

# **JUSTICE 1 COMMITTEE**

Monday 27 January 2003  
(*Afternoon*)

Session 1

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# CONTENTS

Monday 27 January 2003

Col.

ITEM IN PRIVATE.....	4481
CONVENER'S REPORT .....	4481
ALTERNATIVES TO CUSTODY INQUIRY .....	4482

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## JUSTICE 1 COMMITTEE

2<sup>nd</sup> Meeting 2003, Session 1

### CONVENER

\*Christine Grahame (South of Scotland) (SNP)

### DEPUTY CONVENER

\*Maureen Macmillan (Highlands and Islands) (Lab)

### COMMITTEE MEMBERS

Ms Wendy Alexander (Paisley North) (Lab)

\*Lord James Douglas-Hamilton (Lothians) (Con)

\*Donald Gorrie (Central Scotland) (LD)

Paul Martin (Glasgow Springburn) (Lab)

Michael Matheson (Central Scotland) (SNP)

### COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Kate Maclean (Dundee West) (Lab)

Mrs Margaret Smith (Edinburgh West) (LD)

Kay Ullrich (West of Scotland) (SNP)

\*attended

### THE FOLLOWING ALSO ATTENDED:

#### WITNESSES

Bill Alexander (Highland Council)

Greg Barton (Venture Trust)

Mark Cambridge (NCH Scotland)

Harriet Dempster (Highland Council)

Peter Flanagan (Barnardo's Scotland)

Gerard McEneaney (Apex Scotland)

James Maybee (Highland Council)

### CLERK TO THE COMMITTEE

Alison Taylor

### SENIOR ASSISTANT CLERK

Claire Menzies Smith

### ASSISTANT CLERK

Jenny Goldsmith

### LOCATION

Highland Council Chambers, Inverness



## Scottish Parliament

### Justice 1 Committee

*Monday 27 January 2003*

*(Afternoon)*

[THE CONVENER *opened the meeting in private at 13.33*]

13:42

*Meeting continued in public.*

**The Convener (Christine Grahame):** I convene the second meeting in 2003 of the Justice 1 Committee. I welcome members to the council chambers in Inverness and thank Highland Council for allowing us to use its facilities. Apologies have been received from Wendy Alexander, Paul Martin and Michael Matheson. I remind members and those giving evidence to turn off mobile phones and pagers.

### Item in Private

**The Convener:** Item 5 on the agenda is on witness expenses in relation to the committee's continued consideration of prisons in Scotland. I ask members to agree to consider item 5 in private, given that it concerns expenses relating to individual witnesses. I do not think that it would be appropriate to discuss such items in public. Do members agree to take item 5 in private?

**Members** *indicated agreement.*

### Convener's Report

**The Convener:** Maureen Macmillan, Donald Gorrie and I visited the Glasgow drugs court on 20 January. Lord James Douglas-Hamilton, Michael Matheson, Wendy Alexander, Maureen Macmillan and I visited the Freagarach young offenders project at Polmont. We found those visits informative and instructive. On 4 February, members will have an opportunity to provide feedback and we will also discuss our visits to Reliance Monitoring Services in East Kilbride and to HMP and YOI Cornton Vale. I remind members that next Monday we will visit HMP Greenock and I think that Donald Gorrie, Lord James Douglas-Hamilton and I are going to visit a young offenders project in Inverclyde.

### Alternatives to Custody Inquiry

**The Convener:** I welcome from Highland Council Harriet Dempster, who is the director of social work, Bill Alexander, who is the deputy director of social work, and James Maybee, who is the principal officer of criminal justice services. I thank the witnesses for attending. I refer members to papers J1/03/2/2 and J1/03/2/3—of course, we read those papers fully on our journey through beautiful countryside to Inverness. We thoroughly enjoyed our trip. I presume that the witnesses will answer as a panel and will self-allocate answers.

13:45

**Harriet Dempster (Highland Council):** Yes. Mr Alexander will speak predominantly on youth justice issues and Mr Maybee will speak predominantly about adult criminal justice. I will take the more general questions.

**The Convener:** We have often heard that the availability of alternatives to custody is patchy in Scotland. Will you outline briefly the programmes that are available in Highland for young offenders and adult offenders?

**James Maybee (Highland Council):** The committee will be familiar with the fact that criminal justice services receive core funding and non-core funding. Core funding is for front-line services such as probation and community service. Non-core funding is for the voluntary sector primarily and for the provision of other programmes.

Several programmes operate from non-core funding. The NCH Scotland action for children intensive probation project provides a general offending behaviour programme primarily for 16 to 25-year-old offenders, but it takes referrals from outwith that age group. I understand that the committee will take evidence from NCH Scotland later this afternoon.

**The Convener:** Yes. We have a paper from NCH Scotland.

**James Maybee:** I will leave it to NCH Scotland to give the detail of the programme that is being provided, which is essentially an intensive project. The offender on a probation order is seen by a social worker but, over and above that, they are seen by the project two, three or more times a week for several hours.

Apex Scotland, from which the committee will also hear later, provides a range of employment services for offenders. It provides services to individuals in prison and in the community on a range of matters, such as the provisions under the Rehabilitation of Offenders Act 1974 and preparing offenders to return to work. We also

have a supported accommodation project, which is provided by Safeguarding Communities Reducing Offending. I will leave the detail of that for SACRO.

**The Convener:** SACRO will not be giving evidence, so perhaps you could develop that point.

**James Maybee:** Absolutely. SACRO provides supported accommodation primarily for offenders who have left custody and are resettling in the community, but it also works with individuals who are subject to probation orders and have been referred to it. It provides supported accommodation in local authority and housing association properties. In practice, that means that it provides support on a range of matters, including budgetary or financial issues. Some offenders have only a rudimentary ability to look after themselves and might not be able to cook, for example. An emphasis is also placed on how offenders use their leisure time. Offenders are helped back towards employment and are assisted in reducing offending.

**The Convener:** Can you give us an idea of the number of offenders who are involved?

**James Maybee:** In 2001-02, the number of bed nights was 2,471 and the occupancy rate was 67.4 per cent. With SACRO, we are progressing the possibility of expanding that project. The number of bed nights sounds quite a lot, but it boils down to about half a dozen properties. We would like to expand that to 10, 12 or more properties, because there is a dearth of good-quality supported accommodation in Inverness and Highland generally. That service is critical.

**The Convener:** In any programme, one key issue in preventing reoffending is stability of housing accommodation. If that is not provided, the rest seems to fall apart.

**James Maybee:** I agree absolutely. One of the challenges for Highland Council is how to provide such support pan-Highland. One of the issues that will emerge from this afternoon's evidence is that, although we often have to focus on Inverness and the inner Moray firth area, we need to think about the provision of services in places such as Skye, Caithness and Lochaber.

**The Convener:** Lord James Douglas-Hamilton will be pursuing lines of questioning about the difficulties faced in rural areas.

**James Maybee:** The other main service that we provide is at the Salvation Army's Huntly House hostel, in which two bail beds are accommodated. That facility is extremely well used—last year, there was an 85 per cent occupancy. However, we need to develop bail supervision services throughout Highland.

The council is considering the development of three major programmes. The first is a joint sex

offenders project, which is to be made available in the three other authorities that comprise the northern partnership—Moray Council, Aberdeenshire Council and Aberdeen City Council—with money that has been agreed through our strategic plan. We are currently advertising to get people in post. We have placed two adverts but so far no qualified staff have applied for the project posts.

We are also considering proposals for an addictions project and a domestic violence programme. The proposal for the addictions project would extend an existing service into the northern partnership area and throughout the Highland area. The proposal for the domestic violence programme would extend the provision that is available in the city of Aberdeen by means of a pilot in the Inverness and inner Moray firth area.

A number of programmes are available in areas such as anger management and cognitive behaviour. This year, through the northern partnership, we are also looking to develop a consistent approach to how we work with offenders. We are doing so in particular in respect of establishing core programmes.

**The Convener:** I asked what was available at present. I do not mind being told all of that, but—

**James Maybee:** My apologies.

**The Convener:** It would be helpful to know what is available at present.

**Harriet Dempster:** Bill Alexander will talk about what is available for younger people. As James Maybee said, in addition to the council's services, we have one specific programme, which is the intensive probation programme. The real challenge is to push our programmes beyond the Moray basin into the rural areas, which are to be the subject of discussion later.

**The Convener:** Yes. That issue will be developed later.

**Bill Alexander (Highland Council):** As well as endeavouring to divert young people from the criminal justice system and custody, we try to divert them from secure care placements and residential care and education placements.

In Highland, we have what we call the youth action service, about which I sent the committee information. The partner agencies within the local authority and the voluntary sector are brought together to provide common services that are badged for young people as youth action services—the council's youth action teams co-ordinate those services in each council area.

The services are about providing alternatives to custody and diverting young people from custody.

A range of services is provided by NCH Scotland. Some mirror the services that James Maybee has spoken about, but are for younger people. For example, rather than an intensive probation service for younger adults and 15 or 16-year-olds, we have an intensive supervision project. The substance misuse referral scheme is available to adults and young people and our mentoring project, which is also run by NCH Scotland, focuses on a community-based model of service. We may be able to talk more fully about that service when we discuss rurality.

The other main service, which is a direct alternative to a custodial disposal, is SACRO's mediation and reparation scheme. To date, that scheme has focused on the Ross and Cromarty area. We are pleased that our bid to the youth crime prevention fund was successful, as that allows us to extend the scheme to Caithness and Lochaber.

**Maureen Macmillan (Highlands and Islands) (Lab):** What age group does the SACRO scheme in Ross-shire focus on?

**Bill Alexander:** We have been endeavouring to extend quite considerably the focus of the scheme, which to date has applied to 11 to 17-year-olds. However, we want to ensure that it continues to develop and works with young people outside secondary school and those in other geographical areas. As Maureen Macmillan knows, the scheme has been particularly successful in Alness New Community School.

**Donald Gorrie (Central Scotland) (LD):** In your submission, you highlight problems with short-term project funding and competitive bidding for projects. Will you tell us more about those problems? How can the Executive improve the way in which it handles the matter?

**Harriet Dempster:** We are pleased that the Executive has increased its attention on youth crime and we welcome the extra resources. However, we have had to move quickly, because some of the funding has required bids to be submitted at short notice and as a result we have not always been able to hit the right strategic buttons.

Moreover, because of the short-term nature of the funding, it is sometimes more difficult to attract staff. As has happened in other parts of Scotland, we have experienced a movement of staff. It is absolutely superb that staff now have the opportunity to move from core services to new experiences and new work in new projects. However, if only short-term funding is available, there might be a gap of nine or 12 months, which we find difficult to fill.

Similarly, if short-term funding comes in successive waves, that does not lend itself well to

planning. In local government, having a longer-term view of when funding might be available allows us to work out a better approach to planning and service development.

**Bill Alexander:** The situation is best illustrated in relation to youth justice provision. I should begin my comments by welcoming the additional funding that we have received for youth justice services. When such funding is earmarked, it gets to where it is supposed to go.

However, in order to use that funding to its best effect and to get maximum return on it, we have to put all the funding streams back together, because the funds come down different routes. For example, in youth services alone, there are eight main funding streams that we have to bring together. Those streams include the mainstream local authority budget, the mainstream national health service budget—

**The Convener:** If possible, could you just roll off those eight funding streams for us?

**Bill Alexander:** There are sub-routes within some of the eight main routes.

**The Convener:** Well, I think that we will just stick to the main routes.

**Bill Alexander:** We have the mainstream local authority budget, the mainstream NHS budget, social inclusion partnership funding, the youth justice element of the children's service development fund, the various elements of the changing children's services fund and a range of private trusts from which we receive funding through voluntary organisations. Lloyds TSB is a prominent trust in Highland. Increasingly, we have received new opportunities funding and have recently received money from the youth crime prevention fund.

Those funding streams last for different lengths of time and have different start and finish dates. Initially, we had to put a jigsaw together. However, the problem is that we have found that we are not working with the same pieces or to the same picture. Indeed, some pieces have been taken out and others have had to go in, and all at different times. Sometimes half a piece might be taken out. For example, last week, we had discussions with SACRO because some of its funding was coming to an end and we had to replace it in order to maintain the rest of the organisation's services.

That is all very complicated at our level and destabilises partner agencies. As a result, we endeavour to devolve funding to the front line as far as possible. In order to do so, we expect front-line practitioners to plan on the basis of what they wish to do with funding. However, if we cannot guarantee the funding or when they will receive it, planning becomes difficult for them.

The situation also destabilises individuals. Although we try to say that we expect a service to continue, we also have to point out that it is funded from X or Y or X plus Y plus Z until such-and-such a date. We try to create a sense of security around a service and an individual post. Obviously, however, if an individual sees another post that they know is permanent and has greater security, they are likely to go for it, which might destabilise the service. That has happened a number of times.

14:00

All that is complicated, so we welcome the streams and the funds. We particularly welcome the youth crime prevention fund, because it allows us to extend SACRO's funding. However, before Christmas, when we, along with voluntary agencies, were asked to bid for youth crime prevention funding, I knew that the allocation to our area would be approximately £100,000 a year—pro rata, that is what we might expect.

I could not say to all the other services that they could not bid, because we were bidding for only £100,000 and, when one is bidding, one does not know which bid will be successful. So rather than saying that we needed to spend £100,000 on one issue, we agreed with all the partner agencies in the Highland area to put in £0.5 million of bids. That had to be negotiated between the local branch and the Edinburgh or Glasgow headquarters of each individual agency. Three bids were successful, but they were not necessarily the ones that we might have put at the top of our list. We welcomed each of them, but they were not part of a strategic plan.

We welcome the funding, but the issue is complicated. We know that it is just as complicated for our colleagues in the Executive who work with us to put the whole thing together. Like the Executive officials, we are trying to make more sense of the system. We hope that the work that we have done on local outcome agreements might be a way forward, but the whole process is challenging.

**Donald Gorrie:** The whole thing strikes me as complete lunacy. Do you think that the Executive could get better value for money if it made such procedures more coherent? The system that you have described seems to waste resources.

**Harriet Dempster:** It would be possible to bring some of the streams together and have fewer of them. Life for both sides would then be much more straightforward.

We have done some interesting work with Scottish Executive colleagues in developing local outcome agreements, not only in children's services, but across all services. We are

demonstrating the service outcomes, which are a passport to further funding. We are delivering on what we have said we would deliver.

Such an approach might allow some of the streams to come together so that there is greater flexibility. That would also allow us to target our resources most effectively as opposed to letting the decisions about where our resources go be made somewhere else, as Bill Alexander said.

Another point—I am now speaking on behalf of colleagues in the voluntary sector—is that some of the voluntary agencies are very small. If they are diverting lots of time to submitting bids, drawing up plans and writing reports, they are being taken away from providing direct services.

There was a critical message in the recent Audit Scotland report on youth crime. Too much attention was being paid to servicing the system as opposed to providing direct services. Highland Council's commitment is to get as much of our money as possible to the front line and into direct services to make the difference to young people and to change their behaviour.

**Donald Gorrie:** I am interested that Highland Council has a youth action service that combines dealing with substance misuse and dealing with offending. Is it harder to bring that together because of the different funding streams?

