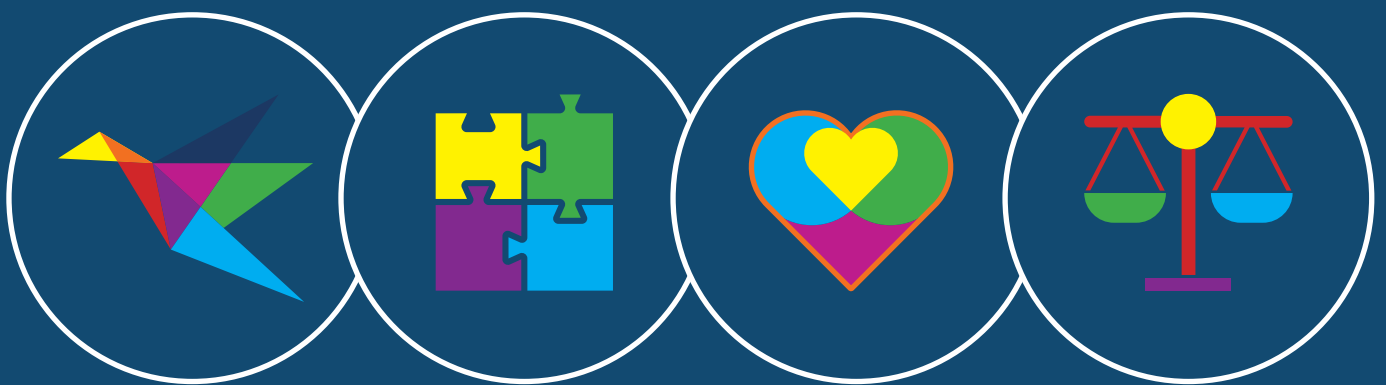




# A Rights-Respecting Approach to Justice for Children and Young People: **Scotland's Vision and Priorities**



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# Ministerial Foreword



The vision for children and young people and accompanying action plan represent a shared foundation between the Scottish Government, key partners and children and families to work together to ensure that the rights of children in Scotland are protected and upheld, and to prevent children and young people from being involved in behaviour which leads them into conflict with the law.

In addition, Scotland must ensure that those already involved in such behaviour are fully supported to deal with its causes and effects, and that this continues throughout their journey towards the most positive destinations possible.

The vision also supports this Government's commitment to publishing and implementing a new strategy for youth justice and to making sure that no under-18s, who should not be there, are held in young offenders institutions.

We have seen many achievements over the last 12 years since the introduction of the whole system approach and the move to a preventative strategy.

Partners across the care and justice sectors have worked hard over the lifetime of the last youth justice strategy, [Preventing Offending: Getting it Right for Children and Young People](#), to ensure that positive changes have taken effect, and that the momentum of the improvements prior to the strategy were continued. Despite progress made over the years, there is still more to be done to ensure that all children and young people – regardless of any harm they have caused or are accused of causing – are respected, supported and their rights protected and upheld.

There are obstacles still to overcome as highlighted by recent reports such as The Independent Care Review's '[The Promise](#)', the [Expert Review of the Provision of Mental Health Services at HMP&YOI Polmont](#) and '[Rights Respecting? Scotland's approach to children in conflict with the law](#)'.

In Scotland we must do more to avoid criminalising our children; we must ensure that their rights are upheld and that they are supported to flourish and contribute positively to their communities. We must also do more to ensure systematic protections for the rights and interests of victims, particularly where those victims are themselves children.

The challenge over the last year due to the COVID-19 pandemic has added a further layer of complexity to what is an already multifaceted challenge to the workforce. We will capitalise on the hard work which has been achieved over the years and will encourage all those working with children and young people to understand their role in making change happen. Now is the time to get it right for all of our children and young people in Scotland.

**Clare Haughey MSP**

Minister for Children and Young People

# 1. Introduction

In Scotland we have an ambition 'to be the best place in the world to grow up'. We want all of our children and young people to feel safe, protected, loved and supported at every point in their life. Preventing children and young people from going down a path where they are in conflict with the law and supporting them appropriately, constructively and effectively when they do, has been integral to our agenda for over a decade. This follows Getting it Right for Every Child (GIRFEC) and a multi-agency Whole System Approach (WSA) assisting not only the child but anyone affected, along with their family and wider community.

Delivery of our approach to youth justice in Scotland has been rooted in addressing the needs of children and young people, using lay but specially trained panel members, emphasising the role of the family, and adopting preventative and educational approaches as per [Lord Kilbrandon's report](#) in 1964. Wherever possible and appropriate, Scotland seeks to ensure that children are diverted away from formal measures with alternative interventions/services available, such as the use of early and effective measures. Alongside this approach it should be the case that victims are better supported and that awareness of all alternative routes, and the rationale for them, is raised and well profiled.

Over the last 12 years, this move to a more preventative approach has delivered a remarkable 75% reduction in children referred to the Children's Reporter on offence grounds, an 85% reduction in the number of children and young people prosecuted in Scotland's courts and a 93% reduction in 16- and 17-year-olds being sentenced to custody. These positive reductions, with their benefits for children and their communities, are the results of a sustained collective commitment by local authorities and key partners across a range of sectors, professions and disciplines.

