



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND

ACPOS Guidance

A Flexible Approach to Offending Behaviour by Children and Young People

**Version 1.0
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Contents

Document Information	2
Version Control.....	3
Version Distribution	3
Foreword	4
1. Introduction	5
2. Flexible Approach to Offender Behaviour.....	6
3. Early & Effective Intervention	7
3.1 Children and young people subject to a supervision requirement or already referred to the Reporter	8
4. Crimes/Offences and Antisocial Behaviour	9
4.1 Crime Recording.....	9
4.2 Antisocial Behaviour	10
4.3 Use of Police Discretion.....	10
4.4 Police Measures – Menu of Options.....	11
4.4.1 Formal Warning.....	11
4.4.2 Community Warning Notice.....	11
4.4.3 Police Restorative Warning.....	12
4.4.4 Minor Antisocial Behaviour – Informal Police Warning.....	13
4.4.5 Increased or Repeated Antisocial Behaviour – Youth Notice/ Acceptable Behaviour Agreement/Contract (YN/ABA/ABC)	13
4.4.6 Persistent Antisocial Behaviour – Antisocial Behaviour Order (ASBO).....	14
5. Recording Information / Criminal History System.....	15
5.1 Documentation / Standard Prosecution Report	15
5.2 Performance Management	16
6. Conclusion	16
APPENDIX A.....	18

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The effectiveness and ongoing relevance of this document will be subject to review by the ACPOS business area detailed above.

The next review of this document is due by 30 April 2012 however, it will be updated according to significant legislative and policy changes and re-released earlier, if required.

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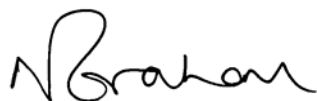
Foreword

ACPOS recognises that the vast majority of children and young people in Scotland are a credit to our society and make a positive contribution to the communities in which they live. On those occasions where a child or young person offends or is involved in antisocial behaviour the police service plays a pivotal role in ensuring that he/she receives the most appropriate intervention so as to deal with the incident fairly and proportionately, and prevent further offending.

It is important that a balance is struck between addressing the behaviour of children and young people who offend, and the impact that their actions has on victims and communities, so police interventions must take account of these factors to ensure that children and young people are aware of the consequences of their behaviour on the wider community. There is also a clear responsibility on the police to share any concerns about a child's or young person's well-being with our relevant partners so that their needs are addressed.

This Guidance has been developed drawing on experience from previous guidelines on restorative warnings and from practitioners across Scotland. Its purpose is to provide police officers with the tools to tackle offending and antisocial behaviour by children and young people in a way which is timely, proportionate and fair, thereby embedding the principles of Getting it Right For Every Child (GIRFEC), and ensuring a consistency of approach across Scotland¹.

This document is designed to be utilised as a Tool-kit for operational officers. It aims to improve how the police service deals with children and young people, under the age of 18 years so that they receive suitable interventions and support, which is appropriate, proportionate and timely, to meet their individual needs. It is hoped to achieve this by diverting them away from statutory measures, prosecution and custody through a more streamlined and consistent response that works across all systems and agencies. At the same time, the needs and concerns of the wider community, providing reassurance, and reducing the fear of crime are addressed. Quite simply, it's about better outcomes for the community and improving the outcomes and life chances for children and young people. As the lead officer for ACPOS Operational Policing Business Area I commend this Guidance to police managers, supervisors, and front-line officers.



Chief Constable Norma Graham

ACPOS Operational Policing Business Area

¹ <http://www.scotland.gov.uk/Topics/People/Young-People/childrenservices/girfec>

1. Introduction

Traditionally, the police referred most, if not all cases of youth offending to the Children's Reporter regardless of how minor the offence actually was. The rationale for this approach was a presumption that the Children's Reporter would coordinate service provision around the child's or young person's needs. But this is not the statutory role of the Children's Reporter; moreover, research evidence² shows that introducing children and young people to formal systems such as a Children's Hearing when it is not needed can increase the likelihood of re-offending.

