

# Youth Justice Improvement Board

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## Minute of Meeting

7 December 2021

10:00 – 12:00

- Attendees: Lesley Sheppard, SG (Chair)  
Jenny Ward, SG (Minutes)  
Liz Murdoch, SG  
Neil Hunter, SCRA  
Alistair Hogg, SCRA  
Lynsey Smith, Includem  
Laura Conachan, Children's Hearings Scotland (attending on behalf of Elliot Jackson)  
Paul Carberry, Action for Children  
Fiona Dyer, CYCJ  
Anthony McGeehan, COPFS  
Gill Robinson, SPS  
Jillian Gibson, COSLA  
Laura Caven, COSLA  
Grace Fletcher, NYJAG  
PI Jane Donaldson, Police Scotland (attending in place of Colin Convery)  
Bill Fitzpatrick, Community Justice Scotland  
Rod Finan, SG OCSWA/GIRFEC  
Jess Rees, SG  
Joanna Macdonald, SG
- Apologies: Tom McNamara, SG  
Janine McCullough, Education Scotland  
Colin Convery, Police Scotland  
Gerald Michie, Scottish Prison Service  
Elliot Jackson, Children's Hearings Scotland  
John Trainer, Social Work Scotland  
Cat Dalrymple, SG Community Justice  
Ross McLaughlin, SOLACE

### 1. Welcome and Introduction

**Lesley** welcomed attendees. Confirmation was given that the meeting would focus on the Justice Strategy and the National Care Service along with an update on youth justice work around 16 and 17 year olds in the hearings system, under 18s in Polmont, secure care and deliver of the priorities within the Vision.

## 2. Agree minute of previous meeting

**Lesley** invited the group to agree the minutes of previous meeting on 15 September. Comments from Gill Robinson and Anthony McGeehan were incorporated into the minute as circulated to the group. No further comments were received and the minutes were agreed.

Jenny provided an update on the actions from the previous meeting:

- Action: Fiona to prepare paper on young people in court for next YJIB meeting.  
Update: Due to other priorities it had been agreed that this would be delayed until the first meeting in 2022.
- Action: Jenny to speak to ACR colleagues to consider a joint meeting.  
Update: ACR colleagues are in agreement to a joint meeting. A date is being considered in 2022.
- Action: Bill to check whether the Community Justice Scotland project mapping community-based services addresses young people's services as well as adults.  
Update: Bill advised that the standard template for gathering information does not currently include young people's services. If the project develops further then Community Justice Scotland will consider adding in a specific question on young people's services.

## 3. Justice Strategy

**Jess Rees** from the Criminal Justice Reform Unit provided an update on progress towards developing a new justice strategy.

The new justice strategy will replace the 2017 Vision and Priorities. With the start of a new Parliamentary term, a need for recovery and building resilience for vital services and an upcoming 3 year spending review, provide an opportune time to reconsider the strategic context to which the Justice Sector is working in.

Scottish Government Officials have been working in collaboration with the Justice Board and an independent advisory group to co-produce a new strategy. Extensive external engagement has been conducted, reflective of the broad nature of ambitions and an understanding that one organisation alone cannot solve many of the longstanding issues. Various YJIB members have been involved in those discussions.

The structure of the strategy consists of two main documents, the strategy and the routemap (which sets out how the strategy will be achieved). Justice colleagues are working towards publication in January for the strategy and March for the routemap.

The strategy has 5 core aims with outcomes underneath. These core aims run through the strategy. Governance of the strategy is still under discussion.

The strategy is for 10 years with renewal after 5 years. This ensures continuity between the new strategy and the previous strategy, and mirrors the priorities set out in 2017. Focus is on ensuring that people are safe in their communities, seeking to address harmful behaviour, ensuring people live full and healthy lives, and, when people do come into contact with justice services, that this service is transformative and trauma-informed. The strategy also looks at reducing reoffending and responding to emerging needs as a result of covid.

A cross-governmental approach ensures outcomes from other strategies across government slot into the justice strategy. It will align closely with the youth justice Vision.

A priority of the justice strategy is to bring about a culture shift within the sector itself making sure that people's experience of the justice system is person-centred and transformed. It is also founded in equality and human rights.

Further work will need to take place on the delivery of the routemap and what its priorities will be.

### **Discussion**

The links between the youth justice Vision and the justice strategy were highlighted. These include taking a rights-based and trauma-informed approach, links to family support, expansion of the Whole System Approach and UNCRC compatibility.