[The Promise](#) published in February 2020 states that a fundamental shift is required in how decisions are made with children and families. The Promise goes on to observe that despite good intentions, far too many children and families within the care system have experienced a fractured system that operates only when they are facing crisis.

A new approach to youth justice in Scotland is required, which continues to align with UNCRC, proceeds from a rights-respecting approach, supports all children under the age of 18 and young people up to age 26 to participate in decisions about them, directs positive support to families, and offers that support through safe and caring relationships.

The Promise's key findings and calls to action for youth justice are centred on avoiding and stopping the criminalisation of care-experienced children. Whilst working to prevent criminalisation of all children, Scotland must develop a more progressive, rights-based youth justice approach which builds on the Kilbrandon principles and makes them a reality for all. Meeting the imperatives of the Promise requires a fundamental shift in focus, time, commitment, resourcing and underlying structures.

There is a recognition that Scotland should work to move away from 'cliff edges' determined by chronological age, whereby children and young people must transfer from one system to another when they reach a certain age. More needs to be done to ensure cross-over of services, interventions, supports and systems and more gradual transitions between these services and systems ensuring that supports and interventions are based on developmental ability and capacity rather than age. Improved collaboration with youth justice and adult services has been a key priority for a number of years. This is reflected in [Justice in Scotland: Vision and Priorities](#), published in 2017. This continued collaborative working, to provide smooth transitions and assist delivery of services beyond the age of 18 is, therefore, required.

The continuation of early intervention and prevention is important, with wrap-around support for families and children and young people provided at the earliest opportunity, including increased provision around education and mental health and consideration of planning and decision making through family networks such as family group decision making.

[Rights Respecting? Scotland approach to children in conflict with the law](#) concludes that Scotland would benefit from thinking about children in conflict with the law from the perspective of rights. All children are rights holders and these rights must be upheld in line with the United Nations Convention of the Rights of the Child (UNCRC). The UNCRC sets out the fundamental rights of children, which must be adhered to. The Scottish Government is committed to incorporating UNCRC into domestic law in Scotland. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill passed its final stage in the Scottish Parliament on 16 March 2021. The Bill will commence six months after Royal Assent. This is about recognising and upholding a child's rights alongside presenting needs.

The definition of a child and the complexity of landscape for those under the age of 18 who are in conflict with the law, require attention, but to arrive at comprehensive rights-respecting solutions the focus of the vision defines children as under age 18 and young people up to age 26.

The needs of victims, particularly child victims, must also be addressed. It is important to acknowledge that many of these children are often the same, that victimisation itself contributes to further offending, and research, including that by the [Howard League](#) from 2016, shows that those who cause harm are often victims themselves first.

The COVID-19 pandemic has affected all, including children and young people. Services and systems have had to adapt to a 'new norm' with the long-term effects of the pandemic currently unknown, but it is clear that services and systems have adapted and changed during the pandemic and will continue to do so.

## **National Performance Framework**

Scotland's National Performance Framework aims to create a more successful country, give opportunities to all people living in Scotland, increase wellbeing, create sustainable and inclusive growth, reduce inequalities and give equal importance to economic, environmental and social progress. This is underpinned by core values - to treat all our people with kindness, dignity and compassion, respect the rule of the law and act in an open and transparent way. The framework sets out national outcomes with progress

being measured against 81 national indicators. The outcomes which are specifically relevant to this agenda are:

- we grow up loved, safe and respected so that we realise our full potential;
- we live in communities that are inclusive, empowered, resilient and safe;
- we are well educated, skilled and able to contribute to society;
- we are healthy and active;
- we respect, protect and fulfil human rights and live free from discrimination.

### **Youth Justice Strategy 2015-2020**

In June 2015 the Scottish Government published the Youth Justice Strategy '[Preventing Offending: Getting it right for children and young people](#)' (the strategy). The aims of the strategy were to support the overarching vision, via commitments under three key priority themes: advancing the whole system approach; improving life chances; developing capacity and improvement.

The strategy was broad in scope but at its heart was a child-centred, preventative approach which emphasised multi-agency partnership working aimed at:

- helping communities to feel safe from crime and disorder;
- improving life chances for children and young people involved in or at risk of offending;
- enabling all children and young people to be confident individuals, effective contributors, successful learners and responsible citizens.

Progress made under the five-year strategy is outlined in the [Youth Justice Strategy Preventing Offending: Getting it right for children and young people 2015-2020 Delivery of the priorities](#). The report highlights work still to be addressed around advancing WSA, collation of data, a need to address mental health issues, speech, language and communication needs, and child criminal exploitation in Scotland.

## 2. Vision

We want Scotland to be the best place in the world to grow up, where all children and young people are loved, treated with respect, have their voices heard, their rights respected and their outcomes improved.

Children, young people and their families are supported at an early stage through early intervention and preventative approaches.

