City of Edinburgh Child Protection Committee

LEARNING REVIEW: YOUNG PERSON D

EXECUTIVE SUMMARY OF LEARNING

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Introduction

On 4 January 2023, a young person aged 19 died of a suspected accidental overdose. The young person had lived in the Edinburgh area, previously been subject to a Child Protection plan, had become involved with justice as a young person, and was a looked after child in secure care. As such, Young Person D was known to a range of services. At the time of their death, the young person had moved temporarily out of the city to visit relatives in the north of Scotland.

In line with national guidance for undertaking learning reviews (Scottish Government, 2021a), in January 2023 City of Edinburgh Public Protection Learning Review Oversight Group recommended that there should be a learning review and notified the Child Protection Committee (CPC) on 2 March 2023 as this situation met the criteria, specifically: "When a child has died or has sustained significant harm or risk of significant harm as defined in the National Guidance for Child Protection in Scotland and there is additional learning to be gained from a review being held that may inform improvements in the protection of children and young people." (p.5).

In September 2023, the Child Protection Committee (CPC) commissioned two independent Lead Reviewers, who are both accredited by the Social Care Institute for Excellence (SCIE) and experienced in using systems methodology for undertaking reviews.

The time frame for this review took account of the time the young person was at the point of homelessness in 2020 until their death in January 2023. The focus of this review was to explore how services support young people through crises, living in difficult circumstances and addressed key questions around how services:

1. support young people at times when they do not wish to engage;
2. communicate across the city and externally in cases where young people move; and
3. manage transitions between child and adult services.

The Learning Review commenced in October 2023 and concluded in March 2024.

The Process of the Learning Review

As stated in the national guidance (Scottish Government, 2021a), Learning Reviews are not investigations, but an opportunity for analysis and critical reflection to gain greater understanding of complex situations and to suggest strategies to support practice and improve systems across agencies. It is the role of the multi-agency partnership to consider and develop those strategies through assigning responsibilities, and developing an action with timescales, which is subject to review. Key to this is bringing practitioners together in a structured process to reflect, increase understanding and identify learning points. The overall process is supported and overseen by a Review Team of senior managers. Such an approach goes beyond individual practice and explores the underlying systemic elements, links with organisational factors and the wider context.

Sources of data

Data and information for this review was gathered through four sources:

- documentary evidence;
- practitioner and manager events (events comprised of 9 individuals and a further 3 practitioners contributed to the Review through individual discussion with the Lead Reviewers)
- review team meetings;
- meeting with the young person's mother.

The Edinburgh Child Protection Committee are particularly grateful to the young person's mother for the vital part she played in the Learning Review.

Sharing Personal Data

Edinburgh Child Protection Committee has given due consideration to the extent to which personal data can be shared in an Executive Learning Summary being placed in the public domain. It has been anonymised, insofar as is possible and includes only information that can be lawfully shared.

Any disclosure of personal data must comply with the Data Protection Act 2018, and the UK General Data Protection Regulation and Article 8 of the European Convention of Human Rights (the right to respect for private and family life).

This Executive Summary Report is a limited version of the full report.

Family History & Case Summary

The young person had been known to social work services since their early years, for a range of reasons. From the age of six, the young person was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and anxiety. Later the young person received a diagnosis of autism spectrum disorder (ASD).

The young person and their siblings moved to Edinburgh with their mother in 2011, where they were supported by a range of services. The young person's father remained living in the north of Scotland and spent time in prison.

During their adolescence, the young person's behaviour was increasingly challenging. They found it hard to understand concepts and processes and their struggles in social situations became more apparent. This escalation resulted in them increasingly being in conflict with the law, which continued throughout their life and led to involvement with a range of services.

The young person was made subject to a Compulsory Supervision Order (CSO) in October 2017 and a Structured Assessment of Violence Risk in Youth (SAVRY) was completed, which indicated that the young person was at high risk of violence and highlighted several vulnerabilities. The young person was also placed in secure accommodation due to the risks they posed to themselves and others; later the young person was remanded for seven days within a secure placement rather than prison.

