

## Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual  
☒ Organisation

Full name or organisation's name

Includem

Phone number

0141 427 0523

Address

Unit 6000  
Academy Business Park  
Gower Street  
Glasgow

Postcode

G51 1PR

Email Address

publicaffairs@includem.co.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name  
☐ Publish response only (without name)  
☐ Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☒ Yes
- ☐ No

## About includem

Includem are a Scottish charity that work with children, young people and families to help them transform their lives. We support the whole family to make positive life choices and to progress towards the type of future they want to live.

To do this, we work with social services, schools and criminal justice services to identify which children, young people and families could benefit from our support. We then engage the child or young person and their family/carer to develop a package of support, tailored to their specific needs.

Our support is truly unique to each individual. There is no 'one size fits all' when it comes to helping children, young people and families to achieve positive outcomes. We work with children and young people aged 0 – 26. In 2022 we were awarded funding from the Scottish Government's Whole Family Wellbeing Fund to explore gaps in service provision for young people in conflict with, or at risk of being in conflict with the law.

Includem committed to delivering pilots to address identified gaps and share learning from these to shape future service delivery. The response to this consultation is based on our extensive knowledge of supporting children and young people in conflict with the law for the past 25 years and specifically our two most recent pilots undertaken as part of the ADAPT project. We encourage you to consider the evaluation reports of these pilots in more depth to gain a better understanding of the importance of support for young people aged 18 – 25 who are on remand, on bail or serving community sentences and other alternatives to prison.

- [Includem's Glasgow Bail Support Pilot](#)
- [South Lanarkshire Structured Deferred Sentencing](#)

### **1. What changes could be made to community sentences and other alternatives to prison to reduce crime, protect victims, and create safer communities?**

In 2018, includem delivered a Structured Deferred Sentencing (SDS) Pilot in South Lanarkshire, designed to support young people aged 16 – 21, who were involved with the criminal justice system. This programme supported young people to make positive changes in their lives by offering person-centred, intensive support, tailored to their needs and goals. Eight third-sector organisations were involved in delivering this service, ensuring young people had access to a range of services through one point of contact including employability, mental health and housing support. We know from what families tell us that accessing and navigating services and supports can be

harmful and stressful for families, and that re-telling their experiences can retraumatise them. Having a single point of contact and accessing other services through a trusted relationship with an established support person or persons enables young people to engage better with a range of supports.

Our evaluation report of the pilot states: *“The South Lanarkshire SDS Pilot was a clear success, demonstrating strong results in helping young people to reduce offending and improve their lives. With a high completion rate of 84%, and 91% of participants not reoffending during the programme, the intervention outperformed other community-based sentences like Community Payback Orders (CPO).”*

A key component of the pilot’s success was its welfare-led approach, linking young people into services and supports that helped them make positive changes and transform their lives. Effective inter-agency collaboration also supported this approach and has been referenced many times as important for successful interventions.

Person-centred and relationship-based interventions are most successful in enabling young people to learn skills and move towards positive destinations. Third sector organisations are well placed to deliver this support and funding for these services must be a priority to deliver successful alternatives to prison to reduce crime, protect victims, and create safer communities.

## **2. In your view, what are the priority issues affecting bail and remand? In Scotland, what needs to change and why?**

In our view, the most pressing issue affecting bail and remand in Scotland is the lack of adequate support for young people aged 18 – 26 who are on bail or on remand. We will explore what this support should entail in our response.

Remand can cause significant harm to young people which has been demonstrated by several studies. Young people experience stress, shame and terror while on remand. Most alarming is the fact that *“remand is associated with higher rates of suicide than those serving sentences.”* In Scotland, 54% of young people who died in Scottish prisons between 2005 – 2018 did so in their first month of custody. When young people are on remand, they are effectively excluded from supports and opportunities to develop that may be offered to prisoners who have been convicted. This means that young people spend time simply ‘waiting’, with no intervention to address their offending behaviour, their mental health, or any of the other complex challenges they face in their lives. This has a negative effect on young people but is also a waste of resources when the money spent on remand could be used to improve bail support and community sentences that support young people to meet their personal goals and improve their lives.

In Scotland, policy and legislative developments reflect an acknowledgment of the trauma that remand can cause but much more needs to be done to adequately support young people and young adults who are on bail supervision to ensure it provides a safe and positive alternative to remand. Our work supporting young people on bail supervision has indicated that bail supervision alone, delivered by statutory services, does not address the needs of individuals who are on bail for a variety of reasons.

Current statutory provision of bail support does not include mentoring, coaching, holistic support or signposting to other services.

Bail in itself can pose significant challenges for young people, most of whom have had adverse childhood experiences and experience trauma and a multitude of complex needs. Work undertaken by CYCJ shows that bail conditions can be harmful for young people by limiting and restricting their access to prosocial activities including employment, making new friends and engaging in meaningful activities. In addition, bail can be lengthy and include delays which can result in young people feeling trapped and become frustrated, increasing the risk of them breaching their bail conditions. Finally, young people are in a period of emotional, physical and personal development and bail conditions can become unsuitable for a young person, particularly when there are delays that prevent young people from accessing appropriate services.

Our Bail Support Pilot (2018), delivered in Glasgow was to test whether a trauma-informed practice model and partnership approach could effectively support young people aged 18 – 25 on bail supervision. Currently, there is a significant gap in the provision of intensive support for this age group, despite the fact that research has acknowledged that brain development continues into the early-to-mid-20s, impacting decision-making and impulse control. Central to Includem's support was ensuring support was person-centred and needs-led rather than driven by service requirements. Includem workers provided 364 hours of out-of-hours support, which accounted for 21.8% of the total hours worked. This is worth highlighting as statutory support services predominantly operate 9 – 5, missing out times when young people may be most in need of support. Further, the flexibility of the support provided by organisations like our own meant that young people were supported regardless of how challenging and chaotic their living situations were.

The pilot highlighted that a 12-week period of support is not sufficient for most people requiring bail support. Many of the young people supported during the pilot experienced a range of complex issues that were not necessarily disclosed as part of their referral and required longer periods of support. Our work with young people on bail also revealed the importance of stable accommodation, tailored to the needs of the young person to support their adherence to bail conditions, rather than being a further barrier to this. Much more needs to be done to ensure this demographic has access to housing in communities that feel safe, and where they are able to make positive connections in order to achieve positive outcomes.

A significant challenge that needs urgent attention is the communication between agencies supporting and working with young people on bail supervision. This is particularly true for the courts and Police Scotland as miscommunication can have devastating effects on young people and their progress during bail supervision. During the pilot one young person was arrested for breaching his bail conditions and was kept in a cell overnight. This was incredibly traumatic for the young person and caused them significant distress. Following this incident, it transpired that the arrest had been made in error. If we are serious about encouraging young people to transform their

lives and engage positively with systems and agencies there must be much more focus on getting these fundamentals right.

One consistent challenge facing bail in Scotland is the unpredictable length of time that young people remain on bail. This uncertainty and unpredictability is counterproductive in encouraging young people to adhere to their bail conditions and can have a detrimental effect on their mental health and feelings of security and purpose.

Bail in Scotland, particularly for young people up to the age of 26 must be cognisant of the challenges facing young people who are in conflict with the law. Investment must be made to ensure flexible, person-centred support is available for them as long as required. Support must be able to meet the needs of the young people, rather than rigid structures and procedures.

The majority of young people we work with suffer from poor mental health and the lack of specialist and universal services exacerbate this situation. This risks young people remaining trapped in cycles of crime and poverty. Bail support must include appropriate mental health support, at a level that meets the needs of young people.