For those who come into conflict with the law, their rights must be upheld, their life chances improved and services and systems must support them effectively to address their needs and the circumstances which have led to their behaviour, in order to achieve positive outcomes. Children are diverted away from the criminal justice system, wherever possible and appropriate, in order to avoid the criminalisation of their behaviour, but receive effective support to attend to any needs underlying the harmful conduct. For the small minority who will go through the criminal justice system then they are meaningfully supported to participate and understand the system and processes.

Support and information for victims is enhanced with work undertaken to ensure that victims are appropriately protected irrespective of the age of the person who has caused the harm or the system that deals with them.

Providing trauma-informed approaches and continued commitment to partnership approaches are core to achieving this vision for Scotland.

## 3. Outcomes and Priorities

There are a number of outcomes and priorities to be achieved to deliver on the vision and to ensure that all children and young people in Scotland are supported to achieve better outcomes in the future. This is reliant on the commitment of all, with resources and planning placed in areas which offer the supports required to make a difference.

### Outcomes

In Scotland we want to work towards achieving the following outcomes by 2024.

- **Rights** of all children are upheld and they are supported to **understand** what this means for them and what to expect.
- Children and young people are supported to actively **participate** and **engage** in the decisions which affect them.
- **Victims** are supported and their rights are upheld, with specific attention paid to child victims and their families.
- Children are diverted away from the Criminal Justice System to appropriate alternative supports through the continued delivery of the **Whole System Approach**.
- To the extent possible and appropriate, no under-18s are remanded or sentenced to detention a young offenders institute.
- We have the required **data and evidence** on children and young people, to inform better inform policy and practice so that children and young people benefit.
- Children and families are **supported at an early stage** to improve their life chances with their **wellbeing** and **mental health** needs addressed.
- **Speech, language and communication needs** for all children and young people are taken in to consideration both when assessing individual needs and adapting information and communication used in formal processes.



# Priorities

Key priorities have been highlighted as areas to be addressed in order to meet the outcomes by 2024.

[Consultation with stakeholders](#), children and young people was key to informing these priorities. Not only was it important to hear the views of those working directly with children and young people, but it was also important to hear from those who are most affected - the children and young people themselves. The views gathered were imperative to the development of this vision and priorities paper. Initial engagement took place with the Youth Parliament in March 2020 and in August the Scottish Government enlisted the support from the Scottish Throughcare and Aftercare Forum/ Children and Young People's Centre for Justice (CYCJ) Youth Justice Voices participation project. Members of their youth-led steering group 'YouthJustUs' became Youth Justice Visionaries to develop a guide to be used by practitioners working with children and young people. They also carried out engagement sessions and sought views from children and young people including those in secure care. Children and young people in HMP&YOI Polmont were also asked for their thoughts and opinions through one-to-one phone calls and group sessions delivered by Barnardos.

Based on the evidence and information provided throughout the engagement process with both stakeholders and children and young people, the following priorities have been established.

## Rights and Understanding

- Services provided to children and their families uphold their rights, through all aspects of work, in line with UNCRC requirements and Scottish Government legislation, including monitoring services to ensure rights are being upheld.
- Support to be offered to children and families to understand and know their rights so they can exercise them.
- Promotion of better public understanding and awareness of children and young people in conflict with the law and the systems in place to support them.
- For those who go through the Criminal Justice System their experience should be meaningful and participative; one which educates, improves, understands and upholds the rights of children and young people.
- All children and young people should be able to access services to address trauma, abuse, neglect and communication needs.
- Provision should be made to ensure professionals/services are taking into account additional support needs, including speech, language and communication needs, to improve their life chances.
- Provide activities and opportunities for children and young people to engage in education, gain employment and to have stable housing options as a necessity.

## **Participation and Engagement**

- Improve participation and engagement of children and young people ensuring that they have developmentally appropriate participation opportunities to help shape the decisions, services and supports that affect them. This will include addressing barriers to engagement, providing access to information and processes in language that they understand and taking account of cultural differences or disabilities and any communication needs.

## **Victims**

- Information and support for victims is enhanced, considering good practice, whilst respecting data protection and confidentiality rights. This includes access to restorative justice approaches where appropriate, regardless of the age of the person responsible or the outcome of the case.
- Support must be trauma-informed and tailored to the needs of all participants.
- Children and young people at risk of criminal or sexual exploitation are supported through increased understanding of the nature, scale and extent of the issue and awareness raising with practitioners and communities.

## **Whole System Approach**

- Continue to deliver a reinforced and reinvigorated WSA to under-18s - with cohesion and integrity in all its elements, supporting the development of the workforce to deliver effective multi-agency partnerships and creating lasting systems and culture change. In particular this will involve supporting social work and wider workforce to:
  - develop a consistent approach to early and effective interventions;
  - work with those whose behaviour presents a high risk of harm to others - including embedding Care and Risk management processes.
- To the extent possible, no under-18s are detained in young offender institutions, including those on remand, with secure care and intensive residential and community-based alternatives being used, where therapeutic trauma-informed approaches are required for the safety of the child or those around them and where community alternatives are available for those who require additional support.
- Extend WSA to those beyond the age of 18 providing access to support up to age 26 where possible and appropriate.
- Raise the age of referral to the Principal Reporter to 18 for all children with a presumption against under-18s in the Criminal Justice System, consistent with the Lord Advocate's prosecution policy. Where this is not possible, they must be treated in a way that is trauma-informed and recognises their age and stage of development.