**Harriet Dempster:** The process of bringing the service together through using the different funding streams is complex, but it has been the only rational way for Highland Council to approach the matter. The committee will be talking about some of the statistics on drug and alcohol offending. In order to address such issues, we had to bring the funding together so that we could reach all parts of the Highland Council area.

I am struck by the difference between areas. I came up here three years ago from Dundee City Council, where, with £200,000, I was able to establish a youth action team that serviced the whole council area and made a real difference. That sum would not make a difference in the Highland Council area because of the geography. It is much more expensive to get services out to Caithness, Lochaber, Alness, Dingwall and Inverness, which are some of our hot spots.

Because of the geography of the area, supporting staff is a big issue. There must be the right management supports and an effective management structure. A balance must be struck between the length of management's arm—managers cannot be everywhere—and ensuring that management is intense enough to make a difference in supporting staff. Much of what we are discussing is high-risk work. James Maybee mentioned work with sex offenders. People who work with persistent offenders must have the



confidence of the community. We need staff who are confident in assessing and managing risks and working effectively with young people.

**The Convener:** I want to return to the issue of resources. Highland Council, the Executive and agencies put in a lot of effort—Donald Gorrie described the system as madness. Are you saying that Highland Council, which is at the top of the pyramid in respect of provision, goes to the Executive and says, “Here are the outcomes: we can demonstrate that we need £200,000 and we want funding for three years”? I plucked that figure out of the air. Do you then distribute moneys to voluntary sector and other organisations? We understand that there are funding streams from the national lottery and the Executive, for example, but how do things work?

**Harriet Dempster:** Things work in different ways. In some cases, money might be made available with a directive about meeting targets. We might be told that services should be developed to meet targets and we will then look locally for the best services. Sometimes, we might know about an allocation and we will put in a submission about—

**The Convener:** No. I am asking you what the solution is. You are in the relevant jobs and see the chaos and bits of the jigsaw. You now have the opportunity to tell the Executive how people on the front line think that things could be done better—you can stand on toes. You want the money to be secure—you want the proper amount for three years so that you can give it out with your local knowledge of the area to various agencies. How would that work?

**Harriet Dempster:** There is close joint working across the agencies in the Highland area. There are strategic plans in the northern partnership. The figures and needs in respect of what we would like to do in criminal justice services in Highland are considered. Similarly, Mr Alexander has a clear strategic vision for Highland’s children. There is a clear strategic vision for health services. We should try to link that work to funding, as opposed to having lots of different plans.

The Children (Scotland) Act 1995 made it a legal requirement for the council to work with health services and other partners in the voluntary sector to produce a children’s services plan. That should be the main driver for the money. Similarly, in criminal justice, the strategic plan should be the main driver. Needs are most clearly set out in those documents, so making them the main driver would mean that there was less planning work for us.

**The Convener:** You have dealt with the overall plan. How should a figure be reached, if there is no bidding war, which there seems to be? How

could a sum be established that the Executive would accept?

**Bill Alexander:** There may be different ways of deciding allocations. One frustration for us is that some of our allocations take account of our particular needs, such as rurality, whereas some do not. We would prefer simply to know what the budget was to which we were working and plan with our partners within that budget. For example, I do not mind if there is £100,000 for the crime prevention fund and I do not mind if other council areas get more if it is thought that their needs are greater. However, I do not like spending most of my time working up bids with partner agencies when 80 per cent of those bids will go nowhere. I could spend half as much time putting together a much better plan with the partner agencies for our strategic priorities.

There is an issue relating to how funds are allocated—we have a particular issue with rurality—but, once a decision is made, if we know what we are working to, we can plan strategically for that financial envelope.

**The Convener:** Why is that not happening? It sounds simple.

**Harriet Dempster:** I suspect that it is not happening because moneys come down from different parts of the Executive and become available at different times. There might not be a great long-term vision in respect of the amount of money that is available.

I want to reinforce what was said about rurality, which is an important issue for all services, but particularly so in respect of the funding of criminal justice services. It is important that rurality be taken on board. The Highland area may not have the highest crime rates, but if we are to deliver quality services in the area, rurality and the distances that my staff have to travel must be taken into account.

**The Convener:** Lord James will come to that. The nightmare is that there are so many funding streams. We are nearly four years into the Parliament and there still seems to be funding chaos out there, which is wasting energy and resources. Maureen Macmillan might wish to address that before we develop the point.

**Maureen Macmillan:** How much depends on the council allocating money to social work? I presume that the social work budget is a factor. Neither the council nor the Executive has control over an organisation such as Lloyds TSB. You do not know what you will get from a private funder; you can only control what you get from the council and try to find a better way in which to allocate the various streams that come from the Executive. I am not sure who decides on lottery funding, but it is not the Executive—that money comes from a

different source. The issue is not just something that the Executive or the council can deal with. I do not know how Lloyds TSB can be incorporated into such a—

**The Convener:** That is what I am asking. Unless we look at the voluntary funding that comes from the likes of Lloyds TSB or the New Opportunities Fund as icing on the cake—

**Bill Alexander:** Funding is a considerable challenge and we must work closely with our colleagues in the Executive to address it. In some areas we are doing better; for example, we know what we in the Highlands will get from the New Opportunities Fund to provide support for child care for the next three and a half years. The fund told us the total pocket and said to us, "You just sort out what you want to do with that, and as long as it meets the criteria, you will get it." That allows us to look at our budgets in tandem, so that we can share funding for various initiatives or, if we know that the New Opportunities Fund criteria are met, divert other mainstream funding elsewhere.

We cannot underestimate the complexity for colleagues at the Executive that is caused by the range of different funding streams, but the key is—as Mrs Dempster said—to examine strategic plans and to focus on the outcomes that we are endeavouring to achieve. As long as we can prove that spending in whatever area will achieve such and such an outcome, we should be able to cut out some of the planning that happens in the middle.

**The Convener:** I want to move on, but you seem to be saying that the voluntary sector is providing essential services, which it ought not to do. We have seen the voluntary sector do a lot of good work, but for you to have a secure structure for what you are doing, funding needs to come from central Government.

**Harriet Dempster:** It has been extremely helpful in recent years that the Scottish Executive has sent out letters and has hypothecated funds for certain things. Maureen Macmillan asked how to guarantee that funding goes to social work: councils make such decisions, but it has been extremely helpful that funds have been hypothecated. Since I arrived at the council—I am not saying that it has anything to do with my arrival—moneys that have been identified for specific social work services, whether they be criminal justice services, children's services or community care, have come down from the Executive and have been spent on those things. That is extremely helpful. Mr Alexander's comments about clarifying some of the issues are pertinent.

**The Convener:** Yes. However, according to the Audit Scotland report, 60 per cent of the money

that the Government spends on young people who offend is spent on the penal side and only 40 per cent is spent on rehabilitative work, diversions from offending and so on. I am talking about central Government funding. I appreciate the complexity that arises when you take funding from the voluntary sector, whether it comes from the lottery or whatever, but it seems that the system would fall apart without that voluntary money coming in. It might be that that funding is being relied on too much for essential provision.

**Harriet Dempster:** Highland Council has commissioned services from the voluntary sector and—

**The Convener:** That is a different matter. You are the paymasters in such cases.

**Harriet Dempster:** In some cases, value will be added by using the voluntary sector, but most of the services are commissioned because we value the sector's expertise and knowledge.

The convener is absolutely right that the focus needs to be on reducing the 60 per cent that is servicing the penal part of the system and, if I may be so bold, I will suggest some areas in which that could be done through speedier justice. Too many cases get too far into the system, which costs money, and they could be dealt with before they get so far. In the Highland Council area, we have been extending the criminal justice diversion scheme in an attempt to address that problem.

I am keen on the Audit Scotland report's recommendation about police officers' warnings to younger people. It has been shown that such warnings are incredibly effective if they are delivered speedily. The difficulty is that that method has fallen out of use throughout Scotland in the past 10 to 15 years. It could be used much more effectively to prevent some cases from getting into the system and costing money. Although many of the young people who are involved do not end up receiving services, it costs a lot of money for them to go through the system. Developing such aspects in criminal justice and children's services would make a dent in the 60 per cent that the convener mentioned.

14:15

**Lord James Douglas-Hamilton (Lothians) (Con):** You have already mentioned many of the subjects that I want to ask about. In your submission, you referred to the challenge of providing services in a large rural area. The Highland Council area is huge; it stretches from coast to coast and it includes the smaller isles and Skye. It is an immense area.

What are the most significant problems that you face and what steps are you taking to address the

challenge, which might be much greater in some parts of the Highlands than in others? Is it your genuine feeling that your efforts are successful throughout the Highland Council area?

**Harriet Dempster:** It is undoubtedly more expensive to provide services in areas such as the Highlands because of the distances that are involved.

**Lord James Douglas-Hamilton:** Are you referring to road travel?

**Harriet Dempster:** I cannot provide a service from a single office base. The infrastructure requires more offices, but even though there are more offices, people must still travel much greater distances, which means that there are travel costs and time costs.

We have done some interesting work with the criminal justice northern partnership and we have considered zoning and the issue of whether we could guarantee to deliver services within 25 or 30 miles of wherever a person lives. In the Highlands, sometimes even such a suggested distance must be stretched; for example, this meeting is taking place 108 miles from Wick. We face significant problems.

The geographical situation has left us disadvantaged on the criminal justice side because the formula for funding for criminal justice services is based on a retrospective demand for services. Although there is acknowledgement of the fact that it is more expensive to deliver services to the islands, the formula for the islands is not applied to the Highland Council region, in spite of the fact that, as Lord James said, we serve islands as well. We cover a massive geographical area.

**Lord James Douglas-Hamilton:** Will you elaborate on that point? Are you suggesting that the allocation of funds does not take fully into account the needs of the islands?

**Harriet Dempster:** The needs of the whole of the Highland Council area—a huge geographical area that has sparse population—have not been taken fully into account. There is an islands allowance that means that our colleagues in Western Isles Council, Orkney Islands Council and Shetland Islands Council receive an extra allocation. Highland Council does not receive that extra allocation because it is not solely an island council, but I argue that the nature of our geography means that we face similar challenges.

**Lord James Douglas-Hamilton:** Do not Skye and the lesser islands receive any such allocation?

**Harriet Dempster:** No. James Maybee will elaborate on that.

**James Maybee:** I will provide a practical example of some of the difficulties that we face in the Highlands in relation to criminal justice services. We have two full-time qualified social workers in post in Lochaber and the same number in Caithness. We have 0.8 of a full-time equivalent social worker in Skye. It is easy to imagine the kind of problems that arise if one of those members of staff is off sick in the long term, or is away for a protracted period for whatever reason. It is difficult to provide resources to cover such absences, because the nearest offices are between 50 and 100 miles away. There are practical problems in providing quick, same-day or next-day support services to cover courts or to supervise offenders.

Given the work load in outlying areas, employment of more than two full-time staff often cannot be justified because there is simply not enough work in terms of orders and social inquiry reports. In the Highlands, there is a big area centred on Inverness that includes Dingwall, Alness, Invergordon and the inner Moray firth, but there is a tension as to how to provide services in the areas outwith that. I am sure that the committee will hear evidence about that from the voluntary services' perspective. We must continually juggle with such practical issues in order to provide good quality services.

**Maureen Macmillan:** I have a supplementary question on remoteness and service delivery. We recently visited the pilot drugs court in Glasgow, which involves the procurator fiscal, social work services and the health service in intensive engagement with people who are trying to get off drugs. That system is a good method of addressing long-term offenders who have drugs habits that are funded by theft or housebreaking. I asked the sheriff in Glasgow how he thought the scheme would work in Lochmaddy. Do the witnesses have any thoughts about the possibility of drugs courts in the Highlands? Could the social work system, as constituted, cope with such a scheme?

**Harriet Dempster:** The Highlands has drugs hot spots—areas in which there are significant issues with substance misuse—and the indications are that the number of hot spots is increasing, but we also have a significant problem with alcohol throughout the area. To some extent, alcohol abuse has not received the attention that it deserves, given its impact on families and offending, which is why we are pleased that the Government is giving greater attention to alcohol problems. If we were to develop the services to which Maureen Macmillan refers, they could not be pan-Highlands services, but would have to be delivered where there is the greatest need, which is the Moray firth area, although there are problems in Lochaber and Caithness.

Lord James Douglas-Hamilton asked about how we are rising to the challenges of rurality. In the criminal justice and youth justice fields, we are trying to encourage close working between criminal justice services and children's services. It was important to retain the criminal justice service within the local authority because that allows synergy among services. As we move forward, there will be more opportunities in some rural areas for us to work together to deliver similar services to groups of similar young people, even though some of them appear in court and others appear before the children's panel. Evidence suggests that, for some young people, the same kind of services will be effective, and we will join forces on that.

**James Maybee:** We must also consider what technology is available that will help shrink the Highlands. For example, we might be able to set up videoconferencing links between Dingwall and Wick or use webcam technology. We are exploring those issues with people who have the relevant technological knowledge and expertise. I imagine that such innovations will cost money, but we must consider them seriously as ways in which to address some of the issues.

**Lord James Douglas-Hamilton:** Harriet Dempster mentioned that some areas have severe alcohol-related problems. Are the figures in those areas higher than the national average and what are the reasons for the problem?

**Harriet Dempster:** It is difficult to say whether the figures are higher than the national average, but one has a sense that serious drinking is a significant problem for families. A significant number of children whose parents have alcohol problems have come forward for young carers projects in Highland Council area, which were developed for children who sometimes have to care for their parents. That is not the pattern in other parts of Scotland. Those children and young people have given us a tremendous insight into the devastating effects that alcohol can have on family life, in particular when it is linked to offending behaviour.

**The Convener:** The committee is well aware of that effect. Since the Parliament began, many of us have felt that other abused substances have been given a higher profile than alcohol. In fact, alcohol is a far greater danger; it is an ancillary to crime, such as assaults, and to the break-up of homes. Many of us have tried to get the Executive to address the problem by giving more funding to alcohol problems than to other drugs issues.

**Maureen Macmillan:** I should like the witnesses to talk about the way in which the criminal justice service has been reorganised recently. Your notes suggest that the aim of that reorganisation was to link strategy and operations more closely. Perhaps

you could say what the reorganisation consists of and what will be its impact on the delivery of alternatives-to-custody services.

**Harriet Dempster:** The whole social work service was reorganised to strengthen the strategy and the management support that is available to staff. We organised criminal justice with a view to creating the most effective partnership between the criminal justice northern partnership—our strategic planning group—and our other services. The head of services has some responsibility for strategic planning of criminal justice services, and James Maybee, who works under Sandy Riddle, is responsible for the overall day-to-day management of criminal justice services. Before that, those two tasks were managed under one post: Peter was robbed to pay Paul, in order to balance both jobs.

We have created specific children's services managers in all areas, and we have created a head of children's services post to ensure clear strategic working between criminal justice services and children's services. We have also tried to ensure that, at area level, specific expertise exists in youth justice to advise and support staff. Previously, we had generic managers who, in addition to those areas, covered community care. We have therefore attempted to equip the whole service to respond to Government initiatives on the joint future and the integration of children's services, and to ensure the promotion of quality services for criminal justice.