As they grew older, there were continued concerns about the young person's misuse of drugs and alcohol, the impact of this on their mental health, offending and escalating behaviour at home and risks posed to younger siblings. At the end of 2019, it became apparent that the young person's behaviour could no longer be managed safely within the family home, and they became involved with Throughcare and Aftercare services and Housing supports in 2020. Several third sector organisations were also involved with the young person and their family at different stages.

Following the young person turning 18, given they continued to be subject to a Community Payback Order (CPO), there was a transfer from the Young Person's Service to the adult justice services. There was also a referral to Adult Support and Protection in 2021, which did not progress and was diverted back to Throughcare and Aftercare Services.

On 4 January 2023, the young person died of a suspected accidental overdose.

Wider Context

It is important to consider the context within which practitioners were working during the period under review.

Covid-19

On 23 March 2020, the Westminster and Scottish Governments announced a national lockdown to restrict the spread of Covid-19 including instructions on social distancing and staying at home. This global pandemic had considerable impact on services. The situation also changed rapidly, placing immense pressure on systems and services. The response to the pandemic is likely to have impacted on collaborative working and decision-making during this time for all working in social work, education, justice, health and housing with staff working from home and experiencing significant additional pressures.

Working with young people at the point of Transitions

There are also wider issues when working with young people. Legislation including the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011 and the Children and Young People (Scotland) Act 2014 offer different legal definitions of childhood with the potential for adolescents to be treated differently based on age (specifically whether over or under sixteen). As Lightowler reflected:

> 'Scotland has a very complex policy and practice landscape which means that some 16 and 17 year olds are treated as children in some contexts, while some are not. Children who experience victimisation and adversity, and children in the care system, can be criminalised for distress related behaviours, which is a particular issue as they become older and we potentially stop seeing them as children.'
>
> (Lightowler 2020, p.4)

Local context

The City of Edinburgh Council was also experiencing significant turmoil. Various local enquiries placed local and national media attention on the City of Edinburgh Council's children's social work services. Since this time, there has been much internal scrutiny with a recent restructuring of the senior management arrangements, as well as challenges more generally in terms of recruitment and retention, and a need to develop a supportive and trusting culture within the organisation. For many practitioners, the impact of these events combined with Covid-19 have been significant both personally and professionally.

Organisational Learning

Within this report, each learning point is considered individually as this helps to identify the case for change. It should be noted that these are not in order of priority but reflect how the points emerged from the case. It is recognised, however, that the learning points set out below are interconnected in terms of the lives of children and young people, and how services and practitioners need to work together. It is also suggested that the Child Protection Committee share the learning from this review with the Adult Support and Protection Committee to ensure ownership of the issues raised for all young people who are vulnerable and at risk of harm.

Learning Point 1	Lack of flexible housing and support for young people can exacerbate existing vulnerabilities, particularly those who are looked after or are care leavers

Evidence from the case

During the three years under review, the extent and depth of this young person's vulnerabilities and needs made it difficult for them to remain at home and due to the lack of suitable alternatives, they were placed in hostels and hotels, bed and breakfast, and guest house temporary accommodation on at least 15 occasions, and spent two periods in supported accommodation as well as a period in custody at a Young Offenders Institute. They also spent periods staying at the houses of friends. There were also times when no accommodation was available, and the young person presented as homeless.

The young person was anxious about living in temporary hostels and hotels due to the number of older adult males, levels of aggression and availability of drugs and alcohol, and often refused this accommodation. It was clear, however, that there was some stability in the initial weeks at least when living in supported accommodation. The challenge was sustaining this stability. As the young person continued to display aggressive behaviour in the temporary accommodation, re-referrals to a range of accommodation were refused because the young person had to demonstrate a level of stability or the accommodation did not have the necessary support or service in place to assist them. Applications for housing through the local authority also require young people to demonstrate a level of stability.

Why does it matter?

Youth homelessness can have significant long-term and life-changing effects, particularly for those experiencing instability in other areas of their lives and family breakdown. In the short term, moving or living in temporary accommodation can aggravate an individual's mental and physical health including self-harm and suicide, result in poor health and nutrition, impact on relationships, increase activity in problem substance use, alcohol use and criminal activity, and impact on finding a job or maintaining attendance at school or college making it more difficult to acquire life skills and sustainable employment. Young people are often victims of assault or verbal abuse. These experiences, and fear of them, leave many young people feeling vulnerable and anxious.