## **Data and Evidence**

- Data on children and young people is recorded, gathered and analysed in order to evidence the need for change and guide further improvements in policy and practice and to ensure that improvements are sustained.

## Early Intervention and Support

- Children and families are supported at an early stage to assess, identify and respond to wellbeing needs, to reduce stigma and improve their life chances and outcomes.
- Relationships are built and access to services to address adverse childhood experiences (ACEs), trauma and other challenging experiences is improved through the delivery of trauma-informed approaches, youth work, gender-based approaches and effective multi-agency partnerships.
- All children and young people have timely access to appropriate services to address mental health issues.
- Workforces are supported to develop and continually address the needs of children and young people in Scotland.

These priorities will be broken down into tangible actions to be delivered between June 2021 and June 2024. Details of the actions to be delivered in year one are contained within the [action plan](#) which accompanies this vision. The action plan is a live document which will evolve over the years of delivery. Whilst not everything can be achieved in year one, upholding children's rights - whether as victims or as those responsible for harm to others - will be central.

## Challenges and Barriers to Success

A lack of investment and resources in services for children and young people are a barrier to achieving high quality provision in Scotland, including gaps in adequate provision such as mental health pathways for children and young people in conflict with the law, increased waiting times for mental health support, along with an inconsistent approach to delivery across Scotland.

Other challenges include 'siloed' working and information sharing issues. Structural inequalities such as poverty and discrimination are also concerns along with cultural and attitudinal barriers to how children and young people in conflict with the law are perceived and also how they are assisted based on age. A degree of flexibility is required around delivery to meet local needs, including acknowledgement around differences in rural and island services along with variations in resourcing levels and access to training.

A lack of alternatives to custody is a challenge which needs to be addressed. This includes not only alternatives to young offenders institutions for under-18s and in particular those on remand but also includes community provisions.

In order to address these challenges we need to consider the specific interventions required and how we assess wider need. We need strong partnerships and multi-agency responses and further funding and investment in this area, including wider legislative change. In order to justify such investment and shift in resources we need reliable and consistent data and intelligence to be able to understand the issues and factors facing children and young people such as life challenges, offending patterns and behaviour and the role these play in bringing children and young people into conflict with the law.

## **Links to Wider Landscape and Policy Development**

The issues raised by children and young people coming into conflict with the law is a complex landscape which covers a vast array of overarching themes and policy drivers such as poverty, GIRFEC, community justice, safer communities, criminal justice, housing, and health. Since the start of the COVID-19 pandemic in 2020 we have seen how quickly things can change and how practice and policy needs to be flexible to adapt in order to respond to the needs of children and young people at every point. Annex A provides details of the links between areas of interest and highlights the importance of a joined up approach to working across a number of different platforms.

## 4. Delivery and Governance

The development of this vision and priorities document is set against the backdrop of the COVID-19 challenge. Organisations and working practices have adapted over this time, in order to meet the demands which COVID-19 has brought. This adaptation will continue as developments unfold.

### Multi-Agency Partnership Working

Continuing to build on the strong partnerships which have been developed over the years will be key to delivering the priorities. Ensuring that the workforce continues to develop and that professionals are skilled, qualified and confident to provide the supports children, young people and families need.

Together we will deliver this vision for children and young people in Scotland through continued collaborative working.

### Action Plan

An agreed [action plan](#) accompanies this vision to deliver the vision and priorities outlined. The action plan will be a rolling document, with flexibility built in to adapt the plan to address the drivers within the Promise and incorporation of UNCRC and other new priorities as they emerge.

### Child-Friendly Version

A child-friendly version of this document will be developed by young people.

### Evidence and Data

The vision and priorities are underpinned by the [views](#) and information provided by both partners and children and young people with experience of the system. We will continue to use evidence and data available and listen to the views of those directly affected, in order to inform the priorities for year two and beyond.

### Youth Justice Standards

[Standards for youth justice](#) have been revised and published alongside this vision and priorities document. The standards outline minimum expectations for all strategic and operational services delivering youth justice in the community, secure care and YOI.

### Governance/Collective Leadership

The Youth Justice Improvement Board (YJIB) made up of membership from Crown Office and Procurator Fiscal Service (COPFS), Scottish Children's Reporter Administration (SCRA), Children's Hearings Scotland (CHS), Police Scotland, Scottish Prison Service (SPS), Third Sector, CYCJ, COSLA and Social Work Scotland will work together with those with lived experience to support and oversee delivery of the vision and action plan.

Groups will be identified and set up to address the priorities and deliver on the actions outlined in the accompanying action plan.

Monitoring and reporting arrangements to YJIB and to the Promise Oversight Board will be put in place.