This guidance encompasses offending and antisocial behaviour and provides a menu of options available to police officers or police staff to utilise which ensure that such behaviour is dealt with swiftly and appropriately without the need for a formal referral to be made to the Children's Reporter unless compulsory measures need to be considered. It is supported by the ACPOS GIRFEC National Guidance for the Police Service and the Multi-agency Early and Effective Intervention Practice Guidance³.

The most significant implication for the police service in adopting this new approach is that we can no longer rely on automatic referral of all cases to the Children's Reporter. Instead, through collaboration and joint working with relevant partners, the offending or antisocial behaviour is tackled promptly whilst at the same time, providing suitable interventions and support to assess and address a child's or young person's wider needs.

This approach is not a soft option in tackling youth offending or antisocial behaviour, but actually provides a means for children and young people to take responsibility for their actions or conduct. However, research provides clear evidence to support the view that, often, children or young people who offend are also vulnerable, and that the earlier they receive suitable interventions in their lives which address their needs then the more likely they are to be diverted away from an escalation in the level of offending. This is also entirely consistent with the Kilbrandon principles which underpin the Children's Hearings System.⁴

² Edinburgh Study of Youth Transitions and Crime, 2007

³ <http://www.scotland.gov.uk/Resource/Doc/254429/0081716.pdf>

⁴ <http://www.scotland.gov.uk/Publications/2003/10/18259/26875>

GIRFEC - Getting it Right for Every Child is an approach to developing how we work with children and young people. It is based on 10 core components that outline a cultural shift in the way we work with children and young people that brings support and help to those in need when they could most do with it.

The core components challenge partnership working to examine the way we work with children and young people, our systems and processes as well as our communications. The aim is to work smarter to coordinate support toward the child or young person through a named person thereby preventing the child, young person and their family having to plough through agencies to find the right help when they need it most.

The police role in GIRFEC is to observe and record our concerns and work with agencies to identify who is working with the child or young person (the named person) and in what direction the information we have should be directed. We need to consider how we make sure information about low level concerns is managed quickly and effectively to meet the core component requirements. The Flexible Approach is GIRFEC in practice; it ensures that every child or young person we interact with is linked to ongoing work with partners if necessary.

2. Flexible Approach to Offender Behaviour

The overall objective of applying A Flexible Approach to Offending Behaviour (hereafter, A Flexible Approach for ease of reference) is to prevent future offending and antisocial behaviour by children and young people by providing interventions which are timely and proportionate, whilst at the same time alerting other agencies to concerns which exist about a child's or young person's well-being. This is in line with findings and evidence from research⁵.

Interventions to offending behaviour should: -

- Relate directly to the needs and behaviour of the child or young person.
- Take account of the impact on others, and encourage children and young people to make reparation and restoration where appropriate.
- Support parental and child responsibility.
- Be appropriate, proportionate, timely, and fair.

The Flexible Approach can be applied to tackle unacceptable or offending behaviour by a child or young person, **whether that behaviour amounts to a crime or antisocial behaviour**. So, whilst the methods of recording may differ depending on whether it is a crime or antisocial behaviour, the police response to the child or young person may well be the same, and the police should use the same range of options and select the most appropriate depending on the individual circumstances. The crux of the Flexible

⁵ Edinburgh Study of Youth Transitions and Crime, 2007

Approach is to apply the most suitable intervention at the lowest appropriate point on the scale of offending.

It is important to note that for the purposes of the Flexible Approach the definition of a young person is someone under the age of 18 and therefore includes those aged 16 and 17 years old. Evidence suggests that failing to provide effective support to 16 and 17 year olds locks them into a cycle of reoffending and may result in repeated imprisonment. The availability and utilisation of diversion schemes for 16 and 17 year olds as an alternative to prosecution is consistent with the current national approach⁶.

The ambiguity around the Scots Common Law definition of a child becoming an adult at 16 years, and the recent plethora of new legislation that protects children under the age of 18 years continues. This guidance does not and cannot clarify this position, and the manner in which young people are dealt with in terms of their legal status will remain unchanged. This document does however, through local consultation and liaison with all partners, present the means by which to effect change in a positive way, in the effective intervention and management of children and young people who offend.

For ease of reference crimes and antisocial behaviour in this Guidance are referred to collectively as “offending behaviour.”