Homelessness can continue to affect a young person's life in the future. Research on long-term impact of youth homelessness is more limited but has identified that the short-term impacts identified above persist into adulthood and without adequate support (Parpouchi, Moniruzzaman and Somers 2021). This research also concluded that experiences of homelessness in childhood or youth was significant in experiencing housing instability as an adult, particularly if the first experience of homelessness was before the age of 25.

Stable and appropriate housing is a significant factor for young people and their transition into adulthood. In addition to increased availability of housing provision, much greater thought is required about the type of accommodation not only to support the young person in the initial phase of moving into supported accommodation, but also to sustain and 'hold' young people through a challenging period of their lives which can be for years rather than months.

This requires a system able to cope with the full range of situations encountered and offer equal variety in its response. It also highlights the importance of planning which needs to take account of the unpredictable and chaotic periods in the lives of some young people and, when needed, services should be organised to allow provision of wraparound care and support.

Learning Point 2	There are gaps in mental health services for young people aged 18-25 in crisis

Evidence from the case

Throughout the period under review, the young person reported feelings of anxiety and paranoia, was known to be neurodivergent, exhibited psychotic and delusional behaviour and there were also concerns about repeated self-harm and attempted suicides. On several occasions, the young person was admitted to the local Accident and Emergency Department because of poor mental health, chaotic drug use, self-harm and possible overdose. The young person did not always take their prescribed medication and was known to return to problem substance use following short periods of stability. The young person was moving in and out of temporary accommodation. The result was that, at times, the young person was chaotic and missing appointments with several services.

The young person was also offered support from a CAMHS specialist mental health service linked with the Young Person's Service and also an adolescent substance use service. However, there was no comprehensive mental health assessment during the period under review, and an appointment with a psychiatrist following one of the young person's admissions to hospital was cancelled. It appears that the appointment was cancelled by the psychiatrist, and it was unclear if this was followed up or rearranged.

Why does it matter?

Research has consistently identified that young people report that seeking help for health or mental health problems is stigmatising or will lead to labelling, which adds to existing feelings of being care experienced (Sanders 2020), they do not always feel listened to (van Beinum, Martin and Bonnett 2005) and report that organisations are difficult to approach. Individualised and specialised support is important for care experienced young people, so it is essential they receive the right support at the right time.

The Scottish Government Guidance Standards for those working with children in conflict with the law (2021b) show that this group of young people need to have good mental health to reach their potential. It also highlights that "*their families and carers should know that they are supported in good mental health and be able to access services which are local, evidence based, responsive and delivered by people with the right skills*". (p.4). Mental health problems during childhood or adolescence are associated with detrimental developmental outcomes in young adulthood, lower life satisfaction and poorer health-related quality of life as adults (Schlack et al., 2021).

The Children and Young People Centre for Justice (2023) has also highlighted the complex mental health needs of this group of young people and on the growing evidence in this area. This group of young people have high levels of childhood adversity which can lead to trauma responses (Murphy, 2018) and a higher rate of neurodevelopmental issues than would be expected from the general population.

Learning Point 3	The pathways between children's and adult social care are unclear and there is a lack of understanding of roles and responsibilities of each service

Evidence from the case

At different times and due to significant concerns about the young person's mental health and risk of harm, including self-harm and attempted suicide, there was discussion with adult social care in relation to the young person. In October 2020, the Young Person's service was asked by adult social care to carry out a case transfer request, but this does not appear to have been progressed and the reasons for this are unclear.

In July 2021 and due to escalating concerns, an Adult Support and Protection (ASP) IRD request was made by the Young Person's service and the outcome was to consider an Adult Protection Case Conference (APCC). Police also raised Adult Concern forms because of concerns around the young person's mental health and wellbeing including self-harm. This was taken forward as a Getting it Right for Everyone (GIRFE) meeting rather than be addressed under adult support and protection on the rationale that concerns were largely around offending and to establish if there was a role of for adult social care. The subsequent GIRFE meeting deemed that despite increasing concerns around the young person's mental health, ADHD and ASD diagnosis and the extent of self-harm, there were opportunities to engage voluntarily without the need for an APCC.