# Annex A

## Drivers and Policy Links

The following details some of the key areas affecting children and young people in Scotland and work being undertaken either within the Scottish Government or elsewhere to address the needs of children, young people, their families and wider communities.

### The Promise

The Scottish Government remains fully committed to deliver on its pledge to care-experienced people in Scotland by accepting and responding to the care review conclusions. Keeping the Promise requires both immediate action to improve experiences and outcomes for children, young people and their families who are currently in or on the edge of care and also requires action over the longer term to improve the level of support for families from birth through to adulthood to significantly reduce the numbers of families coming into the care system.

Our approach to keeping the Promise will drive our work to recovering and renewing children's services after COVID-19. The work to implement the Promise will be underpinned by the incorporation into Scots Law of the UNCRC.

We are committed to creating a structure that can facilitate the re-design of whole system approaches to care and support. This begins with embedding the commitments that have already been made to care-experienced people into policy and delivery, with significant and intensive work across the entirety of government policy.

We have supported the establishment of a non-statutory company - The Promise Scotland. Their purpose is to support and have oversight to enable the full implementation of the Care Review's conclusions.

The Promise Scotland published [The Plan 21-24](#) on 31 March, the first of three, three-year plans. Collectively these plans will lay out Scotland's route-map to implement all of the Independent Care Review by 2030, and #KeepThePromise. The Plan 21-24 outlines five key priorities areas requiring focus and action; A Good Childhood; Whole Family Support; Supporting the Workforce; Planning, and; Building Capacity. Youth Justice is a specific theme within A Good Childhood where action must be taken to avoid and stop the criminalisation of care-experienced children.

The £4m Promise Partnership Fund launched on 1 February 2021. This fund is being administered by the CORRA Foundation on behalf of the Scottish Government. The Promise Scotland helped to shape the process and the Decision Makers Panel were a group with lived experience of Scotland's care system. The aim of the fund is to help organisations with early intervention and to deliver changes to better support children, young people and families in or on the edges of care. A further £4m is committed for 2021/22 and baselined for future investment.



## **Family Support Delivery Group**

The Scottish Government and SOLACE jointly established a Children and Families Collective Leadership Group (CLG) to consider the impacts of the pandemic on children, young people and families especially those in the most challenging circumstances, and the actions that need to be taken in response. The CLG developed a vision and blueprint for holistic family support and set out a number of recommendations for action that are aligned with the implementation of The Promise.

The Family Support Delivery Group are responsible for progressing the vision and blueprint. The group are progressing key areas for action, for example: considering how best to prioritise the allocation of funding to family support; how to ensure that the principles of holistic family support are embedded within policies, frameworks and strategies across Government; and how to progress a new approach to commissioning, planning and service design with third sector and local government. We are also drafting a summary of the blueprint and vision to help articulate the key principles of delivering good family support for all involved in the delivery and planning of family support at a local or national level.

## **Secure Care Pathways and Standards**

The [Secure Care Pathway and Standards](#) were launched in October 2020. For the first time they set out what all children in or on the edges of secure care in Scotland should expect across the continuum of intensive supports and services. The standards have been co-produced with a range of key stakeholders, including children and young people with experience of secure care and the STARR group.

The standards provide a framework for ensuring the rights of children and young people are respected and when implemented will improve experiences and outcomes for children before, during and after their secure care experience.

## **SPS Vision for Young People in Custody**

With partners, the Scottish Prison Service has refreshed its co-produced [Vision for Young People in Custody](#) to reflect evidence on the greater complexity of the needs of young people who come into custody as well as the changing landscape of youth justice in Scotland. First published in 2014, with its central premise being to help young people in custody prepare for a positive future, it has guided SPS work at both a strategic and local level and considerable progress has been made in implementing the Vision. It will guide SPS work with 16 or 17 year olds for as long as children of this age are in its care.

## **Child Sexual Abuse and Exploitation (CSAE)**

We continue to work with operational and Third Sector partners to tackle CSAE and improve our understanding of the interactions with wider youth justice and child welfare objectives, in line with UNCRC obligations and the objectives of the Promise.

## **Children's Hearings and Advocacy**

The statutory scheme for [children's advocacy for children's hearings](#) was introduced in November 2020. After a strong start to these new services, attention is already being given to how they can be further reinforced and extended.

## **Age of Criminal Responsibility**

While important provisions in the Age of Criminal Responsibility (Scotland) Act 2019 have already commenced, work will continue towards full implementation later in 2021. In parallel, the Advisory Group established under that Act will consider the issues raised by, and potential implications of, progressive further increases in age.

We will also work towards ensuring that access to trauma-informed recovery, support and justice will be provided to children under the age of criminal responsibility who have caused harm.

## **16- and 17-Year-Olds**

Currently in Scotland only a 16- or 17-year-old who is already subject to a compulsory supervision order, an open referral to the Reporter, or where guilt has been accepted/ established by a court, can be referred to the children's hearings system. Raising the age at which any person can be referred to the Reporter on offence or welfare grounds to 18 would remove this anomaly. This will require an amendment to primary legislation and a need for further safeguards to be put in place to support those children and any victims. We will advance this agenda on the basis of strong encouragement from the late 2020 public and professional consultation.