3. Early & Effective Intervention

For the Flexible Approach to be most effective in practice it cannot operate in isolation, but needs to link the police service directly to partners involved in children and families, youth justice, and those providing diversionary activities to children and young people.

This co-ordinated multi-agency approach is known as Early & Effective Intervention (EEI) and has already been adopted in a number of areas throughout Scotland⁷. EEI sits alongside the Flexible Approach and provides the mechanism to the police to share information about a child's or young person's offending behaviour with relevant partners. It allows agencies, including the police, to deal collectively with the issues in and around the needs of and concerns about children and young people where co-ordination of interventions is necessary. It demands better information sharing, the commitment and participation of all relevant agencies, and a shared understanding of the impact that offending behaviour has on the wider community.

The Flexible Approach links into Early & Effective Intervention through the force/local Youth Justice, Community Safety or Public Protection Unit, or equivalent (hereafter, the YJ/CS/PP Unit for ease of reference). The role of this Unit is to collate reports from operational officers about incidents

⁶ <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management>

⁷ <http://www.scotland.gov.uk/Resource/Doc/254429/0081715.pdf> - Early & Effective Intervention Evaluation Report - 2009

involving offending behaviour by a child or young person, interrogate police systems to gather any additional information held by the police on the child or young person, and share those details with relevant partner agencies. In this way, a more complete picture of the child's or young person's life factors and circumstances can be constructed, and collaborative decisions then made on whether further interventions are required to tackle the behaviour, and provide support to the child or young person and their family to address unmet needs.

Where the needs, risks and offending behaviour of a child or young person has reached a point where a single agency response, in this case a police response is not deemed sufficient or appropriate, then the Flexible Approach allows for multi-agency action. This should offer a range of positive and more targeted responses and interventions, including perhaps, referral to the Children's Reporter for consideration of compulsory measures when required.

The role of the police and other agencies is described in more detail in the Scottish Government Multi-Agency Early & Effective Intervention - Implementation Guidance⁸.

3.1 Children and young people subject to a supervision requirement or already referred to the Reporter

Compulsory measures of supervision may already be in place for some children and young people who are charged with offences, if they are already subject to a supervision requirement in the Children's Hearings System. Previous offending behaviour may have been a factor that led to the supervision requirement for some of these children and young people. For many of them, however, prior offending will not have been a concern.

When dealing with a child or young person who is subject to a supervision requirement, before deciding on whether police intervention only is appropriate in terms of this guidance, the child's or young person's lead professional (or social worker) must be contacted. This will ensure that:

- the lead professional is aware of the child's or young person's offending and;
- it will also enable other information about the child or young person to be considered in the decision about what action to take.

If a child or young person is the subject of a supervision requirement, this does not prevent the police (YJ/CS/PP Unit) deciding that police intervention only in terms of this guidance is a suitable response to the child's or young person's offending or antisocial behaviour.

However, if the nature of the offence or the child's or young person's previous offending result in the police deciding that police intervention only is *not* appropriate in terms of this guidance, there is a rebuttable

⁸ <http://www.scotland.gov.uk/Resource/Doc/254429/0081716.pdf>

presumption that the police will refer the child or young person to the Children's Reporter.

As well as children and young people who are subject to a supervision requirement, some children and young people will be the subject of a current referral to the Children's Reporter who will be considering whether the child or young person requires compulsory measures of supervision. This may or may not be as a result of concerns about the child's or young person's offending. If a child or young person is the subject of such a current referral, there is a rebuttable presumption that the police **will** refer the child or young person to the Children's Reporter so that the incident or offence can be taken into account in the Reporter's decision making.

4. Crimes/Offences and Antisocial Behaviour

Officers dealing with children and young people who have committed an offence or been involved in Antisocial Behaviour have to follow a number of procedures and practices that govern operational policing. This section aims to provide some guidance on the various issues that dealing with a child or young person by a Flexible Approach might create.

4.1 Crime Recording

Additionally the Scottish Crime Recording Standard (SCRS) dictates that all incidents coming to the attention of the police, whether crime related or not, must be registered by the creation of an auditable report. The Flexible Approach also needs to acknowledge this requirement.

An incident will be recorded as a crime in all cases if: -

- The circumstances amount to a crime defined by Scots Law or an offence under statute, and
- There is no credible evidence to the contrary.