Although an adult social care worker was allocated, no adult protection or community care assessment was undertaken. A further GIRFE meeting concluded that the young person did not meet the criteria for a community care service and more appropriate supports were accessible elsewhere, namely Throughcare and Aftercare. No adult protection report or risk assessment was undertaken and no details on the rationale for decisions taken were recorded within the case files. In this respect, decision making was unclear, particularly as the Police had also raised another Adult Concern Form due to recent concerns of vulnerability, self-harm and an overdose of undisclosed drugs.

Practitioners working within children's services felt unable to challenge the decision of adult social care because they were unsure of the pathway through to adult's services, how the processes of GRIFE and Adult Support and Protection aligned and lacked an understanding of the criteria for adult services. There were also comments that Adult Support and Protection, and GIRFE feel "*like two different languages when meant to be joined up*".

Why does it matter?

Practice knowledge, research and the views of looked after children, young people and care leavers captured through The Promise (2020) has identified the challenges for young people leaving care, who are potentially some of the most vulnerable in our society. Scottish Government (2014) has previously highlighted that young people aged between 16 and 18 are potentially falling "between the gaps" and local services must ensure that processes are in place to enable staff to offer ongoing support and protection as needed, via continuous single planning for the young person.

There is a likelihood that because many care experienced young people may offend, become homeless, go on to develop significant mental health problems, they would benefit from ongoing social work intervention and

there may be times, for example, when it is appropriate for TCAC and adult health and social care to be involved and working with a young person. Services are often siloed in thinking and a joined-up approach across children's and adult services needs to support practitioners to think more creatively and flexibly to deliver services across the whole system. Again, this was echoed in the findings of The Promise (2020). Keeping the Promise (Scottish Government 2022a) has commented that being care experienced does not end when someone becomes an adult, so there is a need to support the process of transition and recognition that some individuals are more likely to need support throughout their lives.

Learning Point 4	Planning processes across services are not coordinated or aligned, and there is no single plan, particularly for those aged 18-25 with high vulnerabilities

Evidence from the case

In this case, the young person missed several appointments and reflected that it was difficult to keep the range of appointments due to different services and professionals involved. It was unclear whether or how this was pulled together in one coordinated plan. The young person was potentially engaged with up to ten different services for different aspects of their life and wellbeing. This young person, who was struggling to engage with services, was then referred or linked to a range of additional services to increase support for the young person. This meant, however, that a young person already struggling with their responsibilities was given additional appointments to manage and attend.

Within children's services, there was clarity about planning processes associated with GIRFEC and looked after and accommodated children. Until the age of 18, planning is linked to review processes and for this young person, the Young Person's Service social worker was Lead Professional throughout. When the young person transferred to the adult justice services, the role of Lead Professional also transferred. This, however, was more complicated as the justice team did not have a statutory role for the young person when they were in breach of legal orders although could continue to support them. In addition, this service would no longer have a role as Lead Professional when the young person was no longer involved with the justice process. Involvement with the TCAC service is voluntary and there would be no role for this service if the young person chose not to engage even if they needed continuing social work intervention.

During transition, the role of a lead professional was critical in respect of coordinating services, especially where the young person's behaviours were a risk to themselves and a risk to others. The current system placed significant responsibility on this young person, who was already struggling to manage their own health, mental health and self-care.

Why it matters?

Different approaches to planning by different services at different times can be overwhelming for young people when several agencies are involved with different criteria applied, different timescales for intervention and a range of intended outcomes. Too many services involved too frequently and all at once can feel too much for young people whose response is then to disengage. Plans for young people with complex needs can appear as a list of failures and missed appointments. A coordinated plan would allow for a timeline of agreed priorities and opportunities for some services to take a managed step back and allow for greater coordination and improved oversight.

It is also important to take account of how much a young person understands their responsibilities. Young people may have learning difficulties, which have not been recognised, or are neurodivergent, which requires a different approach in supporting how young people understand and respond to the world around them. For many young people, the transition to adult's services or into adulthood and leaving care is supported with proportionate planning arrangements. For some young people with significant vulnerabilities and complex needs, however, a more coordinated planning process managed through a Lead Professional is needed which brings all agencies and services together.

