

# Youth Justice Improvement Board

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## Note of the meeting 4 February 2021

Attendees: Lesley Sheppard, SG (Chair)  
Jenny Ward, SG (Minutes)  
Tom McNamara, SG  
Liz Murdoch, SG  
Rod Finan, SG OCSWA/GIRFEC  
Neil Hunter, SCRA  
Alistair Hogg, SCRA  
Lynsey Smith, Includem  
Janine McCullough, Education Scotland  
Elliot Jackson, Children's Hearings Scotland  
Paul Carberry, Action for Children  
Anthony McGeehan, COPFS  
Fiona Dyer, CYCJ  
Bill Fitzpatrick, Community Justice Scotland  
Grace Fletcher, NYJAG  
John Trainer, Social Work Scotland  
Colin Convery, Police Scotland  
Gill Robinson, SPS  
Cat Dalrymple, SG Community Justice

Apologies: Brenda Stewart, HMP YOI Polmont  
Linda Jones, Chief Superintendent Police Scotland (\*please note that Linda replaces Davie Duncan on the group as he has now moved roles\*)  
Eddie Follan, COSLA

### 1. Welcome and Introduction

**Lesley** welcomed attendees and explained that the focus of the meeting would be on the Vision and Priorities Paper, previously circulated at the meeting in December for initial comments by 23 December 2020.

A reminder was given to members that the draft standards for Youth Justice have been circulated to members for comments and sign off by 15 February. The plan is that the standards will be published alongside the vision and other documents in March.

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

The minute of 10 December meeting was agreed.

Actions from the 10 December 2020 meeting were:

- Board members to offer comments on the End of Strategy report by 23 December 2020 and then agree sign off. Complete: Comments were received from some members in advance of the meeting. The paper was agreed as final and will progress to publication in March alongside the Vision and other documents.

- Members to provide comments on the initial draft Vision and Priorities document before 23 December 2020. Complete: Comments were received from some members.

### **3. Vision and Priorities**

Liz provided a brief introduction to the agenda item explaining that the document has been updated to take account of the comments previously received from members. Liz outlined that the document would be updated after today's discussions and planned publication will be in March, in advance of the election period. There will be further opportunities for comment before publication. A child friendly version of the document will also be produced for publication at a later date.

A discussion took place on the Vision statement. The group were asked to comment on whether the vision adequately captured the future vision for youth justice or whether amendments were required.

- It was agreed that the vision was consistent with the ambition and was rightly focused on children's rights, support for young people and victims and offering better life chances for young people.
- Some amendments are to be considered around the language used within the vision such as the use of 'children in conflict with the law', 'young people', 'positive experience' and 'perpetrator':
- It was agreed that further lines would be included earlier on in the document to reflect what we mean by "in conflict with the law",
- The term 'young people' should remain as the document will refer to those up to the age of 26 with clarification around what is meant, in legal terms, by 'children' and 'young people'.
- the use of the term 'positive' will be removed and replaced with 'meaningful and participative', highlighting the importance of procedural fairness and of ensuring that processes involving children and young people are fair.
- The term 'perpetrator' is not considered to be appropriate in this context; possible alternatives include 'person causing harm' or 'person responsible'.
- It was also suggested that a reference to child criminal exploitation and children being exploited rather than committing offences could be considered within the vision.

The group split in to breakout rooms to consider the outcomes and priorities within the Vision document. Overall members were in agreement to the outcomes and priorities with some tweaks around language and some additional outcomes and priorities to be added. A further check and balance is required against the feedback received from stakeholders and young people in 2020, the asks within the Promise and recommendations from other key prominent reports and reviews together with the outstanding actions from the three implementation groups, to ensure that all the main actions, priorities and outcomes are captured.

**The main points arising from the discussions are available at annex A.**

#### **4. Update on CHIP**

**Fiona** provided a brief update on the Children's Hearings Improvement Partnership (CHIP) explaining that the meetings had moved to bi-monthly. The focus of the last meeting in December was around the recovery plan and age of referral to the reporter with an update from the cross system group. This is work which links across both CHIP and YJIB.

This will be a standing agenda item for future meetings. Fiona will also provide an update on YJIB at CHIP.

#### **5. AOB**

It was agreed that the next meeting will take place in late May. A meeting request will be issued in due course.