**Maureen Macmillan:** So you have created specialist posts to deal with specialist issues. Earlier, you talked about drug and substance misuse in the Highland Council area. The committee has noted, however, that the Highlands has relatively low rates of crime and drugs misuse. What are the causes of crime in the Highlands? When offenders are dealt with by the social work services have any particular patterns of offending behaviour been observed?

**James Maybee:** I took note of the figure of 0.9 per cent of 15-year-olds to 54-year-olds, which suggests a low rate of drug misuse, but in a sense that figure does not ring true. We discussed the matter before we came into the committee today. If you consider the figures from HMP Inverness at Porterfield, 85 per cent of the Porterfield prison population have addiction difficulties with drugs or alcohol. That gives a slightly different perspective from the 0.9 per cent figure. Drugs and alcohol feature significantly in social work case loads. Other issues, such as homelessness and family breakdown, are also relevant.

**Harriet Dempster:** We should probably also mention youth justice. A significant number—about 75 per cent—of the referrals of young people that are seen by our youth action teams include substance misuse issues.

There might be an issue—which is related to the way in which Highland NHS Board used to be organised—about how the figures, some of which have come from the social work services inspectorate's report, have been collated. Previously, we had a generic service, and people might have been in receipt of services for a number of reasons. It might not have been recorded whether services were being offered for substance misuse; the primary reason might have been something else. In some urban areas, however, there would have been specialist teams and the number of contacts with them would have been recorded. I am not sure how the statistics were collated, but the method of collation might have had an effect because of the way in which Highland NHS Board used to be organised.

**Maureen Macmillan:** That report says that there is a low rate of drugs misuse—0.9 per cent of 15-year-olds to 54-year-olds—in the Highland region, but that is probably an underestimate by quite a long way.

14:30

**Harriet Dempster:** The prevalence work that has recently been undertaken by the Highland NHS Board suggests that the percentage is higher than that. We do not want to talk our figures up, but the chief constable's report for the Northern constabulary last year showed a significant increase in the level of youth offending in the Highland region. We are concerned about that and we want to address it. The impact of youth offending and substance misuse in small communities can be devastating; such people can be very visible. We must try to stop it at an early stage to prevent the problem from getting any worse.

**Maureen Macmillan:** Do you link the increase in youth offending with the increase in substance misuse?

**Harriet Dempster:** The evidence shows that the two often go together.

**The Convener:** Somewhere in the committee's papers I have read figures that show the patterns and causes of offending behaviour. Young people who offend often come from broken homes and bad backgrounds—many have serious problems at home. Do you have any figures on that for the Highlands? I do not know whether the figure that I read in our paper is a national figure, but there was a breakdown according to such factors as family bereavement and history of abuse, which might be part of the reason why young people abuse substances. Do you have any figures for that?

**Harriet Dempster:** I do not have any such figures for the Highlands, but I recognise the

features that you identify. The other issue is the importance of early-years child care. The evidence demonstrates convincingly that, when such care is available and parenting support is available at an early stage, that can prevent later delinquency and offending. Over the past few years in the Highlands, we have focused on rolling out the availability of early-years child care as part of our strategy. We are not dealing with one thing; we are trying to take a wide-ranging approach to dealing with youth crime. We appreciate the fact that that is a long-term view, but we recognise the positive impact that those early-years services can have.

**Maureen Macmillan:** There is rising crime among young people. I do not know what the adult statistics are. How are we doing with alternatives to custody? The chief inspector's report indicates that the number of community service orders that were made in 2000-01 was relatively low in the Highland Council area. Is there a specific reason why community service orders are not being used?

**James Maybee:** It is hard to provide an explanation for that. We are in the hands of the sentencers in terms of outcomes. It might be interesting to share with the committee some figures that show the percentage outcomes of social inquiry reports in the Highland Council area.

In 2001-02, we produced 1,007 social inquiry reports, which translates into 187 probation orders—including probation orders that included a condition of community service unpaid work—and 192 community service orders. Community service orders accounted for 19 per cent of the outcomes of social inquiry reports that were written in the Highlands that year, which is higher than the Scottish average of 11 per cent. Probation was used at exactly the national average rate—16 per cent—and custody was the outcome of 23 per cent of social inquiry reports, compared to the Scottish average of 16.4 per cent. Financial penalties accounted for 21 per cent of the outcomes of social inquiry reports, compared to the national average of 11 per cent, and "other" disposals—meaning warrants, driving disqualifications, discharges, and so on—accounted for 21 per cent, compared to a Scottish average of 45 per cent. I do not want to draw any firm conclusions from those figures, but it is interesting that we confer more community-based sentences in the Highland Council area. The figures also indicate that custody is used more frequently than it is elsewhere, as are financial penalties.

We are seeking to address and expand our range of structured programmes through the criminal justice northern partnership and the pathfinder provider initiative. We clearly also need

to address the matter with the sentencers, so that courts are aware of what is available.

**Maureen Macmillan:** How do you go about addressing sentencers? I know that you cannot be too pushy, because they have the ability to sentence and that is their decision. What sort of relationship do you have with the local judiciary?

**The Convener:** I doubt that the witnesses are going to say that the relationship is bad.

**Harriet Dempster:** I would not say that our relationship with the local judiciary is bad. It is probably more complex, because of the geography of the area, than it would be if we were in one place. I return to my experiences of working in an urban area, where it was possible every three months to have lunch in the sheriff chambers with all the local sheriffs. That was a positive means of exchanging information and discussing new services. People must have confidence in the judiciary.

Because of the geography of the Highland Council area, it is not easy to meet, but we have organised meetings and set up links with the criminal justice northern partnership. It is proposed that the politicians from the Highlands who sit on the criminal justice committee of the northern partnership and the chief officers should meet sheriffs to talk about new developments in an attempt to promote as much confidence as we can in the community alternatives.

**Maureen Macmillan:** I was interested to see that restriction of liberty orders are being used by sheriffs in the Highlands. I am interested in how that develops.

**James Maybee:** We create a dialogue with sheriffs in other forums. Court liaison groups exist in Inverness and Lochaber. We have approached the sheriffs in Dingwall and Wick about establishing a more formal mechanism, not only for us but for other professional agencies that are involved with the courts. My first-line managers and I meet sheriffs regularly in chambers to discuss various matters. One of the values of working in a smaller area such as Wick or Fort William is that an understanding can be developed with the sheriff; common respect can be established and issues can be debated.

**Donald Gorrie:** Your written submission suggests that you share our concern about the problem of collecting good information and statistics about reoffending, drug misuse and so on. Where is the blockage in the flow of information?

**Harriet Dempster:** I am aware that the committee has received evidence from the Association of Directors of Social Work about the difficulties in collecting information on criminal justice adult services.

We have difficulties in children's services—Mr Alexander might elaborate—because the reporter service, which might be the best place to collect that information, has not organised itself to be able to do so. We hope that in the future it will be able to do so because we have an outcome target from the Scottish Executive to reduce offending. We therefore need to be able to track whether young people have stopped offending, both as individuals and in aggregate. It is terribly important to examine the pattern for individuals, because we know what programmes individuals have had. That is part of effective evaluation of whether we are working in the right way with young people and we cannot establish that without individual tracking. Without aggregate and collective tracking we cannot begin to see the trends and establish whether we need to shift money to target different services.

**Bill Alexander:** This is a crucial matter. We collect a lot of information, but the key is to ensure that we collect the correct information. We spoke about wanting to focus on outcomes, which is about working out what we want to do that will make a difference for children, families and communities. That means that we have to be able to define in straightforward terms what we are trying to achieve and we have to be able to measure it. On the point that Mrs Dempster made, reoffending hits that on the button as an outcome. Reduced reoffending rates define in straightforward terms what we are trying to achieve. The problem is that, although we know who our persistent offenders are, we currently cannot have a system that tracks them over time because of the situation that Mrs Dempster mentioned with regard to the reporter system.

With regard to drug misuse, the situation is slightly different. We have yet to come up with an outcome that sums up exactly what we are trying to achieve in terms of reduced substance misuse. The difficulty is in the interface between the "just say no" approach and the harm-limitation approach. With alcohol misuse, it is possible to talk in straightforward terms about reduced levels of alcohol consumption among teenagers as being a reasonable target. However, the same terms cannot be used in relation to drug misuse. Is the target to be absolutely no drug intake, or something in between that and the current level? The issue is not as much to do with the collection of information about the amount of drugs that young people take—although that is a challenge—as it is to do with getting to the first stage, which is to define exactly what we are endeavouring to do.

**Donald Gorrie:** Is it a question of central Government drawing up a score sheet and passing it to you so that you know what you should be measuring?

**Bill Alexander:** The targets have to be set in partnership. We have a responsibility as well. The fact that we cannot easily provide a target demonstrates the size of the problem. I can say that we are trying to reduce alcohol consumption by teenagers to a level at which only 18 per cent have had an alcoholic drink in the past week. We can define that target easily but we cannot do so in relation to drug misuse, either at Executive level or at local level.

**The Convener:** However, if the partnership arrives at working definitions, they will have to be applied nationally, but that is not happening, is it?

**Bill Alexander:** Drug misuse is a challenging—

**The Convener:** Let us not deal with drug misuse, then, but with something simpler, such as the alcohol intake. Are there national targets in relation to that?

**Bill Alexander:** Yes, there are. There are also national targets for reoffending rates: to reduce them by 10 per cent for young people by 2006. Drug misuse, however, is a challenging area.

**Donald Gorrie:** Representatives of the voluntary sector have told us that there are one or two good schemes that have succeeded in ensuring that 50 per cent or 70 per cent of the young people on the schemes do not reoffend. However, there does not seem to be any way of collectively measuring such projects.

**Bill Alexander:** That is true. We can track the work of projects that are working with a certain group or we can track particular individuals, but we cannot get figures for reoffending rates across Highland. Those figures simply do not currently exist.

**Donald Gorrie:** Whose fault is that? Is it the fault of MSPs, civil servants, the Executive, the courts, the local authorities or someone else?

**Bill Alexander:** The situation is a result of the stage that information-collection processes have reached. We collect a lot of information but, once we have decided that a certain piece of information is the one that we require, it is often not easy to collect it and we have to work out ways in which it can be collected.

**Maureen Macmillan:** There are data protection issues in relation to the younger offenders.

**Harriet Dempster:** An issue that arises with reoffending rates is the need to examine the numbers to ensure that one is talking about the same young person.

Donald Gorrie asked who was to blame for the situation and I would say that we all are. We all have to take collective ownership of it.

**The Convener:** Why is that not happening?

**Bill Alexander:** We are endeavouring to do that. We have—

**The Convener:** I know that you are working on the issue and I am not laying blame. I am merely asking how it has come about that, four years after devolution, we are in this situation. Surely, we should be able to establish tighter controls over figures such as the ones that we are talking about.

**Bill Alexander:** For the past 15 months, we have been working with the Executive, Stirling Council and Perth and Kinross Council on our local outcome targets. Those discussions led us to focus on the areas that I have highlighted and identify the critical pieces of information that we need to tell us what we need to do better for children, families and communities. We now have to translate those targets into information that we can collect. We have come to a decision on some of those targets at a local and national level but we must address the problems that we have in collecting that information. Furthermore, we have to stop collecting some of the information that we have always collected but that does not contribute greatly to our knowledge of what is happening.

**The Convener:** Shrieval discretion is sacrosanct, in some ways, with each case being decided on its own merits. However, without touching on that area, how are sheriffs made aware of the range of alternatives that are available to them in the Highland region? How are they made aware of the vacancies that may exist for day-to-day disposals? When a sheriff is considering what should be done about a person, can the sheriff find out at the touch of a button—to put it metaphorically—what non-custodial options are available? I have read some papers that say that custody is sometimes the only option because of the disorganised lifestyle of the offender. Such offenders are put in custody and people are even remanded in custody because of that. What alternatives exist for sheriffs in the Highlands and are they aware of the options?

14:45

**James Maybee:** Yes. I hope that I can say with some certainty that sheriffs in Highland know what options are available. For example, drug treatment and testing orders are not available in Highland, but sheriffs will know what range of services is available. If there are local difficulties, that will be communicated swiftly. It is important that sheriffs know that information at the touch of a button.

**The Convener:** If sheriffs are provided with information about the alternatives, do they use them?

**James Maybee:** I think that the sheriffs use the information, but it is a difficult question to answer.

**The Convener:** We understand that sheriffs, like the public, must have faith in such options when the answer that they provide is not simply, "See that that man is put in the jail." Sheriffs want an option that the public have faith in. The sheriffs must have faith that the necessary personnel will be available. If I am a sheriff and I am sitting on the bench with somebody in front of me, will I be able to know there and then what range of options is available and which options have the personnel to support them? Will I know whether the social workers and supported accommodation are in place? Will I have that information?

**James Maybee:** Yes. That information would be provided through the social inquiry report, which would discuss the sentencing options. For example, if a probation order were being considered, the report would say what services were available within the community that could go into an action plan for the offender.

**The Convener:** I may be speaking out of turn, but I think that the committee has perhaps been concerned that sheriffs might not have that sort of comprehensive information. I do not refer to sheriffs in Highland in particular. I simply mention that from information that we received previously.

**Harriet Dempster:** You asked whether all the options are taken up. One statistic that we are currently working on concerns the intensive probation project that is available in Inverness. Our service level agreement with the voluntary sector suggests that the project ought to receive 50 referrals a year, but it receives only about 50 per cent of that figure at the moment. I would not put the whole problem down to sentencing, but some of it will be down to whether people are aware that the service is on offer and is not being utilised to its full potential. That is a big concern for us, so we have tried not only to have informal discussions with sheriffs but to ensure that our own social workers recommend that option. We need to ensure that social workers too know about the service. It is a two-way street. In the Highland area, such services may not always be next door or round the corner; they may be in the next town. That means that there is more of a challenge in ensuring that staff are fully aware of the services and options.

**The Convener:** So the option might not always be mentioned in the social work report.

**Harriet Dempster:** All that I am saying is that we are ensuring that people are fully aware of the option so that we can make full use of it. We recognise that the problem is not all down to sheriffs and that we too have a responsibility.

**The Convener:** This is not a blame thing; we just want to try to marry things up. One sometimes wonders what information is available to sheriffs.

The sheriff may be required to make a decision that day and may not want to continue the case. If the sheriff needs to do something, is the information available timeously, or must the sheriff continue the case in order to receive a report? The sheriff may be sitting there knowing that an alternative to custody would be preferable but not knowing whether places are available because there is nobody there to help the sheriff on that day. I just wonder how we ensure that people are not put into custody unnecessarily. How do we ensure that comprehensive, up-to-date and timeous information is made available and that the resources are provided?

**James Maybee:** In the vast majority of cases, the court would have that information in time for the hearing. If a social worker who is preparing a social inquiry report is considering a particular option—for example, a probation order with a condition to attend the Airborne Initiative—there may not be enough time within those three or four weeks to get the full assessment done. In that case, we will simply approach the court to ask for an extension to allow that piece of work to be done. Clearly, it would be wrong for that individual to be sentenced if the full range of options had not been explored.

**Lord James Douglas-Hamilton:** You said that drug treatment and testing orders are not available in the Highlands. Do you accept that, from the point of view of professional social workers, there is a strong argument for having consistency throughout Scotland and that DTTOs should be available throughout Scotland? Are there other gaps in the disposals that are available in the Highlands?

