

Impact case study (REF3)

Institution: University of Edinburgh		
Unit of Assessment: 18 – Law		
Title of case study: Case Study 5: Raising the Age of Criminal Responsibility in Scotland and Reducing Youth Offending		
Period when the underpinning research was undertaken: 2000-2012		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Lesley McAra	Professor of Penology	01-Feb-1995 to present
Susan McVie	Professor of Quantitative Criminology	01-Jan-1998 to present
Period when the claimed impact occurred: 2014-2019		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact		
<p>The Edinburgh Study of Youth Transitions and Crime (ESYTC) had two main impacts: (i) it was the primary evidence-base underpinning the introduction of radical legislation that increased the age of criminal responsibility in Scotland from 8 to 12; and (ii) it formed the evidence-base for two new youth justice strategies: the Scottish Prison Service's 'Vision for Young People in Custody' and the Scottish Government's 'Youth Justice Strategy 2015-20', which together led to substantial reductions in the number of young people being convicted (34% fall since 2015) and sent to prison (45% fall since 2015) – the lowest figures since 1972.</p>		
2. Underpinning research		
<p>The ESYTC is a prospective longitudinal study of pathways into and out of offending amongst a cohort of approximately 4,300 young people who started secondary education in the City of Edinburgh in 1998. Data collection for this case study occurred between 1998 and 2012. It is the biggest UK-based criminological life-course study and one of few world-wide that includes both girls and boys in its cohort.</p> <p>Sources of data on the cohort include: repeated self-report questionnaires; semi-structured interviews with sub-samples of the cohort; data from official records (police, social work, juvenile justice, criminal conviction, schools); a parents' survey; a pastoral teachers' survey; and a geographic information system based on census data and police recorded crime.</p> <p>The key findings based on analysis of ESYTC data by McAra and McVie that support this case study are:</p> <ul style="list-style-type: none"> • Offending behaviour in the teenage years is common; however, only a very small proportion of young people become persistent and serious offenders (3.1). • Persistent and serious offenders typically come from impoverished family backgrounds, live in deprived neighbourhoods, and experience a range of adversities and vulnerabilities during childhood and adolescence (3.2). 		

- Experience of poverty and early system intervention in early childhood are significant predictors of offending in adolescence and criminal conviction in early adulthood (3.3).
- Educational exclusion is highly damaging to young people's life chances and is one of the best predictors of later imprisonment (3.3).
- Early adverse childhood experiences serve to capture and retain young people in the justice system and, despite wider societal change in which offending has declined, these individuals continue to be recycled around the justice system with deleterious effects (3.4).
- Where a young person does end up in custody, positive outcomes can occur when the regime is predicated on an educational model of care as well as strong and supportive relationships between young people and their key workers (3.4).
- In recent years, youth crime has been displaced away from the street into cyberspace, but there is an increasing concentration of poor, marginalised and vulnerable young people in our youth and adult justice systems (3.4).
- Keeping young offenders out of the juvenile and adult criminal justice systems for as long as possible reduces their risk of further offending and repeated justice system intervention (3.5).
- Repeated justice system contact perpetuates cycles of poverty and leads to inequality in terms of educational exclusion and disadvantage, poor labour market outcomes, poor physical and mental health (including suicidal ideation), relationship breakdown and social isolation (3.5, 3.6).
- Diversion from formal justice measures and minimal intervention are more effective in tackling serious and persistent youth offending, and supporting pathways out of offending, than intensive and punitive interventions (3.5, 3.6).

Taken together, these findings are strongly supportive of policies that avoid the criminalisation of young people through increasing the age of criminal responsibility to internationally agreed minimum standards; diverting young people from formal criminal justice measures (especially imprisonment) where possible; and developing policies of educational inclusion.

3. References to the research

3.1: McAra, L. and McVie, S. (2010) 'Youth Crime and Justice: Key Messages from the Edinburgh Study of Youth Transitions and Crime', *Criminology and Criminal Justice*, vol. 10, no. 2, pp. 179-209. <https://doi.org/10.1177/1748895809360971>

3.2: McAra, L. and McVie, S. (2016) 'Understanding Youth Violence: The Mediating Effects of Gender, Poverty and Vulnerability', *Journal of Criminal Justice*, vol. 45, pp. 71-77. <https://doi.org/10.1016/j.jcrimjus.2016.02.011>

