boring basis to highlight useful work that has been done. I praise everybody who was involved previously in such work, which Mr Henry, as the former minister, will remember. The number of days from referral to decision by the panel has reduced from about 91 to 74—I say that from memory. That is a success, as the process is complicated.

We want to focus on the nitty-gritty. Too long is taken to produce social work reports. Why? We should get to grips with that. Is that because the reports are too complicated or because social work departments do not have the resources?

Five hundred extra social workers have been recruited, which is a positive development that I mentioned in my opening statement. Rather than anticipate Armageddon, I would prefer to count the spoons.

**George Foulkes:** You made a great play about there being far fewer forms. Will you provide us with details of the forms that are going to be eliminated in your area as a result of the concordat, and tell us whether any new forms are being introduced, so that we can see in what way this new bureaucracy is smoother and more streamlined?

11:15

**Fergus Ewing:** I will not undertake to give you a catalogue of all the forms that are applied by Government. If I undertook to fulfil that duty it would probably see me through until the end of this session of Parliament. It is self-evident that if we remove 60 ring-fenced funding schemes, we will remove an element of bureaucratic, administrative work that up till now has been required. I am bound to say that we have had ring fencing, and ring fencing has not necessarily realised results.

**Andrew Welsh:** My question is about the potential lack of consistency of approach across councils. The problem is that that will be decided only once the concordat has been carried through and the single outcome agreements have been agreed, which apparently will not happen until April. The real answer—and surely the real task—is to share and encourage best practice among the councils, and to ensure that that is part of the SOAs. We are looking at a question that cannot be answered in the form in which it is being put to the minister, but what he can tell us is what can be done to improve best practice among the councils.

**Fergus Ewing:** That is an aim that we all recognise. It would be valuable if more work were done on some kind of structured mechanism for each local authority to consider the recommendations contained in audit reports. It is reasonable to point out that some recommendations were made in the December 2002 and supplementary 2003 reports that have not been pursued. In particular, there has been a failure to focus on performance management.

Those are not easy things to do, and I do not say that to crow. I am not here as a guarantor that everything will be rosy under an SNP Government. As Mr Welsh said, we have to focus on how best practice is promulgated and replicated throughout local authorities. More work could be done to get local authorities to establish that for themselves. One role for national Government is to assist and facilitate in every way the replication of best practice.

There is also the issue of the removal of inconsistencies. Exhibit 11 shows the

“Average time taken from receipt of an offence-based referral by the reporter to a decision being reached”.

It is clear that there are different practices across Scotland. Plainly, it would be useful for lessons to be learned in that respect. It might also be useful to consider, at a micro level, which local authorities have had most success in the efficient and timely operation of the children’s hearings system.

Time is not everything, though. As we know, the fast-track approach that was piloted for children’s hearings indicated surprising results, one of which was that it delivered swifter results. However, in terms of outcomes, it did not produce more successful results than systems in other areas. This is a complex and difficult practice, and speed is not everything. I hope that local and national Government, working with the other agencies involved, can study in detail the recommendations that are contained in this useful report.

**Jim Hume (South of Scotland) (LD):** I agree with Mr Ewing. I, too, doubt that everything will be totally rosy under an SNP Government. You talked about partnership, and the responsibility of ministers and local government to improve the youth justice services and national outcomes. We have heard a bit about how you might monitor that, using performance information systems. I have doubts about whether Mr Watters and Mr Swinney would be able to cover all the points in the concordat in a bi-monthly meeting. If ministers found that a council or several councils were not meeting the national outcomes, what action would they take? What would the remedy be?

**Fergus Ewing:** Plainly, local government has the duty to govern locally, not simply to execute schemes under the old ring-fencing arrangements. I think that local government will take its responsibilities extremely seriously. I have already alluded to the fact that local government has at least two specific statutory duties under the Local Government in Scotland Act 2003. A local authority that has a single outcome agreement with the Government will be required to publish an annual report, which will be available to Parliament, on its performance on meeting the agreed outcomes. In addition, section 13 of the 2003 act places a specific duty on local government to report to the public on the performance of its functions.

We are working with local government and other key partners to develop a new performance reporting system to underpin the move to outcome agreements. Over time, that system will replace a myriad of existing performance reporting systems—I refer to the forms that George Foulkes

mentioned a moment ago—and will provide regular reports on progress on dealing with offending by young people.

It is fair to say that we would not expect nitty-gritty details to be discussed at a high-level meeting between Mr Swinney and Mr Watters. Similarly, it is reasonable to say that those details almost certainly would be discussed if there was an emerging colossal catastrophe. However, it is likely that the reality will be much more mundane. Effective government involves concentrating and focusing on details, on how to deliver best practice and on how to address the perceived shortcomings of systems through studying reports such as the Auditor General’s report on dealing with offending by young people.

