

This paper is written and presented on behalf of SNAP Cymru, a charity unique to Wales:

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1. Background

- 1.1. SNAP Cymru is a pan Wales organisation rooted in local communities across Wales, working with families for over 30 years, levelling the playing field on issues related to disability, SEN, discrimination and additional learning needs. SNAP Cymru's has an extensive local knowledge of resource, policy and practice, legislation and national policy. SNAP Cymru's flexible staff and volunteers are able and willing to work collaboratively and quickly identifying and responding to current and emerging need and trends.
- 1.2. SNAP Cymru delivers services in Welsh and English through regional offices, local drop in centres, a National Helpcentre: Freephone. Email, website and social media platforms. Face to face casework and intervention is also available, subject to need and funding.
- 1.3. SNAP Cymru works holistically with families using a partnership and empowerment model. Our services aim to facilitate partnership working between all stakeholders, seeking agreement and resolution as quickly as possible. We achieve this through information and explanation, independent, objective advice and where appropriate keyworking, direct independent professional specialist advocacy and support or training. The focus of our work encompasses a range of issues including: disability, discrimination, assessments, education, social care or health provision, statements of special educational needs, barriers to communication, bullying, school attendance, exclusion, health, training, and transition, preparing for adult life, work and social care. The key activities are information, explanation and practical to for the completion of forms/reports, preparation and guidance for meetings or appointments, attendance at appeals, and tribunals.
- 1.4. We develop and deliver services designed to meet the needs of the 'whole family' with an emphasis on prevention, protection and de-escalation in order to reduce the need for remedial action. Our beneficiaries are: Children and Young People, Families of Children and Young People who have or may have Additional Needs, professionals working with Children and Young People.

1.5. Services are extended to professionals and community groups as consultation, investigation, training on a range of topics related to children and families, education and development and specific disability.

2. SNAP Cymru's Charitable Objectives:

2.1. To provide or assist in providing information, advice and support to enable children and young people and their parents or guardians to participate fully and equally in society.

2.2. To assist parents and guardians in their understanding of relevant legislation and through this to facilitate their children's contribution and involvement in life choices.

2.3. To facilitate the partnership of young people, parents and professionals in decisions relating to education and inclusion.

3. Social Return on Investment

3.1. Independent Social Return on Investment analysis (SROI) estimates that for every £1 invested in SNAP Cymru activities there is £20.61 of social value created. (Wavehill, SNAP SROI Model, March 2014)

4. Quality Assurance

4.1. SNAP Cymru services are externally Quality Assured. We hold the Legal Services Specialist Quality Mark in Education Advice (the only Third Sector Organisation to hold this standard in advice giving); The Investors in People (Bronze); Investing in Volunteers quality Award; The Queens Diamond Jubilee Award for Volunteering.

4.2. Our training unit is accredited by Agored Cymru to level 4, and our website has been selected as an example of excellence in bilingual contemporary media in Wales as part of the Digital National Archive.

5. SNAP Cymru Views on Access to Justice Consultation - Access to advice, advocacy and representation

- 5.1. Access to advice, advocacy and representation provides vital help for Children and Young People and their Families who are trying to access their rights in legislation and need to challenge decisions regarding the support and provision of appropriate education. Without access to justice people can have no trust in the institutions that provide public services Access to justice does not always mean access to a court, with the expense and stress that that can entail. Nor does it mean that people should always turn to the expense of appointing lawyers. SNAP Cymru wants to see a system of justice which gives all children and young people ready access to high quality independent advice, advocacy and where and when necessary practical support for preparation and representation.
- 5.2. First Tier Tribunal - Children and families of course do have means for remedy such as the SEN appeals and claims processes through the first tier tribunal (presently SENTW in Wales). However the percentage of families appealing in Wales is very small, and it remains difficult for parents to challenge decisions when faced with such a complex mix of education legislation, policy and procedure. The increasing use of both external and internal legal advice and representation by the LA's makes it a very difficult experience for parents despite the tribunals attempt to remain parent friendly and accessible.
- 5.3. The proposals within the new ALNET Bill and the Draft Code look like increasing this complexity; school will become a greater focus in the decision making, increasing the potential of disagreement and conflict. We already have schools pitting families against LA's and now we will have LA's pitting families against schools regarding funding decisions leaving parents and children the victims.
- 5.4. With schools and Local Government in Wales facing increasing demands on the budgets, relationships between local authorities and parents and schools and parents are becoming increasingly contentious.
- 5.5. Local Authorities in Wales appear (and have openly expressed this in public forums) to gamble that the people are on the whole adverse or not in a position to bring legal challenges. There is a degree to which local authority ALN panels calculate their odds, having default 'no' positions, making large numbers of refusals to assess or negative decision regarding provision, gambling that only 1 in 10 or so parents will challenge their decision making.
- 5.6. Of those that challenge, long drawn out processes worry and frustrate parents who then often give up their challenge, and for those that will soldier on many will face a very costly process.
- 5.7. Being a judicial process makes preparation for a tribunal hearing complex and difficult. Parents complain about the legal documentation and procedure