3.3: McAra, L. and McVie, S. (2012) 'Negotiated Order: Towards a Theory of Pathways Into and Out Of Offending', *Criminology and Criminal Justice*, vol. 12, no. 4, pp. 347-376. <https://doi.org/10.1177/1748895812455810>

3.4: McAra, L. & McVie, S. (2018) 'Transformations in Youth Crime and Justice across Europe: Evidencing the Case for Diversion', in Goldson, B. (ed) *Juvenile Justice in Europe: Past, Present and Future*, (Abingdon: Routledge), pp. 74-103. Submitted in REF2. <https://doi.org/10.4324/9781315194493>

3.5: McAra, L. and McVie, S. (2007) 'Youth Justice? The Impact of System Contact on Patterns of Desistance from Offending', *European Journal of Criminology*, vol. 4, no. 3, pp. 315-345. <https://doi.org/10.1177/1477370807077186>

3.6: McAra, L. and McVie, S. (2005) 'The Usual Suspects? Street-Life, Young People and the Police', *Criminal Justice*, vol. 5, no. 1, pp. 5-35. <https://doi.org/10.1177/1466802505050977>

4. Details of the impact

(i) Raising the age of criminal responsibility (ACR) in Scotland

The Age of Criminal Responsibility (Scotland) Act 2019 marked a radical change in juvenile justice and brought Scotland more into line with international human rights standards than other UK jurisdictions. ESYTC formed the underpinning evidence for this change, as stated in the Policy Memorandum accompanying the Bill when introduced to Parliament (5.1).

Legislative change was initiated by a Scottish Government Advisory Group on ACR, established in 2016, which extensively used ESYTC findings to inform debate and support its recommendation to raise ACR to 12 (5.2). Robert Marshall (Chair of the Scottish Government Advisory Group) stated: *“[The ESYTC] provided us with solid evidence on which we based our discussions, playing a significant part in informing and guiding the thoughts of the Advisory Group in order to make recommendations that the law be changed”* (5.3). Paul Carberry (Advisory Group member and Director of Action for Children Scotland) stated: *“There is no doubt the study by McAra and McVie has been the most influential academic research into youth justice in the 30 years I have been working in this area. The findings significantly influenced the approach to working with young people in trouble to the significant benefit of many thousands of children and young people in Scotland...[T]he research findings were widely drawn upon and provided an important benchmark for a group of advisors from different professional backgrounds”* (5.4).

An independent inquiry was launched by Action for Children and the Scottish Children’s Commissioner to feed evidence into the Advisory Group. McAra and McVie were key contributors (5.5). Richard Holloway (Chair of the inquiry) stated: *“The evidence from the [ESYTC] was enormously helpful in our work and was hugely influential to our thinking... Their findings have demonstrated convincingly that criminalising children is not only wrong, it is counterproductive. Professors McAra and McVie can claim credit not only for this significant change in policy, but also for providing irrefutable evidence that the age of criminal responsibility in Scotland, currently set at 8 years of age, is both morally and empirically unsupportable. And the Edinburgh Study was undoubtedly one of the key catalysts behind the current Bill”* (5.6).

A Scottish Parliament Information Centre Briefing Paper on the Bill heavily cited the ESYTC in support of raising ACR (5.7); and McVie gave expert evidence to a Parliamentary Committee (5.8.a), which was debated by MSPs during passage of the Bill through Parliament (5.8.b).

(ii) Youth Justice Strategy

In December 2014, the Scottish Prison Service (SPS) published its ‘Vision for Young People in Custody’, a strategy aimed at ensuring that time spent in custody by young people should “enable them to prepare for a positive future” (5.9.a). The Professional Advisor for the Young People’s Strategy with the SPS stated: *“Evidence from the Edinburgh Study provided an essential part of the evidence base for design of the SPS strategy and has continued to inform thinking during the implementation stages”* (5.9.b); and further noted: *“It is very important that staff who work with young people in custody understand this evidence, to combat any misconceptions and to give them a sound base from which to undertake their role in supporting the young people to prepare for a positive future. Messages from the Study have been incorporated into staff training and development”* (5.9.b).

ESYTC findings also formed the basis of the Scottish Government’s national ‘Youth Justice Strategy 2015-20’, aimed at improving life chances for children and young people up to age 21. According to the Strategy: *“Findings from the [ESYTC] tell us that: serious offending is linked to a broad range of vulnerabilities and social adversity; early identification of at-risk children runs the risk of labelling and stigmatising; pathways out of offending are affected by critical moments in the early teenage years. In particular, school inclusion and diversionary strategies facilitate the*

desistance process. This strategy is founded on a shared commitment to dealing with the issues raised by that evidence” (5.10.a).

