

Youth Justice Strategy Preventing Offending: Getting it Right for Children and Young People 2015-2020

Delivery of the Priorities

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**Youth Justice Strategy
Preventing Offending: Getting it Right for Children and Young People
2015-2020**

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Purpose

The Youth Justice Strategy [Preventing Offending: Getting it right for children and young people](#) (the strategy) was published in June 2015 and ran until June 2020. This paper outlines the progress made against the priorities over the five year lifespan of the strategy and highlights next steps.

Background

The strategy was developed with a wide range of partners including Scottish Children's Reporter Administration (SCRA), Crown Office and Procurator Fiscal Service (COPFS), Police Scotland, Convention of Scottish Local Authorities (COSLA) Children and Young People's Centre for Justice (CYCJ). The Youth Justice Improvement Board (YJIB) was set up in 2016 to provide governance for the strategy.

The strategy was based on the vision of Scotland being the best place to grow up, and continued to promote a child-centred, preventative approach reiterating the Kilbrandon philosophy of responding to deeds in the context of needs and the criticality of supporting young people in line with Getting it Right for Every Child (GIRFEC). The key priority themes for delivery were Advancing the Whole System Approach; Improving Life Chances; and Developing Capacity and Improvement.

Delivery of the Priorities

Three implementation groups were set up to deliver on the priorities. These groups were chaired by external partners and were overseen by the YJIB.

The 'we will' commitments within the strategy were ambitious and required time and effort from all partners involved from across the youth justice sector in order to deliver on these outcomes.

In [2017 an update report](#) was published, delivering the 2016-17 Programme for Government commitment to reporting on progress by June 2017. The progress report focussed on the two years' work relating to the three priority themes. The report noted that, overall, progress had been sustained over those two years and that more broadly, over a ten year period, statistics had shown an 83% reduction in children referred on offence grounds, a 64% reduction in 16 and 17 year olds in custody and a 78% reduction in the number of young people prosecuted in Scotland's courts.

Areas of progress included engagement with community based planning partners across Scotland to highlight the value of an on-going commitment to a preventative approach to offending by young people, drawing on the voice and experiences of young people and using data and research to drive improvement.

Whilst a number of pieces of work had been delivered since 2015, many were long term ambitions to which progress is underway or which have been addressed but do not have specific end dates and, therefore, work will continue beyond the lifetime of the strategy.

Each implementation group has provided a report highlighting the work produced over the five years, challenges, lessons learned and future priorities. The full reports can be found at Annex A but a summary of each priority work stream has been provided below.

Advancing Whole System Approach

The objective of the Advancing Whole System Approach (WSA) Implementation Group was to focus on integration and sustainability as part of Community Planning; improve practice aligned with implementation of the 2014 Act; support timely and effective interventions to minimise the number of children in the Criminal Justice System and formal processes and assessing and managing risk and complexity for the small number of young people posing the greatest risk to themselves and others.

Achievements over the five years of the strategy included:

- Providing effective leadership to keep WSA visible across Scotland.
- Improving the profile of youth justice in relation to the ongoing review of strategic planning in children's services.
- Helping to embed good practice on 16/17 year olds in core panel member training.
- Raising the profile of children and young people with complex needs or those at high risk.
- Supporting ongoing and sustained improvement in joint referral (COPFS/SCRA) decision making.
- Re-drafting FRAME and CARM.
- Information about retaining children on a compulsory supervision order within the children's hearings system – endorsed by Social Work Scotland and Children's Hearings Scotland (CHS).

Early and Effective Intervention (EEI) is a key component of WSA. Core elements for EEI were developed in 2015 as a framework setting out best practice for effective delivery of EEI. An updated version was commissioned by the Advancing WSA group in order to reflect current practice, taking into account new research and changes in practice and legislation since the original document was published. Although local variation in the delivery of EEI is required, there is also agreement that a framework of core elements is required to provide a shared language, a shared intent and where possible a consistent approach. The revised [EEI core elements](#) was published in June 2021.

Framework for Risk Assessment Management and Evaluation (FRAME) was first published in 2015 by the Scottish Government. The guidance outlines principles of good risk practice as well as the process for risk management/reduction for children aged 12-17. The Advancing WSA group agreed that the guidance should be updated in conjunction with the Risk Management Authority, in order to provide up to date standards, guidance and operational requirements for risk practice. The updated [FRAME guidance](#) was published in June 2021.

Future - The Advancing WSA group feel that all under 18s should be considered as children first. With this in mind youth justice must be enmeshed and underpinned by children's rights.

The WSA should also be extended to those up to the age of 26, with the condition that under 18s remain a priority for continued support.

There is a clear commitment to review the processing and treatment of under 18s within the court system to ensure compliance with UNCRC across all partners.

Mental health has, for a long time, been a priority area of need. Continued engagement and support as identified for Mental Health Strategy work, are required, to ensure the needs of children in conflict with the law are included in the development of appropriate pathways and resources which comes from this.

In particular during 2020 there has been anecdotal evidence to suggest an increase in serious and organised crime (SOC) and in particular child criminal exploitation. A commitment to engaging and supporting the development and implementation of the SOC National Strategy to understand and address the impact of child criminal exploitation across the continuum of WSA is required.

Improving Life Chances (ILC)

The focus of the ILC implementation group was on education, employability, stable relationships, successful transitions, health and wellbeing and support for victims and communities.

Achievements included:

- Promotion of school inclusion.
- Launch of an SQA course on Vulnerable Girls and Young Women.
- Support the development of a Restorative Justice action plan and paper published on [victims and community confidence](#).
- Development of a Speech Language and Communication Needs action plan and delivery of strategic leads events to raise awareness.
- Championing the distinct needs of children and young people within the disclosure system.
- Publication of a [Children and Young People in Custody in Scotland](#) paper.
- Publication of [Improving the life chances of children and young people who offend- A summary of the key factors document](#). Whilst initially published in 2018 this paper has been updated and re-branded. It details a number of factors which consistently emerge as being central to improving the life chances and outcomes of children and young people. The purpose of which is to support practitioners, managers and policy makers in all sectors who are involved in improving the life chances of children.

Areas which still require focus include mental health and work to address disadvantages in relation to communication.

Developing Capacity and Improvement (DCI)

The aim of the Developing Capacity and Improvement (DCI) group was to support continuous improvement in developing and sustaining a workforce which comprises education, health and justice professionals in statutory and non-statutory roles with a focus on supporting workforce development, including enhancing training for practitioners, developing leadership opportunities and refreshing training for whole workforce taking account of the 2014 Act and improving systems, including strengthening the evidence base, data capture and sharing of information.

Achievements include:

- Launch of the [Preventing offending: Improving our approach to workforce development](#)
- Production of the [improving outcomes](#) for children and young people document and accompanying online wellbeing tool for use by practitioners to be launched in 2021.

The tool is designed to be used by professionals working directly with young people as a way of capturing discussions which happen between professionals and the young people and is linked to the SHANARRI indicators.

A number of barriers restricted the achievements of this group including access to meaningful data and data sharing concerns around the outcomes tool. Both aspects need to be resolved in order to assess the future impact of the work produced by the group.

Next Steps

Although the strategy came to an end in June 2020, the work to drive forward improvements in Youth Justice is still live. Whilst there has been an array of work produced over the last five years, the work is by no means complete. All three implementation groups have established future work which they feel still needs to be addressed. Some of this will continue through the new [Vision](#) and accompanying [action plan](#) for youth justice, however, some will be addressed by other key partners and strands of work being delivered across Scottish Government and elsewhere.

There is a clear commitment and drive from partners to continue to make improvements for our children and young people in Scotland and we do not want to lose this momentum. We continue to place real importance on partnership working.

In order to continue to make positive changes, a successor approach is required. A vision and three year rolling action plan has been developed. By having a rolling action plan this allows flexibility to deal with the complex and fast changing landscape around us. A need for such flexibility has been demonstrated with the shift in practice and working, not only in Scotland but across the world, in order to deal with the Coronavirus pandemic.

