

# Youth Justice Improvement Board

## Minute of Meeting

27 May 2021

Attendees: Lesley Sheppard, SG (Chair)  
Jenny Ward, SG (Minutes)  
Tom McNamara, SG  
Liz Murdoch, SG  
Neil Hunter, SCRA  
Alistair Hogg, SCRA  
Lynsey Smith, Includem  
Janine McCullough, Education Scotland  
Anne Gerry, Children's Hearings Scotland (attending on behalf of Elliot Jackson)  
Paul Carberry, Action for Children  
Fiona Dyer, CYCJ  
Bill Fitzpatrick, Community Justice Scotland  
Grace Fletcher, NYJAG  
Colin Convery, Police Scotland  
Gill Robinson, SPS  
David Doris, SG Community Justice (attending on behalf of Cat Dalrymple)  
Jillian Gibson, COSLA (attending on behalf of Eddie Follan)  
Anthony McGeehan, COPFS  
Rod Finan, SG OCSWA/GIRFEC

Apologies: John Trainer, Social Work Scotland  
Elliot Jackson, Children's Hearings Scotland  
Cat Dalrymple, SG Community Justice  
Eddie Follan COSLA  
Ross McLaughlin, SOLACE  
Brenda Stewart, HMP YOI Polmont

### 1. Welcome and Introduction

**Lesley** welcomed attendees and advised that the focus of the meeting would be a discussion around the Youth Justice Action Plan. Members were thanked for their continued support and participation in the drafting of the Action Plan and the Vision.

### 2. Minute of the previous (February) meeting

The minutes were agreed and there were no outstanding actions from the previous meeting in February.

### 3. Youth Justice Action Plan and Promise Plan

Liz provided a brief overview of work around the development of the Action Plan including how the Plan links to the Promise and the UNCRC, and timescales for publication. It was confirmed that a suite of documents including the Vision, Action Plan and Standards for Youth Justice will be launched on 16 June and announced by Ms Haughey during her opening speech at the National Youth Justice Conference.

The group then split into two breakout rooms to discuss the draft Action Plan in detail and specifically to consider the following questions:

- Are there any obvious actions missing, which need to be captured before publication in June?
- Do they fit with the overarching vision and priorities and the asks from the Promise?
- How achievable are these (in terms of resources, timescales, should some fall to year two/three)?

The groups fed back to the wider group following their discussions. Overall, members felt the action plan looked good and were encouraged by the focus within the plan. However, there were areas where the plan would benefit from further detail or actions including data, workforce development, EEI, child victims and poverty. It was noted that we should not lose sight of GIRFEC and the real meaning behind Kilbrandon. Main points discussed are in **Annex A** (p5).

Lesley thanked the groups for their contributions reflecting that there is a huge amount of rich, detailed information captured in these discussions. Some of this information needs to be reflected in the Action Plan, while some needs to be captured as part of the longer term direction of travel.

Liz will be delivering a workshop at the Youth Justice Conference, any additional input and reflections will be fed back to members.

Thought needs to be given to governance structures. It was reflected that there were other similar conversations taking place elsewhere. This is a good time for a potential refresh of the Board and to consider what groups are required to deliver on the actions.

**Action:** SG to consider options around delivery groups for members' future consideration.

**Action:** SG to consider suggestions made during the discussion and additions to be made to the Plan (this will require updating every quarter)

**Action:** All members to consider any further actions to be added by Monday 31 May.

### 4. UNCRC Incorporation

Lesley provided a brief update on progress of incorporation of UNCRC into Scots Law.

Certain sections of the Bill have been referred to the Supreme Court, and the date scheduled for the hearings to take place is earlier than expected, 28/29 June. Papers have now been lodged. The vast majority of the Bill is not subject to challenge and we can continue to progress work on planning for implementation whilst being mindful of the court process.

SG are planning to hold an extraordinary meeting of YJIB in the next few months to discuss incorporation in more detail. A calendar request will be issued in due course.

## **5. Age of Criminal Responsibility**

**Tom** provided a brief update on the Age of Criminal Responsibility.

In alignment with ambitions around implementation of the UNCRC, Ministers are clear that they want to see ACR implementation around mid-October. A lot of work is underway among police and social work, in preparation for a small number of serious cases involving under 12s. Guidance is nearing finalisation. SG colleagues are in discussion with partners around potential training. Conversations are ongoing with the UK government about cross-border issues. SG are prepared for changes to court rules, and regulations for Child Interview Rights Practitioners (CHIRPs) are also being finalised. Further, we have consulted and heard back from every local authority around the arrangements that they plan to make for places of safety.

An animation using case studies is currently in development aimed at young people on what changes will mean for victims. The group will at some point need to turn its attention to issues raised by higher ages of criminal responsibility.