## **Justice in Scotland: Vision and Priorities (2017)**

The Vision and Priorities document, agreed jointly by the Scottish Government and key justice organisations, sets out collective priorities to ensure a just, safe and resilient Scotland, with established priorities for 2017 to 2020. The document focuses specifically on prevention and early intervention. Justice in Scotland: Vision and Priorities is accompanied by a [Delivery Plan](#) that sets out actions to help progress the priorities.

This includes work to further support child witnesses, including through the greater use of pre-recorded evidence, strengthened Joint Investigative Interviews with the development of a new 'Scottish Child Interview Model', and our commitment to explore how a Barnahus concept could operate in the context of Scotland's healthcare, criminal justice and child protection systems. Justice in Scotland: Visions and Priorities is currently being reviewed and its approach will be complementary to that adopted within this vision and action plan.

## **National Strategy for Community Justice (2016)**

The strategy provides a shared vision to help partners and communities work together effectively to improve community justice outcomes.



## **HM Chief Inspector's Expert Review Of The Provision Of Mental Health Services, For Young People Entering And In Custody At HMP & YOI Polmont**

The purpose of the expert review was to review arrangements for young people, both untried and convicted, with mental health and wellbeing needs, entering and in custody.

[The review](#) was published by HM Chief Inspector for Prisons on 21 May 2019 alongside the routine inspection report for HMP&YOI Polmont. The review highlighted two high level strategic issues.

- The lack of proactive attention to the needs, risks and vulnerabilities of those on remand and in early days of custody.
- The systemic inter-agency shortcomings of communication and information exchange across justice, which inhibit the management and care of young people entering and leaving HMP&YOI Polmont.

An Action Group consisting of relevant officials from across Scottish Government, the Scottish Prison Service and the NHS have been overseeing the progress across the recommendations.

Outputs include the refreshed vision for Young People in Custody, a new health and wellbeing strategy for those in our care and the development of a self-harm policy. SPS also stopped the routine body searching of all young people under 18 in custody.

The Scottish Government has also committed through Action 15 of the Mental Health Strategy to increase access to the overall mental health workforce by 800 additional staff in key settings. This is supported by investment of £35 million by 2021-22.

Mobile phones and virtual visits have been rolled out to ensure families stay connected in lieu of in-person visits across the estate for all during the COVID-19 pandemic.

### **Restorative Justice Action Plan (2019)**

The Restorative Justice Action Plan was developed collaboratively with Community Justice Scotland with input from stakeholders across the sector, including from those involved with Youth Justice.

The Vision is for Restorative Justice to be available across Scotland to all those who wish to access it, and at a time that is appropriate to the people and cases involved. Approaches taken must be consistent, evidence-led, trauma-informed and of a high standard. This seeks to ensure the needs of persons harmed and their voices are central, and supports a reduction in harmful behaviour across our communities.

Successful delivery of the Action Plan will require input from, and collaboration with, a wide range of organisations and people. To this end, the Scottish Government is funding a post in Community Justice Scotland and a post in the Children's and Young People's Centre for Justice (CYCJ) to support the delivery of the Action Plan. In addition, a Restorative Justice Stakeholder Group has been set up, that includes representatives from the National Youth Justice Advisory Group, Scottish Children's Report Administration (SCRA), and Children's Hearings Scotland (CHS).

## Sentencing Guidelines

The Scottish Sentencing Council is developing a guideline on the sentencing of young people. A draft guideline was subject to public consultation in 2020. Responses to the consultation are under consideration and it is hoped that the guideline will be finalised for submission to the High Court for approval later in 2021. Drawing on research into cognitive development, the guideline as consulted on defines a young person as someone under the age of 25. It requires courts to consider how a young person's level of maturity may affect their level of blame for an offence, and to have regard to rehabilitation as a primary consideration in sentencing a young person.

## Poverty

The Child Poverty Act 2017 sets statutory child poverty reduction targets to be met by 2030. We published our first [Tackling Child Poverty Delivery Plan](#) in March 2018, backed by a £50m fund. In this we committed a range of concrete actions to make progress on our ambitious targets. We will set out plans for further action in our second Tackling Child Poverty Delivery Plan, to be published in March 2022.

In 2019-20 we invested nearly £2 billion in support for low income households, including over £672 million targeted specifically at children. In our response to COVID-19 we have committed over £500 million to support people and communities impacted by the pandemic, including support for low income families. Our 2021/22 Budget commits a further £23.3 million for our Tackling Child Poverty Fund. We have started making payments of the new 'game changing' Scottish Child Payment for children from low income households - worth £40 every 4 weeks for each child under 6.