## Feedback from breakout rooms

### General:

- A final check and balance is required with the end of strategy report and the feedback from stakeholders and young people to ensure that work still to be addressed is captured within the priorities and the views of all are incorporated. It was noted that the diagram from the report of the views of young people (within annex A of that report) is a helpful visual.
- The document should promote a wider understanding of the criminal justice system and prosecution policy, and the connection with children's rights.
- Acronyms and value-laden language in reference to young people who commit offences should be avoided in the document.
- The phrase 'where possible' throughout the document needs to be refined and amended in places.
- Attendees agreed that the agenda for the first year is challenging, and the action plan needs to be achievable.
- Lots of work has been achieved in other areas such as victims, information sharing and data and so we need to make sure that links are maintained. These links are currently listed in the introduction section but more detail in the priorities around some of these needs to be added.
- The Vision needs to include reference to support for victims as outlined in the outcomes and priorities.

### Outcomes:

- Early Intervention and support for children and families: Some members considered this paragraph to be too long and suggested it be split into two points. Alternatively, the paragraph could be shortened and the following sections 'in a relational way to address needs and behaviours' and 'through trauma-informed approaches and multi-agency partnerships' could be included in the actions rather than outcomes. 'Trauma-informed' should be changed to 'trauma-sensitive'. Further comments were offered around early intervention and the need to ensure that the resources are in place to support this.
- Children's Rights: The outcome around children's rights should be placed more prominently as the first, rather than the second, outcome. It was felt that the sentence should be swapped so that 'children understand their rights' comes before 'children's rights are upheld'. Some members also suggested a rewording of the second part, e.g. 'children are supported to have their rights realised/respected/upheld'.
- Diversion from the Criminal Justice System: It was commented that this outcome should highlight where the child or young person would be diverted from and where to (for example, to appropriate supports). Again, more concise sentences are required; it was felt by some that the second part of this outcome may be too wordy and might need to be reviewed. It was agreed that the words 'a positive way that is appropriate, proportionate' and 'child-friendly' are to be removed. It was suggested that some lines be included around children being given opportunities to improve life chances and that different partners will support this through, for example, education and skills. The words 'in exceptional circumstances' should be inserted in the second sentence after 'where': "Where, in exceptional circumstances, this is not possible...".

- **Participation:** It was suggested that this outcome should be split in to two, with participation as one outcome and speech language and communication needs as another outcome. This needs to be reflected in the subsequent priorities around these aspects and should be two priorities instead of one. There should also be clear links to the UNCRC and the Promise. It was also suggested that other parties, specifically third sector organisations, should be brought in to help facilitate this. Again, the language around participation needs to be amended to reflect an approach which ensures young people’s participation is fully enabled, and that young people are comfortable participating. The words ‘being made’ in the first sentence should be changed to ‘affecting them’.
- **Victims:** It was noted that current provision for child victims is not appropriate and so this is an important outcome, it should also be more prominent and higher up on the list. The focus needs to be on victim’s rights. The wording in the outcome on victims needs to be less disjointed, and reflected within the vision statement.
- **Data:** Members agreed that system-wide data is needed, not just for children and young people (although that is our specific focus). High-quality data is critical in order to determine what change is needed, and to inform service and delivery. It was suggested that a two-pronged approach be taken with regard to data: first, gathering of data (including systems) followed by analysis in order to inform policy and practice change. This is a key outcome for the first year and beyond, and should continue from the work of the Developing Capacity and Improvement group.

### **Priorities**

- With regard to the Whole System Approach and early intervention, it was observed that developing a ‘consistent approach to early and effective interventions across Scotland’ was indeed very important.
- It was noted that family support should be included among the priorities.
- It was agreed that promoting public understanding should be a new priority.
- The priority on diversion needs to be amended to alter the word ‘option’ as this may imply that children and young people can choose to go through the CHS which is not the case. It was suggested that this be change to ‘the ability’. The wording used within the consultation document may be considered here. Links to priorities for 16 and 17 year olds, and Lord Advocate’s guidelines, should be made clear. It should also be emphasised that the presumption aspect is the Lord Advocate’s position and does not originate from this Vision.
- Attention should be given to how priorities are ordered; ideally, they should be reordered so that they align with the outcomes. Further consideration needs to be given to what can be achieved in the earlier part of the two-year strategy.
- A definition of child criminal exploitation should be included within the text, and attention needs to be paid more broadly to use of language throughout – for example where language such as ‘interventions’ or ‘support’ may be more appropriate. Additional observations were made on the importance of ensuring practitioners were adequately trained to implement priorities and that this was highlighted earlier in the document.
- It was suggested that the priority around data be strengthened to, for example, “we have all the data and evidence we need to influenced policy and practice so children & young people benefit from it”.