**James Maybee:** The pilot schemes for DTTOs have recently been extended. We would welcome the introduction of DTTOs across Scotland, as the research evidence concerning DTTOs is very positive. If DTTOs work, surely they should be available to all local authorities. No other gaps in provision spring to mind.

**Lord James Douglas-Hamilton:** This matter needs a little thought. If you come to the view that there are gaps in the provision of disposals, could you supply us with a short paper on those? That would be very helpful.

**James Maybee:** Certainly.

**Maureen Macmillan:** Perhaps I should not ask this question, as it suggests that the sheriffs may not be doing what we would like them to do. When you discuss issues with sheriffs or make recommendations in social inquiry reports, how often do they take notice of what you say? Are you pushing against an open door, or do you have difficulties?



Am I allowed to ask that question? Because Christine Grahame is a lawyer, she is always wary when I suggest that sheriffs are not doing their job.

**The Convener:** It is not for the witnesses to answer Maureen Macmillan's question. I will lift that burden from them.

**Maureen Macmillan:** We have been told that if one community service order does not work, offenders are sent to jail. Often it is not suggested that a series of community service orders could be issued, rather than just one. What happens in Highland? Do the sheriffs use community service orders more than once for the same offender, or, if the first order does not work, are people told that they have had their chance with community service and given a custodial sentence?

**James Maybee:** Anecdotally, I would say that sheriffs in Highland are open-minded and flexible. Before they take the step of sending someone to prison, they try to use every other resort that is open to them.

**The Convener:** You will be listened to the next time that you are in front of the sheriffs.

**Maureen Macmillan:** That is the sort of answer that the convener likes.

**James Maybee:** It is a fair comment.

**The Convener:** I cautioned Maureen Macmillan not because I was once a lawyer, but because it is difficult to generalise. When we attended a session of the drugs court, we saw differences in the way in which different sheriffs dealt with cases. I suspect that it will be difficult for us to address this issue.

**Maureen Macmillan:** The issue was raised in evidence by other organisations. It would be useful to know how prevalent the practice is of sending an offender to jail after one community service order.

**The Convener:** Mr Maybee is praising the sheriffs in Highland. The next time that they read his reports, he will be on their good side.

**Maureen Macmillan:** I would not dare to criticise the sheriffs—I know half of them.

**The Convener:** Is there anything that the witnesses would like to tell us? We are not solemn about our proceedings—we do not know whether we are asking the right questions. Do you want to highlight any issues that we have not raised?

**Harriet Dempster:** Members have asked many comprehensive questions.

**James Maybee:** I want to make a point about funding and the setting of outcomes and outputs. The convener asked why some things have not happened, given that the Parliament has been in

existence for four years. Everyone involved in the criminal justice system must make a concerted effort to ensure that the system works better, but some things will take a long time to work.

I want to pass on some information that I have received from the National Probation Service for England and Wales, as it is interesting to see what is happening elsewhere in the United Kingdom and internationally. One of the National Probation Service's targets is a reduction of 5 per cent in the reconviction of offenders, compared with expected rates. The revised offender group reconviction scale—OGRS2—sets the benchmark for programme effectiveness and service performance. It is a statistical tool that has been developed from a study of 30,000 offenders who were sentenced to community sentences or discharged from prison in 1995. OGRS2 estimates the probability that offenders with a given history of offending will be reconvicted of a standard list of offences within two years of sentence or release, if sentenced to custody.

Such research cannot be done overnight. We need a more coherent approach so that we can provide benchmark figures and set targets for criminal justice, youth justice and other services, if we are going to proceed in a proper and structured way.

**The Convener:** The committee is exposing to the public the diversity, the separation of all the sources and actions, and the energy that is spent, which could be spent elsewhere, worthy though much of the effort is. If we make the system more comprehensive and comprehensible, we will have achieved something and we will have taken away some of the costs. There needs to be co-ordination. Donald Gorrie is right; it seems like lunacy for so much effort to be going in. Thank you very much indeed.

While the next witnesses are taking their seats I refer members to papers J1/03/2/4, J1/03/2/5, J1/03/2/6 and J1/03/2/7, which will assist with questioning the witnesses. There is a submission from NCH Scotland and there are three papers from Barnardo's Scotland. I welcome Mark Cambridge, who is a project worker from NCH Scotland, and Peter Flanagan, who is project leader for the new directions project with Barnardo's Scotland. I saw that the witnesses were listening to the evidence that we just heard, so we will go straight to questions.

What types of programmes do NCH Scotland and Barnardo's Scotland run for offenders in the Highland area in particular and in Scotland in general? I asked the previous panel members about the programmes that they run.

**Mark Cambridge (NCH Scotland):** In Inverness NCH Scotland runs a service called Gael Og,

which means Highland youth. The five projects that we operate are the intensive probation project, for which I work, the intensive supervision project, the positive options programme, the mentoring project and the drug and substance misuse referral project.

**The Convener:** Do you operate other projects throughout Scotland?

**Mark Cambridge:** A range of projects operates throughout Scotland in different areas. The five projects that I mentioned operate specifically in the Highlands.

**The Convener:** I shall ask our clerks to obtain the information about projects throughout Scotland, if we do not have that information already. We have received several papers, but it would be useful to see the picture throughout Scotland. In your experience, are sheriffs well aware of the projects and programmes that are run in the Highlands and do they reflect on them?

**Mark Cambridge:** The sheriffs work mainly with the intensive probation project, although the intensive supervision project for 16 and 17-year-olds—

**The Convener:** Is that run through the children's panels?

**Mark Cambridge:** Yes. The intensive supervision project tends to operate for young offenders from the age of 10 to 18 years. In the main, it deals with those who are referred through panels, because of educational difficulties. In the intensive probation project, the referrals come from the criminal justice service and directly from the courts. The project that I am involved in tends to deal with the courts.

**The Convener:** Do sheriffs make use of the project?

**Mark Cambridge:** They are making use of it, but they could make a lot more use of it.

**The Convener:** What is the problem for the sheriffs? Do they know that there are sufficient personnel?

**Mark Cambridge:** The intensive probation project needs to let people know exactly what work we are doing. I have met some sheriffs, but we need to do a lot more work in that area.

15:00

**The Convener:** From what I heard in the previous evidence, contact with sheriffs takes place on an informal basis in and about the sheriff court. Is there room for a forum for the association of sheriffs in the Highlands and Islands—I am assuming that such an association exists—and various agencies to have more regularised meetings to exchange views? Such a forum need

not be binding on any of the parties and there need not be any commitment one way or the other.

**Mark Cambridge:** That would be useful. If I need to meet a sheriff, I write a letter asking whether an appointment can be made for him to see me.

**The Convener:** That is just one sheriff.

**Mark Cambridge:** Yes, and we cover the whole of the Highlands, which is a big problem in itself. A Highland-wide operation stretches from Skye as far as Wick.

**The Convener:** Has there ever been an endeavour to have a forum where the various agencies that work in different programmes, the sheriffs and the chairs of the panels could exchange views?

**Mark Cambridge:** I do not know of one that involves the voluntary agencies as well. I understand that the criminal justice teams have systems in place, but I am not aware of the voluntary agencies involved with those teams having any such arrangements.

**Maureen Macmillan:** I would like to ask about resources. In its written submission, Barnardo's Scotland states:

"well resourced community based programmes ... are a far cheaper option than the alternatives of residential school, secure accommodation or custody".

Could you expand on the resources needed and on the relative costs of the programmes and of custody?

**Peter Flanagan (Barnardo's Scotland):** The figures that I will refer to come from the Scottish Executive's response of 9 June 2000 to the advisory group on youth crime. That response states quite clearly that the cost of secure accommodation is £3,000 per child per week, that residential care costs £1,120 per week and that a young offenders institution costs £400 per week. For Barnardo's Scotland's principal persistent offender and serious offender projects, the cost is less than £200 per child per week.

Of course, addressing offending behaviour goes wider than just the financial costs. We know that placing young people in secure accommodation does not necessarily address all the issues surrounding offending behaviour. For example, we are currently working with a young person who has been in secure accommodation for seven months. He has serious problems with offending behaviour and drug misuse. In fact, he was admitted to secure accommodation after taking an overdose for the second time, to the threat of his life. In that time, he has had three contacts to look at giving him a drug education programme.

It is not clear quite how placing that young person in secure accommodation for seven months without tackling what is considered a major contributing factor to his offending behaviour will help him to address that behaviour. The use of secure accommodation without the appropriate resources certainly represents poor value for money in comparison with the type of work that we do with young people in the community.

**Maureen Macmillan:** Are there any situations in which you would have access to young people in secure accommodation, or are you kept quite separate? It seems that there would be occasions when you would want to have a child in secure accommodation or to take them away from their community. Is it either one or the other, so that if they are in secure accommodation they are not getting the intensive support that they need? Is it the case that you can give them intensive support in the community but that there is no crossover?

**Peter Flanagan:** The geography of secure accommodation placements has a major impact on the services that can be provided for in the community. The programme that I am working with—new directions—operates in Aberdeen and Aberdeenshire. The only secure accommodation where we can have direct access to young people in a reasonable time scale that allows us to make good use of time is at Rossie. We keep in contact with the young people once a week while they are there.

However, when we work with young people in the community, we usually find that there are various problems and issues that are contributing factors to their offending behaviour. It is very difficult to have individual people who have the knowledge and skills to address problems and issues such as drug and alcohol misuse, offending behaviour, child care, neglect, previous experience of being victims, education, and employment.

We believe firmly in a multi-agency approach. We would hope to work with other agencies to address drug misuse. However, there is also a service gap in the community in relation to drug misuse, because few services aim to address specifically the problems of young people under 16. Available drugs services are principally targeted at adults. We have a large number of young people who have difficulties, such as the young man whom I described. Access to resources in the community is difficult enough, without young people being taken 50 miles away from such limited resources.

If young people are at Rossie, we still work with and try to address their offending behaviour, but if they are further away, it becomes practically impossible to work with them. After a child is placed in Rossie, the questions are whether we

are able to do anything constructive with the young person and why we keep them in secure accommodation. I do not think that they will come out being less dependent on drugs or changed individuals in relation to their offending behaviour. They could be at higher risk of overdose, given that their tolerance levels will have dropped.

**The Convener:** You said that community-based services are better, but you also said that secure accommodation would be appropriate in circumstances in which there is continuing supportive work.

**Peter Flanagan:** There is no doubt that some young people need to be locked up for the safety of the community. We cannot say that no young people should be locked up. There is no doubt that some young people pose such a threat that they must be locked up. However, the majority of young people whom we lock up need intensive support. That support could be available in the community, but it is not available in secure accommodation or in young offenders institutions.

**Lord James Douglas-Hamilton:** In your experience, is there much variation in sentences to secure accommodation in Scotland? Do such places provide sufficient rehabilitative programmes, or are only some doing so? You said that there is a dearth of drug services for the young. What is the solution for that? How would you like that problem to be addressed?

**Peter Flanagan:** In my experience, the first priority of secure accommodation must be to ensure the safety of young people who are placed there and the safety of the community by ensuring that they remain locked up. That is the purpose of such accommodation. Secure accommodation can provide detailed and intensive programmes that would address young people's behaviour. However, the more young people whom we put in secure accommodation, the less likely is it that we will be able to provide the intense support that such young people need.

From my previous experience in working in criminal justice and child care social work services, I would say that the same thing could be said about young offenders institutions. The more young people whom we lock up in such institutions, the less able the institutions are to provide programmes that effectively address the behaviour that they are supposedly there in the first place to address.

There is no doubt that some young people need to be locked up for the safety of the community, but the vast number of people whom we put in secure accommodation and in young offenders institutions limits the ability to make those institutions more effective.

**The Convener:** We are talking about a wide definition of secure accommodation. Do some young people require to be in secure accommodation for their own sake, because they are on self-destruct or whatever?

**Peter Flanagan:** Yes.

**The Convener:** The committee does not have time to visit secure accommodation, but we might want to put down a marker for our successor committee. Has any committee member visited secure accommodation?

**Lord James Douglas-Hamilton:** Yes.

**The Convener:** I have never visited such premises. I am ignorant about their physical state.

**Lord James Douglas-Hamilton:** I think that our expert witness was about to give some information about drugs services for the young and to say what his preferred solution was.

**Peter Flanagan:** Services to help people with drug misuse problems are principally adult based. Many of them are placed in health services. Some social work and voluntary organisation initiatives deal with drug misuse problems, but most of them are for adults and take adult approaches.

We know from research that to deal with young persistent offenders effectively, their family and environment must be taken into account. The approach for young offenders must be different from that for adult offenders. We need to apply that research and knowledge to the provision of services for young people who misuse drugs.

**Lord James Douglas-Hamilton:** More priority needs to be given to drugs services for the young, because that age group forms a greater percentage of all offenders than before.

**Peter Flanagan:** Yes. Barnardo's new directions project works with 30 young people in Aberdeen and Aberdeenshire and takes a similar approach to that of Freagarrach, which the committee has visited. Of those 30 young people, who are persistent or serious offenders, 19 have significant substance misuse problems, and nine of those 19 have very serious drug misuse problems.

A significant number of young people have those needs. We must be able to deal with those needs as well as their offending behaviour. Other factors should not sidetrack us from their offending behaviour. We must have the expertise and the resources to deal with both factors.

**Maureen Macmillan:** You said that Barnardo's deals with 30 youngsters in Aberdeen. How many do you deal with in Highland Council's area? What does each organisation—Barnardo's and NCH—do in the area? I presume that the organisations do not compete and that they dovetail. Do you offer the same services or do you complement each other?

**Mark Cambridge:** We are not aware of a similar Barnardo's scheme in the Highlands. We talked about secure units and work in communities. Young people who enter secure units eventually return to their own communities. That is important. We must try to keep young people in those communities and work with them there.

NCH has run a mentoring scheme for about a year. Paid workers from the areas in which the young offenders committed offences and live are involved with them in their communities. The workers are people from those communities who wanted to become involved. When a colleague of mine placed the advert for the scheme, an almighty number of people applied, so that shows that many people in communities want to assist other members of their communities.

I have worked in and run secure units in England and I have worked in child care provision, too. There is a question mark over the amount of programmed work to deal with people's offending behaviour in some resources. I can talk only about the services in which I have worked. I believe that the work really needs to be done when the young person comes back into the community, although I agree that some people must be locked up because of the seriousness or violence of their offences.

NCH in the Highlands has a drugs misuse referral officer who works in Inverness and Dingwall. That is unfair on people who live outside those areas. There are families and individuals who need support that is not there for them. Services for people with drugs difficulties—especially those in the younger age range—are not available in many areas. NCH has identified that as a problem and we hope to take on another worker in the next few months to work in other areas in the Highlands.

15:15

**The Convener:** You are referring to what is sometimes known as postcode sentencing—where someone has offended will decide whether they go into custody or something else.

**Mark Cambridge:** Absolutely. I am the only intensive probation worker in the Highlands. I get paid for 50 hours per week and I have to cover all areas. Because I am based in Inverness and Dingwall, most of the people I will help are in Inverness and Dingwall. Every Thursday, I go to Wick and spend a day seeing people there. I also have clients in Fort William.