Learning Point 5	Court processes for young people do not appear to be sufficiently trauma-informed or take account of neurodivergent conditions and learning difficulties

Evidence from the case

In early 2020, the young person was made subject to a three-year Community Payback Order (CPO) and the court imposed the condition of 240-hours of unpaid work. Only a few months later, the young person was in breach of the CPO as they had refused to give the address of where they were staying temporarily. They had chosen to live with a friend instead of the temporary accommodation offered due to their concerns about being based in temporary accommodation during lockdown.

The court was asked by justice services to consider a Drug Treatment and Testing Order (DTTO) due to the young person's continued problem substance use, which was linked to their offending behaviour. The Sheriff did not support the recommendation of the DTTO pathway with no reasons given. The CPO was continued and the young person had to comply otherwise there was a risk of a custodial sentence. There were multiple conditions, however, on the young person's order which they found difficult to manage.

In April 2021, the young person was admitted to a youth offending institute and remanded in custody for seven days. The young person reported finding custody challenging, struggled with their mental health and had trouble sleeping. By September 2021, First and Final Warnings had been issued as the young person had struggled to comply with the unpaid work condition. They were ordered to complete all outstanding hours within six months. Breaches of unpaid work and failure to attend all offender supervision sessions continued into 2022 and in June, the Justice team applied to the court to initiate breach proceedings. The risk of a custodial sentence due to non-compliance would have impacted negatively on the young person's stability.

In August 2022, the young person was arrested again and fled to family in the north of Scotland aware that they may be remanded. In discussions with the Justice and adolescent substance use services, the young person said they were feeling anxious, paranoid and scared about the prospect of being in custody.

Why does it matter?

Research supports the view that young adults are a distinct group with needs that are different both from children under 18 and adults older than 25, underpinned by the developmental maturing process that takes place in this age group.

A Westminster Government report (House of Commons Justice Committee, 2016) helpfully summarised the situation for neurodivergent young people:

> "Dealing effectively with young adults while the brain is still developing is crucial for them in making successful transitions to a crime-free adulthood. They typically commit a high volume of crimes and have high rates of re-offending and breach, yet they are the most likely age group to stop offending as they 'grow out of crime'. Flawed interventions that do not recognise young adults' maturity can slow desistance and extend the period of involvement in the system."
>
> (House of Commons Justice Committee 2016).

The report concluded that greater weight was needed within the criminal justice system to the implications of brain maturation for young adult men and women aged 21 to 25. A more recent report in Scotland (Nolan 2018) also identified that:

> "Difficulties in understanding possible court disposals and the requirements these place on the young person, [has] significant consequences of non-compliance with the requirements of disposals, including programmes and interventions.
>
> (Nolan, 2018, p.15)

Young people with speech, language and communication needs are, therefore, at risk of less effective engagement in court proceedings and at increased risk of breach of orders (Nolan, 2018)

For care experienced young people, Scottish Government's (2022b) has stated:

> "We know that those with care experience are over-represented in the criminal justice system in Scotland. Although those who have been in care only make up an estimated 0.5% of the general population, almost half of young people in prison reported that they had experienced care. This pattern continues into adult life with the latest prisoner survey showing that a quarter of prisoners had been in care at some point."
>
> (Scottish Government 2022b, p.17)

In addition, delays within the court and tribunal system continue to be significantly affected by the pandemic. The Scottish Government's (2023) recent statistical bulletins reported on the continued impact of the COVID-19 pandemic on the justice system.

Young adults involved in conflict with the law are often known to a range of statutory services, and some have described the situation of young adults reaching 18 as one of "double jeopardy"; they continue to be at high risk of reoffending but support services, which can act as protective factors, such as mental health, education and youth offending services, fall away during the period of transition. This adds to the tension of balancing the needs of vulnerable young people with the responsibility to public protection.

Additional Learning

One other point with additional learning was the extent to which services in the local authority in the north of Scotland should have been involved and in what capacity.

Services often have different processes for contacting and transferring involvement when a young person moves to a different local authority area and depends on whether it is a permanent or temporary move. The original move north was described as a visit by the young person. Even when the visit became a longer stay, it was still described as temporary and services were working on the understanding that the young person would return shortly to Edinburgh.