that requires them to understand and recognise the implications of various Acts of Parliament and codes of practice. Their task involves the reading and analysis of independent professional reports, preparation of case statements and the collection of water-tight evidence in support of their arguments. Parents who are less affluent or with a poorer comprehension of the English language, will struggle hugely with the preparation and many could not survive the proceedings.

5.8. Those who can afford to instruct a solicitor are relieved of the burden. The system still depends upon the parents to provide the knowledge and insight into the needs of their child, to organise professionals to supply the evidence (and to pay where needed), to act as co-ordinator and to maintain an overview of the case. The system therefore disadvantages those who are less well educated and less resourceful.

5.9. Research also shows that parents have a substantial difficulty in seeking advice and support following the onset of educational disputes. This raised considerable concerns regarding access to justice as the enablement of meaningful participation requires that those participating must have an adequate understanding of the issue at stake and the possible outcomes of differing decisions. SNAP Cymru believe it is vital for children and young people to know their rights, be fully informed of the options available and fully versed in the consequences of decisions being made. Only then can they truly engage and participate.

5.10. Where SNAP Cymru provides a Parent Partnership Service in LA's this level of service is extremely limited by budgetary constraints. The average service is funded at approximately £25,000 per year per service to provide advice support and representation for all children and young people with ALN in a Local Authority. Whilst the general funding available for both Education and Discrimination advice is very limited in some areas, there is no independent service at all in Pembrokeshire. Pembrokeshire decided to take the risk and cancelled their external independent contract and took the service 'in house'. They will not however challenge themselves at Tribunal or help parents or young people to prepare a case statement. This is not fair access to justice.

6. Financial and emotional costs for families

6.1. Parents not only struggle to cope with the emotional stress and amount of work involved in preparing for a hearing, they also suffer great financial hardship. In many cases children and young people are also anxious and emotional. Seeking legal advice can cost up to five figures for an appeal, while legal aid is very limited and does not cover representation at the tribunal. Fewer people can access financial support for a legal case. There

has been a huge decrease in the numbers of people who are eligible for legal aid.

6.2. SNAP Cymru support families with several children with ALN. Several have used a solicitor for the first challenge and paid up to £15,000 to overturn a refusal for statutory assessment. The second appeal may be regarding the issue of a Note in Lieu or content of the statement. When the second child requires the same access to justice the family are unable to afford the same legal support and may come to SNAP Cymru desperate to achieve the same access to justice they feel they achieved for the first child.

6.3. Where families can't afford solicitors fees of between 6k and 25K they may approach unqualified and unregulated education advocacy services that are popping up across Wales. These business will charge parents at £120 or £150 per hour plus VAT. These individuals often hold no legal qualifications, have little experience and are not holders of a recognised specialist quality mark or standard.

6.4. Families can seek government-funded advice and assistance on discrimination and special educational needs but only through the telephone service, which was introduced in 2013 under the Legal Aid, Sentencing and Punishment of Offenders Act. However, according to government figures, only one client received face-to-face advice in an education matter through the gateway in the 2016/17 financial year. No one received face-to-face advice in the area of discrimination law. Families are clearly not accessing information or advice.

6.5. In 2015 Public Law Project, a charity, published a report showing that the number of special educational needs and discrimination matters through the telephone gateway service was significantly lower than evidenced in figures provided in former Legal Services Commission tenders for gateway services.

6.6. We believe that the Legal Aid Agency are 'putting plans in place' to ensure continued provision after 1 September and will set out its approach shortly after several providers pulling out of the procurement process. SNAP Cymru have never been approached to develop services in Wales and Wales is very poorly served in relation to children and education and discrimination.

7. Reports and supporting evidence

7.1. The tribunal hearing is a judicial process, the tribunal panel demand evidence to prove the facts of the case; in the form of written reports from professionals or from experts as witnesses. The need for evidence and expert witnesses has risen steadily over the last years and opinion must be backed up with acceptable evidence as the panel is unable make decisions based on mere

opinion. Reports from private therapists and advisors are expensive for a parent to obtain, whereas the LA has these readily from their own EP's and therapists. (£500 and £800 each) Parents also find the level of scrutiny required to analyse reports extremely difficult without specialist support.