Once recorded, a crime will remain recorded unless there is credible evidence to disprove that a crime had occurred. This applies to those crimes where children or young people are the perpetrators.

A 'detected' crime can be defined as follows: -

There exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings notwithstanding that a report is not submitted to the Procurator Fiscal or Children's Reporter because either: -

- the Police formally warn the accused or,
- reporting is inappropriate due to the non age of the accused, death of the accused or other similar circumstances.

This means that we can appropriately record the outcome where the child or young person has been warned.

4.2 Antisocial Behaviour

Antisocial Behaviour (ASB) is emerging as one of the biggest concerns in communities across Scotland. It is important that communities concerns are managed and the police deal with incidents quickly and efficiently. Failure to act timeously with offenders can lead to incidents of antisocial behaviour escalating quickly from minor offences through to serious criminal offending behaviour and the opportunity to capitalise on early intervention may be lost.

The Antisocial Behaviour etc. (Scotland) Act 2004 defines antisocial behaviour as follows:

A person engages in antisocial behaviour if they: -

- act in a manner that causes or is likely to cause alarm or distress; or
- pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them.

The provisions of the legislation place responsibilities on other agencies as well as the police to tackle antisocial behaviour. Working with partners to tackle ASB where the perpetrator is a child or young person is supported by the Promoting Positive Behaviour Guidance - Tackling ASB in Scotland⁹. A key driver of this policy is early intervention and prevention and entirely relevant to the Flexible Approach. **However, the Children's Hearings System should continue to be the primary forum for dealing with behaviour beyond parental control or offending behaviour by under 16s.**

Where ASB amounts to a crime or offence the officer can respond as directed in Section 3.

There are several options open to ASB teams to tackle ASB ranging from AB contracts to Antisocial Behaviour Orders. Decisions surrounding this escalating approach are taken in partnership meetings. Such meetings should consider the options available within the Flexible Approach as possible disposals alongside the ASB options with the overarching principle being to find the best solution for the child or young person. This delivers a GIRFEC approach and is complimented by the information being shared with the Named Person. Again a chronology entry or a referral may be necessary.

4.3 Use of Police Discretion

The Scottish Crime Recording Standard, while laying down a standard for ethical crime recording, does not remove a police officer's power of discretion, particularly when dealing with instances of antisocial behaviour, minor acts of disorder and minor Road Traffic violations where there is no

⁹ <http://www.scotland.gov.uk/Topics/Justice/public-safety/asb/ASBframework>

victim. **There is no room for discretion in recording a crime, however, when it involves a victim.**

When discretion is used and the criteria not to record a crime are met an informal warning at the scene may be all that is required. (Informal warnings are used for discretionary incidents). However, taking a GIRFEC approach would require officers to refer all relevant information to their force/local YJ/CS/PP Unit to pass to the Named Person. One way of doing this is through the use of a chronology. Such a document may be kept for all children and young people who come to police attention as a summary of that involvement. This can assist the other agencies, where relevant via the EEI Co-ordinator.

4.4 Police Measures – Menu of Options

This Guidance recommends and promotes the use of the following menu of options by the police when dealing with children and young people who offend or are involved in antisocial behaviour. The menu of options allows flexibility and where appropriate the same intervention can be used on more than one occasion without the need to escalate the severity of subsequent interventions, depending on the wider factors and circumstances in the child's or young person's life.

4.4.1 Formal Warning

The Scottish Crime Recording Standard makes provision for the use of a formal warning where a child or young person has committed a minor crime/offence. It is essential that a **sufficiency of evidence** exists to record the child or young person as a detection on the crime report before the warning is administered.

The warning must be carried out in the presence of the child's or young person's parent/guardian following caution and charge. Both the child or young person and their parent/guardian should be advised that the warning will be recorded locally.

All formal warnings must be recorded as a disposal on the relevant crime system and victims should be updated on the action taken.

Subject to local arrangements, the police may wish to follow up the formal warning with a letter to the child's or young person's parent/guardian outlining the circumstances of the incident, advising them that the information may be shared with relevant agencies, and informing them of local support available should they wish to access it.