Over the past 18 months the Scottish Government has been engaging with stakeholders and partners to gather views on the future focus for youth justice. This includes co-produced work with young people to develop a platform for gathering the

views of children and young people in a meaningful way during August and September 2020.

A number of programmes of work currently underway will impact on the vision for youth justice and key priorities for the action plan. These include:

- Youth Justice Standards – Standards were drafted in 2019 and were reviewed and consulted on at the end of 2019. The consultation ended in February 2020, and amendments have been made based on the responses received. The [revised standards](#) will be published in June alongside this document;
- Consultation on 16 and 17 year olds in the hearings system – Responses to the public consultation on raising the age a young person can be referred to the Principal Reporter to include all under 18s showed overwhelming support for change. We are now exploring the practical implications of this and developing legislative proposals;
- Age of Criminal Responsibility rise to 12 and consideration around a future increase beyond this age;
- The findings and recommendations from the [Rights Respecting? Scotland's approach to children in conflict with the law](#) paper which was published in January 2020 by CYCJ;
- The incorporation of the UNCRC into Scottish law and future EU Strategy on Children's Rights;
- [The Promise](#) from the Care Review;
- Recommendations from the [Expert review of mental health in Polmont](#) published in 2019 and subsequent comments from the Justice committee following evidence sessions on secure care held in 2019;
- Recommendations from the [Expert review of Harmful Sexual Behaviour](#) by children and young people;
- [New vision for young people in HMP&YOI Polmont](#) published in March 2021;
- [Justice in Scotland, vision and priorities](#);
- Development of a future Youth Work strategy; and
- Impact of Coronavirus on vulnerable young people.

Collectively these help to provide a clear and complementary vision of what Scotland's approach to children in conflict with the law should be, and importantly how this could be achieved. This has formed the basis of our new Vision and Action Plan for Youth Justice. Continued feedback and views of key partners, stakeholders and young people were imperative to providing the evidence for the change required. This is where a live action plan can take shape and continuously evolve as circumstances and priorities emerge.

Whilst the three implementation groups have paused, the YJIB continued to provide a governance role in the development of the new vision and action plan and to drive this agenda. Consideration will be given to the current oversight and leadership structures and what groups may be required to deliver on this important work from 2021 onwards.

Implementation Group Final Reports

Whole System Approach Implementation Group

Purpose

The Advancing Whole System Approach (WSA) implementation group was created under the Youth Justice Improvement Board (YJIB) to drive forward the Youth Justice Strategy.

The implementation group was tasked with ensuring that children and young people receive appropriate services which help to address and minimise offending. Using a joined up approach the group was tasked with continuing to develop and deliver on the principles of the WSA.

There was a strategic focus on:

- Integration and sustainability as part of Community Planning
- Improving practice aligned with implementation of the 2014 Act
- Timely and effective interventions to minimise the number of children in the Criminal Justice System and formal processes
- Assessing and managing risk and complexity for the small number of young people posing the greatest risk to themselves and others

The group membership over the period has included members from a range of organisations/services including: National Youth Justice Advisory Group (NYJAG), Children and Young People's Centre for Justice (CYCJ), Children's Hearings Scotland (CHS), Scottish Children's Reporter Administration (SCRA), Crown Office and Procurator Fiscals Service (COPFS), Police Scotland, Social Work Scotland (SWS), Action for Children (AFC), Scottish Association for the Care and Resettlement of Offenders (SACRO), Education Services Glasgow City, Community Justice Scotland, City of Edinburgh Council, Forensic Children & Adolescent Mental Health Services (FCAMHS), Society of Local Authority Chief Executives and Senior Managers (SOLACE) and Scottish Government Youth Justice team.

Aims

The strategy sets out the 'We will' commitments under four main themes:

Integration and sustainability as part of community planning

Ensuring effective integration of youth justice as a priority area into children service's planning and wider community planning, including community justice, will be a key task for national and local partners to 2020.

We will:

- Encourage and support WSA leaders and practitioners to promote good practice and highlight the benefits achieved through this approach.
- Support partners to embed preventing offending work in community planning following changes in community justice.

- Ensure that resources are targeted on a strategic basis from 2016 to support the next phase of WSA.
- Integrate findings from the WSA evaluation and implement arrangements from the end of 2015.

Improving practice

WSA embodies the principles of GIRFEC and represents an example of a preventative, multi-agency approach focussing on improved outcomes for children and young people.

We will:

- Support partners to ensure that the implementation of the 2014 Act will improve local partnership work on youth justice and WSA.
- Support partners to integrate EEI with the implementation of the 2014 Act including development of EEI practice to ensure consistency and appropriate involvement of the Named Person in advance of the implementation in 2016.
- Continue to support good practice on EEI and promote an improvement culture among national and local partners.

Timely and effective interventions

The Council of Europe Guidelines on Child-friendly Justice state that children's cases should be dealt with as speedily as possible to protect the best interests of the child as well as promoting the rights of people harmed.

We will:

- Maximise the opportunities for diversion from the Criminal Justice System and formal processes to respond swiftly and bring action on offending much closer to the offence and to encourage greater use of diversion across the Criminal Justice System.
- Minimise delay in proceedings involving children. Continue to improve the exchange of information between COPFS and SCRA in relation to jointly reported cases involving children.
- Explore opportunities with the Judiciary, COPFS, the Scottish Courts and Tribunals Service and SCRA to deliver on the Council of Europe Directive on Child-friendly justice to enable more cases to be remitted from court to Children's Hearings. Options will include joint training sessions and improved access to resources.

Assessing and managing risk and complexity

To improve outcomes for children involved in offending, the system must deliver in a responsive manner; however EEI and diversion are not appropriate for all. High quality assessment is the first step in identifying which children and young people require services and the type and intensity of service provision they require. A needs-led approach to assessment in response to levels of risk and complexity presented by children is appropriate.

Secure care continues to be needed for a small number of young people who present the highest risk to themselves or others. We recognise the on-going need for good quality secure care which helps improve outcomes for children with highly

complex needs. Consideration should also be given to alternatives to remand, taking account of assessments of risk, wellbeing and the impact of short term use of custody. This may include alternative means of monitoring and supervision while ensuring public safety.

We will:

- Continue to seek to reduce the number of children in secure care and custody including through safe community based alternatives.
- Build on good practice to improve outcomes for children in secure care.
- Ensure action is undertaken to divert children and young people from serious organised crime – linking with strategy on serious organised crime.
- Encourage alternatives to remand where possible while ensuring community safety.

Achievements - including impact

The four strategic themes of the WSA Implementation Group cover a wide spanning area across strategic, policy and practice levels. It was recognised, that given the wide reach of WSA, it did not all fall within the ability of the group to change. This was coupled with an early indication that WSA across the country was at a disparate and varied level of implementation impacted by a range of factors including shifts in priorities, resourcing and funding, reduction in specialist youth justice teams with an increasing incorporation of youth justice within generic children and family social work as well as continued reduction in the numbers of children coming into conflict with the law.

Integration and sustainability as part of community planning

Communication disseminated to Community Planning Partnerships (CPP) in 2016 highlighted priorities for youth justice and offering support to incorporate these within Children's Services Plans. Whilst this was met with limited uptake it highlighted the concerns as to the positioning of youth justice within the wider context of children's services. This required an understanding of how to re-frame WSA and promote a continued focus on maintaining dialogue and awareness of need for WSA amongst many competing demands. Within a difficult operating environment this improved the profile of youth justice in relation to the ongoing review of strategic planning in children's services.

Mapping was undertaken of the various strategic and planning groups where the needs of children in conflict with the law interconnected. This illustrated the enormity of the task which required effecting change across not just traditional youth justice environments but all children's areas of work, as well as justice while also ensuring that the voices of young people are also included. It has to be noted that the Advancing WSA group members were often attending these groups in different roles and not primarily representing WSA. However, this created space for influencing through ensuring youth justice was voiced within these spheres and raised within these discussions.