8. Persistent poor practice and failure to learn from the numbers of appeals.

8.1. The Welsh Government in their Green Paper prior to the ALNET Bill's completion, proposed that the Tribunal should have the power to direct LA's who were 'repeat offenders' to learn from the tribunals direction and review their practice and policy, implement that learning. Disappointingly this was dropped from the final Bill. Despite 6 monthly Tribunal User Groups facilitated by SENTW, for sharing updates and experience; more formal training for local authorities on the application of the law would be useful. Organisations providing advice and advocacy could also benefit from training from SENTW. Certainly there is evidence that LA's do not apply the law appropriately relying instead on their local practice and policy. Judge Jane McConnell, the lead judge for the SEND tribunals in England, is known for two catchphrases which highlight the complexity of the issues: 'local authority policies do not trump the law' and 'know the law and apply the law'. As one tribunal panel representative noted 'we can see the same LA over and over again but we can't say, "Stop it!" It's a numbers game for some LAs.'

9. Health and Social Care

9.1. Within the ALNET Bill Health and Social care elements are also to be outside the scope of the ALN tribunal for Wales adding a further complexity for families who will have to follow separate complaint routes within Health and Social care which are governed by different legislative frameworks and thresholds. This will also lead to further stress on families and the likely hood of injustices. There is a need to challenge Health Authorities but little access to justice regarding assessment and diagnostic pathways or actual delivery of identified need whether this has been recognised through statutory processes or not.

9.2. It is extremely frustrating that the government has also failed to give the tribunal the power to make recommendations on the health and social care elements. The Tribunal in England is currently trialling a non-binding recommendation approach to recommendation s for Health and Social Care but it's unlikely that LA's and Health Boards will respond positively to non-binding recommendations. SNAP Cymru has heard recently of several LA's not implementing SENTW directions following appeals upheld in favour of the appellant. A recent inclusion Manager at the Welsh Law Conference told the audience that Health and Social care elements would no longer be his consideration.

9.3. *Judicial review of decisions remains an option for a very small few who can afford it.*

10. Specific Issues

- 10.1. Home School Transport - Home to school transport policies for young people, particularly in transition years post-16 and post-19 are an area of particular concern, with very little recourse for families to challenge. Vulnerable young people need a safe system of travel and some do require transport to access their right to further education. Transport for activities outside of school e.g. swimming, school trips, is also a hit and miss provision.
- 10.2. Illegal Exclusions and reduced Timetables - Leave no opportunity for formal redress and are increasing massively beyond the recommended use of this an approach to supporting children and young people.
- 10.3. Permanent Exclusion - Access to independent information and advice or advocacy for young people and their families is generally not on offered. The UK and Wales has the research, we know how high a % of our youth justice and prison population have additional learning needs, we know how many experienced multiple exclusions from school and education, we know how many were recorded permanently excluded and we know these figures are a minimum and only a tip of the iceberg. We all know the wasted generational costs of not getting it right, so why are we still excluding children and young people from schools? Why are we taking away their opportunity to learn and develop to become an active member of society. Why do they not have access to independent information, advice and advocacy to help them access their rights?
- 10.4. Where is the cross Ministerial working practice? In Wales we want community schools to meet the needs of every child and health and social care services to back them up, regardless to the affluence or ability of their parents. We could break this cycle of early ostracism and give the next generation a chance. We need to invest - long term. There are no quick fixes but there are already spiralling costs that can result in more harm. Young people do not aspire to go to prison. The exclusion pathway needs to be closed.
- 10.5. Access to Health and mental Health services including assessments - Families are waiting for two or three years for assessments for ASD and ADHD. Speech and language and EP services are outstripped, there is a real problem of recruitment and retention and Welsh language provision is dire.