Where a police officer has issued a formal warning to a child or young person the YJ/CS/PP Unit should be notified without delay so that relevant information can be shared with partners via the EEI Co-ordinator - see Section on Early & Effective Intervention.

4.4.2 Community Warning Notice

In situations where a child or young person has developed an increased pattern of committing minor crimes which do not fit the criteria for automatic

referral to the Children's Reporter, a Community Warning Notice may be an appropriate disposal. The decision to apply this measure will be made by the force/local YJ/CS/PP Unit and the information shared with relevant partners via the EEI Co-ordinator.

This warning is intended to emphasise to the child or young person and their parent/guardian the consequences that minor offending has for them, the victims, and the community. It also includes any measures or sanctions which the parent/guardian intends to take to address the behaviour.

A Community Warning Notice may follow a police formal warning but may also be used for first-time offenders where the nature or context of the minor crime merits a more robust approach. This warning may be issued more than once where appropriate where there is no requirement to escalate the intervention for the child or young person.

The Community Warning Notice: -

- is a written warning served on the child or young person in the presence of their parent/guardian.
- sets out statutory responsibilities of the parent/guardian.
- includes points of contact for advice, support or assistance.
- identifies parental action, details of which should also be included in the document.
- is signed by the child or young person and their parent/guardian.

4.4.3 Police Restorative Warning

Police Restorative Warnings and Conferences are part of a wider range of preventative, diversionary and more intensive youth justice measures designed to prevent, address and reduce offending behaviour amongst children and young people.

A restorative warning is a process facilitated by **trained personnel** that involves the warning of a child or young person, whilst addressing the impact on the victim and the community. The victim will have the opportunity to be informed of the outcome. The decision to apply this measure will be made by the force/local YJ/CS/PP Unit, and the information shared with relevant partners via the EEI Co-ordinator.

Restorative Warnings should be carried out where:

- The child or young person admits the offence, and.
- There is no information that would prevent a warning being delivered.

A Police Restorative Warning may follow a police formal warning or a Community Warning Notice where a child or young person has exhausted all of these warnings. It may also be used for first-time offenders who may have committed an offence of a level/seriousness which merits a more formal and structured approach.

The restorative warning: -

- Must be a pre-arranged structured meeting between the facilitator and the child or young person child or young person admits the offence, and.
- Is an early intervention to reduce the likelihood of re-offending where there is no information that would prevent a warning being delivered.
- Should be done quickly.
- Must be carried out by staff trained in restorative warning methods.
- Must impress upon the child or young person the impact of the offence on the victim or the community and on his/her parents, encouraging him/her to take responsibility for his/her actions and to understand the implications of future offending.
- Must focus on changing the behaviour and attitude of the child or young person rather than on humiliating him/her.
- Must take account of victim issues in that the victim is made aware that the warning is taking place, has the opportunity to make known the impact of the offence, and if he/she wants, is informed of the outcome from the warning.
- Must be signed by the child or young person that they are accepting this warning.

4.4.4 Minor Antisocial Behaviour – Informal Police Warning

Minor antisocial behaviour is most often appropriately dealt with by way of an informal warning at the scene from a police officer who may also consider it appropriate to advise the child's or young person's parent/guardian of the incident.

This informal warning does not need to be formally recorded on the Criminal History System, however it is important to record it on any chronology that may exist for the child or young person this enables the police to direct this to the Named Person in line with GIRFEC. Officers should therefore inform the YJ or EEI coordinator

It may also be recorded locally by the police in line with local procedures for ASB to use as an indicator for police action as part of targeted police activity or to add to community intelligence.

If wider welfare concerns about the child or young person are uncovered, they should not detract from the decision by the police officer to deal with the behaviour by way of an informal warning but should also be raised through the referral system as a care and protection referral.

4.4.5 Increased or Repeated Antisocial Behaviour - Youth Notice/Acceptable Behaviour Agreement/Contract (YN/ABA/ABC)

Where a child or young person has developed a pattern of increased or repeated antisocial behaviour and previous efforts have been made to engage the child or young person in addressing their behaviour, and they have refused to do so, the issue of a Youth Notice/Acceptable Behaviour Agreement/Contract may be an appropriate intervention. The decision to

apply this measure will be made by the force/local YJ/CS/PP and ASB Units in conjunction with relevant partners via the EEI Co-ordinator.