Following implementation of these strategies, national statistics on Criminal Proceedings in the Scottish Courts published by the Scottish Government showed major reductions in the number of young people aged under 21 entering the criminal justice system. This included a 34% reduction in convictions in the Scottish Courts between 2014/15 and 2018/19 (5.10.b) and a 45% reduction in imprisonment between 2014/15 and 2019/20 (5.10.c). These are the lowest numbers since comparable records began in 1972 (5.10.d).

5. Sources to corroborate the impact

5.1: Policy Memorandum accompanying the Age of Criminal Responsibility (Scotland) Bill, para. 62.

https://web.archive.org/web/20201105104436/http://www.parliament.scot/S5_Bills/Age%20of%20Criminal%20Responsibility%20%28Scotland%29%20Bill/SPBill29PMS052018.pdf

5.2: Report of the Advisory Group on the Minimum Age of Criminal Responsibility submitted to the Cabinet Secretary for Justice (Michael Matheson MSP) in March 2016, para. 2.1.

<https://web.archive.org/web/20180117061758/http://www.gov.scot/Resource/0049/00497071.pdf>

5.3: Testimonial letter from Robert Marshall, Chair of the Advisory Group on the Minimum Age of Criminal Responsibility, written in support of McAra and McVie’s nomination for an ESRC Celebrating Impact Prize in the Outstanding Public Policy Impact category, which they were awarded on 9 July 2019.

5.4: Testimonial letter from Paul Carberry, member of the Advisory Group and Director of Action for Children Scotland, written in support of McAra and McVie’s nomination for an ESRC Celebrating Impact Prize in the Outstanding Public Policy Impact category, which they were awarded on 9 July 2019.

5.5: Report of the Kilbrandon Again independent inquiry, pgs. 8, 10, 11, 19, 21, 30, 31.

https://web.archive.org/web/20201124162129/https://www.basw.co.uk/system/files/resources/Kilbrandon_Report.pdf

5.6: Testimonial letter from Richard Holloway, Chair of the Kilbrandon Again independent enquiry, written in support of McAra and McVie’s nomination for an ESRC Celebrating Impact Prize in the Outstanding Public Policy Impact category, which they were awarded on 9 July 2019.

5.7: Scottish Parliament Information Centre Briefing paper on the Bill, pgs. 9-10.

<https://web.archive.org/web/20201105105527/https://sp-bpr-en-prod-cdnep.azureedge.net/published/2018/8/15/Age-of-Criminal-Responsibility--Scotland--Bill/SB18-49.pdf>

5.8.a: McVie evidence to the Equalities and Human Rights Committee of the Scottish Parliament.

<https://web.archive.org/web/20200826103607/http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11650&mode=pdf>

b: Official Report, Meeting of the Parliament, 13 November 2018, cols. 12, 30.

<https://web.archive.org/web/20201105105820/https://www.parliament.scot/parliamentarybusiness/report.aspx?r=11773&mode=pdf>

5.9.a: Scottish Prison Service ‘Vision for Young People in Custody.’

<https://web.archive.org/web/20201105105911/https://www.sps.gov.uk/Corporate/Publications/Corporate12.aspx>

b: Testimonial letter from the Professional Advisor, Young People's Strategy, Scottish Prison Service.

5.10.a: Scottish Government Youth Justice Strategy, pg. 10.

<https://web.archive.org/web/20201105110305/https://www.gov.scot/publications/preventing-offending-getting-right-children-young-people/>

b: Criminal Proceedings of Scotland, 2018-2019, Data Table 5a: Number and proportion by gender and age, 2009-10 to 2018-19.

<https://web.archive.org/web/20201214123359/https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/pages/13/>

c: Scottish Prison Population: statistics from 2019 to 2020, Data Table B2: Populations by Age and Gender.

<https://web.archive.org/web/20201214125717/https://www.gov.scot/publications/scottish-prison-population-statistics-2019-20/>

d: Criminal Statistics Scotland 1980-1982, Data Table 6.6: Persons with charge proved by age and sex, Data Table 6.9: Persons with charge proved by main penalty.

<https://www.webarchive.org.uk/wayback/archive/20150219233831mp/http://www.gov.scot/Resource/Doc/933/0113714.pdf>