It was agreed that WSA needs to be positioned within the GIRFEC world and children's rights. Boundaries of youth justice and increasing WSA to extended age groups were considered, with an extension to the age limit of 25 years being raised during joint meetings of the YJIB and the Justice Board. Whilst it is acknowledged

significant work would be required to implement the necessary changes across and beyond the children's and justice systems including legislation, policy and practice this shift in delineation between children as under 18s and the young adult or emerging adult population of 18-25 year olds is supported increasingly through evidence and research and is already being considered by the judiciary in Scotland as well as other parts of the UK. It is also reflected in the CYP A (S) 2014 corporate parenting responsibilities. Whilst some areas in Scotland have increased WSA to include 21 year olds the WSA group propose that increasing this to include those up to age 26 would have greater impact and outcomes for children, young people and the wider systems.

Challenges

The case remains that youth justice and community justice are not always well integrated and embedded across Scotland. While there is some evidence of joint working and shared governance, more can be done to examine this and ensure that both thematic areas understand how to support each other, leverage resources and ultimately, improve transitions.

There has been a significant reduction in numbers of under 18s involved in offending which appears to have impacted on focus and overall priority. However, there are concerns that this is premature and needs to be addressed further including a consideration of the evidence in order to shift spending at strategic levels upstream and into EEI and Diversion.

Notable concerns of the WSA group are that whilst there has been progress in embedding WSA for all under 18s across the continuum of children coming into conflict with the law it would be rash to suggest this outcome has been achieved. Complex system change of this magnitude requires not just agreement and commitment but action from all stakeholders to design and present resolutions to the outstanding work still required. This focuses particularly on the processes and procedures within the justice system that make no or very little account of the fact we are dealing with children or where elements are in place this remains inconsistent and discretionary.

Thus increasing the age of WSA to 21 years and further to 26 is aspirational and should be a focus however that must not detract from the outstanding work required to deliver this for under 18s. Increasing WSA to 26 would require significant collaboration and commitment across range of partner agencies with competing demands involving changes in legislation, funding, policy and practice.

Going forward

Positioning of the WSA Group regarding the interconnection between GIRFEC and children involved in conflict with the law. The clarity on ensuring these children are seen as children first and with all the associated rights rather than as "offenders". Thus youth justice must be enmeshed and underpinned by children's rights. Whilst always a clear ambition it has sharply been brought into focus that this is the driver for complex system change across the continuum of WSA to ensure Scotland is the best place to grow up for all children.

The publication of the Youth Justice Standards and reporting on these should support inclusion across Community Planning Partnerships and provides the minimum set of standards required with youth justice in Scotland. Implementation of these standards will require support for local authorities and their partners as to what this means in practice, to effectively monitor and measure implementation of youth justice and effect system change where identified for better outcomes for all children in conflict with the law at all points across that continuum.

WSA extension should be to 26 with the proviso that the focus remains on under 18s until meaningfully embedded across the whole of the youth justice system.

Improving practice

This has been supported at practice level through provision of EEI, Diversion and Risk formulation forums that take both a practice and operational focus as well as creating space for strategic discussion. This provides channels of communication from practitioners into the WSA Group, and subsequently YJIB as well as WSA Leads and NYJAG. This also provided an opportunity to highlight issues and barriers affecting implementation of these components of WSA.

This facilitated opportunity to promote evidence and research into practice with a particular example being the EEI research by Dr Fern Gillon from which findings were made that raised questions around net widening and lack of minimum intervention principle, where are children and their families/ carers positioned or included within the EEI process and how does that reflect a rights based approach in line with GIRFEC, inconsistency in decision making and unnecessary intervention in children's lives with the creation of a system that does not divert away from formal process as intended but from a formal process (SCRA) to a less formal process (EEI).

The WSA Group recognised the importance of this research in supporting the development of EEI across both practice and process. The findings of the research and questions raised were then shared with the EEI practitioners forum, facilitating discussions on rights in EEI which were supported by input from the Children & Young Peoples Commissioners Office. This provided space for shifting understanding of what rights based practice looks like which would also assist in resolving some of the issues which resulted from the legal challenge to information sharing outlined below.

The legal challenge with regard to information sharing as intended through implementation of parts 4 & 5 of the CYP (S) A 2014 upheld by the supreme court judgement presented significant issues to the development of EEI practice and impacted on the delivery and implementation across the country. The EEI practitioners forum provided the opportunity to gather views and information directly from practitioners around what this meant for implementation and the challenges it created. Both the EEI practitioners forum and WSA group submitted a response to the Information Sharing Bill consultation highlighting concerns and the issues regarding impact on practice to Scottish Government. From this input from SG GIRFEC team to the EEI Practitioners forum regarding the issues of information sharing allowed further communication and sharing of how practice is directly

impacted which subsequently affects the ability to support children and their families/carers when they come into conflict with the law.

In the space following the initial supreme court judgement regarding named person and the final decision to repeal parts 4&5 of the act, yet keep them within policy, there was a shift from focus on information sharing to questioning how to make EEI a rights based process that places children and their parents at the centre which aligned with the research by Gillon 2018 referenced above. The updated EEI Core Elements was developed during this period following extensive consultation with the EEI Practitioners forum as well as with partner agencies.

The re-drafted EEI Core Elements was also influenced by the increase in age of criminal responsibility to 12 years. The application of this takes in to account UNCRC, which supports this action if applied in line with rights, avoids net widening and limits unnecessary intervention in the lives of children, while respecting the responsibilities and duties of parents to provide support and guidance and states roles and responsibilities to support this. It is anticipated that this will develop a much more responsive EEI that allows appropriate and proportionate intervention where needed before children are charged in the first place, thus being truly preventative. WSA will support the national roll out of the EEI Core Elements which have been approved by YJIB and associated practice development.

The WSA group also recognised the need for developing guidance regarding diversion from prosecution, and the importance that this must include both youth and criminal justice services and agencies. Subsequently the initial WSA diversion sub-group, which includes all relevant partners across the involved agencies, joined with the criminal justice working group to develop the updated national diversion standards and incorporated the initial vision for diversion. The standards were published in June 2020 following sign off by the Cabinet Secretary for Justice, and WSA will provide ongoing support for their implementation.

An updated position statement by [Social Work Scotland on 15-17 year olds](#) in the Children's Hearing System was published in September 2019 reinforcing the importance of diverting and maintaining them within the CHS. The statement also maintained that CSOs should not be terminated because the child of young person is going through the court system and promoted the use of alternatives to secure care and custody. The Children's Hearing System incorporated the same messages into their updated [practice and procedure manual](#) published in September 2019 for panel members, helping embed good practice on 16/17 year olds in core panel member training.

Challenges

As noted above the legislative challenge to CYP (S) A 2014 and impact on information sharing had significant repercussions for EEI implementation nationally, as key partners within EEI process reviewed information sharing processes. This has not been fully resolved however guidance directs that services and agencies must ensure that their EEI processes include information sharing which complies with all existing legislation and WSA published a paper supporting EEI during this period.

The legislation challenges had a significant impact on the updating of the EEI Core Elements which had been initiated prior to the legal challenge, and significant work was undertaken to develop practice materials in support of the role of the named person and child's plan, which then had to cease. This initial pause pending the outcome of the legal challenge and information was further compounded by the enactment of the 2018 Data Protection Act, which impacted not just EEI but other aspects of WSA also, as partner agencies were understandably concerned that processes in place no longer complied with legislation. Many attempts to support practice were undertaken during this time including updating the EEI forum as new information became available and reviewing arrangements and processes with data protection officers in own agencies to ensure compliance, updating on national agency positions and sharing practice to assist in resolving these issues.

A further significant challenge to developing EEI for 16/17 year olds which has persisted throughout the period of the Strategy has been the limitations of availability of EEI for this group. This further reflects the inequality of this age group in not being considered children as the offences for which they can be referred to EEI are in line with adults as opposed to children. Work has been ongoing between COPFS and Police Scotland throughout the life of the strategy to consider increasing the offences for which they can be referred to EEI however it remains an area of concern and limitation of WSA for this age group. This is an area WSA has highlighted as critical to focus on.

Timescales for progressing pieces of work are affected by changes often out-with the control of the WSA group whether this be legislative changes or work being undertaken by other strategic and practice groups that then supersedes that of the youth justice field and highlights disconnect at times between parts of the system that cross youth justice, justice and children's services.