Youth Notices/Acceptable Behaviour Agreements/Contracts are a ‘*written agreement between a person who has been involved in antisocial behaviour and one or more local agencies whose role it is to prevent such behaviour*¹⁰. They are jointly served by Police and the local Antisocial Behaviour Unit and/or housing officers in a face to face visit and allows the parent/guardian to engage at an early stage, whilst challenging the child’s or young person’s behaviour.

The YN/ABA/ABC is agreed and signed by the individual and lead agencies and specifies a list of antisocial acts in which the persons have been involved and which they agree not to continue. It also emphasises to the child or young person and the parent/guardian that agencies are sharing information about the problem and are resolved to address it.

This early intervention tool is intended to emphasise to the child or young person and their parent/guardian the consequences that antisocial behaviour has for them and the community. The joint visit affords the opportunity to outline the consequences of antisocial behaviour and the provisions of the Antisocial Behaviour etc. (Scotland) Act 2004¹¹. It is also a means of informing a parent/guardian of the services and diversionary activities available in the community to support them and their child and also states the potential consequences of breach, which may include an application for an ASBO.

4.4.6 Persistent Antisocial Behaviour – Antisocial Behaviour Order (ASBO)

Antisocial Behaviour Orders (ASBO’s)¹² remain a tool available for local agencies to use when appropriate, proportionate and timely. They are preventative court orders that prohibit a person from doing anything contained in the order. Local authorities and registered social landlords – in consultation with the police – can apply to the sheriff court for an order. An ASBO is not a criminal conviction and does not form part of a criminal record. Breach of an ASBO however, is a criminal offence.

ASBO’s are only likely to be appropriate in very limited circumstances and mostly follow a series of other interventions. The focus of action should always be prevention and early intervention, rather than enforcement.

Where an ASBO is being considered in relation to a child or young person, there should be a level of agreement with other interested parties, including those engaged with the child or young person on a voluntary or compulsory basis (Named Person or Lead Professional) and the Principal Reporter and Procurator Fiscal if, the young person is 16 and 17 years that an ASBO is the most appropriate intervention in the circumstances.

¹⁰ Use of Antisocial Behaviour Orders in Scotland – Chapter 6 – Other Enforcement Measures to Tackle Antisocial Behaviour

¹¹ <http://www.scotland.gov.uk/Publications/2004/10/20154/45720#4>

¹² <http://www.scotland.gov.uk/Publications/2004/10/20154/45720#4>

5. Recording Information / Criminal History System

It is for individual forces to determine their own policy and procedures for recording information they hold on children and young people over and above existing requirements for crime / incident recording, as well as what use will be made of existing systems such as the Criminal History System (CHS) and Scottish Intelligence Database (SID).

Whatever methods are adopted it is strongly recommended that forces devise measures to record information which will also satisfy the scrutiny / inspection regime as well as provide performance management data. Information sharing protocols with partners should be reviewed and updated to ensure they are fit for purpose and Management of Police Information (MOPI) compliant.

It is also recommended that each force consider what databases its officers or staff will be required to check / interrogate before deciding on which option to apply, but as a minimum standard, this Guidance would recommend scrutiny of the crime system and CHS.

The Criminal History System has been updated to provide a number of disposal codes which are available to forces to record the various interventions offered in this Guidance (see Appendix 'A' for the list of disposal codes). **It is for individual forces to determine whether it will use the CHS for this purpose.** In the consultation phase of preparing this Guidance there was a dichotomy of opinion regarding recording systems. The current Information Management Programme, the priority of which is to devise a national Vulnerable Person System, will provide the long term solution to this and facilitate consistency across forces. In the interim however, it would be ideal were all forces to agree and adopt a consistent approach, but the divergence of views expressed was significant. **For that reason this Guidance has avoided taking a prescriptive stance, but strongly recommends, for consistency across Scotland, that the Criminal History System be used to record disposals for crimes where a child or young person has been cautioned and charged.**

5.1 Documentation / Standard Prosecution Report

It is expected that only those more serious incidents of offending, cases of repeated offending behaviour, or cases where wider concerns exist about a child or young person, will necessitate an SPR2. For minor crimes, or where there is little or no history of offending behaviour, the completion of a crime report in itself will be sufficient.