We have to spread ourselves about. Doing structured work with individuals is a problem when we are spread right around the Highlands.

**Maureen Macmillan:** Yours is not the only organisation that offers a service for people who misuse drugs.

**Mark Cambridge:** That is right.

**Maureen Macmillan:** Although you are working in Dingwall and Inverness, other people might be working in Thurso and Fort William for example. It would be good to have a picture of how all the voluntary organisations fit together.

**Mark Cambridge:** I am not sure that there is one. In areas such as Wick, the number of other organisations that are in place to help young people—and adults—who offend or are on drugs is very limited.

**The Convener:** Notwithstanding what Maureen Macmillan said, you are saying that even if there are other agencies operating in the area, postcode disposals go on.

**Mark Cambridge:** I believe that that is the case.

**Peter Flanagan:** I will answer the point that was made about crossovers. In the Highlands, Barnardo's has the Highland link worker who works with young people who show sexually abusive behaviour, so we do not necessarily work with the same group of young people as NCH. NCH does intensive work with persistent and serious young offenders in the Highlands. Our organisations do not cross over.

Barnardo's in Scotland has three separate initiatives for young people who exhibit sexually abusive behaviour. There is also the Matrix project in Falkirk, Stirling and Clackmannanshire that works with 8 to 11-year-olds who offend. There are numerous projects for those aged 16-plus—one of which is in the Highland Council area. They work with young people who have previously been in care and help them to re-establish themselves in the community. A lot of those young people are offenders, so there is similar work to be done, but the main emphasis of those projects is settling them back into the community.

There is also a youth drugs initiative in Aberdeenshire under the Barnardo's new directions project. Payback—if you lived in Buchan, you would say "payback"—means restorative justice and is for young people who are not necessarily persistent offenders. We also have three particular projects, one of which members visited—Freagarrach—and the challenging offending through support and intervention, or CHOSI, project in North Lanarkshire. New directions also deals with persistent and serious young offenders aged between 14 and 18. We deal with children's panels and the adult courts, so our work covers different areas.

On the earlier question about whether sentencers take note and respond to services, my

answer would be a fairly clear no. It is not that anyone is to blame for that. After all, it can take up to 14 months for a case to reach the adult courts, which means that the courts can be quite far behind in relation to the young person's offending. If someone has to commit five offences before they are considered to be persistent offenders, some young people could be well over 17, and so outwith the age range with which we work, before they reach that number of convictions in the adult court system.

Furthermore, research has shown that too early an intervention with intensive initiatives on offending behaviour can be quite destructive. As a result, we cannot afford to go in too early. Many young people have been or are still in the children's hearings system before they are introduced to the courts. I hope that, in general, we would be made aware of those young people while they are still in the children's hearings system and that we would be able to work with them.

At the start, our attempts to link in our services with sheriffs were slightly rebuffed in Aberdeen. The then sheriff principal felt that sheriffs would be able to hear about the development of the project from the criminal justice service during the usual liaison meetings. However, we receive very few referrals from social work criminal justice services, which means that very few come directly to us from the courts. In the long term, we want to identify young people and address their offending behaviour while they are still in the children's hearings system. I am not talking necessarily about dealing with offences in retrospect, but about dealing with their behaviour as set out in the crime files.

We also want to ensure that we have time within the children's hearings system to reduce young people's offending behaviour significantly. The difficulty with the adult courts system is that it uses probation as the principal tool for helping young people to address the causes of their offending behaviour and to try to reduce their offending. If a young person commits an offence while they are on probation, that is considered to be a breach of the probation order, so it becomes very difficult to work with young people to reduce their offending behaviour.

For example, we had a young person who had committed 35 offences and had had two spells in secure accommodation. In the 14 months that we worked with him, he had only three charges. Because the third charge reached court in that 14<sup>th</sup> month, he was sentenced to seven months' imprisonment even though the instances of his offending behaviour had fallen from 35 offences to three. We need time to be able to target young people's offending behaviour realistically and

appropriately, instead of being expected to wave a magic wand and stop the offending immediately.

We need to work with sentencers on such initiatives and address the issues, such as giving us the time—

**The Convener:** I want to stop you there. If a young person breaches a probation order, surely the sheriff has no discretion. Does he not have to impose a sentence?

**Peter Flanagan:** No. If someone commits a further offence while under probation, that is considered to be an automatic breach of the order.

**The Convener:** And then?

**Peter Flanagan:** The sheriff still has the power to allow the order to continue. In other words, he can dispose of the further offence without terminating the probation order. In fact, he can fine the person for breaching their probation, deal with the other offence and still allow the probation order to continue.

**Mark Cambridge:** I should point out that the supervising social worker who holds the order has to submit the breach to the courts in the first place, unless it is a breach of a restriction of liberty order, which has to be submitted directly by Reliance Monitoring Services. It is true that the commission of a further offence during probation constitutes grounds for a breach, but the sheriff could simply allow the order to continue. At Inverness sheriff court, a sheriff who hears of a breach of a probation order has sometimes imposed an additional condition, which might be that the person has to attend an intensive probation programme.

**The Convener:** I am thinking of the precedent of the drugs courts that we visited. Some people who were on the programme lapsed, but depending on the lapse—whether it was failing to turn up for a test or testing positive—the sheriff could continue the order and not find the person to be in breach of it. There was real flexibility. As you say, sometimes a sheriff adds other conditions—for example, a person might have to go on an alcohol programme as a condition of continuing the programme. Are you saying that sheriffs should have the opportunity to think along those lines, rather like drugs courts sheriffs? The criteria that were used in the drugs courts were whether the offender had shown a general commitment and whether they had improved. Is that what you are talking about?

**Peter Flanagan:** Yes. Sheriffs can vary an order and continue it. An order does not have to be terminated if it is breached. Conditions can be added. There is one note of caution, and the situation is the same with deferred sentences—persistent offenders, who may have committed 35

or 40 offences in the previous 12 months, could quite quickly accumulate five, six, seven or eight offences after they go on an order, because of the time lag in the courts. Conditions would build and the risk of custody would become greater as conditions were added. It is a fine line, and it is fairly difficult. In defence of sheriffs, they have to be able to deal with the offences that are brought before them.

**The Convener:** That point is made. The issue is the alternatives that are available to sheriffs. They do not have the luxury of continuing for ever while things are resolved; they have to do something.

**Peter Flanagan:** That is right, and that is where the children's panel system has an advantage, in that it can examine the needs of the young person and weigh up the different parts in relation to their needs. The panel can ask: what has been addressed? Has progress been made? Can we continue? Can we apply a children's panel supervision order? Can we consider the whole child, not just the offence? Can we consider the offending pattern, not just the single offence?

**The Convener:** So you are not for youth courts.

**Peter Flanagan:** I remember when we had juvenile courts in the 1960s. I have doubts about going back to that. If youth courts have the same powers as adult courts, what is the point? I do not see the significance of youth courts, unless there is a particular emphasis on them and resources are given to them, and unless youth courts have the power to make decisions that will reduce the offending behaviour of young people in the long term. If we just have a youth version of the adult courts system, I do not see the purpose.

**The Convener:** Does Donald Gorrie want to address resources? I am sorry; we are taking our time. I was told that we had a lot of time, but of course now I am being warned that we do not have as much as I thought.

**Mark Cambridge:** May I comment? One of the major issues is effective partnership working. If there is a breach and the court asks the supervising social worker for a social inquiry report—which does not happen all the time; in fact, it does not happen much of the time—and the social worker knows that the person has been on an incentive probation project and the work has gone well, I would hope that that would feed into the social inquiry report or that I would be asked to write a separate report, stating the progress that has been made, so that that would be reflected in the social inquiry report when it went back to court. Then the sheriff would be aware of the progress that has been made during the period and his sentencing would, I hope, bear that in mind.

**Donald Gorrie:** Does either organisation have problems with the tendency to have short-term

project funding, or with the policy of competitive bidding to get funding?

**Peter Flanagan:** We currently have seven different funding sources for the different parts of the new directions project—money from the children's change fund, the youth crime prevention fund, Lloyds TSB, Aberdeenshire Council, Aberdeen City Council and the Scottish Executive justice department, and funding from Barnardo's itself.

Each of those sources has a different time scale and seeks different reasons to justify the funding. If we are successful and try to provide continuous funding, which we regard as an effective service, we must rebid for money. A great deal of management time is spent chasing the budget, rather than evaluating and developing the service. When the initial funding term is too short, it is difficult to attract good, experienced staff to take on this challenging work. If we manage to attract such individuals, but there is no certainty of refunding or of their post continuing, good staff will seek employment elsewhere. Without doubt, there are difficulties with the funding process.

15:30

**Mark Cambridge:** Intensive probation project funding is arranged a year at a time with the criminal justice service of the social work department. That is a major issue that affects the quality and retention of workers and the development of work. It is important that we give confidence to the young people who participate in schemes. They are not particularly aware of the funding aspect of the enterprise, but the funding process has implications for forward planning.

Intensive supervision, which relates to the younger age group, is funded by the children and families team of the social work department. Many other projects are funded by a range of financial services.

**Donald Gorrie:** What is your experience of bidding? Is there a lot of unsuccessful bidding? The witnesses from Highland Council gave some examples. It has been suggested that to get funding for one project one might have to bid for funding for six.

**Peter Flanagan:** I do not want to repeat everything that the witnesses from Highland Council said, as I agreed with a great deal of that. In Aberdeen, we received no funding for youth crime intensive support and preventive work in the November funding round. A great deal of time was put into the bidding process, with no outcome. We have an active, multi-agency youth justice team. Voluntary organisations and the statutory sector—the police, social work, the health service and housing—work together to determine an effective

strategy. We seek to identify the services that we need, the gaps that exist and how we can work together better. Instead of having a rush for a couple of weeks to secure moneys, we should allow the strategy groups to inform the funding process.

Some aspects of ring-fenced funding are helpful. I do not want to speak on behalf of the social work department, but from previous experience, I know that the demands on social work departments are so great that resources can often be diverted to deal with other dilemmas. There are advantages in allowing outside agencies—rather than just local authorities—to bid for funding. There are swings and roundabouts.

**Donald Gorrie:** Are Barnardo's Scotland and NCH Scotland confident that there will be continuing funding for the successful projects that you have described in your written evidence?

**Mark Cambridge:** NCH Scotland is confident about all the projects that it operates and that it is doing a good job, although I am sure that we could do better. Unfortunately, funding for the intensive probation project, in which I am involved, is arranged one year at a time. Not being told that new funding will be in place until a couple of months before existing funding ceases is a major issue. It affects the planning of the project and the staff member concerned, who has to decide whether they want to put up with that type of working or whether they should return to a local authority, where they know that they will be in employment full time without the possibility that they might not be employed in a year's time. Even if funding were available on a three-year basis, that would allow us reasonable time to make plans and to move forward confidently.

**Peter Flanagan:** The persistent offending and serious offenders initiatives under the new directions project are included in the Highland joint officer group criminal justice strategic plan and the core funding for that. That makes them and other aspects of the funding for criminal justice initiatives reasonably secure. However, we will need to rebid for funding for other aspects of the service, for which the money comes from the youth crime budget. I cannot say at the moment what the certainty of our success will be. That said, considering the work that has been done, I feel reasonably confident that we will get the funding.

The money for the youth drugs initiative in Aberdeenshire comes from the children's change fund and from Lloyds TSB, which has said that there is no guarantee of continuing funding. There is no certainty that the funding for the restorative justice programme will continue beyond the end of the next financial year. Elsewhere in Scotland, we know that the Freagarrach project in Clackmannanshire has lost funding. We also know

that there has been uncertainty at times about North Lanarkshire Council's continued funding of CHOSI. The simple answer is yes; funding seems to fluctuate to some degree.

**Lord James Douglas-Hamilton:** NCH Scotland's written evidence suggests that failure to appear at court is a significant factor in young offenders receiving custodial sentences. Is that a serious problem? Will you outline the many factors that might lead to non-appearance? Is there evidence to suggest that offenders who appear in court are more likely to receive an alternative disposal or relatively more lenient treatment?

**Mark Cambridge:** Many of the people with whom we deal, either as young or adult offenders, live chaotic lifestyles in which alcohol and drug misuse are a factor. That was mentioned earlier. Those chaotic lifestyles can lead people to react impulsively.

Young people not attending for their court appearance occurs fairly regularly. Much of the reason for that relates to self-esteem and fear about what is likely to happen in court. Before Christmas, the non-attendance rate increases dramatically, as it does before childbirth. The thought processes are common to many of the people with whom we work and for whom we offer our programmes. We are talking about very impulsive people who do not give much consideration to situations such as appearing in court or to the consequences of their actions.

**Lord James Douglas-Hamilton:** The committee is aware that NCH Scotland works with young people who offend seriously and persistently. Will you elaborate on what constitutes a serious young offender and describe how community-based programmes for such offenders would differ from those that address less serious offending behaviour?

**Mark Cambridge:** I am involved in the intensive probation project in Inverness. People are referred to me from two sources: directly by the courts or via the criminal justice social work team. The main function of our project is to reduce reoffending and the risk of custody for the offender.

Because the young people with whom we deal are very impulsive, our first priority is to engage with them. As I said earlier, young people find it difficult to make court appearances. They also find it difficult to make appointments with us, so the first major issue for us is to engage with them. If a person is referred to us, we will work with them.

**The Convener:** Can you give us an example of what such people have done, so that we have something to hook on to?

**Mark Cambridge:** I am talking about intensive probation for serious offending. The courts see

probation orders, restriction of liberty orders and community service as high-tariff disposals. Community service is meant to be a direct alternative to custody, so if we receive people whose social inquiry report shows that the court wanted a report on their suitability for community service, we know that the court was thinking about locking up that person.

**The Convener:** What would a person have done to be called a serious young offender?

**Mark Cambridge:** That is difficult to answer. I am involved with one person who is on probation although they have committed only one offence, which involved attacking someone with a broken glass. That was classed as a serious offence, but, as an alternative to custody, the individual was referred to us and given a probation order. Whether an offence is serious depends on the individual circumstances and the court's definition. I have been involved with people who committed what I considered from the paperwork to be serious assaults, although they did not result in probation and were dealt with by a large fine.

**Peter Flanagan:** Barnardo's Scotland also tries to determine a difference between serious and persistent offenders. We consider that anyone who appears in court on indictment is a serious offender, but, other than that, we must use discretion as to what is serious. For example, a young person referred to us had stolen a car. We would not normally consider that to be serious enough to warrant intensive work with us, unless there was persistent offending alongside it, but the person had his seven-year-old brother in the car with him.

Each offence has different circumstances. If a charge is originally assault to severe injury, but is later dropped to assault, we might still consider the offence to be serious. We dealt with one young man who had assaulted a woman with a brick. The offence in that case was assault and was not prosecuted on indictment, although we considered it to be serious.

**The Convener:** That helps. I wanted an example.

**Lord James Douglas-Hamilton:** What is the witnesses' recommendation on sanctions for non-co-operation with community-based disposals? Do you see prison as a last resort?

**Mark Cambridge:** A number of people with whom we have dealt have been subject to probation orders, which means that if the person does not comply with the order, the order is breached and the person goes back to court. A recommendation is often made as to the appropriate form of disposal.