Lack of appropriate data particularly across EEI provided significant difficulties in establishing baseline, trends and shifts at local or national levels which could then inform specific gaps and needs of areas of effective practice. This has been an ongoing issue across WSA and Developing Capacity and Improvement Implementation group that has yet to be resolved.

Going forward

The shift to committing to EEI processes which upholds children's rights and places them and their parents/ carers, as appropriate, at the centre ensuring that they are fully included in decision making, whilst maintaining a timeous response and the other facets of EEI is critical. This will be supported by the publication of the EEI Core Elements.

Supporting implementation of Diversion guidance to ensure it remains credible, effective and responsive to the needs of those under 18s referred.

Ensuring integration with the outputs from the Developing capacity and improvement implementation group to support ongoing improvements across youth justice practice is critical.

Timely and effective interventions

In 2019 COPFS updated its internal guidance to refocus its approach to Diversion with a specific focus on diversion for young people. The updated guidance reflects that;

- In cases where an identifiable need has contributed to the offending and that need can best be met through diversion, consideration will be given to referring the case for diversion. A referral for diversion will be appropriate where it is assessed in all the circumstances, and taking in to account the public interest, that it is the appropriate outcome for the individual.
- In cases where the accused is under the age of 18 there is a rebuttable presumption that an alternative to prosecution will be in the public interest and, in cases where an identifiable need has contributed to the offending, active consideration will be given to referring the case for diversion.

Joint training through CYCJ and Community Justice Scotland to Police Scotland was delivered. This sought to improve their understanding of alternatives to prosecutorial action and enhances the level/quality of information on needs and circumstances provided within the antecedent section of a Standard Police Report.

CYCJ and CJS will also support Police Scotland in a demonstration project across (potentially) three cell blocks in Scotland. This aims to collate a higher quality of information on the needs of individuals from partners working in this location and ensure this is included within Police reports, flagging those suitable for alternatives to prosecution at an earlier stage.

Work was also delivered to support ongoing and sustained improvement in joint referral (COPFS/SCRA) decision making.

Development of research into bail and remand initially highlighted that this is not an isolated process but sits within the overarching aspect of court support. Initial research (unpublished) highlighted the difficulties in gathering this data and resulted in further research presently being completed across the court journey which children and young people experience which is exploring the role of decision makers and how they come to their decisions, process within these systems and impact upon under 18s being within this system and subject to these decisions. This work was delayed due to the difficulty in identifying and securing access to participants across social work, COPFS, Judiciary, defence solicitors, 3rd sector, parents and young people. However the [Bail and Remand report](#) was published in December 2020.

Challenges

The disparity between UNCRC position of all under 18s being responded to as children and the legal definition of a child within Scotland creates inherent discrimination and complexity that was out-with the gift of the group to address. Legislative change is required to ensure all under 18s are not discriminated against and their rights as children are upheld.

Inclusion of all partners across the court system is required in order to shift processes and close the gaps for under 18s appearing in court.

Recognition that changes to processes of under 18s appearing at court in line with WSA Court support guidance and with a view to compliance with UNCRC faces many challenges, some of which are limitations not easily resolved such as physical structure of buildings in being adaptable to change, where and how those under 18s appearing from custody are held for court appearances, geographical challenges to accessing courts to provide support as and when needed, again disparity between those legally defined as a child and those not, and access to secure care verses custody.

Particular actions that remain outstanding are:

- Dedicated court space for under 18s to be held when appearing from custody, irrespective of pathway
- All cases for under 18 accused dealt with in quicker timescales
- Information sharing issues inhibiting notification of under 18s appearing at court through any route (custody, undertaking, cited)

Going forward

Clear commitment to review the processing and treatment of under 18s within the court system to ensure compliance with UNCRC across all partners. Use findings from bail and remand research to support change across the court journey for under 18s and address the outstanding points noted above.

Assessing and managing risk and complexity

The profile of children and young people with complex needs/at high risk has been raised through a small working group considering gaps across services for children where parts of behaviour pose risk of serious harm and require mental health supports. Following initial collaboration as to where children with complex needs and in conflict with the law are considered within the mental health strategy this work became disparate and a review of the mental health strategy took place which led to a reinvigoration of the connection between WSA and the Improving Life Chances Group with the mental health strategy children's strand. A combined paper was submitted to the mental health strategy lead for children in March 2020 from which they will consider alongside inputs across other areas such as education and health as to how best services and supports for all can be created for the needs of children. A particular focus was on early intervention and opportunities to intervene in a preventative approach developing appropriate responses and pathways. EEI was identified as an area that could assist in trying to identify the types of issues that require change or would benefit from good mental health and emotional and psychological support. Consideration was also given to what is available and what the barriers are to accessing the support needed.

The updating of FRAME has highlighted that whilst the risk practice within FRAME is the standard required across Scotland, many local authorities do not utilise the CARM process and therefore, it is more appropriate to provide guidance and operational standards for risk practice that must be applied to whatever process is used, whilst using CARM as an example of how these can be implemented.

This incorporates the shifts in risk practice towards developing the use of a structured professional judgement approach, promoting the understanding and effective use of formulation to create interventions that actually address the identified harm whilst building capacity in a proportionate and holistic manner within a child protection context.

Incorporation of children's rights meaningfully within FRAME and any formal risk management process is a priority and must be continually reviewed to reflect developments in practice, policy and legislation. Importance of seeking approval and support from Social Work Scotland to strengthen buy in to FRAME with CARM as a proposed process is also important.

Developing stronger links with the Serious Organised Crime National Strategy (Divert Strand) have been developed over the course of the strategy. Support was provided for a paper seeking to raise awareness of child criminal exploitation by organised networks and the Child Criminal Exploitation Event in November 2019. Re-framing of children being criminally exploited as child protection and recognising that this may occur across the continuum of children in conflict with the law necessitates robust connections across all aspects of WSA.

The group has supported the drive alongside the Developing Capacity and Improvement group regarding a need for risk assessment training using a Structured Professional Judgement (SPJ) approach and promoting the roll out of START-AV as part of updating the tools available for practitioners. Continuing to promote the holistic approach to understanding and responding to the risk of serious harm from the small group of children who may do so.

Challenges to this

WSA has an influencing role to try and ensure the different policy aspects are brought together in a cohesive manner that includes children in conflict with the law. Where serious harm occurs this often results in children being responded to as adults, within an adult system that is not in compliance with child friendly justice. There are continued limited resources for children where parts of their behaviour pose a risk or have caused serious harm. Children who are being criminally exploited are still responded to as offenders and not as exploited children.

Going forward

FRAME guidance will be published and training rolled out to support this.

Continued engagement and support as identified for Mental Health Strategy work to ensure the needs of children in conflict with the law are included in the development of appropriate pathways and resources which comes from this.

Continue to engage and support the development and implementation of the Serious Organised Crime National Strategy to understand and address the impact of child criminal exploitation across the continuum of WSA.

Lessons learned

Full buy in from the key multi-agency partners is required as noted within this report, alongside time to devote to the work, if progress is to be made. There is also a need for consistency in group membership. Clear Governance structures are required to ensure direction of travel, progress and accountability. A continued focus to ensure children in conflict with the law are included in strategic planning partnerships across local partners is critical to ensure their needs are met.

Future Priorities

- Children's rights must be at the core of the development of WSA
- Focus on achieving the outstanding aims of WSA for all children in conflict with the law in Scotland and this meaningfully applies to all under 18s irrespective of which system they are within.
- Firmly locating 16/17 year olds as children.
- Supporting development of increasing WSA up to aged 26.
- Support for partners across youth justice in the implementation, governance and accountability of the Youth Justice Standards and embed WSA across the necessary systems.
- Development of EEI with focus on rights based practice and increasing use of EEI availability and use particularly for 16/17 year olds.
- Support implementation of diversion standards and associated practice as option for prosecutorial action.
- Continue to work with mental health strategy and other national platforms to develop appropriate mental health supports and pathways that are not dependent on diagnostic criteria but promoting emotional and psychological wellbeing with focus on children whose behaviour poses risk of serious harm.
- Consider the findings from the research into bail and remand and court experience of under 18s to contribute to overcoming the barriers to consistent national provision of court support and achieving child friendly justice.
- Developing the focus on CCE as it may occur across all facets of WSA and children in conflict with the law. To improve practice across all partner agencies in line with Lord Advocates Guidelines and connected national strategies such as child sexual exploitation, child protection, human trafficking and serious and organised crime.