We are looking forward, and the Finance Committee will no doubt consider such matters in due course. With respect, it would repay members to study the Auditor General’s report carefully. I do not want to curry favour with the Auditor General unduly but, from studying his reports over several years, I have been left with the abiding feeling that the Parliament as an institution has perhaps not given careful enough attention to recommendations in audit reports in the past. All of us were responsible for that in the previous two parliamentary sessions, and I hope that we can rectify matters with the new relationships all round in the new session.

**Jim Hume:** You seem to have got away from the point a bit. I asked what your remedy would be if you found that one council or several councils had not met their national outcomes.

**Fergus Ewing:** Ultimately, we possess legal powers to intervene. There are such powers across the board in government. Powers of direction and so on are sparingly used, but such powers have been exercised when there have been systemic failures.

I will answer your question directly. If there is the disaster or catastrophe that you expect—I do not—legal powers to intervene exist, but there must be an agreed system of intervention to address issues long before they reach that stage. That issue and other implementation issues will be taken forward by one of the groups that are mentioned in the concordat. The progress that takes place and results will be overseen by Scottish ministers in our bi-monthly meetings with the COSLA presidential team.

**Sandra White (Glasgow) (SNP):** I want to pick up on issues that Mr Hume and the minister have raised.

Minister, in your opening remarks, you praised the previous Executive’s work, but you said that not everything was perfect. We understand that not everything is always perfect. There was ring

fencing under the previous Executive, but was that the best way to go forward? Was there a consistent approach to issues that were ring fenced?

**Fergus Ewing:** I do not know that the previous Executive would necessarily have chosen me to be its spokesperson—I suspect not.

I began my opening statement by saying that there were positives and negatives. The main negative was that, despite increased investment, sustained reductions in offending behaviour have yet to be realised—that seemed to me to be the overall conclusion. In 2000-01, £235 million was spent on youth justice services; that increased to £336 million in 2005-06. That was in line with increases in other departments, but what is lacking is an ability to demonstrate that results arose from that increased expenditure. My feeling is that some results were delivered but that it is not possible to measure them. That lack of measurement is the ball on which we should focus.

Sandra White's question relates directly to ring fencing. It is demonstrably clear that ring fencing did not realise results and that the existence of ring fencing in itself is not sufficient. In my view, that solution, as an accounting mechanism, is not enough to demonstrate that results were achieved. There may be subsidiary questions about the extent to which, even with ring fencing, it was possible to pursue an audit trail and see exactly where and how money was spent.

In that respect, I am not clear how £7 million was spent by the former Executive, as is set out in part 3 of the report, on setting up a system of junior ASBOs that resulted in only four ASBOs being issued. Four ASBOs for £7 million is very expensive. That said, 68 cases or thereabouts—perhaps a little more—were pursued. The point is that that system was ring fenced but, although it set up a new type of remedy, it does not seem to have been very popular and it was certainly not used a great deal. In addition, it caused great tensions within the children's hearings system.

As the report, with which we are becoming increasingly familiar, highlights, there is an innate tension between the approach of those who wish to protect the community and that of those who wish to focus on the child. The children's hearings system has essentially been based on focusing on every child before it, whereas the penal system and justice measures tend to focus on community safety. That innate tension manifested itself in the remarkably low take-up of the ASBO as a sanction. Of course, we are in the middle of a review of antisocial behaviour, so I stress that we have not reached any conclusions as to the future fate of junior ASBOs. However, it may well be that local authorities will now vote with their feet and

continue to pursue other, arguably more effective measures of intervention and prevention, apart from those that they were, if you like, obliged to pursue under ring fencing.

I therefore hope that, after the ring-fencing mechanisms have been removed, that will allow local authorities to rethink their approach and perhaps to redeploy resources in areas that can deliver more for every child and that can get it right for every child.

**The Convener:** Can I follow that through? I agree that the presence of ring fencing clearly did not guarantee results, but I do not think that this debate is about whether there should or should not be ring fencing. The question that has been asked is this: if there is a failure to make progress, what resource, recourse and ability do you have to make a difference? That is where we are struggling. There are no specific outcomes or targets, so we do not know what will happen if nothing is done.

11:30

You mentioned ASBOs for under-16s. What else was the money used for if it was not spent on ASBOs for under-16s? There were a number of examples of money being used in local government for purposes other than what Government specifically intended. There is an issue there, regardless of whether there is ring fencing.

You said that if money was not being spent on children's hearings, it would become obvious to you and something would be done. Are you aware of emerging concerns from those who provide secure accommodation in Scotland that local authorities might not spend the money that would be required to keep such facilities open? What will you do to ensure that such centres have a secure future? Are you also aware that there is anecdotal evidence emerging that local authorities are beginning to consider spending money on the cheapest option, which is not necessarily the best option? What will you do to ensure that, whatever happens, we receive best value and that the most effective decisions are made?