## Homelessness

### **Ending Homelessness Together**

In November 2018, the [Ending Homelessness Together High Level Action Plan](#) was published jointly with COSLA and sets out our actions in response to the Homelessness and Rough Sleeping Action Group's (HARSAG) recommendations to end homelessness and transform temporary accommodation in Scotland. Actions include:

- **We will develop preventative pathways for the groups at highest risk of rough sleeping and homelessness, including young people and people leaving public institutions.** Where pathways have already been developed, such as the SHORE standards (Sustainable Housing on Release for Everyone) for people leaving prison, we will support local authorities and delivery partners in their implementation.
- **We will ensure a clear, effective focus on preventing and responding effectively to youth homelessness.**

## Prison Leavers

The Sustainable Housing on Release for Everyone ([SHORE](#)) standards were published on 5 December 2017. The SHORE standards have been developed by the Scottish Prison Service (SPS) and partners to outline minimum standards for housing advice, information and support for people serving custodial sentences to ensure that the housing needs of individuals are handled in a consistent way across Scotland. The Standards aim to provide a mutually agreed protocol which will detail the multi-agency integration required to secure sustainable housing outcomes. It sets out good practice in the coordination between the SPS and housing providers, and the planning of offenders' housing needs within custody, so that actions will be taken in a planned manner, reducing the instances of emergency homelessness wherever possible.

SG Justice and SG Housing officials are working with SPS, Community Justice Scotland and local authorities in a process to review the implementation of SHORE and to also revise and update the SHORE Standards, which will also consider the potential to develop more specialised guidance for young prisoners.

## Young People

The [Youth Homelessness Prevention Pathway](#), developed by members of A Way Home Scotland, the national coalition to end youth homelessness, was published on 22 March 2021. The report includes recommendations which, if implemented can make homelessness rare, brief and non-recurring for young people aged 16-25. The pathway addresses the needs of young people who are most vulnerable to homelessness and includes a section on young people in conflict with the law. The pathway recognises that youth homelessness is more than just a housing issue and calls for change across youth, welfare, health, justice, housing, homelessness and the children and families sectors and departments at both a national and local level. The pathway has 16 recommendations across 5 tiers of prevention: universal prevention; targeted prevention; crisis prevention; emergency response; and recovery and housing stability. One of the recommendations states:

- **No young person should be discharged from public services (Justice, Health or Care) into homelessness. Systems for discharge planning should be created which take account of housing availability and waiting times and ensure that they have a person to support the transition.**

Scottish Government officials are currently working with partners to consider the implementation of the recommendations within the report.

## **Mental Health Strategy**

The Scottish Government's [Mental Health Strategy](#), published in March 2017, is a 10-year strategy which aims to work on achieving parity between mental and physical health. Within the Strategy, there are specific commitments in relation to children and young people involved in offending. We know that children and young people involved in and/or at risk of offending may have mental health problems, but not necessarily a mental illness. Work to address offending must take account of, and address, mental health issues as part of improving outcomes.

Our [Transition and Recovery Plan](#), 'Mental Health – Scotland's Transition and Recovery', published in October 2020, sets out a number of actions to support children and young people's mental health. This includes the implementation of our CAMHS Service Specification, the re-starting of our improvement programme of work, and a specific action on improving our understanding of the prevalence of self-harm which will guide our policy approach moving forwards.

Further actions listed to improve children and young people's mental health include:

- emotional wellbeing;
- signposting to help and support;
- Perinatal and Infant Mental Health Programme Board;
- children and families workforce;
- students' mental health;
- emotional distress;
- CAMHS access improvement;
- the Promise;
- community support;
- access to perinatal and infant mental health services.

Looking ahead to transition and recovery, the mental health of children, young people and their families is to the fore of our thinking. Respecting, protecting and fulfilling the rights of children, young people and families is crucial, and as we develop and deliver our mental health response to COVID-19, the voices and experiences of children, young people and their families will remain central. This will be both in terms of how we support good mental wellbeing, and how we provide the right help and support. We acknowledge that evidence suggests children and young people's mental health and wellbeing, as well as that of their parents or carers, may be particularly affected by the impact of COVID-19. We will continue to put in place support such as Aye Feel, Parent Club and Solihull Online, to mitigate this impact.

An Independent Review into the Delivery of Forensic Mental Health Services in Scotland made a number of recommendations in February 2021 including in relation to children and young people. We will contribute to implementing agreed recommendations.

We will go further and look at the mental health support for those who fall out with secure care, who are at risk of offending, accused of offending and those who have offended. Given the vast prison demographic this will take into account young people and touch on work already carried out by Scottish Prison Service in relation to young people.

## **Drug and Alcohol**

Scotland's alcohol and drug strategy 'Rights, Respect and Recovery' (RRR) has a specific focus on the needs of children, young people and their families who are affected by alcohol/drug use. Parental/family alcohol and drug use is a commonly recognised adverse childhood experience (ACE), which (without support) can have potential long-term impacts on children's health and wellbeing into adulthood. Understanding and addressing this impact is crucial to safeguarding children and young people.

There are a range of activities underway to deliver on commitments from the RRR strategy which includes development of a framework for local partnerships to implement a consistent approach across Scotland to support children, young people and families who are affected by alcohol/drug use. This framework is being developed following consultation with children, young people and families through [Ask the Family](#). This framework recognises that each family member, should be supported in their own right as well as part of the family to help them recover. The framework will publish in August 2021 and we will work closely with Alcohol and Drug Partnerships and other local partners to support their development of high-quality holistic family support services which is underpinned by family-inclusive practice.