- 10.6. Blanket Local Policy and practice - Public authorities are increasingly applying its own policies rigidly and failing to allow families the opportunity to make representations as to why the policy should be departed from in that specific case. Local Authorities should keep an open mind and should consider each case on its own merits they should look at each child as an individual in context. This is not happening.
- 10.7. The blight of discriminatory practice and Exclusion from Education - Much of the research from around the UK mirrors SNAP Cymru's experience in Wales. There is evidence of discrimination in education in relation to disability; discriminatory use of exclusion to bolster results, low aspirations of vulnerable children. As bad as it is, we cannot ignore the stark evidence of reason. Schools budget squeeze, performance targets, low morale and confidence in teaching staff. Little celebration of excellence in ALN and nurture and little incentive in relation to meeting the needs of children and young people in their community. Schools have become competitors for the brightest pupils and masters at using every loophole in saving their budgets in keeping the very best on top. An example of this is a very slow response in the admission of vulnerable children including them with additional learning needs. There is blatant planning and Heads will 'take the risk' of a disability claim to save finance.
- 10.8. Sadly, limited finances, Government targets, societal pressure, and flimsy local policy results in a steady stream of failure they must 'offroll' somewhere along the line to keep their finances and league positions on top.
- 10.9. There are of course excellent schools and excellent teachers and support staff in Wales but they cannot do it alone and need more help. There are transformation plans afoot to turn the wheel of fortune but meanwhile there are children, young people and families without access to justice. We need a system of zero tolerance to discrimination and exclusion, too often exclusion from school or other facilities and services is additional to other adverse childhood experiences.
- 10.10. We must do better and provide access to independent advice and advocacy, early intervention, and solution focussed person centred planning is required; and where parental engagement is lacking we need to step up and make it happen for children and young people. Local Authorities, Heads and Governing Bodies need to be challenged, children and young people need their voices heard. The evidence is clear that injustice prevails against children and young people who are now *expected* to be jailed in young adulthood.

11. Access to advice and support

11.1. There is a widespread need as highlighted in the Bach Commission Report on access to justice 2016 to increase the availability of specialist and legal advice by considering:

- 11.1.1. Policies to ensure integration of advice across public services;
- 11.1.2. Ways to increase financial support to organisation and develop and support existing legal aid specialists;
- 11.1.3. Ways to increase the availability and accessibility of this support for individuals
- 11.1.4. Inadequate investment in advice undermines the ability of people to access justice and is not cost-effective.
- 11.1.5. SNAP Cymru was reviewed by Wavehill Consultancy in 2014 and in summary, the SROI calculation shows that the impact of SNAP is relatively large and approximately every £1 spent within the organisation realises or creates an outcome value of around £20.
- 11.1.6. The Law Commission report they see:
- 11.1.7. “Social welfare law as a spectrum or continuum including public legal education, informal and formal information, general advice, specialist advice, legal help and legal representation. The more preventive work we can do at the beginning of this continuum, the less we should have to do at the end”.

11.2. This is at the heart of SNAP Cymru’s work in providing information, general advice, specialist advice and casework support including specialist discrimination advice and Disagreement resolution.

11.3. Many families with a child or children with ALN and disabilities often face problems that seem insurmountable and can affect individual and family stability, including their health and wellbeing and even safety and as shown in several reports the impact on family income can be substantial

11.4. Getting good advice, advocacy or representation can make all the difference and transform a young person’s and family’s life. But it is getting harder and harder for children and young people and families to access the help they need.

11.5. Demand for SNAP Cymru services, which include a helpline, casework support and representation at tribunals from staff and volunteers, has increased substantially. Financial constraint on Local Authority budgets are huge and we understand these pressures, however LA’s do seem to be systemically ignoring the Law in relying instead on local practice.

11.6. The SNAP Cymru helpline service can often be swamped by demand and on several occasions recently we have had to close the service to new calls for a period while we triage the backlog and we continually have to consider

approached to meet the pressure demand which includes current consideration of not providing support at hearings and appeals.

11.7. Greater Investment in the development of independent, appropriate advice, advocacy and legal representation for children and families is critical if Welsh Children and families are to have fair access to justice.

11.8. In 2013 a review into Not for Profit (NFP) Advice Services in Wales was commissioned in light of the unprecedented pressures they are facing given reduction in their funding, alongside the rising demand for advice in the current economic climate.

11.9. The scope of the review was limited to primary advice provision by the third and public sectors, taking into account private sector provision and organisations which offer advice as a secondary part of their aims, in order to consider the fuller picture of advice provision in Wales

11.10. In 2017 a further report -Modelling the need for advice on Social Welfare topics was produced by the WG found evidence to show that the demand for *advice provision has outstripped the supply available*.

11.11. As a result, the following recommendations are made for the longer-term:

11.11.1. That funding for front line advisory services in Wales be safeguarded for the foreseeable future given the significant need and demand placed upon existing services

11.11.2. That any future funding scheme takes into consideration the current mapping exercise being overseen by the IAPF and the Information and Advice strategy for Wales currently being developed.