**Andrew Welsh:** Convener, where does that appear in the report from Audit Scotland? Can you refer us to the particular part?

**The Convener:** It is something that the minister mentioned. I am asking the minister a question in response to something that he said.

**Andrew Welsh:** Sorry—I thought that we were dealing with the Audit Scotland report.

**The Convener:** Yes I know, but the minister has said a number of things, on the back of which I am asking him questions. I presume that he would not

have mentioned them if he did not think that they were relevant. What I am driving at is that if there is emerging evidence that secure accommodation providers fear that the resources will not be used, that will impact on the ability to deliver services in dealing with young offenders.

**Andrew Welsh:** With respect, convener, we normally deal with facts rather than speculation in this committee.

**The Convener:** I am asking the minister a question on the back of something that he said.

**Fergus Ewing:** Happily, I have found the section in the report that deals with this issue. On page 8, the report states:

"Redevelopment of Scotland's secure estate—29 new places in specialist accommodation for young people at serious risk to themselves or others were announced in March 2003. To date, 18 new beds have been provided and the remaining eleven are expected to be available by the end of 2007."

I understand that redevelopment of the secure estate is almost complete. Kibble secure unit opened in the summer and we expect to finish building the final unit at the end of this year. On completion, there will be 125 secure beds, which is an increase of 29 beds since 2003.

It is reasonable to point out that it is for local authorities to decide whether secure accommodation is appropriate. It is perhaps also trite to point out that we wish to try to deal with children in their homes wherever possible, and not take them away from their homes unless there is a compelling reason to do so, although there are children who require secure accommodation.

I think that I am right in saying that one of the issues that the Audit Scotland report highlighted is whether secure accommodation has in the past been utilised to its maximum effect. That is a difficult question. However, I am pleased to report that the target that the previous Executive set in March 2003 should, I hope, be achieved around the end of the year or shortly thereafter—albeit that that will be a bit late. There will be 29 additional secure accommodation places, which I hope will make a contribution.

Our analysis of the data suggests that admissions to secure accommodation have stayed relatively stable over time, which means that, with the new capacity coming on stream, there is currently excess capacity of between 20 and 30 secure places at any one time. As the Auditor General pointed out in his report, the provision of secure accommodation is extremely expensive and can represent a significant financial burden for smaller local authorities. We are aware of that and must bear it in mind as we move forward, but the results that I have described are fairly encouraging.

**The Convener:** If you are aware of the potential implications for smaller authorities—I agree with you on the significance of that issue—might you consider that aspect of the service differently from the other aspects, which you said are being left to local authorities?

**Fergus Ewing:** We are not just leaving matters to local authorities. Plainly, they have legal responsibilities, but we wish to provide them with assistance, guidance and advice. We will legislate when it is necessary to do so.

As far as secure accommodation is concerned, we will look at issues to do with commissioning and how to get the best use of the secure estate as part of our work on managing high-risk young people.

**The Convener:** Okay. That is a fair enough point.

Let us move on to future funding arrangements.

**Andrew Welsh:** I note that funding for youth justice services increased from £235 million to £336 million between 2000 and 2006, and that that investment has led to growth in the provision of specialist programmes for young offenders. However, given that the relevant funds are to be rolled together under the concordat, how will the minister ensure that sufficient resources will remain available to deliver the Government's national outcome commitments that relate specifically to offending behaviour by young people?

**Fergus Ewing:** We have already touched on how the concordat will work in the new landscape. It is not for me to talk about the nature of that settlement, although it appeared to be broadly welcomed by local authorities, including Angus Council, which—without wanting to butter up Andrew Welsh—is a council that has always had a pretty solid track record.

Ring fencing will no longer apply, but I stress that exactly the same statutory powers remain available to us as were available to the previous Administration. The powers exist, but the new relationship is, I hope, such that that we will ensure through the concordat that the functions of local government will be discharged effectively and efficiently. I believe that that is likely to happen once the report's recommendations have been fully considered by local and national government.

**The Convener:** We move on to the young offender targets.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I want to ask about the persistent young offender target that is referred to in the Audit Scotland report, which you mentioned earlier. The previous Executive's target to reduce the number of

persistent young offenders by 10 per cent by March 2006 was not met—in fact, the number of persistent young offenders increased over the period. We now hear that ministers have decided to drop that target. I might be becoming unduly cynical, but it seems to be rather convenient to drop a target that has not been met. Is it simply a coincidence that you have come to the view that the PYO target was far too narrow and did not provide the information that was required—as you said earlier—at the same time that it became apparent that the Executive was having difficulty in ensuring that that target was met?

**Fergus Ewing:** No, it is not a coincidence. The target had not been met before we took our decision. As Murdo Fraser will know, PYOs are dealt with in part 4 of the report. The PYO target was the sole target on youth offending, and it applied to those youngsters who were described as persistent young offenders.