Improving Life Chances Implementation Group

The Improving Life Chances group was founded on the evidence that:

- The life trajectory for children involved in offending is by no means set.
- The number of reported offences committed by children has reduced substantially in recent years
- Children who come into the justice system are often the most vulnerable, victimised and traumatised in society.

Purpose

The work was structured around six areas where evidence shows that, with appropriate support and actions, the life chances of children or young people who have offended or are at risk of offending can be improved. These themes are school inclusion, health and wellbeing, relationships and engagement, support for victims, access to opportunities, and transitions. While previous strategies had focused on children who had committed offences, improving life chances widened the focus to consider how to prevent children who might be at risk of offending from doing so, and also how to improve the life chances of children and young people who are in the justice system. By involving people who were working with those children and young people the work sought to learn about successful practice and share this knowledge. Its principle aim was, therefore, to help those working with children and young people to understand their potential contribution to supporting and guiding children and young people away from offending and, importantly, improving their life chances more broadly.

Membership included representatives from Scottish Prison Service, Robertson Trust, CYCJ, Police Scotland, Skills Development Scotland, Education Scotland, Up-2-U's, Barnardos, Includem, Action for Children, SACRO, Child Health Commissioners, ADES, St Mary's Kenmure, NYJAG, Scottish Government, Justice Analytical Services, Scottish Government Youth Justice, Victim Support Scotland, Care Inspectorate, Community Justice Scotland, Royal College of Speech and Language Therapists and College Development Network.

Aims

The strategy set out a number of "we wills" under six main themes.

School inclusion

- Work with school professionals to build capacity and awareness about working with young people involved/at risk of involvement in offending by the end of 2016
- Share good practice throughout Scotland in approaches to school inclusion with a focus on preventing offending by the end of 2016
- Ensure that young people at risk of disengaging from education are identified early and supported. This will include support for families and will include collaboration with Education Scotland and local authorities

Strengthening relationships and engagement

- Help create the conditions for children and young people to be active participants in change and improving youth justice

- Promote positive relationships between young people, their families and communities to help develop social networks and build resilience
- Support workers to build quality and consistent relationships
- Enable gender specific approaches where appropriate, recognising strengths and needs in relationships as part of the focus on tackling inequalities. This will include a national training programme to support practitioners working with girls and young women by October 2015

Victims and community confidence

- Encourage use of restorative approaches where appropriate
- Ensure that victims' rights and needs are systematically reflected in the work undertaken with young people who offend
- Encourage better and more regular engagement with communities about youth justice to build awareness of, and support for, the Scottish approach

Improving health and wellbeing

- Support prevention and early intervention to improve health and wellbeing through Curriculum for Excellence, GIRFEC and Health Improvement
- Build on the work already undertaken on substance misuse to include New Psychoactive Substances. This means developing knowledge, skills and information on evidence based practice for those professionals working with children and young people by 2016
- Improve understanding and enhance capacity in relation to mental health and trauma through practice development and supporting services for young people
- Promote dialogue with key partners to ensure needs and methods of working with these children and young people is reflected in Scotland's Mental Health Strategy
- Improve awareness and support of speech, language and communication needs of children involved in offending

Opportunities for all

- Ensure that low level offending as a child does not negatively affect opportunities for securing education, training or employment as an adult
- Implement changes on disclosure of childhood offences in 2016 to reduce the impact on future life chances
- Ensure that young people who have disengaged from education or have left school are supported to re-engage and participate in learning, training or an Activity Agreement to develop the skills they need
- Build relationships with employers, to help them see the strengths and potential of our children and young people including those who may have a criminal record

Transitions

- Support reintegration of young people from custody and secure to allow them to move onto and sustain positive destinations
- Support young people and families during all periods of transitions, especially within the cross over between child and adult services

- Improve transitions between children's and adult justice systems, where needed. Transitions must be planned and supported and take account of Corporate Parenting responsibilities, including the extension of rights of previously looked after young people

The group's members were mainly drawn from organisations and services working directly with children and young people. Members could therefore bring first-hand examples of the barriers being faced by those they worked with and evidence of successes. This approach was essential to the work of the group. It operated through:

- Members' own areas of practice and learning from the children and young people they work with, **gathering evidence about issues being faced by children and young people**, examples of successes and remaining barriers, advice on practical implications
- **Developing papers for reflection** based on this first-hand experience together with research findings (e.g. 'Looking Behind the Data')
- **Developing and publishing guidance and information sheets** on key themes such as pathways for young victims of crime
- **Supporting the development of Scottish Qualifications Authority programmes** for staff working with children and young people
- **Providing evidence and advice to influence policy and practice through responses to consultations, peer review, emerging policy and practice documents, submissions and discussions.** For example responding to Empowering Teachers, Parents and Communities to Achieve Excellence and Equality in Education – A Governance Review; Pre-recorded Evidence consultation; Mental Health Strategy Review; CAMHS review; Prisoner Healthcare Inquiry; School Nurse Pathway Review and Protection of Vulnerable Groups and the Disclosure of Criminal Information Consultation
- **Sharing learning and promoting debate** through conferences, events, meetings, seminars, some of them jointly with Education Scotland, as a means of bringing together the learning from work with children and young people in different spheres
- Group members **gaining fresh insight and new perspectives**, shaped by hearing from others in the field with different experiences
- Group members **directly applying findings and disseminating messages within their own organisations and sharing these** through their own networks and social media channels. Given the reach of these organisations, agencies and services including the Care Inspectorate, Community Justice Scotland and other national bodies, this was an important means of multiplying influence and supporting change.

Group members identified some areas that required more in-depth consideration and expertise. Three subgroups were set up to progress these priorities: Victims and community confidence, Opportunities for All, and Speech, Language and Communication needs (under the banner of Health and Wellbeing).

Achievements - including impact

The six priority areas highlighted in the youth justice strategy denote areas of a child or young person's life that are ongoing and not destinations to arrive at. For example health and wellbeing, relationships and their opportunities to learn and develop are lifelong needs that cannot be completed, or ticked off, at the end of a five year strategy. It is therefore important that we see the influence and impact of the ILC group as a journey towards a safer, happier and more fulfilling life for children and young people. As stated above, what we have achieved is predominately the influencing of policy and the dissemination of evidence to inform practice and messaging rather than direct practice change.

School inclusion

Exclusion from school has been shown to have significant negative consequences for children and their life chances in both the short and longer term. Reducing school exclusion had been recognised as a key Scottish Government priority and concerted efforts were being made by local authorities and within schools to address this. The Improving Life Chances Group's contribution to the agenda was to gather and disseminate case studies and other evidence of successful approaches to supporting children at risk of exclusion, particularly work with families. The aim was to raise awareness amongst education professionals of the impact of exclusion on young people, including involvement in offending behaviour, and support practice and culture change. A paper was produced [Educational exclusion and inclusion – Common themes from the Improving Life Chances Group](#). This was disseminated and presented at events and seminars including Scottish Learning Festival (September 2016). It has also been published on the Education Scotland website.

The work of the group has also been incorporated into [Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions](#).

Information from the Scottish Government Summary [statistics](#) for schools in Scotland recorded that between 2010/11 and 2018/19 school exclusion rates reduced from 40 cases to 21.6 cases per 1000 pupils. Despite this improvement, the exclusion rates were almost 5 times higher for those with additional support needs and 4 times greater for those living in 20% of areas associated with the most deprivation: there is clearly more to be done for the inclusion agenda.

Strengthening engagement and relationships

One of the main themes of the work of the group was the centrality of relationships with children and young people and their life chances. This is particularly the case because of the trauma, adversity and fractured relationships that characterise many of these young people's lives. The group identified features of successful relational practice and these are summarised in the Key Messages document.