11.11.3. SNAP Cymru will continue to work with its partner Citizens Advice to deliver Front Line Advice Services Grant (FLASG).

11.12. However SNAP Cymru receives the funding for 1 FTE member of staff for the whole of Wales to meet the demand for discrimination in Education advice. Demand is not met but casework provides a snapshot of issues across Wales.

12. Discrimination 17 18

12.1. SNAP Cymru provided specialist casework support for 260 'Front Line Advice' project discrimination cases. 100% of the cases cited disability discrimination as the main reason for contacting SNAP Cymru. 9% told us that their family circumstances had been impacted by welfare reform.

12.2. From concluded cases:

12.2.1. 13% received specialist information and advice

12.2.2. 25% received specialist advice with casework

- 12.2.3. 43% received specialist casework which included formal meetings and disagreement resolution
 - 12.2.4. In addition, 19% received specialist casework which included appeals preparation and formal dispute resolution.
 - 12.2.5. All cases were successfully concluded without the need to appeal to SENTW
- 12.3. Despite SLA's with 20 LA's in Wales for the delivery of Parent Partnership Services and ad hoc purchase of Formal Disagreement Resolution (with very little take up), SNAP Cymru is struggling to meet the demand from families. These demands are unprecedented during uncertain times of legislative change and dire financial crisis. This is compounded by the huge variation of funding across the country.
- 12.4. There is a significant demand for our service and gaps in access to justice across education and health during uncertain times of legislative change, SNAP Cymru is struggling to meet the demand from families. The future of SNAP Cymru hangs in the balance as presently the little funding that is received is through a statutory requirement for Parent Partnership, this requirement is not in the ALNET legislation.
- 12.5. SNAP Cymru would urge the Ministry of Justice and the Welsh Government to invest in the development of free, independent, appropriate advice, advocacy and legal representation services for children and young people and their families and for the early intervention to be appropriately funded so that costs do not continue to inflate considerably at the other end.

Annexe 1

Extracts from Research Evidence

1. Gove admits link between exclusion and criminality

- 1.1. *Eighty five per cent of boys in this report explained that they had been excluded from school before they came into detention, 73% said they had truanted from school at some time, and 41% were 14 or younger when they last attended school. These figures are both devastating and unsurprising.*
- 1.2. Coupled with this, the Bradley report (2009) confirmed that as many as 90% of the whole prison population had one or more of the five identified psychiatric disorders.
- 1.3. The prevalence of mental health and intellectual/learning disabilities is high in the population of those we represent facing permanent exclusion. Over half of our cases this year have involved students with statements of special educational needs (Statement of SEN) or an Education, Health and Care Plan (EHC Plan). This is before we come to those students with as yet unmet special educational needs and those with undiagnosed or misunderstood mental health conditions. It would not be surprising if the data on mental health and special educational needs found in the prison population matches exactly that of the permanently excluded students.
- 1.4. We cannot ignore the link between mental health and school exclusion. We cannot ignore the link between school exclusion and entrance into the criminal justice system. *By Alice Bacon, Chief Director of the School Exclusion Project and pupil barrister at 3PB from Autumn 2015.*
 - 1.4.1. *'the vulnerability of many of the young men held is clear. A third had been in local authority care and almost nine out of 10 had been excluded from school; more than a third had not been at school since they were 14. Over a third (37%) of young men in the sample said they were 14 or younger when they last attended school. The majority (86%) of young men reported that they had been excluded from school and just under three-quarters (74%) of young men said that they had skipped school at some point before they came to custody. One in five said they had emotional or mental health problems', Sixteen per cent of young men considered themselves to have a disability, a rise from 11% in 2011–12. A third of young men said they had spent time in local authority care.*
- 1.5. Seventeen per cent (n=3) of the young women told us that they considered themselves to have a disability. Sixty-one per cent (n=9) of young women surveyed told us that they had spent time in local authority care. Sixty-five per cent (n=9) of the young women said that they were 14 or younger when they

last went to school. All of the young women surveyed reported that they had been excluded from school and 82% (n=12) told us that they had skipped school before coming to custody.