I believe that the Auditor General's finding, which is based on the field work that his staff carried out, is that the existence of the target perhaps focused attention on youngsters who were categorised as persistent young offenders to the detriment of work on dealing with first-time offenders and other young repeat offenders who were not in the persistent category because they had not accumulated the necessary five offences. In other words, the existence of that national Government target generated—as the setting of targets does—a huge amount of effort and activity that was focused on achieving that target perhaps to the detriment of achieving other worthy and important aims. The Auditor General's report states—I cannot find the exact paragraph—that, as a consequence of the existence of the PYO target, less effort and resources were available for prevention and intervention measures. In other words, chasing the target became the aim.

I have now found the exact wording in the report—I hope that I have not misrepresented it—in paragraphs 36 to 37. The report states:

“the targeting of resources towards young people categorised as persistent young offenders can divert time, attention and money away from preventative approaches”.

However, I can tell Murdo Fraser that—to be candid—that was not actually why we scrapped the PYO target, although it is gratifying to see that one's decisions seem to be borne out and corroborated by Audit Scotland. We scrapped the target because the creation of a separate category for persistent young offenders takes no account of the nature of the offences. The offences might have involved relatively minor trouble making—for example, five offences of vandalism or breach of the peace—or other behaviour that might be turned around quite easily. The youngster might not be really a bad lad but just a bit wayward and

out of control, perhaps because of a lack of discipline at home. On the other hand, a youngster with four assault charges was not being categorised as a PYO. It did not seem to me sensible or necessarily efficacious to create that sort of adult-based target as the only target for youth offending. That was primarily why we decided that the PYO target was not the correct approach.

Having said that, I think that the really difficult question is what should replace the PYO target. Undoubtedly, we need to focus our efforts on working—as we are doing—with the Convention of Scottish Local Authorities, the Association of Chief Police Officers in Scotland and local authorities on how we can achieve the ultimate aim of driving down youth offending and on methods of reporting information, accumulating data and dealing with information that should be divulged. I might pass over to Donna Bell or Olivia McLeod on this key issue of how we will now go forward. I hope that members will understand the basis of our thinking and agree that it has some merit, as has been borne out by the Audit Scotland report.

**Olivia McLeod (Scottish Government Children, Young People and Social Care Directorate):** I reiterate that we recognised that the target only partially reflected the performance of the system. Another point that the minister touched on is that using a target that is based on referrals to the reporter is more a measure of referring behaviour than of what young people are doing. We know that many young people never come to the reporter. That is a positive thing because they are being dealt with at an early stage.

However, the existing performance framework could not show us what happens to those young people. As the minister said, finding the right data that can tell us what is happening is a big challenge for us. The good thing is that we have national systems of police data and Scottish Children's Reporter Administration data that we are looking at. We are working with Audit Scotland and other colleagues to find a set of data that will tell us about the outcomes for young people rather than how the system is performing on process issues. We are not underestimating the challenge, but that is absolutely what we are focused on achieving.

A by-product of that work will mean that we can tell the committee what is happening at national level, but the key objective is to support local partners so that they know how they are performing locally in real time. They will be able to see what is working and to act on that basis.



11:45

**Murdo Fraser:** That is helpful. Let me try to summarise the response so that I am clear in my own mind about what we have heard. Ministers understand that the setting of the previous target was a mistake and that it did not provide the correct information. In replacing that target, no decision has yet been made on what information will be published in the future on offending behaviour by young people. Is that a fair assessment of the minister's position?

**Fergus Ewing:** That is a perfectly reasonable way to characterise our position. The background is that we want to focus our effort on prevention and intervention as far as we can with the resources that we have.

The work that I have seen throughout Scotland by local government and bodies such as NCH, Barnardo's and Sacro all seems to have a common strand in prevention and early intervention—which are abstract nouns that do not really sing off the page. That common strand, which I have seen in an NCH programme, for example, is the establishment of a bond of trust between a young person who has a behavioural difficulty and a mentor or social worker. The young person who has had a troubled past and has been in trouble can build up a rapport and bond of trust with somebody who is seen as a friend rather than as a part of the authorities. That bond of trust can be used to turn around the behaviour and to divert the youngster from offending. That is the focus that we want to achieve—I hope that we will be able to do that.

**Murdo Fraser:** Finally, when will we know what information you will publish in the future?

**Fergus Ewing:** As is mentioned in the report, we are working on the youth offending strategy, a draft of which was worked up in November. We hope to move towards publishing the strategy fairly soon, and we appreciate that the task is urgent—it will not wait until next year, for example. I do not want to give an exact date. I am sorry to disappoint Murdo Fraser on that, although he will not be especially surprised. However, it is an urgent task and we will come back soon to Parliament with our strategy.