Prior to the development of the strategy vulnerable girls and young women was identified as a priority by the Scottish Government. Following the success of a 'champions group' in this area, focus of vulnerable girls and young women remained within the Improving Life Chances implementation group.

SQA courses, [Promoting Effective Practice with Girls and Young Women](#) at level 7 and [Managing Effective Practice with Girls and Young Women](#) at level 8 were produced and were launched at the National Youth Justice Conference in 2018. There is a high level of interest in this course, with many practitioners having expressed that this would be highly beneficial to their practice. There has so far been limited uptake from organisations looking to be verified to run these courses, which is necessary for the course to be undertaken. At the end of the strategy one organisation (St Mary's Kenmure) has become an accredited centre and work remains ongoing on how the learning from that is expanded to allow wider accreditation.

Improving health and wellbeing

As an early part of its work the group gathered evidence from children and young people about the barriers they experienced in engaging with health services and their views on how to make the services more accessible and relevant to their needs. This evidence was shared with policy colleagues and has informed subsequent thinking on, for example, mental health pathways for vulnerable young people.

Speech, language and communication needs (SLCN) were identified specifically as an area of priority within the Youth Justice Strategy. When the ILC implementation group started there had been a limited focus on SLCN. The high prevalence of communication disadvantage amongst children and young people in the justice system and the gravity of its impact were relatively unrecognised (it is known that the majority those involved with youth justice services have some form of SLCN). The group supported, firstly, a significant amount of work to establish the extent, potential consequences and impact of SLCN for children and young people in the justice system. Secondly, the group supported activities to raise awareness and gain a more equal footing for SLCN as a real need that children and young people face in the system.

A SLCN event, "Speech, Language and Communication Needs (SLCN) in Youth Justice: Understanding and addressing the impact" was held in October 2017 attended by over 40 practitioners. 93% of evaluation respondents either agreed or strongly agreed that they had gained a greater understanding of the topic as a result of the event, and all bar one respondent stated that the knowledge gained from this event would have an impact on their practice. A [report](#) which included areas for further development was published and received positive feedback from a number of practitioners including social workers and speech and language therapists.

The event and report were influential in the establishment of the REACH Team in Perth and Kinross, both in the inclusion of speech and language therapists in the team and in the development of their operational guidance. A [case study](#) on the REACH team was later published in April 2018 in order to publicise this model of working to other local areas.

Following the "Speech, Language and Communication Needs in Youth Justice: Understanding and addressing the impact" event the ILC group established a SLCN subgroup to further explore, prioritise and support the implementation of actions to address areas of priority. The group organised in Nov/ Dec 2019 two strategic leads events with the aim to bring together Speech and Language Therapy (SLT) leads

and Whole System Approach leads within local authorities to join up and work together to progress the agenda in their area. The events were well attended with 100% of delegates stating that they had gained a better understanding of the topic as a result of the event and that this will impact on their practice. The subgroup is currently on hold but if reinstated they would offer continued support to local areas as they determine the best way forward considering local need.

Victims and Community Confidence

A Victim subgroup was established as it was agreed by the ILC group that there should be a greater focus on this area. As a result a number of papers were published including the [Information and Support of Victims of Youth Crime and Young Victims of Crime](#) in October 2017. The paper provided illogicality in pathways and provided the information used to complete the pre-recorded evidence consultation and heavily informed the work of the Age of Criminal Responsibility (ACR) Victims Delivery Group, providing a basis for subsequent outputs.

Under the Victims and Community Confidence work stream, Restorative Justice was agreed as a priority area. The Improving Life Chances group supported the design and contact of the Restorative Justice Action Plan by inviting Scottish Government representatives to a Group meeting. This allowed for the group's expertise and knowledge to directly influence the content of the Action Plan. In response to this engagement CYCJ are now appointed to support the delivery of the Restorative Justice Action Plan ensuring a focus on the needs and rights of children and young people within this.

Opportunities for all

The Opportunities for All subgroup ran from 2016 – 2017. The group focused on achieving the goal that 'Young people who have offended are able to secure employment or progression in their education'. They aimed to do this by:

- Raising the profile of children and young people who have been involved in offending behaviour via policy contacts
- Identifying employers who undertook to champion this agenda through their employment practices
- Gathering information on the practical issues children and young people have faced in progressing to a positive destination or accessing support services
- Identifying best practice both in supporting and sustaining children and young people who have been involved in offending behaviour into positive destinations including those transitioning from custody and secure care
- Exploring what employability means for this group who have frequently experienced large gaps in their education and opportunities to develop skills for relationships and work
- Identifying structural barriers to progress with the Youth Improvement Board via the Improving Life Chances Group.

Information sheets included [Universal credits](#), published in February 2017, which practitioners reported helped build their knowledge and understanding of the area. In April 2018 an information sheet on effective practice in [Community Payback Orders](#) was published. Feedback from one local authority stated that they had noticed a reduction in the number of young people breaching their community payback orders after changing how their staff worked as a result of reading the information sheet.

The group supported the review of the Disclosure system, with group members contributing to a range of roundtable events both during the development and the progression of the Bill. The group submitted a response to the Protection of Vulnerable Groups and the Disclosure of Criminal Information consultation, which by drawing on the experiences of group members and the children and young people we work with provided further evidence of the need for change and how the proposed changes could have the greatest impact on children's future life chances. The key features and issues raised in this response were featured in the collated responses and it would appear that many of these points will be actioned in the Disclosure (Scotland) Bill. The Bill is progressing through parliament but will fundamentally reform Scotland's approach to the disclosure of criminal records for children and improve their future life chances.

A "Debating disclosure" event was held in May 2018 and the event report published in June of that year. Over 70 delegates attended this event, many drawn from the looked after children and youth and criminal justice workforce. Only 25% of the participants who completed the evaluations agreed or strongly agreed that their knowledge and understanding of this topic was good prior to the event. Almost 70% stated that the knowledge they gained from the event would impact on their practice and a similar percentage intended to apply this learning to their role and to encourage colleagues to consider this as well. Information shared at this event and the [report](#) has been utilised by various organisations in consultation responses and in pushing for policy change.

Transitions

Times of transition are amongst the most difficult for children and young people, particularly those who are in or at risk of entering the justice system. In recognition of this, the theme of the 2018 National Youth Justice Conference was that of transitions. Significantly, the conference was held in conjunction with Education Scotland. This allowed professionals in education, justice agencies and beyond to come together with a common focus on the transitions our children and young people have to make on their journeys through life. An [information sheet](#) was published detailing the workshops held at this conference. Transitions remains a priority area for youth justice.

From its knowledge of young people's experience of their transition to the community from custody, the group contributed to the development of the Scottish Prison Service national Sustainable Housing on Release for Everyone (SHORE) standards. These were adopted by local authorities and include a specific section on young people leaving custody, a critical element of the transition to the community. These standards are currently being reviewed and the future work to deliver on the new vision will support work to review these standards.

Furthermore the focus on Reintegration and Transitions led to ILC group member involvement in supporting the implementation, monitoring and evaluation of the Scottish Care Leavers Covenant. Following this, a specific section was developed on the youth and criminal justice system to support corporate parents to better fulfil their responsibilities. In addition, the group contributed to the Reintegration and Transitions chapter of the CYCJ practice guidance.

Finally, the group worked to make connections with other organisations working in this area for example with ARC Scotland, who host the Scottish Transitions Forum, to develop and share common principles for good transitions (with a view to publish jointly a simple guide).

Wider scope of the group

The group has added comment to WSA guidance and CYCJ practice guidance ensuring a wide range of perspectives and expertise are included. The CYCJ practice guidance continues to be the most downloaded resource published on the Centre's website.

In order to support young people, their families and practitioners, a number of resources were developed. [Children and Young People in Custody: Looking Behind the Data](#) paper was published in 2017 to provide a basis for discussions to inform improvement through offering insights into what is known from different sources of evidence about children and young people in the justice system and the implications for practice. This was produced in partnership by the Scottish Government, the Scottish Prison Service (SPS) and CYCJ. It was later presented at an SPS Partners meeting in January 2018 and generated great discussion and reflection.