If someone breaches a probation order, but the intensive probation service feels that we are getting somewhere with that person, we would continue to offer our services and argue that the person was suitable for them, although the court might decide that enough is enough and that an alternative disposal is required. In my experience—I have also worked with young people through the criminal justice service—a number of factors are involved in such cases. As the witnesses from the criminal justice team said, just because a particular option has been tried once and did not work, that does not mean that it should not be tried again.

There are a number of factors. When we were at school, we related better to one teacher than we did to another. We tended to listen to a teacher of one subject more than we did to a teacher of another. It is possible to relate that argument to the work that we do. Sometimes an individual finds the right person and does the right programme—something clicks and they take the advice. That stops or reduces the reoffending. A range of issues is involved.

15:45

**The Convener:** The lesson is that you cannot generalise.

**Mark Cambridge:** No, you cannot.

**Peter Flanagan:** The ultimate answer to the question of whether prison is a last resort is yes. If everything has failed and the young person in question has not responded or conformed to anything, custody might ultimately be an appropriate disposal.

It might be asked whether we would deal with a serious offender differently from a persistent offender. In relation to serious offences, we have dealt with five young people who were charged with attempted murder and two who were charged with serious fire-raising offences. All of those young people were at serious risk of custody.

Young people in such a position are acutely aware of the high-tariff sentence that hangs over them for any conviction in the High Court. Depending on the offence of which they are convicted, they will also be aware that, if they fail to conform and to work with us once they have been convicted, the disposal that they will receive from the courts is likely to be a fairly lengthy custodial sentence. In such circumstances, if we were dealing with offenders who were not persistent offenders, we would spend much more time on the individual offence—why, how and when it was committed and what the influences were. With persistent offenders, our focus is on examining the pattern of their offending behaviour. It is clear that the motivation of a young person in

such a situation to co-operate with us would be affected by knowledge of the impact of failure to comply.

**Maureen Macmillan:** Barnardo's submission states that its programmes demonstrate that well-resourced community-based programmes can reduce offending rates by between 50 and 80 per cent. What are those figures based on, given that Highland Council told us that it is very difficult to get a grip on outcomes? Barnardo's has a positive outlook on the outcomes of its programmes. What other evidence do you have of the effectiveness of community-based disposals? We have a strong interest in outcomes.

**Peter Flanagan:** The Freagarrach, CHOSI and new directions projects have all been evaluated in relation to the type of work that we do with young offenders and the reduction in offending behaviour by those young people has been examined. The principal measure that has been used is the analysis of crime files. If a reported offence is linked to any young person, the police will open a crime file on that person. That file gives an indication of their involvement in what is seen to be criminal behaviour; it does not necessarily indicate that they are guilty of such behaviour. That is the principal tool that we use to evaluate the reduction in offending behaviour.

The police have given me to understand that roughly 60 per cent of the crime files translate into charges that will be heard by the children's panel or the court. There might not be sufficient evidence in relation to the other crime files or there might not be a strong enough belief that the young person in question is solely responsible for a crime. The figures are based on different evaluations of different projects. They have consistently shown that a positive reduction in offending behaviour has been achieved.

There is also a tie-in with much of what is known from the "What Works?" criminal justice research. Although that research has revealed variations in the success of different interventions, it has shown conclusively that community-based disposals are much more effective at reducing offending behaviour. Our approach is consistent with that.

**Maureen Macmillan:** The statistic that I have for the new directions project is a success rate of 75 per cent.

**Peter Flanagan:** That is right.

**Maureen Macmillan:** To what do you attribute such a high success rate? Could that be maintained if the project expanded, or is that only possible in relatively small projects?

**Peter Flanagan:** The evaluation showed a 75 per cent reduction in offending behaviour, although I do not mean to be pedantic.

**Maureen Macmillan:** You are quite right.

**Peter Flanagan:** There was an early evaluation of the project. I think that six of the 17 young people stopped offending completely—some of them dropped from 12 to 14 offences to none. To be honest, that was surprising, as we would not normally expect a sudden stop in offending once we started working with them. We think that the figure is probably a bit high in some respects, as we were fortunate with some of the young people with whom we worked.

However, the information is based very much on information from the police. We work fairly closely with the police to get information on crime files that relate to any criminal behaviour by the young people. A protocol that takes account of the Data Protection Act 1998 has been agreed with Grampian police and taken up with Central Scotland police. Each week, we receive a list of all the crime files that involve any of the young people with whom we are working. That allows us to address offending behaviour in which they may have been involved within nine days; the process is speedy. We can respond quickly to anything in which they have been involved.

To what do we attribute success? Often, the main reason for their behaviour is that they have been neglected. They have poor backgrounds and many difficulties. First and foremost, we care for them. We are as persistent with them as they are with their offending. We stick with and go with them. We do not wait for them to come to our office—we go and get them. We try to do precisely what we say we will do. If we commit ourselves to doing something, we do it. That builds up trust with young people and we work hard at building up trust.

We do not avoid young people's offending behaviour—we meet it head on. It is important not to view offending behaviour as simply the result of something in the background, and to think that, if that is dealt with, the offending behaviour will magically disappear. We deal with the person's background, but we also meet head-on information about the offending behaviour. We profile offending behaviour and consider where, when and with whom such behaviour took place. We consider whether it is impulsive, opportunistic, a reaction to something or planned—we must keep our minds open as to whether it is planned, as the amount of offending behaviour that is planned is surprising. Young people must be made to understand why they offend and must take control of their behaviour. By doing so, they will become much more accountable for it and will not be able to avoid it as much and blame it on other people. We must be clear and up front with the young people with whom we work about looking at their offending behaviour and we must

try to get them to take that on board. They should know that we are working in their best interests and trying to help them to a more positive future.

As well as considering their offending behaviour and its contributory factors, we try to consider profiling their non-offending behaviour. If they stop offending, what will they replace their offending behaviour with? There will be a vacuum. Often, their offending behaviour takes up a substantial part of their lives and gives them substantial peer-group status. How can that be replaced? We consider means of getting young people to look at positive opportunities in their lives and their hopes and dreams and we help them to try to build a plan to realise those.

We look hard at their offending behaviour, what we understand to be its contributory factors and positive planning. We reinforce the fact that they have good qualities, rather than that they are bad. Many young people believe that they are bad. We work to get them to see that they have good qualities and re-emphasise those qualities. We are determined to work and stick with them. We try to pull them along with us.

A number of the young people with whom we work have substance-misuse problems, which were mentioned earlier. We need to address such problems, but a drug or a drink has never committed an offence—the young person commits the offence. We try to ensure that they are responsible for their behaviour and what they have taken.

The issue is about sticking with and working with the young people. We receive information from the police, we get across that we care for those young people, we learn from research about what works, we do what we say we will do, we are not put off, we do not become downhearted and we stick with them until we see that we can make an impact on them.

**The Convener:** That was a very full answer, but I am afraid that we are going to stop there, Maureen.

**Maureen Macmillan:** There is just one more question to which I would like a reply.

**The Convener:** I hope that it gets a very short reply.

**Maureen Macmillan:** It is on the expansion of the service. Do you think that the service can be expanded without losing any of its impact?

**Peter Flanagan:** If we are talking about expanding persistent serious offender initiatives of this type across Scotland, I think that it can. However, I do not think that the same type of approach can be applied to non-persistent offenders. A different approach is needed for them.

**The Convener:** Thank you very much. The committee will have a short adjournment—five minutes for a cup of coffee. It has been a long day.

15:55

*Meeting suspended.*

16:06

*On resuming—*

**The Convener:** I reconvene the meeting and welcome Gerard McEneaney, who is service manager of Apex Scotland. I refer members to paper J1/03/2/13. Mr McEneaney, will you outline briefly the programmes offered to offenders by Apex Scotland in the Highlands and throughout Scotland?

**Gerard McEneaney (Apex Scotland):** I can certainly do that. In the Highlands we offer a range of different services from our base in Inverness, starting with the new skillseekers lifestyle contract for 16, 17 and 18-year-olds who have had schooling difficulties or have been involved in offending behaviour or drugs misuse. We provide elements of Jobcentre Plus's new deal. Today we launched our new progress to work project.

**The Convener:** You launched it today. This is a timeous visit by the committee.

**Gerard McEneaney:** I have just come from the launch. The project is for people who have a history of drugs misuse, but have been through a treatment process and are looking to the next step, which is employment. We also have two new futures projects, which are for people with a background of offending or people with addiction problems who are looking to take the next step. We offer a service to criminal justice social work departments to address the employability needs of people on a statutory order or a non-statutory order.

In Moray we offer supervised attendance programmes. Throughout Scotland we run a number of initiatives, such as new deal projects, new futures projects and progress to work projects. We offer employability programmes throughout the country.

**The Convener:** How do your programmes dovetail with the other programmes that we are hearing about?

**Gerard McEneaney:** It was interesting to hear what the two previous witnesses said. Their services are focused on addressing offending behaviour. Apex Scotland is clear that it is an employability agency. We work with offenders and ex-offenders to increase their employability and therefore reduce the likelihood of their reoffending. Statistics show that if someone is in employment, they are four times less likely to offend. While

NCH and Barnardo's do good work in addressing offending behaviour, we pick up after that part of the process and help people in the transition from those projects into employment.

**The Convener:** So you liaise with other agencies?

**Gerard McEneaney:** Very much so. We have links with all the agencies in the Highlands that we cross-refer with.

**Maureen Macmillan:** How much of a presence do you have in the Highlands? I know that you are in Inverness and Elgin. Where else do you have a presence in the Highlands?

**Gerard McEneaney:** We cover—please forgive my geography here—the top—

**Maureen Macmillan:** Wick.

**Gerard McEneaney:** Yes, we have services in Wick. The service is manned from the Inverness unit and involves one or one-and-a-half staff members going up to Wick and staying in bed-and-breakfast accommodation for three days a week. We are trying to pull in more services to make it viable for us to open up a unit for the area. I have been in consultation—this morning and last week—with a couple of other agencies to investigate joint working so that we could open up a unit between us. As has been discussed, geography is a big issue for us. We cover Lochaber, Ross and Cromarty and the whole of the Highlands, including the Western Isles.

**Maureen Macmillan:** Do you feel that you are being used sufficiently by the criminal justice and social work systems? Could you offer more than you are being asked to offer or are you at your limit in the Highlands?

**Gerard McEneaney:** We are being used adequately. We have heard today that offending rates in the Highlands are lower than in other parts of the country. We are being used as much as we could be in criminal justice and social work.

We could be used in other ways. In particular, part of the progress to work project is to consider people who have multiple barriers to employment—not only offending, but homelessness and addiction problems—and our work is about moving them into employment. We work in partnership with the specialists in those sectors. We have formal partnerships with some of the local drug agencies in the Highlands, and organisations such as SACRO, NCH and Barnardo's. We play our part in the journey of a client from unemployable to employable.

**Donald Gorrie:** Do you, like some of the other organisations, have problems that arise from short-term project funding and having to bid for money?

**Gerard McEneaney:** Yes. I am aware of what you have heard from the previous witnesses. It is a problem for us to keep staff, particularly on three-year programmes. We get to the stage where we have learned from the first year or 18 months and are beginning to build on good practice and develop the service, but staff begin to wonder how likely it is that they will be kept on and whether the project will continue. As the previous witness said, we are confident that we are delivering a quality service and that there is a need for the service. However, funding avenues change. We can never guarantee our staff that they have a job for ever and that causes us difficulties. Five-year funding would be more appropriate. At least that way we could pick up on points that we have learned in the first year and have a good run at developing the project further over two, three, four or five years. We would have a better chance of retaining staff, who are picking up lots of knowledge.

**Donald Gorrie:** Are your existing projects oversubscribed? Do you have so many customers that you cannot satisfy them all, or is the balance about right?

**Gerard McEneaney:** There are peaks and troughs. We find that there are periods when, for whatever reason, everybody refers to Apex. Employment is seasonal in the Highlands, because of the service industry; I do not know whether that is a factor. We experience periods when there could be more referrals. During such a period it is a case of marketing our services to referrers in criminal justice and social work, whether it be Jobcentre Plus or the sentencers.

**Donald Gorrie:** Are services like yours uneven across the country? Would there be merit in the Executive allocating more money so that services in all areas could be as good as yours?

**Gerard McEneaney:** I would think so. One of the groups that I sit on in another area that I manage, which is conducting an audit of its services, is aware that money is tight and that we need to provide best value for money and that there is no sense in having two or three voluntary organisations duplicating work. While I am all for choice and would not want to take choice away from a funder, that situation would not seem to be sensible. In some areas, there is a lack of co-ordination. An attempt must be made at a strategic level to determine what the clients require, what is missing and who can provide it. Although there is a case for having services like ours throughout Scotland, those services should be co-ordinated in each area.

16:15

**The Convener:** Paragraph 4 of your submission quotes the report, "Them and Us? The Public,

Offenders and the Criminal Justice System", which calls on the Government to

"conduct a review of minor offences to establish which could be more appropriately dealt with through civil procedures."

Your report goes on to say:

"We would endorse this suggestion as it would free up police and court time to deal with more serious crimes and increase social inclusion. This is not being soft on crime because in many cases, the penalty under civil law would be the same: i.e. a fine."

There are problems with that. In a criminal case, the evidential test must prove the case beyond reasonable doubt but, in relation to a civil matter, the evidential test rests on the balance of probability. That means that something is more likely to be proved in relation to a civil case than a criminal case.

**Gerard McEneaney:** Bernadette Monaghan, the director of Apex Scotland, wrote that. I believe that she was writing in relation to the Rehabilitation of Offenders Act 1974, which means that convictions that are proven in court or in a children's hearing can have extremely long-term effects for a person's rehabilitation and, therefore, employability. She was suggesting that, as a minor conviction can have such a long-term effect on a person's employability, it might be better to deal with such crimes outside a court setting.

**The Convener:** Alternatively, the length of time that the legislation says has to pass before a conviction is deemed to be spent could be redefined.

**Gerard McEneaney:** Unfortunately, the Rehabilitation of Offenders Act 1974 has lots of gaps, particularly in relation to young people who accept grounds of referral at a children's hearing that include an offence ground and whose convictions, because of the tariff system, could last for years and years or, in some cases, become never spent. That needs to be changed.

**The Convener:** That is interesting from the point of view of how the situation impacts on people's work prospects. I would be interested to hear from Bernadette Monaghan other ways in which the problem could be solved apart from redefining the offence as a civil offence. Perhaps, in the interests of ensuring that people can get employment, certain offences that are dealt with by the children's panel could be considered to be spent in a certain period of time and be wiped off the record.

**Gerard McEneaney:** There are all sorts of issues involved, such as a risk assessment of the danger to the public. However, we have evidence that a number of young people accept offence grounds when they are 14 or 15 and find that such a conviction is used against them—for want of a

better expression—when they try to find employment when they are 19 or 20. There are situations in which some of those convictions could be set aside, or have some sort of a blanket put on them, although the protection of the public would need to be considered. We have evidence that a person's employability, and therefore their offending behaviour, is affected by such convictions.

**The Convener:** I want to return to the point about resources. The report on young people who offend said that 60 per cent of funding goes on the penal side and only 40 per cent goes elsewhere. Do you think that there should be a switch in those percentages, and that we should concentrate resources on what already exists rather than try to create new things?