Perhaps I could conclude my answer by saying that it is the Scottish Government's intention, with the approval of the business managers and Parliament as a whole, to have a debate in the chamber on tackling youth offending, if possible before Easter.

**The Convener:** I have one final question on that theme. I note that you said that you do not yet have a timescale. The letter from Philip Rycroft to the committee talked about key principles for the single outcome agreements and said that they will

be agreed between the Government and each council. Can you confirm that there will be single outcome agreements specifically relating to youth offending? When will we know what they are?

**Fergus Ewing:** I have not studied Mr Rycroft's letter recently—it is in annex 17 of my briefing. Perhaps I could ask Mr Rycroft to speak to his letter.

**Philip Rycroft:** As you will understand, convener, the nature of a single outcome agreement is that it covers the whole range of interaction between national Government and each local authority. The focus in each agreement will be on the national outcomes and indicators, as well as the local outcomes and indicators that the local authority wants to include. Without going over the debate that we have had about how youth offending fits into the bigger picture, I can say that we will expect to see over time a single agreement that covers the range of issues with each local authority that chooses to follow that path.

**The Convener:** Yes, but the decision is political, so I ask the minister whether the single outcome agreements will—to go back to previous questions—refer specifically to youth offending when they are reached with local authorities. If so, when will we know what those references will be?

**Fergus Ewing:** I have mentioned the concordat, which sets out provisions that I read out in response to Mr Foulkes's earlier question. Local authorities will respond to those provisions—the deal is done. The concordat contains provisions on offending and tackling crime. I have every confidence that, in fulfilling the various statutory duties that I have described and which are in the agreement as specified in the concordat, each local authority will take extremely seriously its duties in tackling youth offending and will do so effectively. Quite when that will happen is not for me to say.

**The Convener:** I am not asking about the concordat. One consequence of the concordat is that there will be single outcome agreements that will be agreed between the Government and each council; in other words, both parties will contribute to the single outcome agreements. Will you place in those outcome agreements any issues relating to youth offending? If so, what are those issues? If you do not know at present which youth offending issues will be specified in the single outcome agreements, when will we know?

**Fergus Ewing:** As has been said and as is clear from Mr Rycroft's letter, the process of single outcome agreements has been agreed between the Government and each council. It is not for me to rewrite the concordat, if that is what you are suggesting we should do. For the reasons that I have argued, I believe that the concordat covers

the need for local authorities to fulfil their obligations in tackling youth offending. Although that function of local government is not set out explicitly, I do not, for the reasons that I have set out, believe that it is correct to assume that that means that the function will be ignored or neglected. I am confident that, as the process continues and the relationship between central and local government develops, we will find mechanisms to tackle those high-level matters effectively. However, with respect, as I have said throughout the meeting, the real focus should be on the Audit Scotland report and on implementing the recommendations in it.

**The Convener:** The letter from Philip Rycroft states:

“SOAs will include local outcomes/indicators, which will be agreed between the Government and each council”.

In other words, both parties will have an input. As part of your contribution to the process with each local authority, will you require that youth offending issues be included? If you know that just now, can you tell us what those issues will be? If you do not, can you tell us when that information will be available? Alternatively, if you do not intend to include those matters, will there be no reference to youth offending in the SOAs?

**Fergus Ewing:** Mr Rycroft has set out the position as we see it. If I may, I ask him whether he wishes to add anything to what we have already said—at some length—on those points.

**The Convener:** During our previous discussion of the issue, Mr Rycroft was careful not to intrude on the political decisions. I am asking about the political aspect, not the bureaucratic aspect. From the political perspective, will you include in the SOAs issues to do with youth offending?

**Fergus Ewing:** I have already said that I am satisfied that the concordat contains provisions that will allow us, with the co-operation of our partners in local government, to tackle youth offending more effectively. I have also explained, or sought to explain, the duties that local government will continue to fulfil. I have also mentioned that national Government enjoys precisely the same powers as previous Administrations did. I am happy to consider carefully in the future exactly how the single outcome agreements will be developed and worked out—I give you that undertaking.

The matter is not addressed specifically in the Audit Scotland report, which I was invited here to discuss and on which I have focused. However, we can look again at the matter and report back to the committee on it, after we have given it due consideration. I hope that that is a satisfactory answer for this morning's purposes.

**The Convener:** Clearly, Mr Rycroft thought that it was important for us to refer to the issue in our considerations, or he would not have mentioned it in his letter. When you come back to us on it, will you provide us with details of what the SOAs will include in relation to youth offending? In other words, what does the Government wish to include in the SOAs with each authority in relation to youth offending?

**Fergus Ewing:** I will come back to the committee on the matter when we have given it due and proper consideration. It would be foolhardy for me to give an off-the-cuff view on it. In a moment, Mr Rycroft will make a technical point about process. However, his letter to the committee clerk, which is in annex 17 of my briefing pack, was written not off his own bat but in response to specific queries from the clerk. He mentioned the point not because he thought that it was germane to the issues that are discussed in the report, but because he was responding to requests for information that the clerk, presumably at the committee's request, had seen fit to seek.