The Improving Life Chances Group supported various other events throughout the 5 year strategy. In May 2017 the [Costs of Youth Justice Event](#) was held as part of "engage with Strathclyde". This event was attended by over 50 representatives from third sector organisations, the legal profession, Police Scotland, education, social work, secure care, the Scottish Prison Service and the Children's Hearing System. This event was rated as good or excellent by almost all who completed the evaluations.

In May 2018 the group also supported an LGBTI+ Youth Justice Event which was co-hosted by CYCJ, Includem and Police Scotland who are all members of the ILC group. This event was attended by over 50 representatives from the youth justice workforce with delegates stating that they found the inputs thought provoking and would make a change to the own work within their organisation.

Finally the interactive resources, [The Young Person's Journey](#) and [Journey through Justice](#), continue to be updated on an annual basis. Both tools have been positively used in building practitioner knowledge and understanding of the system which in turn can be shared with young people. Between October 2018 and October 2019 The Young Person's Journey was viewed over 11,000 times and Journey through Justice around 4,500 times.

Summary of Common factors

Throughout its work the group had gathered evidence and identified factors which consistently emerge as being central to improving the life chances and outcomes of children and young people involved in, or at risk of involvement in, offending behaviour. The group therefore decided that one of its final pieces of work should be to produce [Improving the life chances of children who offend: A summary of common factors](#). This paper aims to capture these factors, drawing on practical experience, research and feedback from policy and practice. The purpose of the paper is to

support practitioners, managers and policy makers in all sectors who are involved in improving the life chances of children. The paper might be used to stimulate discussion, inform continuous professional development and training, as a reference point to affirm practice, and to support reflection on how services and practitioners are, or could be, contributing to improving life chances.

The paper begins with a brief summary of the factors which have emerged across all the ILC themes as contributing to improved life chances and outcomes for these children. These include:

- Wherever possible **providing support without intervening as a ‘justice’ service**, since contact with the justice system is known to be one of the biggest factors in continued offending;
- Recognising that **strong, secure, consistent and trusting relationships, even just with one adult**, is critical to achieving sustainable, improved outcomes, and that such relationships take time, patience, persistence and perseverance to build and sustain;
- **Building services around the needs of children**, providing all children involved in the justice system with information, support and tailored responses during their journey through the justice system;
- **Taking an individualised approach**, recognising that children involved in offending are not a homogenous group and that other factors may increase vulnerability and require additional support - for example being a young parent or carer, gender, sexual identity, care status, and health needs;
- Recognising that **all services, particularly the universal services of health and education, have a critical role in supporting all children to be included** and in building relationships, strengths, protective factors, and skills;
- Using **approaches which are rights-based** and first and foremost recognise these children as children, with the same rights as other children;
- Using **approaches which are developmentally-appropriate, trauma and communication informed** and build hope and resilience;
- Providing the **right opportunities and support at the right time**, meaning that a range of services and supports are available and are accessible, responsive, flexible and sustainable, and that services and those who are supporting the child work together, in partnership, including with the children, their families and communities;
- Having a **focus on progress and outcomes** rather than outputs: often there will be no ‘quick fix’ or linear pathway to address the complex needs and circumstances of the child - this often requires creative, flexible and responsive approaches, and progress should be recognised step by step;
- **Planning for endings** from an early stage, helping children and their families to move from dependence on specialist services to universal services, interdependence and independence.

The above reflect the approaches we should be adopting for all children under Getting it Right for Every Child. **No child is ever beyond help.**

Each of the themes is then considered in turn, with outcomes that can be achieved as well as challenges. The paper was published in September 2019 and each

section subsequently highlighted individually on a monthly basis on the CYCJ e-bulletin. Education Scotland are including the messages within the National Improvement Hub.

The common factors paper has had a wide reach with various organisations stating its helpfulness and impact. Police Scotland stated that the resource was a really good source of reference as they progressed with some areas of their work. Furthermore Barnardos Scotland and SDS Scotland both commented that the resource had been helpful to their staff and had both practice and policy influence. The report has also been referenced within guidance for Aberdeen City Council Children's Social Work workforce and SCRA on risk assessment and planning for young people subject to offence grounds of referral report requests from SCRA. At an Education Scotland meeting for local authority inclusion officers the paper prompted debate and further local developments.

Lessons learned

There has been a plethora of learning throughout the lifetime of the group. We have learned more about children and young people and the factors that can affect their life chances, both positively and negatively. We have learned the power of multi-agency discussions and collaboration in order to understand and disseminate this learning. This enabled the experiences of children and young people and the people who work with them to inform our work directly. We have learned that groups like the ILC implementation group can play a significant role in influencing policy, legislation and practice to improve the life chances of children and young people.

Throughout the work we experienced challenges that we have also learned from. One of the main challenges was to identify the potential opportunities for influence and levers for change, often through making connections with other areas of work that was underway. We grappled with the complexity and the difficulty of evaluating the influence of the group on policy and practice change and, in particular, any direct impact on the lives of children. Of course it is not possible to show direct cause and effect in such complex matters, so we have had to rely on a range of often informal feedback. In future it is to be hoped that there will be a broader range of evidence on young people in the justice system to enable evaluation of practice and outcomes and hence support improvement.

Much of what we have learned has not yet been fully translated into practice, and progress that has been made may well be fragile. This may be particularly the case in the post-COVID-19 world when vulnerabilities and inequalities may become more marked and austerity may further limit services in their capacity to support these children and young people. In the next phase of the youth justice strategy for Scotland we urge practitioners and policy makers to continue to evaluate practice and outcomes across the themes of the ILC agenda, learning from the factors that are associated with successful outcomes. In particular we encourage our successors to maintain momentum with:

- Consistently addressing the Speech, Language and Communication Needs of children and young people in conflict with the law or at risk of being so: this work has potential to have significant beneficial impact both for the individual and their communities

- Ensuring that work with these children and young people is characterised by high quality, consistent relationships
- Planning for and supporting the children and young people through the different transitions they experience
- Ensuring that all children and young people have access to the opportunities that they need to develop and learn, and that they are supported to engage with these activities. Having these experiences and achieving worthwhile outcomes from them will improve their life chances.

Future Priorities

There are some areas that the group were unable to achieve or complete but which the group feel require to be addressed:

Mental Health – Links were made with the children and young people’s mental health agenda and the group provided advice but this is a large and complex agenda and work needs to continue to ensure that young people receive appropriate support.

Work on engagement with communities to raise awareness of youth justice matters was not undertaken by the ILC as this was being taken forward by others.

Disclosure – The Disclosure (Scotland) Bill is currently making its way through the Parliamentary processes. As changes are made to the disclosure of offences by children, work will be required to support individuals and the workforce.

Communication Disadvantage - The work of the SLCN subgroup has recently grown in support from practitioners and senior management across the Police, social work and health, particularly following the strategic leads events that took place in late 2019. For some areas the communication needs of the children and young people is now firmly on their agenda and they are reaching out for support and direction on the next steps. This work requires to be continued to address this important need. It is therefore important that the work of the subgroup is continued under any new action plan or strategy developed.

Developing Capacity and Improvement Implementation Group

Purpose

As set out in the Youth Justice strategy the strategic focus of the Developing Capacity and Improvement implementation group was two-fold:

- Supporting workforce development and encouraging a culture of continuous learning and development
- Improving systems and making best use of performance information nationally and locally

The group consisted of members from a range of organisations/services including: National Youth Justice Advisory Group (NYJAG), Children and Young People's Centre for Justice (CYCJ), Children's Hearings Scotland, Scottish Children's Reporter Administration (SCRA), Centre for Excellence for Children's Care and Protection (CELCIS), Glasgow City Council, Crown Office and Procurator Fiscal Service (COPFS), Police Scotland, Care Inspectorate, Secure Care, Education Scotland, Scottish Prison Service, Social Work Scotland, Youthlink Scotland, Scottish Social Services Council (SSSC), National Health Service, Convention Of Scottish Local Authorities (COSLA), Scottish Government Justice Analytical Services, Community Justice Scotland, City of Edinburgh Council, Criminal Justice Voluntary Sector Forum and Scottish Government Youth Justice team. We are grateful to the contributions of group members, which we know took place on top of their existing roles.