A working group has been established to develop a comprehensive approach to early intervention amongst young people who are at risk, through deprivation, inequality or other factors of developing problem alcohol/drug use. This group meets in June for the first time (reporting in Summer 2022). They will involve young people in this work, which includes learning about their experiences, before recommending approaches for local partnerships that will best meet their needs.

## **National Guidance for Child Protection in Scotland**

The Scottish Government has been working with stakeholders and partners from across education, social work, health, justice and the third sector to revise Scotland's national guidance on child protection. The revision, a recommendation from the Child Protection Improvement Programme, has been undertaken to ensure that the guidance is consistent with the legislative and policy framework and current practice developments. The process of review and the drafting of the national guidance has involved extensive engagement with stakeholder groups and individuals including a public consultation, to ensure that it takes full account of developments and new thinking. The revision has been overseen by a strategic Steering Group which has provided regular updates to the National Child Protection Leadership Group.

This non-statutory national guidance describes responsibilities and expectations for all involved in protecting children in Scotland. The guidance firmly locates child protection within the wider context of The Promise, UNCRC, GIRFEC and family support. It sets out how agencies should work together with parents, families and communities to prevent and protect children from harm caused by abuse and neglect. It aims to provide a national framework for services and local inter-agency forums such as Chief Officer Groups and Child Protection Committees to develop further in their local multi-agency protocols, training plans and procedures. The guidance also aims to serve as a useful resource for practitioners on particular areas of practice and signposts where additional information can be found.

The final guidance will be published on the Scottish Government website in summer 2021. In addition, as a supporting resource, 18 practice insights will also be published. These are reflections on practice which provide additional detail and links to research on particular topics. The National Guidance underpins local multi-agency child protection procedures, guidance and training which will need to be updated as result of the revision. Child Protection Committees, supported by Child Protection Committees Scotland, the Scottish Government and a range of other partners will lead this work on implementation and adaptation. The aim is that every child in Scotland should receive a consistent experience while allowing a degree of local variability in how those standards are implemented.

## **Adverse Childhood Experiences (ACEs) and Trauma**

[Evidence](#) shows the clear associations between experiencing adversity and trauma in childhood and victimisation and criminalisation later in life. Supporting children affected by ACEs and trauma is important for preventing offending and re-offending. The Scottish Government is undertaking [work to better prevent and mitigate ACEs](#), including delivery of a [National Trauma Training Programme](#).

## **Expert Group on Preventing Sexual Offending Involving Children and Young People**

The Scottish Government published the Expert Group's [report](#) in 2020, which contains findings relating to the nature, causes and frequency of harmful sexual behaviour by children towards other children, and sets out 19 proposals for further action. Some of the proposals sit under existing programmes of work, including support to increase the age of referral to the Children's Reporter. A sub-group of the National Child Protection Leadership Group was established in 2021 to consider and support successful delivery of the remaining proposals, and offer advice, further expert input and oversight.



## **Youth Work**

The National Youth Work Strategy, developed jointly by the Scottish Government, Education Scotland and YouthLink Scotland, aims to set out our ambitions for improving outcomes for children and young people through youth work. It also aims to ensure that we harness and build on our partnerships across the youth work sector and develop what we know works well in delivering vibrant and effective youth work practice. The Strategy recognises the contribution that youth work makes towards the National Outcomes and the wide range of activities and policies that impact on young people's lives; it also recognises that both universal and more targeted specific work have equal validity and importance. The new strategy is under development and has been co-produced by representative young people and national stakeholders.

### **Developing the Young Workforce: Scotland's Youth Employment Strategy (2014)**

Scotland's Youth Employment Strategy sets out how the Scottish Government will implement the recommendations from the Commission for Developing Scotland's Young Workforce (DYW), including the commitment to reduce the 2014 level of youth unemployment by 40% by 2021 - a target that was met 4 years early in 2017. Together with Getting It Right For Every Child and the Curriculum for Excellence, DYW is the key policy approach through which the Scottish Government is creating excellence and equity in Scottish education.

## **Education**

The joint Scottish Government and Convention of Scottish Local Authorities (COSLA) [Additional Support for Learning Action Plan](#) (2020) action plan outlines how the recommendations of the [additional support for learning review](#) (2020) will be delivered. Actions include the development of a national vision statement for success in learning and education for children and young people who have additional support needs and the development of a measurement framework which seeks to value and increase visibility of their diverse range of achievements.

New, children's rights-based, non-statutory guidance is being developed by the [physical intervention working group](#) on the use of physical interventions in schools, including the practices of restraint and seclusion. The guidance aims to increasing practitioners' understanding of children's rights in relation to practice, promote the use of early intervention, preventative and de-escalation approaches and reduce the misuse of restraint and seclusion in schools. The working group is also developing a standard dataset for recording and monitoring incidents in all local authorities. A public consultation on the draft guidance is due to launch in 2021.



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