**Philip Rycroft:** We are in the process of negotiating single outcome agreements. As we speak, discussions are under way between the Government, COSLA and local authorities, so this is work in progress. I emphasise that the framework for local outcome agreements will be set by national outcomes and indicators. Both today and previously, the committee has received a great deal of evidence on how national outcomes and indicators relate to youth offending. It would be worth the committee's keeping that in mind as it considers the development of single outcome agreements.

**Sandra White:** In your opening statement, minister, you indicated that the Government's preference is for prevention and early intervention to tackle young offending. The concordat between local authorities and the Government mentions policy development in that area, which necessarily involves working with other agencies, as has been mentioned. It also means looking at the money that is spent on services for persistent offenders and preventive measures for offenders. How have you approached that process? How will you monitor the impact on existing services for persistent young offenders of redirecting resources from those services to prevention?

**Fergus Ewing:** In all Government departments, we see prevention and early intervention as playing a key role. In answering Sandra White's question, I draw attention to the fact that there is a task force on health inequalities, which has met several times and is tackling the problems that are associated with ill health, especially in Scotland's most deprived communities.

The advice that we receive on prevention and early intervention from a wide range of sources, including senior police officers, is that intervention must take place at a very early stage. In fact, pre-natal intervention is often key. There have been chilling case studies of youngsters who have been born suffering from foetal alcohol syndrome, have had a chaotic family background, have got involved in crime and have ended up in Barlinnie in their late teens, having committed murder. Such youngsters live on streets where many of their family members are involved in dealing drugs. Some members will know of particular problems in their constituencies.

12:00

The Government has taken early intervention as its watchword. There is, perhaps, a will across the Parliament to focus our efforts on that. With regard to the precise implementation of early intervention strategies in the justice portfolio, particularly in relation to youth offending, I have mentioned the application of the POCA money, which will, I hope, make a contribution. We will be pursuing that theme across Government. I know that the Minister for Children and Early Years, Adam Ingram, is doing a great deal of work on that matter and is implementing the getting it right for every child agenda.

I want to praise the work that local authorities are doing throughout Scotland with health boards and charities in that regard. We wish to allow more of that work to happen, insofar as we can. At a high level, I have outlined this morning one or two areas in which, if we redirect the focus of Government activity, we can perhaps enable resources to be deployed more effectively to pursue prevention, early intervention and diversion. As you know, the word "diversion" is derived from the Latin for "to turn aside" or "to turn away". We wish to turn children away from antisocial behaviour and crime by giving them choices and chances to get involved in more fruitful activities.

**Sandra White:** The Audit Committee is concerned with best value, but, obviously, best value concerns the outcomes for the futures of young kids and young offenders. To me, that is more important than the monetary value.

You say that not only this committee or the Justice Committee but all the Parliament's committees should work together in this area. Will the community health partnerships be able to feed into the consideration of how money can be used more productively, which is to say, for preventive rather than reactive work?

**Fergus Ewing:** I am pretty sure that they will be. Plainly, I do not have responsibility for community

health partnerships, but it is clear that everyone needs to work together more effectively.

The report—which I have sought to get back to from time to time during this evidence session—says that people from the health and education fields could be more involved in the area of young offenders. I appreciate that, in Government and all the various agencies, it is difficult to get round the operation of silos—the health silo, the education silo, the crime silo and so on. However, the need to do so is one of the points that emerged from the report. For example, if a youngster has a behavioural problem, it is likely that they will also have a health problem, as a result of an alcohol or drug problem, and that there will be a truancy problem. Therefore, to produce an early years plan to help a youngster who is going off the rails, we need to have integrated effort across all the agencies, as Sandra White said. To be fair, that is happening in many places. However, where it is not happening—as identified in the now-familiar Auditor General's report—we would wish to ensure, insofar as we can do, that it happens.

**Claire Baker (Mid Scotland and Fife) (Lab):** I want to press the minister further on some of the issues that Sandra White raised.

You have answered in part my questions on where you will get the necessary resources from for preventive measures. However, you talked about a preference for prevention and a diversity of action. How will you be able to monitor the impact of any redirection of resources on existing services for persistent young offenders, which tend to involve quite expensive projects? Do you recognise that those projects are still necessary for some young people? How will you ensure that those projects are still viable?

**Fergus Ewing:** Do you perceive there to be a particular threat to some of the projects?

**Claire Baker:** There is a certain amount of money available and you are talking about shifting the focus of the money towards preventive measures, which the committee supports. Unless I misunderstand the situation, however, that means that money will be shifted from something else, and it seems that that will be work with persistent young offenders. I understand that if you increased the work on preventive measures and were successful in reducing the number of persistent young offenders, the amount of money that needs to follow that group would decrease, but I am concerned that there might be a gap. What pace will you move at in shifting those resources?