Justice Services in Edinburgh had no statutory powers as the young person was in breach of their Community Payback Order and justice services in the local authority where the young person was living temporarily would

not have accepted a transfer of the order until the outcome of the breach hearing. As the young person was over 18, there was no mechanism to stop them from travelling north or staying with relatives. To complicate matters, the young person did not disclose their temporary address which meant a search of previously known contacts and addresses could not be carried out and they were also unclear with agencies about when they planned to return to the city.

It would be helpful to set out in guidance suggested timescales which ensure that drift is minimised in such situations, but it is recognised that discussions would need to be at a national level as this would form part of the National Outcomes and Standards for criminal justice social work.

Effective Practice

The effective practice identified by the review focused on practitioners' relationships with the young person and across services, and in terms of accommodation services.

- Focus on young person: the commitment to and continuing concern for the young person by professionals was also evident. While the young person spoke about the number of professionals being involved was overwhelming at times, they had relationships with one or two key practitioners, which they contacted when distressed or anxious.

- Relationships: professionals from the different services involved spoke of good communication, respect and being available to each other. This was highlighted through regular contact and discussion, and exploration of different approaches and possible services which may support the young person. Practitioners within the Young Person's Service and a substance misuse service for adolescence formed relationships with the young person and their mother. It was clear from the documentary evidence and conversations that professionals respected the mother's view about her family and the young person. This was important in decision-making as relationships remained positive even when there was disagreement.

- Supported accommodation: in terms of services, one episode of supported accommodation had worked well for the young person. The aspects which were thought to have contributed to this period of relative stability was access to support staff 24/7 and the flexibility of being able to visit the family home daily. Although, the initial period of stability could not be sustained, being placed with individuals of a similar age and access to 24/7 support was clearly important in the young person's decision to accept a place.

Suggested strategies for improving practice and systems

The national guidance for learning reviews recommends that suggested strategies for improving practice and systems should set out the case for change and propose strategies for improving systems and practice drawn from the evidence of any shortcomings in policy or practice revealed by the Review. The strategies suggested by the Practitioner and Managers Group, and the Review Team throughout the review include:

- Sufficient, flexible and age-appropriate supported accommodation that can sustain young people with high levels of need or vulnerabilities in accommodation or tenancies. This might include a mixed economy of offers for young people including supported lodgings, for example, and bespoke services (Learning Point 1).

- Developing approaches such as transitional safeguarding which takes account of the age and stage of a young person rather than services be ringfenced by chronological age or eligibility criteria. This recognises that maturing from adolescence into adulthood is individual and takes account of how childhood trauma, learning difficulties and neurodiversity affects that process. A flexible approach to young people with high vulnerabilities is important as while they may be older young adults, they may not have had the opportunity to mature emotionally or develop appropriate life and decision-making skills (Learning Point 2 and 4).

- Consideration of the findings of the pilot of contextual safeguarding and the implications for implementation across the city. This is particularly relevant where there is a risk of harm for young people and shifts the narrative of young people 'putting themselves at risk' towards an understanding of risk and the reasons why some choices are taken (Learning Point 2 and 4).

- Increased understanding and better communication between children and adult services including clarity about the implementation and application of GIRFE and Adult Support and Protection (Learning Point 3).

- Discussions with judiciary to explore approaches to young people in conflict with the law in terms of timescales for court decisions and breaches being expedited for under-21s in crisis (Learning Point 5).

- Consider the learning from the Glasgow Youth Court and its applicability for Edinburgh. The Youth Court is a judicially led problem-solving court for 16–24-year-olds, which diverts young people away from the adult court, and aims to focus on rehabilitation, recognise the impact of Adverse Childhood Experiences (ACEs) and trauma and provide intensive support to young people to address the underlying causes of offending. Young people accepted into the youth court mostly engage in a Structured Deferred Sentence, which aims to support young people to meet unmet needs, involving attendance of regular review hearings, engagement with social workers and multi-disciplinary interventions (Learning Point 5).

- Guidance on the length of time a young person is away from home and in breach of court orders before contact is made (Learning Point 5).