Where the EEI multi-agency group determines that there are wider concerns about the child or young person and that the matter ought to be referred to the Children's Reporter for consideration of compulsory measures, then the reporting officer may be instructed by the local/force YJ/CS/PP Unit to prepare an SPR2 or a non-offence referral or in some forces, an enhanced crime report.

It follows therefore that there are significant business benefits to be accrued in adopting the Flexible Approach: it often releases officers from report-writing back to front-line duties.

5.2 Performance Management

We know that it is outcomes that matter to communities, so while prevention, a flexible approach, and early and effective intervention should be the means adopted to tackle offending behaviour by children and young people, our success will be judged on the outcomes such approaches deliver, not on the inputs and processes used to deliver it.

The Planning and Performance Improvement Framework has recently been published and, combined with the new national youth crime indicators included in the Scottish Policing Performance Framework, is intended to provide a more meaningful way of understanding levels of youth crime and tackling youth offending at a local and national level.

The Planning and Performance Improvement Framework (PPIF)¹³ provides a **voluntary** framework for management information to support local areas in their work to address offending by young people. It has been developed to help local areas measure, at a strategic level, how well they are achieving the aims of *Preventing Offending by Young People – A Framework for Action*¹⁴ and delivering benefits and change for children and young people who offend, through their local inputs and activities. It also provides a mechanism to demonstrate at both a local and national level the impact of this work, as well as providing a tool that local areas can use to help manage services and plan future activity.

It is also anticipated that youth offending indicators within the SPPF will be developed further in future years as policing practices respond to the new challenges in this area and as crime recording systems develop. Moreover, inspection agencies are moving to self evaluation methods to support continuous development and improvement in service delivery, and the performance data collected through this PPIF underpins the qualitative data collected through self evaluation.

Forces are therefore encouraged to give consideration to the provisions of the Planning and Performance Improvement Framework and to enter into discussions with partners to develop a combined performance framework for youth offending which will provide a more complete picture within respective communities and force are

6. Conclusion

This document will replace the current 'Restorative Warnings in Scotland – Guidelines for Police' issued in 2004.

¹³ <http://www.scotland.gov.uk/Topics/Justice/crimes/youth-justice/improvement/preventing-offending/Q/EditMode/on/ForceUpdate/on>

¹⁴ <http://www.scotland.gov.uk/Resource/Doc/228013/0061713.pdf>

The Scottish Government fully supports and endorses A Flexible Approach to Offending Behaviour which embraces the GIRFEC approach and compliments other police and national policies for children and young people, such as **ACPOS Youth Strategy, The Early Years Framework**¹⁵ and **Preventing Offending by Young People – A Framework For Action**¹⁶.

This Guidance has avoided being prescriptive: rather, it is for forces, using the information and advice provided here, to consult and agree with their partners what local arrangements work best in their area for their children and young people. It is also acknowledged that some forces have already developed their own “Flexible Approach.” It is hoped that this Guidance will support and assist those forces, whilst providing a useful template to those other forces which are keen to transform or enhance their approach to offending by children and young people in their communities.

¹⁵ <http://www.scotland.gov.uk/Topics/People/Young-People/Early-Years-and-Family/Early-Years-Framework>

¹⁶ <http://www.scotland.gov.uk/Resource/Doc/228013/0061713.pdf>

APPENDIX A

CHS DISPOSAL CODES

Police Formal Warning	Disposal Code – PVW	PNC Code 1076
Police Warning Letter	Disposal Code – WL	PNC Code 1076
Community Warning	Disposal Code – CWN	PNC Code 1076
Police Restorative Justice Warning	Disposal Code – PRW	PNC Code 1076
Referral to EEI Group	Disposal Code - CYPJI	PNC Code 1135

This disposal code must only be used when the Early and Effective Intervention Group carry out the intervention without referring the matter to Children’s Reporter.

If the group decide that compulsion is required and subsequently refer the matter to Children’s Reporter, this disposal must not be used as the appropriate Children’s Reporter code will be used as a final disposal.