**Fergus Ewing:** It is for local and national Government to work together on the issue. I hope that the removal of the target for persistent young offenders will allow a shift in resources. There may

be a shift in resources from money that was previously spent on obtaining ASBOs. Those are primarily matters for local authorities, although a steer from national Government may push them in the right direction.

A key issue is the relationship between local government and third sector, or charitable sector, bodies such as NCH and the security and continuity of the funding of those bodies, many of which have short-term funding, perhaps on a year-to-year basis. As MSPs, we are all aware that a consistent bugbear of many charities, often those that work to help children, is that their funding is due to expire at the end of a financial year so they do not know how the service will continue. Having said that, those of us who have been in Parliament for the past eight and a half years have known about that problem from the outset. I hope that the new arrangements will allow long-term relationships to be fostered, as they have been in some areas.

As far as monitoring is concerned, in our developing relationships with local authorities we will have to ensure that we get reliable, regular and sufficient information fed back about the utilisation of their resources. Some measures are in place to address that issue. The report highlights that we must examine carefully the efficacy of those arrangements and ensure that best practice is in place throughout Scotland to achieve the aims that Claire Baker rightly describes.

**Claire Baker:** The committee has consistently returned to the issue of how we monitor and evaluate the action that has been taken. I have another question, which is related to that issue. You spoke about the tension, which the Audit Scotland report also identified, between a more child-centred focus, which tends to gather around the children's hearings system, and ASBOs and the community safety approach. How can that tension be resolved? It seems to be a key issue in this policy area and comes up in many different ways when we consider what approach to take. In the light of the discussion around the continuation of ASBOs, and as resources are shifted towards more preventive measures, how can you ensure that approaches that have been seen to put community safety first will be continued?

**Fergus Ewing:** Claire Baker makes a very reasonable point. Part 3 of the report describes in detail, at paragraph 40 and thereafter, some of the problems that have arisen. I was certainly aware when I spoke to members of children's panels, as a minister and as a constituency MSP, that they did not feel that the ASBO device was particularly helpful or conducive to what they perceived their task to be. There has been limited use of ASBOs for under-16s: only four such orders were granted in Scotland from October 2004 to March 2006.

The Audit Scotland report states:

"there is a tension between the approach which underpins the children's hearings system (and places the young person who has offended at the centre of the decision-making process) and the ASBO/community safety approach (which may place greater emphasis on the needs of the community ...)".

It is perhaps reasonable for me to say that the Government has shown its commitment to the intensive monitoring and support system, which ultimately can involve the tagging of youngsters. The intensive support element seems to me, in most cases, to be the effective element.

Simply to give a child a slap might not particularly help—in the sense of issuing a sanction, such as an ASBO, which might be seen as a badge of honour by some youngsters. Providing intensive support and turning round the child's behaviour is what we are after. The Government has shown its commitment to intensive support and monitoring, and I have seen how local authorities and the voluntary sector are working to provide that intensive support, often for 10, 15 or 20 hours a week. For example, I have spoken to some teenage girls in my constituency. I could see that they had built up a rapport with the professional who was providing them with assistance, and who had turned round their behaviour.

There are other measures that were introduced by the previous Executive that we are enthusiastic about. Of course, it is open to all members to contribute—as I hope you will—to our review of antisocial behaviour, which is examining the range of measures that are used. There are dispersal orders, for example. Community wardens also have a role. I have seen that they are playing a positive role in many communities.

There is also the standard role of the police. Police work now is different from what it was 20 years ago, in many ways. The police are extremely conscious of their role in prevention and community policing. That is all to the good, and it is all helping. We all want to build on what works. Some of the measures, sanctions and legal remedies that I have mentioned are working throughout Scotland, and I hope that they can work even more effectively in the future.

**The Convener:** You and Sandra White mentioned issues relating to health, and you spoke about silos. I appreciate the difficulties that you describe. In recent years, we have placed a lot of emphasis on healthy eating, and we have worried about obesity. Some reports over the past year or two have started to reflect on the impact of diet on behaviour. Bearing in mind that early intervention can lead to prevention and changes in behaviour, might you and your health colleagues investigate whether, through improvements in diet,

we might be able to influence behaviour among people in secure units or in prison, for example—those who engage in persistent offending? Could we at least experiment with that?

**Fergus Ewing:** I am no expert on diet, and I am certainly no paragon or example to anybody else. To be serious, you make a very good point, and it has been the topic of a great deal of consideration by the task force on health inequalities. The advice from Harry Burns, the chief medical officer, has been exactly as you have described: malnutrition in the early years can cause serious damage to a person's general well-being. Furthermore, the lack of brain development in early years can, according to the scientists, predispose a youngster to becoming involved in crime. That is not my field at all, but the Government is doing work in that area, which will be brought to Parliament in due course. It is extremely important, and concern on the matter is shared by members of all the political parties.