## **6. 16/17 Cross-System Group update**

**Neil** provided an update on the work of the 16/17 Cross-System Group.

The work of the Cross-System Group is now starting to wind down and the group is concentrating on a number of areas culminating in a report. Work is progressing on the draft, and recommendations will be discussed at the next YJIB. In terms of data, the group is looking at numbers of 16/17 year olds being referred to the Crown, and at the significant volume of young people still in the Criminal Justice System. Challenges are emerging in skills development and capacity. Further work is anticipated, and recommendations expected, in relation to how the Criminal Justice System and the Children's Hearings System converge. The group is reflecting on how to maintain the ethos of Kilbrandon in the CHS, and is bringing forward significant recommendations in terms of workforce development. Work is also taking place which focuses on EEI and diversion, looking at young people not being drawn into CHS unnecessarily. Workforce challenges will also comprise the profile and needs of young people in secure care and YOI.

Scottish Prison Service have been doing some work around the characteristics of this particular group of young people and what supports they require – e.g. what does care look like for them? Robust information will support this discussion.

## **7. CHIP update**

**Fiona** provided an update on the Children's Hearings Improvement Partnership (CHIP).

At the last meeting updates were received on the work of Our Hearings, Our Voice children and young people group. It was reported that Covid recovery work is a key focus of ongoing work with widespread impact being mitigated on an ongoing basis. A further progress report on recovery is expected in June. With regard to advocacy, regulations will be coming into force in November. A specific aim is for a child to be notified as soon as possible about the possibility of advocacy, and social work agencies are prepared for this. Statistics show that high numbers of children are already being offered advocacy.

Action: SG to share the Promise and Our Hearings Our Voice 40 calls to action

The next CHIP meeting will take place in June 2021.

## **8. AOB**

The next YJIB meetings will take place in September and December 2021. A calendar request has been issued.

## Feedback from breakout rooms

- There was consensus among members that the Plan looks good, and it is encouraging to see the focus on engagement, rights and participation in the Vision and Plan, alongside the important housing agenda.
- Specific people and organisations should be attached to each of the actions. There needs to be buy in from individuals and organisations in order for change to happen.
- Data is an issue – this doesn't appear to be prominent enough within the Plan. We must ensure that we don't continue to have large gaps in data, and agencies must work together to address this.
- There was agreement that additional analytical work may need to be undertaken which is not within the remit of the SG analytical group, however specific roles/duties will become clearer once that group meets.
- It was observed that a skilled workforce in the areas of both children and families and youth justice is essential. Questions were raised around whether workforce development should be kept under Whole System Approach. We need to demonstrate our commitment to strengthening the skills of our workforce, especially in relation to intervention and frontline work. It was suggested that this may be missing from the Vision document and may require more prominence in both the Vision and Action Plan.
- We may also need to consider training needs for others.
- Thought should be given to Kilbrandon and what we understand by it.
- Consideration should also be given to GIRFEC, in addition to UNCRC and the Promise.
- In order to ensure that we align with the principles of UNCRC, we must make sure that we engage and work collectively.
- Early and Effective Intervention requires a wider focus. EEI is included in year two of the Plan onwards with regards to consistency of approach and consideration around not needing a charge for use of EEI. Consideration will be given to moving some actions to year one.
- More focus is needed on child victims, with a trauma-informed approach. Currently many are referred to adult services due to a lack of specific support.
- There needs to be a real focus on delivery of the Vision and Action Plan, as there is a lot to cover. Practical measures discussed included whether the Plan should run from June when most business plans are from April. There is also a need to consider the co-ordination required to drive change; actions need to be allocated through a sub-structure under YJIB.
- There was suggestion that the wording be changed from 'fewer' under 18s to 'no' under 18s in YOI. It was explained that this had been raised previously and was an attempt to reach a balance between what is desired and what is possible. It was argued, however, that it may be better to aim high and that if we do not achieve the ambition to reduce the number of under 18s in YOI to zero, then the focus will shift towards why this is the case, resulting in additional support brought to the agenda.
- Others agreed that there should be a firmer commitment to no under 18s in custody, as well as an ambition to see no u18s in court. Organisations need to consider how best to support 16-18 year olds to receive credible, age-appropriate support.
- More clarity is also needed from the Promise team on how to realise the 16/17 work.

- The group discussed the subject of how to be UNCRC compliant with children in courts, and whether there is another option. It was agreed that we need something that bridges both systems, but that is a child-focused, intermediate place.
- Consideration around no under 18s in court is not something that may be included in year one or two of the plan, but something that we should not lose sight of.
- Consideration is needed around investment to support delivery of the actions outlined in the Plan.
- We should consider applying the lessons learned from the last strategy, and give some thought what is our model for support and intervention.
- We need robust data and a mechanism for measuring successful outcomes. We must also get information sharing right across police divisions and wider agencies/partners.
- There needs to be more emphasis on supporting speech, language and communication – with a focus on supporting young people to articulate and realise their wishes and rights.
- We also need to look closely at the poverty agenda and the impact of COVID on young people's employability. Drug and other debts are increasingly drawing young people into offending.
- There should be more detail within the Plan on the method and timing of our ambitions to take WSA past 18 towards 26. Further, the plan should reflect links to new Community Justice Strategy.
- Early intervention and support must be looked at in relation to wider EEI and GIRFEC work.
- Our ambitions need to be backed up with resources. There is excellent work currently taking place at Family Support Delivery Group – we could explore how we might link into the Promise to position family support as a realistic alternative to formal interventions or referrals.