Justice colleagues consider the most significant changes from the previous strategy are reducing short term sentences/custody, considering how we deliver that and communicate that to the public, as well as reducing reoffending. We must also look at what we have not got right – making sure that we plan appropriately around timescales and implementation.

Next steps: the justice strategy will be sent to the Justice Board in December. A gap analysis be will be undertaken with work towards launching the strategy in January.

There is a need to remain consistent across strategies, not only in terms of the content but across the ethos and principles. It is important for YJIB colleagues to remain connected and they can assist by engaging in the process as this work develops.

The justice strategy will explicitly reference the UNCRC and incorporation. In addition, colleagues will complete an equality impact assessment which will also cover children's rights.

It was agreed that it would be helpful to reconvene in 2022 and look at some of the common issues, as there is a lot that both groups could be doing together to ensure a joined up approach.

**Action: Jess Rees to speak to Lucy Gibbons about sharing a draft of the Vision with YJIB colleagues in advance of publication and SG officials to consider a joint meeting between the Justice Board and YJIB to consider common issues across both portfolios.**

### **4. Youth Justice**

**Liz** provided an update on progress against the action plan and wider work on the 16/17 year olds in the hearings system work, under 18s in YOI and secure care.

Two implementation groups have been set up – Advancing the Whole System Approach and Children's Rights for those in conflict with the Law. Both groups have met once and are due to meet again in January. The Advancing WSA group is co-chaired by Neil Hunter and John Trainer. The Children's Rights group is co-chaired by Fiona Dyer and Juliet Harris of

Together Scotland. Initial meetings have discussed the proposed terms of reference and actions identified in the action plan. Sub-groups have been set up specifically looking at Community Alternatives to Prosecution, Participation, and Speech, Language and Communication Needs.

Actions undertaken so far towards delivering the priorities within the Vision include the publication of a number of documents such as the Youth Justice Standards. The child-friendly version of the Standards is in development and is due to be published soon. FRAME and CARM guidance have been published and training is currently being written for delivery in 2022 through a train the trainers model. A survey and data and evidence gathering exercise has also been conducted around EEI activity across Scottish local authorities. Engagement with justice colleagues around the justice strategy is ongoing, as well as discussions with COSLA and secure care providers around the future of secure care, which has been mandated by Ministers.

We are currently reviewing which actions and next steps need to be implemented for the work around 16 and 17 year olds in custody, including what requires legislative changes and what requires system change.

Under 18s in Polmont remain a key area of priority in line with the Promise and our Programme for Government commitments. We are looking at the full spectrum of support for young people who come into conflict with the law – including EEI through to more cases going through the Children's Hearings System. The implementation groups will also look at alternatives to custody and use of secure care.

In addition to the work undertaken by the above implementation groups, a Short Life Working Group is being chaired by Joanna McDonald, Deputy Chief Social Work Adviser. The group will also look at under 18s in Polmont but not duplicate areas of work already progressing.

Discussions are also underway around the future of secure care.

A driver diagram has been produced and shared with senior colleagues in Scottish Government which provides an overview of all the different elements of this work underway.

Youth Justice colleagues are working towards a Care and Justice Bill. A Bill Team leader has been appointed along with Debbie Nolan from CYCJ as professional adviser, to assist with development of a Bill. A consultation on the Bill is due to be published, with the publication of the Bill to be confirmed in due course.

### **Discussion**

The above demonstrates the volume and complexity of the activity currently in progress. It was agreed that the driver diagram will be circulated to YJIB colleagues.

### **Action: Jenny to circulate draft driver diagram to YJIB colleagues**

A youth justice system with welfare at its heart is to be welcomed. It was noted that funding is a potential issue – a sustainable model for secure care will require a lot of financial resource.

It was felt that the Justice and Youth Justice environment is somewhat cluttered with lots of consultations, which puts pressure on partners.

It is important to take time to reflect and make sure that areas of change do not have unintended consequences elsewhere in the system.

## **5. National Care Service**

**Joanna Macdonald** provided an update on progress towards the National Care Service and on the consultation which ran from 9 August to 2 November 2021.

3 areas of interest emerged from the independent review into social care. These are:

- shifting paradigms: the need to focus on investment upstream and on the fundamental human rights of individuals. Moving towards a new and less derogatory way of thinking around adult social care, especially in terms of finance.
- strengthening foundations: looking at the breadth of legislation related to social care – the Social Care (Self-directed Support) (Scotland) Act 2013, the Carers (Scotland) Act 2016, the Children and Young People (Scotland) Act 2014. Examining how we learn from legislation and strengthening our workforce.
- Consultation: redesigning the system. The independent review says we need a new care service. This will involve removing layers of bureaucracy such as the current model of negotiating with 32 local authorities. Amplifying the voice of lived experience, which is not consistent across whole country.