Aims

The strategy set out the 'We will' commitments under two headings: 1) Supporting workforce development and 2) Improving systems.

Supporting workforce development

We will:

- Support workforce development linked to implementation of the 2014 Act.
- Build a more collaborative approach to enhance training and workforce development opportunities founded on common core skills.
- Develop appropriate forums for youth justice practitioners, policy makers and others to share knowledge and good practice.
- Build the confidence of youth justice practitioners in their skills and abilities to support our children and young people.
- Refresh training for Children's Hearings Panel members taking account of the 2014 Act.
- Develop leadership development opportunities at all levels but particularly for front line managers.

Improving systems

We will:

- Improve systems of information capture to support improvement including national information on EEI and diversion.
- Strengthen the evidence base about the needs of young people at risk of or involved in offending behaviour and complexity.

- Ensure that good practice and evidence is shared and that youth justice practice and policy is informed by the best knowledge and evidence.
- Develop a shared dataset and performance framework to monitor trends and assist in targeting of resources, workforce development and practice.

Achievements – including impacts

Support workforce development linked to implementation of the 2014 Act

The support needed for the implementation of the 2014 Act was identified and a package of support was drafted to assist with this, including flowcharts and case examples. This was unable to be progressed further given that parts 4 and 5 of the Act did not commence as planned and there was acknowledgment from the Scottish Government that the creation of a code of practice was not possible.

Build a more collaborative approach to enhance training and workforce development opportunities founded on common core skills

In 2016 a survey identifying the gaps in knowledge and skills was completed. A further scoping exercise identified gaps in formal training, in particular a lack of focus on issues specific to youth justice, across key professions. Both of these pieces of work led to the development of the [Preventing offending: Improving our approach to workforce development](#) document which was published in 2019. This document focuses on the common core competencies required to improve the wellbeing of children and young people who are in conflict with the law and provides a multiagency approach to continued professional development. It contains a knowledge, skills and resources matrix which details the core knowledge and skills required to deliver activities effectively and the existing development opportunities or resources that map on to these. To assist with how this document could be used in practice a collaborative piece of work was commenced with one service area to produce a blueprint/case study of how the document was used and the impact it had on the service.

Develop appropriate forums for youth justice practitioners, policy makers and others to share knowledge and good practice

There are a number of pre-existing forums where knowledge and good practice can be shared. These include the National Youth Justice Advisory Group and WSA Leads meetings and the CYCJ website, e-bulletin, knowledge exchange resources and roadshows, training and events. Throughout the life of this strategy other forums were set up by CYCJ such as the Risk Formulation Forum, the Early and Effective Intervention Forum and the Diversion from Prosecution Forum. In addition, the Youth Justice Voices project was set up in a collaboration between the Scottish Through-care and Aftercare Forum (Staf) and CYCJ and funded by the Life Changes Trust.

Building on work undertaken by the Children's Hearing Improvement Partnership, work also commenced on the development of multi-agency workshops with a focus on youth justice in local areas involving representatives from Police Scotland, Social Work, Reporters and Procurators Fiscal. These were to be piloted in local areas to improve understanding of roles and responsibilities in relation to children referred to the Reporter on offence grounds.

Build the confidence of youth justice practitioners in their skills and abilities to support our children and young people

In order to support the workforce and improve outcomes the group produced [Preventing offending: Improving outcomes for children and young people](#), which was published in 2019. It contains current good practice in improving outcomes for children in conflict with the law. This document sits alongside Preventing offending: Improving our approach to workforce development which identifies the existing development opportunities available to improve knowledge and skills. These key products were developed in consultation with partners, tested by partners and modified based on the feedback received.

Refresh training for Children's Panel Members taking account of the 2014 Act CYCJ delivered an input on pre panel members training in 2017 and provided input and advice on updating the panel members training. The dialogue between CYCJ and CHS continues and ongoing support to update panel members training can be provided. .

Develop leadership development opportunities at all levels but particularly for front line managers

A collaborative leadership event, organised by SSSC, CYCJ and Community Justice Scotland, was held in 2019. The aims of this one-day event were to: hear about current developments within the justice sector; hear from practitioners about examples of successful collaborative practice; develop understanding of the skills required for collaborative leadership; facilitate participants' reflection on leading and facilitating collaboration and identifying creative solutions in their own practice. This was achieved through inputs from speakers and both small and large group discussions. In addition, there was opportunity for participants to collaborate with others during table discussions about collaborative leadership skills, collaboration with service users and barriers to collaboration. 35 participants attended and the event was very well evaluated; participants found it thought-provoking and valued inputs from speakers and the opportunity to meet with other practitioners. The SSSC 'Step into leadership' and '23 Things Leadership' were promoted at the event.

Improve systems of information capture to support improvement including national information on EEI and diversion

The document [Preventing offending: Improving outcomes for children and young people](#) was published in 2019. Within this document there is a section on System Performance that focuses on the various decision points within the complex system where national data should be collected and highlights that there are barriers to achieving this including IT systems that differ across organisations and local authorities. In order to continue tackling the issue of national data, the paper on system performance and a framework for voluntary data collection was produced and sent to WSA leads with a letter from the Scottish Government to encourage voluntary data collection. A meeting with SG, COSLA and SWS was also held and the process for progressing this data collection more formally was agreed. It was not possible for this process to be completed within the timescale of the current strategy but it is recognised as a continued priority for the future.

Strengthen the evidence base about the needs of young people at risk of or involved in offending behaviour and complexity

As part of the work on Preventing offending: Improving outcomes for children and young people, it was clear that there was a need to gather the views of children and their families/carers about their needs, as well as the views of practitioners. The online wellbeing tool was therefore developed to assist with this. This tool can measure each of the eight wellbeing outcomes through obtaining the subjective perspectives of individuals and can be used to assist conversations. Views of the child, family/carers and practitioners can be visually mapped on top of each other to compare views and individual views can also be tracked over time. The document and wellbeing tool were soft launched in 2019 but will be launched fully in 2021.

Ensure that good practice and evidence is shared and that youth justice practice and policy is informed by the best knowledge and evidence

The document Preventing offending: Improving outcomes for children and young people contains current good practice in improving outcomes for children in conflict with the law. This should be viewed as a living document and will be updated as practice improves and to share qualitative stories. This document sits alongside Preventing offending: Improving our approach to workforce development which identifies the existing development opportunities available to improve knowledge and skills.

Develop a shared dataset and performance framework to monitor trends and assist in targeting of resources, workforce development and practice

As highlighted above, there have been considerable barriers to developing a shared dataset and performance framework including the differing IT systems between different organisations and local authorities. In order to continue tackling the issue of national data, the paper on system performance and a framework for voluntary data collection was produced and sent to WSA leads with a letter from the Scottish Government to encourage voluntary data collection. A meeting with SG, COSLA and SWS was also held and the process for progressing this data collection more formally was agreed. It was not possible for this process to be complete within the timescale of the current strategy but it will be a continued priority for the future.

Lessons learned

There is willingness from all partners to continue progressing these issues. For progress to be made it is assessed that devoted resources/time is required from all partners. Clear Governance structures are required to ensure direction of travel, progress and accountability.

Future priorities

Promotion of the two documents produced by the group, Preventing offending: Improving outcomes for children and young people and Preventing offending: Improving our approach to workforce development, should commence in 2021. In the future impact of these documents on practice will be helpful.

In addition, there is a need to produce development opportunities to fill the gaps in workforce development that have been identified in the knowledge, skills and resources matrix particularly at the enhanced and specialist levels. Given the Covid-19 pandemic and the necessity for social distancing for some time to come, there will be an added need to consider how these development opportunities can be

delivered in a multi-agency format when the IT platforms that can be used by partners differ across organisations and local authorities.

In relation to the national data and performance framework there are ongoing barriers to accessing meaningful data. The barriers to data gathering are largely known and there is a commitment from partners to make progress. Work to clearly identify and overcome these barriers is still required before promotion, implementation and monitoring of impact can be undertaken.

These pieces of work should be taken forward in the new vision and accompanying action plan.



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