**Gerard McEneaney:** I have worked with young people and offenders for several years, and I am now in the fortunate position of being the chairman of Fife children's panel. I have therefore seen the issue from different angles.

If a project is good—if it has been evaluated and has proved to be effective in reducing a person's offending behaviour—its funding should be continued. However, we need to audit the project to ensure that we do not duplicate existing services or miss areas that need to be addressed. We realise that there is not an endless supply of money and that we have to make best use of the available finances. The way to do that is to evaluate what is working. If something is working, let us use it and not spend a lot of time and money on setting up projects that are not required.

**The Convener:** Given the 60:40 balance in Audit Scotland's report, how would you distribute the money, if you were Santa, to reach the best outcome for society and individuals?

**Gerard McEneaney:** I am unaware of that report.

**The Convener:** Some 60 per cent of the available money is spent on the punitive side of young people offending; 40 per cent is spent on everything else, including throughcare, which is your area.

**Gerard McEneaney:** That is right. I would argue the case for more to be spent on the rehabilitation of offenders, including their long-term sustained rehabilitation. Throwing money at a particular group at a particular time, just because there is a buzz around the issue, is counterproductive and takes money away from other areas. More money should be spent on rehabilitation and, when people come out of prison, on accommodation, employment, education and training so that they do not enter the cycle of recidivism.

**The Convener:** I think that you covered rurality problems when you answered Maureen

Macmillan's questions. I may have missed your answer to this question, but where do you get your funding from?

**Gerard McEneaney:** Our funding comes from several different sources.

**The Convener:** Did you ask that question, Donald?

**Donald Gorrie:** Yes.

**The Convener:** I am sorry. Are there eight different sources?

**Gerard McEneaney:** Yes. We have a number of what we call client-led incomes. We employ the staff and put some resources up front, then we carry out marketing and pray for more resources. That obviously has a big impact on our planning.

For criminal justice work, we have funding up front that enables us to dedicate one and half staff members—

**The Convener:** What percentage of your funding does that take up?

**Gerard McEneaney:** I do not have the figures in front of me, but in the Highlands unit, I would not have thought that it takes up any more than 15 per cent of total funds. The vast majority of funding for the Highlands unit comes from Scottish Enterprise, and from client-led income through Jobcentre Plus and initiatives such as the new deal.

**The Convener:** Do you have to grub around—I do not like the phrase—to put together packages?

**Gerard McEneaney:** Yes. Putting together proposals and bids takes up a lot of staff time. Recently, together with the local manager, I worked on a bid for a new initiative, which has taken us a considerable amount of time to complete.

**The Convener:** How much time?

**Gerard McEneaney:** Last week I worked on almost nothing but the new bid, and it will take three staff members the best part of today and tomorrow to finish the bid, which must be submitted by Wednesday. We are a small unit and our funding in the Highlands is tight. The people who put together the bid often did the work at night, because during the day they had to see clients and do the job that they are paid to do. I am from Fife, as members have probably guessed from my accent. Last week I stayed over two or three days to work late and to ensure that the bid would be submitted on time.

**The Convener:** But it could come to nothing.

**Gerard McEneaney:** Yes—there is a 50:50 chance that we will not be successful. However, if we did not apply for the money we would be certain not to get it. We must go through this process.

**Maureen Macmillan:** Is the bid to fund a new project or to secure continuing funding for the project that you are already delivering?

**Gerard McEneaney:** It is for a new project that will be delivered through Jobcentre Plus. Every year, or every couple of years, depending on the funding cycle, staff will have the same worry and we will have to make the same input to a bid. Often when we seek continuing funding for a project we are told that we need to change something. That takes time and there is no guarantee that the funding will be secured.

**The Convener:** This may be a daft question, but is it easier to get funding for a new project—which you can give a wee twist, tuck and turn—than to get funding to sustain a project that is up and running?

**Gerard McEneaney:** That would appear to be the case.

**The Convener:** Is that not daft?

**Gerard McEneaney:** If projects are working—

**The Convener:** If a project has failed, you are not entitled to continuing funding. However, you are saying that it is harder to sustain funding for a project that has a proven track record than to secure funding for a new project that you have devised in the nicest possible way.

**Gerard McEneaney:** That is often the case. We have independent evaluations and statistics that indicate what a project has achieved in the past one, two or three years, depending on its duration. Even then, we cannot guarantee that the project will secure continuing funding. Everything depends on how the emphasis has shifted. At the moment, there is a drive to focus on people with substance misuse problems. We have programmes that involve working with offenders, but if those programmes do not have a substance misuse angle, we may struggle to secure continuing funding for them.

**The Convener:** That is very interesting.

**Lord James Douglas-Hamilton:** Is there evidence that the use of repeat community penalties leads to a reduction in offending behaviour?

**Gerard McEneaney:** We tend to find that sentencers up the tariff. If one option does not work, they move to the next level. We would like people to look sideways. A community penalty may not have worked because the project or its timing was wrong.

**Lord James Douglas-Hamilton:** What are the practical implications of looking sideways?

**Gerard McEneaney:** If a person is on a diversion scheme with one organisation but reoffends, they

should not automatically be told that because they have failed that stage they must go on to a harsher stage or even custody. Instead, we should perhaps consider another project that has different aims or working methods.

16:30

**Lord James Douglas-Hamilton:** Do you agree that assessing the effectiveness of community sentences is a complex matter? Why is it so complex? How best should such complexities be addressed?

**Gerard McEneaney:** That requires a complex answer.

**The Convener:** Can you assess the complexity of your answer?

**Gerard McEneaney:** There are too many complexities.

Funders seek hard outcomes to assess effectiveness—for example, they want to know how many people a project has got into employment or education. We seek softer outcomes—for example, we want to know how far forward a client has travelled. Funders do not want to know whether a client has attended the project five days a week on time; they want to know whether they have a job.

**Lord James Douglas-Hamilton:** Should the test be what effectively delivers the best result?

**Gerard McEneaney:** Yes. The assessment should take into account the whole person and not just the hard outcomes.

**Lord James Douglas-Hamilton:** Am I correct in saying that Apex has done an enormous amount of good work in assisting ex-prisoners back into employment and that it has had an extremely high success rate over the years?

**Gerard McEneaney:** Our previous figures were that about 40 of every 100 clients went into employment and that they were four times less likely to commit an offence. In 2001-02, we secured year-end moneys from the Scottish Executive to develop a database that will track clients and enable us to assess more accurately whether our figures are correct. The database will also take into account recidivism rates and the number of clients who have multiple barriers. Previously, clients came to Apex because they had a criminal record. However, more people now come to us with multiple barriers, such as housing and addiction issues. The data are being collated and we will shortly produce accurate figures.

**Lord James Douglas-Hamilton:** Am I correct in thinking that successive Governments have strongly supported Apex by grants and that that support continues?

**Gerard McEneaney:** Yes. Apex has always been successful in attracting grants. I suppose that that is because so little of our funding comes from charities. We find it difficult to get charitable donations because of the nature of the people with whom we work. We rely on Government initiatives and Jobcentre Plus initiatives.

**Lord James Douglas-Hamilton:** The key to your approach is that you are enormously successful.

**Gerard McEneaney:** Yes. Our past statistics bear that out. We are an effective organisation in reducing crime and contributing to safer communities.

**The Convener:** That was enlightening. Do you want to add anything?

**Gerard McEneaney:** No.

**The Convener:** Thank you for your evidence.

I welcome our next witness, Greg Barton, who is the manager of Venture Trust in Applecross. I will not say that the trust is just about kayaking, climbing hills and so on—although Mr Barton looks like a very fit gentleman—because the trust does a broad range of things. Mr Barton, quite rightly, put me in my place about that earlier on. Before we ask questions, members might want a moment to read the late paper that we have received.

**Greg Barton (Venture Trust):** The committee might find the paper useful, as it provides some extra information.

**The Convener:** We will take a few minutes to have a quick look at the paper.

I thank Greg Barton for bearing with us. I also thank him for the previous paper that he submitted. Will you explain briefly the background to Venture Trust and the type of programmes that it operates? I know that the programmes last for three weeks, which seems very concentrated.

**Greg Barton:** We operate a 20-day intensive residential programme.

Venture Trust started in 1995 as a small independent charity. We have 24 full-time staff and operate on a budget of about £0.5 million a year. We have two contracts, one of which ran out just in December. The other is a three-year contract with the Scottish Executive; it started in March 2000, but will continue through to March 2004. Under that contract, we work primarily with young offenders in the criminal justice system within Scotland and we have 100 places available for those young people each year.

The contract that ran out in December was, in effect, a two-year grant from the National Lottery Charities Board. That grant provided free places on our personal development programme for

young people from throughout the UK. The programme provided access to about 140 places each year.

We operate an intensive 20-day residential programme. Young people have to make a commitment to get to Inverness from wherever they are in the country. One of the strengths of our programme—

**The Convener:** You make Inverness sound as though it is somewhere on Mars. I suppose that, for some, it could be.

**Greg Barton:** Yes, especially those who come from Northern Ireland or down in Cornwall. Even people in parts of Glasgow think that Inverness is a long way away.

One of the strengths of the programme is the fact that we work with young people not only in the Scottish criminal justice system; we mix young people from that contract with young people from the rest of the UK. We work with up to 24 16 to 25-year-olds—males and females—on an intensive personal development programme. At present, we run 10 such programmes each year.

**The Convener:** Do you have a waiting list—if that is the appropriate term?

**Greg Barton:** Our paper refers to the original contract that we had for four years with the Home Office. Interestingly, when we operated within that contract, we had a waiting list. The contract was for social workers in England and Wales to refer young people who were on probation. We had about 60 to 80 young people wanting to get on each 20-day programme, and we were in the position of having to select young people. Strangely, with the Scottish Executive contract, the situation is the opposite, in that the programmes are undersubscribed. We are keen to address that. We go out giving presentations to all the criminal justice staff teams to ensure that they are clear about what we offer. They are also invited to come up and taste a course for two, three or five days, depending on their availability.

I listened with interest to the previous witnesses. One of the difficulties that social workers in Scotland face in making referrals to us is that, because we are a dry centre, we accept only people who are ready to change. We are not necessarily interested in what a young person has done in the past; we are interested in where they are today and where they want to go in the future. Our focus is on an individual's personal development. We do not get involved in teamwork; we focus on an individual's progress.

Although we work with young people who are on up to a maximum 50ml prescription of methadone, we sometimes see that as a bit too much. Social workers in Scotland often find it difficult to find

young people on probation who are not using alcohol or drugs. Anyone enrolling on a 20-day residential programme would have to accept that they could not use those substances.

**The Convener:** What is the cost of a place on a programme?

**Greg Barton:** It is £1,600 a head for 20 days.

**Donald Gorrie:** I am interested in the three pillars of your establishment, as I see them: the outdoor pursuits aspect; the team-building aspect; and the individual self-confidence or self-appraisal aspect. Do you think that you have achieved the right balance? What is the balance in terms of time? You say that a relatively small amount of time is spent on the outdoor education part. Is that aspect essential, or could you run a similar programme offering different challenges in a housing estate somewhere, for example?

16:45

**Greg Barton:** Yes. Projects that operate in inner cities work. I have been working in the field for 27 years, in various parts of the UK, and I have operated similar projects and voluntary organisations in inner cities. Such projects work, but because our location is remote, when somebody gets to us we stop them in their tracks. They have to make a commitment and a journey to get to us and I am always impressed that 24 young people get to Inverness from all over the country before our staff teams pick them up in our minibuses. They then drive for two hours to get to us.

Clearly, the remoteness of our project has an impact. For someone who is with us for 20 days, there is no way to escape. Inevitably, after a day or two, someone might feel that they have made the wrong decision. A majority—95 per cent—of the people who come to us have volunteered. Very few people come to us as a result of a court order.

People have a choice and we have a vetting procedure. We talk to criminal justice social workers, and we interview the young people on the telephone prior to them coming to us. It is really important that any young person who arrives with us has decided that they want to do something to change their life. If they have not made such a decision, it is not worth us doing anything with them. They need to have reached a point where they want to change and gain something positive from what we offer.

The remoteness provides the young people with an opportunity to rehearse a different way of, for example, communicating with some of their peers from different parts of the country in a safe environment. The residential aspect is also

important. In an inner-city project, we work with people who come in for a few hours and then they go home again or back on to the streets. It is difficult for someone to maintain the depth and quality of work that can be maintained during an intensive 20-day residential programme.

When a group of people gets to us, they usually arrive at about 10 or 11 o'clock at night when it is dark. They are shown their rooms and we have to do bag searches and all sorts of other things to ensure that they agree to abide by the framework that we have set up. Inevitably, they are nervous and anxious about where they are. At the end of the course, we have a four-course evening meal at which all the staff serve the young people and we celebrate the success that they have achieved over the 20 days. The marked change that young people have clearly made in that 20 days is quite impressive and they go back with new energy and a much clearer sense of what they want to do and where they want to go.

It is important that the 20-day programme leads on to close working with the referring organisations, which have to make a commitment to working beyond what we have established. They have to make a commitment to continue for about 12 months and to build on the groundwork that we have started. Every young person who comes to us goes home with an intensive report of their experience during the 20 days and that report also goes to the referring organisation. That organisation is then clear about what the young people have been through, the issues that they have faced and how they have dealt with them. The report contains a clear structure and framework of where the young person thinks that they want to go and how they can go about getting there with the referring organisation's support.

**Donald Gorrie:** Is the strength of the outdoor education partly in the development of teamwork? Is it in the physical challenge of walking up lots of hills and gaining self-confidence from getting up there? Is it being away somewhere quite different from what they have known before? Is it a mixture of all those things?

**Greg Barton:** It is certainly a mixture. We do not emphasise team building because that group of people are never going to be a team anywhere. We are clear and focus on the individual and where they are. We are primarily concerned with how they communicate with their peers in a residential setting. That might take them to the top of a mountain or to another challenging physical experience.

We are also clear about stopping situations if they need to be stopped. If a bit of aggression or something inappropriate is happening, we will stop, engage with the issue and involve people in breaking down what brought them from one point



to another. The cause might be the behaviour of an individual or of two or three people. We deal with those issues as we see them.

We often use the metaphor of going on a physical journey. Part of our programme is a five-day expedition, during which participants are out in the wilderness for five days in quite remote locations. We often use the planning and preparation for the physical journey as a metaphor for where the participants will go once they leave the Venture Trust. What is the physical journey that they will take in their lives? We help participants to make the links between the need for planning and preparation and the need to be clear about how they communicate with their peers and other people who support them. We make that experience of planning, preparing and being successful or unsuccessful relevant to their experience back home.

The Venture Trust is a mixture of all those elements. I have a strong commitment to the use of outdoor experiences, which do not have to be outdoor activities. They can include sitting by a river with somebody. The most important aspect of any programme is the quality of the communication between the staff member and the young person. Often, the young people who come to us have not experienced a qualitative relationship with an adult.

The best programme can be written on paper but it is worthless unless it is delivered by a quality staff team that is committed and understands how to communicate. Ultimately, staff must be mindful of and must care about the young person with whom they are busy working, because that young person is a human being who has had a life of difficulty that has brought them to a particular point. Any young person has it in them to change, if they are given the opportunity to do so and are supported appropriately.