1.6. HM Inspectorate of Prisons Youth Justice Board Children and Young People in Custody 2012–13

UK edition The Guardian - Mon 27 Nov 2017

2. School exclusions data in England only 'the tip of the iceberg'
 - 2.1. Five times more children being educated in schools for excluded pupils than official figures show, say researchers, Sally Weale *Education correspondent*.
 - 2.2. Critics say exclusions are rising partly because schools are under pressure to compete in league tables.
3. School exclusion 'linked to long term mental health problems' - study
 - 3.1. National figures from the Department for Education show that 6,685 pupils were permanently excluded from schools in England in 2015-16 – the majority of them in the run-up to their GCSEs – marking a 40% increase over the past three years.
 - 3.2. A study by the Institute for Public Policy Research (IPPR) thinktank claims these figures mask the true scale of the problem, with pupils forced out of mainstream schools by informal methods that are not captured in national exclusions data.
 - 3.3. The report, published on Tuesday, says 48,000 pupils are being educated in the alternative provision (AP) sector, which caters for excluded students, with tens of thousands more leaving school rolls in what appear to be illegal exclusions.
 - 3.4. Some are removed through “managed moves” between schools; in other cases children are transferred to off-site AP – some of which will be independent and unregistered – while others disappear into “elective” home education.
 - 3.5. The IPPR study says the number of children being electively home educated has more than doubled over the past four years. “A parent can choose to electively home educate their child. If a school wants to avoid recording a permanent exclusion, they can encourage a parent to electively register their child as home educated. This is illegal.”
 - 3.6. The IPPR report argues that exclusions are rising because schools are struggling to cater for the growing numbers of children with complex needs. Child poverty is increasing, as is mental ill-health, and the number of children in need of a social services assessment more than doubled from 2010 to 2016 to more than 170,000 children.
 - 3.7. The most vulnerable children are most likely to be excluded. One in two has a recognised mental health need. Excluded children are four times more likely to be from the poorest families and eight out of 10 of them have a special education need or disability.
 - 3.8. Boys are much more likely to be asked to leave their school, with three boys permanently excluded for every girl.

- 3.9. Black pupils from Caribbean backgrounds are still significantly overrepresented in pupil referral units, though most pupils (70%) are white British.
 - 3.10. The report is also concerned about the growing number of unqualified teachers working with excluded children. Pupils in AP are twice as likely to be taught by unqualified staff.
 - 3.11. David Lammy, who says action to address the ‘quiet social apartheid of school exclusions’ is long overdue.
 - 3.11.1. “The relationship between pupil referral units [a type of alternative provision maintained by the local authority] and the criminal justice system has become symbiotic, and the rise of exclusions is creating a pipeline of young people into our prison system. There is no fiscal or moral case to go on like this.”
 - 3.12. Outcomes are generally poor, with just 1% of excluded children gaining the benchmark five good GCSEs required to be accepted in post-16 training and apprenticeships. The subsequent cost to the state is huge: each cohort of permanently excluded pupils will go on to cost an additional £2.1bn in education, health, benefits and criminal justice over their lifetime. More than half of UK prisoners have been excluded from school during their education.
 - 3.13. Pupils excluded from school at 12 are four times as likely as other children to be jailed as adults, a new study shows.
 - 3.14. Researchers found that boys, children living in single parent families, and those from the poorest communities were most likely to be barred from school.
 - 3.15. They also concluded that equally badly behaved pupils from more affluent areas and those from two parent families were accorded greater tolerance and, as a consequence, were far less likely to be expelled.
 - 3.15.1. *“The study findings show that one of the keys to tackling Scotland’s high imprisonment rates is to tackle school exclusion. If we could find more imaginative ways of retaining the most challenging children in mainstream education, and ensuring that school is a positive experience for all Scotland’s young people, this would be a major step forward.”*
Professor Susan McVie Co-director of the study
4. Five times as likely to end up in jail
 - 4.1. The study compared the outcomes of children who had been referred to the hearing system by 12 with a closely matched group of young people involved in equally serious levels of offending who had not been referred.

4.2. Researchers found that those who had been referred were around five times more likely to end up in prison by age 24.

5. Groomed for imprisonment

5.1. The Edinburgh Study of Youth Transitions and Crime, conducted by the University of Edinburgh, tracked more than 4000 people who started secondary school in 1998.

5.2. It concludes that early intervention in the lives of children identified as presenting “the greatest risk” does not necessarily reduce offending, but may well groom young people for later imprisonment.

5.3. Researchers found that the criminal justice system “constructs, reproduces and recycles its client base”.

5.3.1. *“In practice, the criminal justice system serves to punish poverty, the socially marginalised, and vulnerable individuals, as much as those who steal, assault or murder. For youngsters who come to the attention of formal agencies at an early age, we need to ensure that intervention does not label and stigmatise.” Professor Lesley McAraHead of the University’s School of Law and co-director of the study*