The consultation which closed in November received around 800 responses; independent analysis is currently taking place. Colleagues have commissioned independent analysis to ensure a non-biased approach, and the outcome of the consultation is expected to be published in January. The responses to the consultation show a real commitment to improvement and change, regardless of support for a National Care Service.

### **Discussion**

There is potential further work to be done in relation to the pros and cons of NCS, including considering what a NCS would look like and how can the whole sector be involved in a way that is inclusive. How can we ensure the issues raised during the consultation (e.g. education) will be addressed? Colleagues are continuing to engage with children's and justice services, this spotlight enables us to collaborate with organisations such as Who Cares? Scotland and other children's groups. Collaboration and implementation are vital and can only be done together. Much broader engagement with health boards and local authorities is essential and this is now starting to happen. It is important that children's and justice services are included, regardless of the outcome.

The analysis of the consultation responses is encouraging. Clarity is needed around what the proposed structures under the NCS would look like, ensuring that lived experience underpins all of the work that we are doing.

The timescale for NCS, set out by Ministers, is ambitious. It was agreed that a further discussion will take place with members once we have the analysis of the consultation. This is a significant piece of work and colleagues are keen to be engaged in that discussion.

## **6. ACR update**

**Lesley** provided colleagues with an update on commencement of the Age of Criminal Responsibility (Scotland) Act.

A parliamentary question was answered on Thursday 18 November 2021 confirming that the remaining provisions in the Age of Criminal Responsibility (Scotland) Act 2019 will be commenced on 17 December 2021. This is a significant milestone for Scotland and will fully commence the Act and increase the age of criminal responsibility (ACR) in Scotland to 12.

We have taken a phased approach to implementation of this Act, reflecting that it is not simply about changing the age of criminal responsibility. It also requires us to reconsider how we see children, and how we respond to a young child whose behaviour harms others, whilst not losing sight of the needs of a victim.

The remaining operational matters are being worked through with key partners such as Police Scotland and Social Work Scotland.

Officials have prepared a communications and engagement plan for the lead up to commencement which will be shared with partners. An animation has also been developed which will explain the changes to the legislation and the support that will be available. This will be shared on social media, the Scottish Government website as well as being made available to partners to host on their websites.

Following commencement there will be a review period, which will involve gathering evidence around implementation, and the impact, which will be considered by the ACR Advisory Group.

## **7. UNCRC update**

**Lesley** provided colleagues with an update on progress towards UNCRC.

We are currently considering the most effective way forward to address the Supreme Court's judgment on the UNCRC incorporation Bill. Royal assent cannot happen until those aspects outside the competence of the Scottish Government are rectified.

We are still committed to delivering the UNCRC policy to the maximum extent possible but we have to make sure that we do that while also addressing the areas found to be outwith legislative competence and avoiding further challenge. Detailed work is going on urgently across policy and practice to understand the best way to achieve that.

Plans are in place for a short period of targeted engagement with stakeholders in order to take their views before final decisions are made and communicated to Parliament.

SG and partners continue with work on improving children's rights including publication on World Children's Day of an action plan, revised children's rights and wellbeing impact assessment guidance and introductory guidance on children's rights.

SG are not able to set out the exact time frame for the next stages of the legislative process; however confirmed that partners and stakeholders should continue their work to prepare.

## **8. CHIP update**

**Liz** provided an update on the last meeting of CHIP which last took place on 24 November.

Two main areas of work were discussed: Our Hearings Our Voice (OHOV) and the Children's Hearings covid recovery group. The work of the covid recovery group will be bold and ambitious, looking at actions to be progressed which do not require legislation.

The Our Hearings Our Voice evaluation report is due to be published shortly. OHOV are also looking to recruit new members.

Discussions about covid recovery in the Children's Hearings System continue and there has been good progress on reducing dependency on emergency legislation.

#### **9. AOB**

- Date of next YJIB meeting: **Tuesday, 1 March 2022 (10:00 – 11:30)**
- The YJIB website should be going live shortly before Christmas. Members will hopefully have seen and commented on a mock up version.

**Action: Jenny to send website link to YJIB members.**

- The accessible child-friendly version of the youth justice standards is to be launched shortly on the CYCJ website. Fiona will send the link to members once this is live.