**Donald Gorrie:** Would you consider running a course for Mr Bush and his Cabinet?

**Greg Barton:** Yes.

**The Convener:** Do it tomorrow.

**Greg Barton:** I would, because my belief—on which I think that everyone in the room can agree—is that the closer we are to nature, the closer we are to ourselves. That supports the argument for working with young people outdoors in nature and bringing them to a place where they have no access to television, radios, alcohol, pubs or drugs. They have none of that at our centre. They often find themselves under a sky of stars and being challenged by the silence, the wind or nature itself. That asks them questions. Often, they have an opportunity to think for the first time.

**The Convener:** I want to go now. I want to pack in the meeting.

**Greg Barton:** Young people have the opportunity to get away from all those things behind which they can hide and which often support them in their spiral of difficulty.

**The Convener:** The Justice 1 Committee is volunteering for a programme.

I have three little factual questions. What is Venture Trust's staffing ratio?

**Greg Barton:** We have 24 staff and 24 young people undertake a course.

**The Convener:** Is that a ratio of 1:1?

**Greg Barton:** Some of those staff do not work directly with young people.

**The Convener:** That seems intensive.

**Greg Barton:** We work on the basis of one member of staff to four young people.

**The Convener:** What percentage of participants are girls? You said that courses were mixed.

**Greg Barton:** The percentage is quite low. I guess that about 15 per cent of participants are female.

**The Convener:** Can the young people negotiate with you about the report that they carry with them?

**Greg Barton:** The young people are involved throughout the development of the report.

**The Convener:** The reports are bilateral.

**Greg Barton:** Absolutely. Every young person is assigned a one-to-one worker for the 20-day course. At times throughout the course, they will sit down with their one-to-one worker and examine the contents of the report and the issues that they are facing every day. We have very close relationships with them.

As anything that goes down or goes wrong will usually do so at night, we assign two members of staff to night duty, one of whom stays awake all night. Although the other sleeps, they are effectively on duty in case anything happens. It is only during the night that we experience any behaviour that seriously warrants our questioning whether someone should be removed from the course.

**Maureen Macmillan:** A couple of years ago, when we were lobbying Jim Wallace to find out whether you could secure Scottish Executive contracts, I spent a day with the Venture Trust and met some of the young people who were there. Certainly, they had to show very strong commitment. The activities did not just include canoeing and hiking; when I was there, they were having good fun making a picnic table. There was no sense that they were under pressure; instead,

they were relaxed and seemed to enjoy one another's company.

**Greg Barton:** Absolutely. Inevitably, they are given cleaning duties because the centre has to be kept clean, and they get involved in cooking. They also engage in hands-on projects that might involve carpentry, masonry work or bricklaying, depending on the time of year and the resources available. Moreover, there is also the chance to take part in some drama and artwork. We have a whole box of tools, of which outdoor activities form one part. The soft skills are as important to us as the harder skills.

**Maureen Macmillan:** How do you address the offending behaviour of the young people? Do you consider their particular circumstances and discuss what they did and why they did it, or do you simply try to change things by talking about offending behaviour in general?

**Greg Barton:** We receive a comprehensive report on every individual who is sent to us, which provides a quite detailed background about them. That report is then broken down into appropriate elements for the benefit of the members of the field staff team, who work directly with the young people. We do not usually give out any information about the young person's background or offending behaviour because we do not want it to affect the relationship between our staff and the young person or to allow our staff to form any preconceived ideas about them. As a result, we are quite careful about what information the field staff receive about the young people.

**Maureen Macmillan:** How do you address offending behaviour if you do not examine the particular circumstances of the young person's offences?

**Greg Barton:** We do that when such behaviour is presented to us. No one element of the programme is specifically designed to address offending behaviour. Instead, we are interested in the personal development of every young person who comes to us. For example, if someone is being aggressive, we will address that matter. We are not interested in looking back at where they have been and at the offending behaviour that has brought them to this particular point; we are interested in where they are today and where they want to go. We are not really able to go backwards because we will not see these young people again. They stay with us for 20 days, and it would not be ethical to begin to unearth a young person's history or background without being able to provide long-term support.

**Maureen Macmillan:** In that way, you are quite different from the other organisations that deal with offenders.

**Greg Barton:** Yes.

**Maureen Macmillan:** What problems have been experienced by the young people who are referred to you? What kind of backgrounds do they come from? What is the nature of their offending behaviour?

**Greg Barton:** I take it that we are talking about the Scottish Executive criminal justice and lottery grant contracts. I am busy renewing the lottery grant contract at the moment; I am putting in a bid for continued funding of £1.2 million over the next three years. We work with homeless people and with young offenders. Inevitably, those people have a background of chaos and difficulty. They often come from family backgrounds where they had poor relationships. I have done a lot of work over the years on father-and-son relationships. Throughout the 27 years that I have been working with young people, I have often found that young men have poor relationships with their fathers.

That is borne out by statistics in the prison service. There are clearly difficulties with father-and-son relationships that lead a young person to seek out a new role model who might not be appropriate, because their immediate role model—their father—has not been appropriate. There are all sorts of issues. The phrase that is often used these days is that people come from a background of chaos, but that is a catch-all phrase. However, many young people come from difficult family situations.

17:00

**Maureen Macmillan:** You mentioned the importance of follow-up support once young people leave the Venture Trust. Do you ever have young people returning to you? Do you take people more than once, or is participation just a one-off?

**Greg Barton:** We used to have an opportunity for young people who had really taken to the programme and were enthused by it to come back and support other young people coming through the programme. When I started managing the Venture Trust, I found that that was not working terribly well. It is a difficult bridge for a young person to make—to be on the course themselves and to come back six or 12 months later without getting drawn into the peer group on the course at that time. Depending on what age they are, they may be younger than some of the people who follow them on the course. We stopped doing that, because it was not helpful. However, we have set up a course once a year specifically for young people who want to take another step forward.

**Maureen Macmillan:** To sum up, what are the most important lessons that the participants learn from a course at the Venture Trust?

**Greg Barton:** The most important thing that they say that they learn is that they have the opportunity to communicate differently. That might be about not raising their fists, which might have been their first port of call in deciding how to communicate over an issue. They often learn from opportunities to stand back and take control of situations and of their emotions prior to making decisions about how to deal with something that they are presented with.

Because of the plan, do and review process that operates right through the programme, they are always applying the learning to the next piece of work that they are engaged with. They learn a process and a set of strategies to enable them to cope with difficult situations. They also go away having achieved something that gives them a great deal of confidence and often enables them to walk into a job centre for the first time feeling confident that they might come out with something tangible. It might be about having the confidence to get out of bed in the morning and do something different with their lives. Those are the things that are really important.

**Maureen Macmillan:** Do you have any way of following up to find out what happens to the young people and what the long-term outcomes are?

**Greg Barton:** We run a follow-up programme. Three months, six months and 12 months afterwards, we phone them up and speak to them, if that is possible. The percentage of people who have been with us whom we are able to contact again is probably about 65 to 68 per cent. That is good. We are currently putting together some statistics for the past year and a half, which will be available at the end of March. Because we have worked in the past two years with more than 400 voluntary sector organisations throughout the UK that have referred young people to us, we also get a lot of feedback from those organisations, saying what a difference it has made to the lives of those individuals. As I said to the convener, the programme is not right for everybody and does not suit everybody but it suits a lot of young people.

Over the past 10 or 15 years, there has been a reduction in the number of residential opportunities for young people in this country. Schools rarely provide residential opportunities and many residential outdoor-education establishments have closed down because of a lack of funding. Linked to that, some outdoor centres for young people have attracted negative publicity over the past few years because of, for example, the Lyme bay incident in which young people drowned. That link has often had a negative impact on residential experiences.

I am a firm believer that we should not let go of residential experiences. We need to look at what we do. Working in partnership is a key to success.

I have recently set up a partnership with NCH's 14 criminal justice projects in Scotland and we now work closely with that organisation. In December, some NCH staff worked with us on a pilot project. Through the Scottish Executive contract, NCH will start referring people directly to us. I am now setting up a national partnership with the Foyer Federation, which is an organisation that deals with the homeless, and with NCH nationally. We already have a close working relationship with Fairbridge on a national basis.

Partnership is very important. We can start something and lay some building blocks and the foundation, but we need to know that we are working alongside quality respected organisations that will build on what we do. Instead of working with 300 or 400 voluntary organisations, I would much rather work with those organisations—such as NCH, the Foyer Federation, Fairbridge and Barnardo's—that have a similar ethos and a similarly clear commitment to making a difference and to helping to change the life of the young person.

**The Convener:** Did you say that 95 per cent volunteered to come on the programme?

**Greg Barton:** That is about right.

**The Convener:** Where do the other people come from?

**Greg Barton:** They come from sheriffs.

**The Convener:** I wanted to ask about that. You have not mentioned sheriffs or reporters to children's panels.

**Greg Barton:** As far as I am aware, we have not received any referrals from children's panels in the past two years. That is not to say that we would not accept such referrals.

**The Convener:** Is the level of referrals to the programme from sheriffs static?

**Greg Barton:** The committee may be aware of another organisation in Scotland called Airborne Initiative, which operates in Dumfriesshire. Airborne runs a very different programme from ours, as it works only with males and runs over nine weeks. The young people go home after, I think, two weeks and then return.

I think that the sheriffs often prefer the nine-week programme to one that lasts three weeks. If a young person is before a sheriff and there is a court order on the table for discussion, the sheriff will often look more favourably on the nine-week disposal with Airborne than the three weeks with us.

**The Convener:** Do the sheriffs have the information? I suspect that a Venture Trust project would be very different from one that was run by Airborne Initiative.

**Greg Barton:** Yes.

**The Convener:** Sheriffs will read our report. They will read our evidence. They will find out about Venture Trust by reading our questioning.

**Greg Barton:** About a year ago, I gave a presentation to a group of sheriffs at Pitlochry, so sheriffs are certainly aware of us. It is also important that criminal justice social workers recommend in their reports to sheriffs that a period with us may be helpful.

**The Convener:** Thank you for clarifying that. I was not clear whether sheriffs were involved.

**Lord James Douglas-Hamilton:** Am I correct in thinking that the Scottish Office gave grants to the Venture Trust for work at Applecross in the mid-1990s?

**Greg Barton:** The mid-1990s is long before my time, so I honestly could not say.

**Lord James Douglas-Hamilton:** Are you the only trust working in Applecross?

**Greg Barton:** Yes.

**Lord James Douglas-Hamilton:** I should mention a past interest—I was responsible for a grant for your organisation, although that is by the way.

**The Convener:** That is not by the way. Good for you, James.

**Lord James Douglas-Hamilton:** Is the Venture Trust the only organisation of its kind in Scotland?

**Greg Barton:** I would argue yes, but it might be argued that Airborne does something similar. However, although Airborne works with a similar client group, it works specifically with young offenders in Scotland, whereas we work with offenders from throughout the UK.

**Lord James Douglas-Hamilton:** Do you undertake climbing projects using ropes?

**Greg Barton:** Yes. We have a medium to high ropes course.

**Lord James Douglas-Hamilton:** Is that one of your specialisms?

**Greg Barton:** It certainly is. We have a well-placed and well-built ropes course behind the centre. We also have a number of other specialisms.

**Lord James Douglas-Hamilton:** Could the work that the Venture Trust undertakes be replicated elsewhere in Scotland?

**Greg Barton:** Without a doubt, yes, but that would inevitably mean that funding would have to be found. The ethos that we have developed has a significant impact on young people and would

need to be replicated. A structure and a staff team could easily be put in place elsewhere, but the ethos by which we operate is the most important element.

**Lord James Douglas-Hamilton:** Do you have any further points to make or would you like to summarise?

**Greg Barton:** I have mentioned that we are putting in a bid for continued national lottery funding for three years. The lottery has been supportive and has encouraged us to put in another bid.

We are considering the introduction of 10-day programmes because we have found that 20 days is too much for some young people to consider being away from their usual environment. The 10-day programmes will allow young people to try the course and come back later on a 20-day programme. The 10-day programmes are an attempt to bridge the gap between, say, Easterhouse and our project—some young people cannot manage 20 days.

**Donald Gorrie:** Would you consider relaxing your no-drink, no-drugs rule? I am not suggesting that you should allow drink and drugs in the centre, but would you consider being more relaxed about taking on young people who have a record with drink or drugs but who you hope have turned the corner?

**Greg Barton:** We take young people who regularly use alcohol or marijuana, but we make it clear that they will not be able to continue doing so while they are with us. Inevitably, young people try to sneak in grass or something, although it is not usually alcohol. If someone is suspected of smoking a joint, for example, we immediately give them the opportunity to put what they have into an amnesty envelope, which means that we do not know what they put in it. The envelope is sealed, put in the safe and returned to the person at the end of the course. If a person is caught a second time, they are removed from the course immediately. I think that we are as relaxed as it is feasible to be on that issue.

I was discussing with a colleague the other day that a change in the law on the use of marijuana would make our lives easier because we would be able to take a different view of the issue. We would not advocate the use of marijuana, but we would not have to send people home for using it. Instead, we could spend more time encouraging people not to use what they were used to using because we would not be forced by the law to address the issue there and then.

**Donald Gorrie:** Obviously, you do not want somebody who is under the influence of drugs dangling somebody else on a rope over a cliff.

**Greg Barton:** Quite right.

**Donald Gorrie:** That is helpful. Is self-confidence increased more by worthwhile, one-to-one conversation or by physical achievements and so on?

17:15

**Greg Barton:** Both help. Another factor that is important is doing something successful with a group of peers. Recognition that the level of communication that someone has developed has made a difference in achieving something successfully is important.

I was struck recently by the case of a young person whom a sheriff sent to us on a court order. After five days of being with us, he decided that he wanted to go back, which would mean that he would breach his court order and go straight back to prison. That is where he went. He knew that if he left the course he would go to prison. I was interested that he preferred the option of prison. That was because we presented him with difficult challenges. There are opportunities for young people to stand up in front of their peers and to share their views on something. That can be challenging, but if they work at it and persevere, their confidence can increase enormously in a short space of time.

I have managed Venture Trust for slightly more than a year and half. Before that, I worked in London for five years. I can still be objective about Venture Trust, which does what it does extremely well. It provides a 20-day intensive programme. I am still impressed by the confidence, self-worth and self-esteem that are evident on the final evening at the celebratory meal that we have for the young people on the programme, at which we hand out certificates and things are said. It is a formal occasion and the group is piped in. Engaging in a formal situation, such as a meal, can be challenging. The impact on confidence at each stage is apparent.

**The Convener:** Thank you for your evidence. I must remark on your biographical entry on the Venture Trust website, which says that you have

"a keen interest in sea kayaking as well as a bit of a thing about collecting firewood!"

The image of Tony Blackburn in some dreadful television programme leaps to mind. As you are frowning, you had better check what it says about you on the website. I assure you that I am not making it up.

**Greg Barton:** I have not seen that, but I will look at it very soon.

**The Convener:** We are not quite finished. We agreed to take item 5 in private, so our vast audience will have to leave the room.

17:18

*Meeting continued in private until 17:20.*



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