**Stuart McMillan (West of Scotland) (SNP):** Good afternoon, minister. I had a wee chuckle a moment ago when you mentioned community policing. I am also on the Justice Committee, and there has been some confusion about what that phrase actually means. We will be looking into that.

At the Audit Committee meeting on 21 November 2007, Mr Rycroft said that the new Government was committed to addressing all the recommendations in the Audit Scotland report. We also heard from Colin Maclean that the issues will be addressed in the new youth justice strategy. That being the case, will you explain how communities will be involved in decisions about how to address offending behaviour by young people in their area?

12:15

**Fergus Ewing:** Communities can get involved in many ways. Local community safety partnerships play a role and community councils in many areas take a close interest. They can invite their elected representatives to public meetings to explain what they and the Government are doing. I have attended one or two such meetings as minister, one of which, in North Ayrshire, was particularly memorable. If I can put it this way, they do not miss and hit the wall there. There are many ways in which communities can be involved in the general question of how to tackle antisocial behaviour. You are correct to say that both Mr Maclean and Mr Rycroft said in the evidence-taking session on 21 November that we are studying carefully the recommendations in the Audit Scotland report.

**Stuart McMillan:** A lot of people out there are not involved in community councils, or tenants or

residents associations, but they still need a voice. They are probably wise not to be members of a political party and they do not want to spend their lives going to meetings. I suggest that there are a lot of people whose voices are not being heard. How can the Government engage them, get information and feedback from them and just get them involved?

**Fergus Ewing:** We want to encourage civic involvement where possible. The Government is not coy about explaining its general activities to the expectant world. We devote a lot of time to sharing with the local press and radio stations what we do and the policies that we make. Where local elected representatives perceive a hotspot or problem in our constituencies, it is for us to get involved, find out what is going on and what people's views are. The same applies to councillors. I know a great many elected representatives from all parties who take that role very seriously and find out what people are concerned about. Very often we find out that people's concerns are being dealt with.

The perception and fear of crime can be significant in many areas where the actuality of crime is not so serious. Perhaps that is just part of our times, given the role of today's media. The media does not report on the 95-odd per cent of youngsters who are getting on fine with life and who are a credit to Scotland; as we have seen today, it tends to report on the tiny minority of youngsters who cause a problem. It is logical that many elderly or vulnerable people fear the worst in their communities. We can all play a part in tackling that perception and, by and large, we take seriously that duty. I encourage us all to continue to do so.

**Stuart McMillan:** I agree that all elected members have a part to play. When we consider the decreasing percentage of people who turn out to vote in elections, it is clear that a great number of people want to avoid any civic involvement, perhaps because—dare I say it?—they do not trust politicians.

The Audit Scotland report highlighted the importance of improving the provision of information to victims and communities. It also highlighted that the Government needs to do more to demonstrate that investments are addressing community concerns about antisocial behaviour. What types of reporting to communities will be undertaken under the new youth justice strategy?

**Fergus Ewing:** My attention is being directed to the point concerning "Services for victims" on page 8 of the report. The report states:

"From February 2006, in five police areas, SCRA has routinely provided victims with information on the outcome of their cases and with general information about the children's hearings system."

As I said earlier, section 13 of the Local Government in Scotland Act 2003 places a statutory duty on local authorities to report to the public on the performance of their functions, including keeping victims informed, and a great deal of work has been done in that area over the past eight years.

I know of females who, having been the victims of rape, were not informed when their assailant was released from prison, or when he returned to a house nearby. That includes a blind lady who was worried about her daughter coming into contact with the man, who had been released from prison. I mention those cases because, although we talk about the issue in general terms, when we look at specific instances—which we do as MSPs—we find pretty horrendous cases. The problem is that the statutory duty has lacked clarity—the fiscal is busy being the fiscal and the police are busy being police, detecting and prosecuting crime. Telling the victim what is happening has perhaps, in the past, been seen as an add-on. That is why I am pleased that the Audit Scotland report has highlighted the issue and the practice of the SCRA.

I suggest, with respect, that we might want to look a bit more closely at the issue, and see what we as MSPs can do by contacting the children's hearings system in our area and perhaps going to meet the people involved to find out what their arrangements are, what they do and how they view that element of their task. We can all play a part in that. If we hear constituents complaining in our surgeries—as we do—about not being kept informed, perhaps we can play a role in introducing best practice. It is clear that a lot of good work is being done in the children's hearings system that might not have been done 10 years ago.

**The Convener:** Thank you, minister. It has been a full session. We will reflect on your contribution and we look forward to getting the further information that you have undertaken to provide.

12:22

*Meeting continued in private until 12:49.*

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