

Youth Justice Improvement Board

Minute of Meeting

12 March 2024

Attendees: Ian Donaldson, SG (Chair)
Jenny Ward, SG (Minutes)
Liz Murdoch, SG
Tom McNamara, SG
Lisa Hay, SG
Fiona Dyer, CYCJ (Centre for Youth & Criminal Justice)
Grace Fletcher, NYJAG
Alistair Hogg, SCRA (Scottish Children's Reporter Administration)
Carol Wassell, CHS (Children's Hearings Scotland) (attending on behalf of Elliot Jackson)
Tracey Stewart, Includem
Bill Fitzpatrick, Community Justice Scotland
Fiona Steel, Action for Children
Emma Dilger, SG Community Justice (attending on behalf of Quentin Fisher)
Janine McCullough, Education Scotland

Declined: Leanne Blacklaw, Police Scotland
Jillian Gibson, COSLA
Laura Buchan, COPFS (Crown Office and Procurator Fiscal Service)
John Trainer, SWS
Juliet Henderson, Police Scotland
Neil Hunter, SCRA
Martin Dorchester, Includem
Gerald Michie, SPS
Quentin Fisher, SG Community Justice
Laura Caven, COSLA

1. Welcome and Introduction

Ian welcomed attendees and introductions took place.

2. Minute of the previous (January) meeting and action points

Jenny provided an update on the actions from the previous meeting of 16 January 2024.

Action 1: SG colleagues to share powerpoint slides from today's meeting with group - **Complete**

Action 2: YJIB colleagues to revert with any reflections on the meetings discussion by COP Wednesday 31 January – **Complete (no further comments received)**

Action 3: Communications strategy to be developed for new iteration of Vision. **Ongoing – Lisa Hay is currently drafting a communications strategy.** This will be shared with members.

Action 4: SG colleagues to contact Richard Wilkins around UASC links within updated Vision. **Complete – a meeting with Richard Wilkins took place on Monday 19 February**

Action 5: YJIB members to return nominations for participation in data sub-group by COP Wednesday 31 January – **Complete – nominations have been received from: COPFS, SG, CYCJ, CHS and Includem.**

All actions (except for action 3) have been completed, and the minute of 16 January meeting was agreed.

Colleagues were advised that, in relation to action 5, the first meeting of the data group took place on 19 February. It was also noted that there was interest in developments in Scotland from the UK Ministry of Justice's Head of Youth Justice Policy Alan Webster who would be visiting Scotland in April. Welsh colleagues had visited Scotland in February to find out more about our policies, approaches and practice.

3. Updates from Implementation Groups

Fiona Dyer provided an update on work progressed under the Children's Rights group meeting which took place on 21 February.

The group was looking at its remit to ensure no overlap of work with other groups. It was currently focussing on complaints, specifically in relation to police custody and the children's hearings system. Colleagues were considering issues around strip search and the use of tasers and were working with Police Scotland in relation to this. Janine McCullough is planning to provide an overview of children's rights in education to the group, who are looking to tie this in with the behaviour in schools summit and explore where children's rights sit within that. The participation sub-group is also looking at participation of children in education. The group will also review the priorities in the tracker for the Action Plan, ensuring that the work of the group links with what is happening elsewhere.

The group was reminded of the four recommendations from the short life working group which was set up around prisons/custody and YOI at the end of 2022 and concluded in March 2023.

- Recommendation 1: Undertake a Trauma Informed Review of the Young Persons Pathway to YOI.
- Recommendation 2: Recognising the needs and rights of the young person and support their understanding of court processes to ensure meaningful participation.
- Recommendation 3. Assess and review key policies through the lens of UNCRC and other human rights treaties.
- Recommendation 4: Identify and remove legal impediments to alternatives to remand and take immediate action where possible to remove under-18s from custody.

The recommendations were handed over to YJIB. Recommendations 2 and 3 fall within the remit of the CRIG, the fourth has been superseded by the provisions within the Children (Care and Justice) (Scotland) Bill. It was agreed that Fiona would speak to Neil Hunter about recommendation one – a trauma-informed review of pathways to YOI, to consider how this work can progress through both implementation groups and other ongoing work around children in police custody and youth courts.

The Bairns' Hoose group chaired by Neil Hunter will meet one final time, however, there is still a need for the CRIG to do some work in this area because of current levels of children experiencing police custody. Colleagues have recently met with the new ACC at Police Scotland. The CRIG is looking to make current approaches more trauma-informed and link up to the work around places of safety.

Action 1: Fiona will speak to Neil Hunter about next steps in relation to Bairns' Hoose and a trauma informed review of pathways and will provide an update at the next YJIB meeting.

WSA update: Neil Hunter was not able to attend, but an update paper had been circulated with the papers for the meeting. Colleagues noted with interest the information gathered around EEI, and that EEI provision levels need to be consistent around the country. UNCRC incorporation ties everything together. We need to consider how we engage the views of children and young people around the decision-making process, and how best to incorporate these views into our work. There are big issues in terms of resources and finance. CYCJ colleagues looked at the WSA survey at their last team meeting and will hopefully get a fuller picture around EEI and wider WSA by calling up the LAs directly who have not responded to the surveys. Work in respect of the development of youth courts is

progressing, however, local authorities currently have no additional resource for youth courts so funding them would be a case of reallocation of funds. There is a need to look at how we support services around this. The plan around youth courts was originally going to be pan-Ayrshire but this is not currently the case. There is, however, still a real desire from LAs to take this work forward, with around 13 LAs, including Glasgow, expressing an interest. The community alternatives subgroup of the WSA implementation group have produced a paper which is currently with CYCJ to finalise and publish. This was initially due for publication in September 2022 and has been delayed and so it is important this paper is published. An information sheet around young people on remand has also been shared for peer review, this is currently with Sheriff Mackie and SCRA for comment. A chapter on community alternatives will soon be published in the CYCJ practice guide.

Colleagues also noted the update on youth courts, commenting that these would ideally be made available more widely given that they were only run in a few LAs currently. Youth courts would be a good way of bridging the gap between UNCRC implementation and the implementation of the Children (Care and Justice) (Scotland) Bill and ensuring that 16- & 17-year-olds have their rights protected.

The Bill implementation group on 29 February had spoken about commencement dates. It was felt that with regards to the Children's Hearings System provisions, these will likely be commenced in 2025/26. In the meantime, it will be important to allow partners to refocus on alternatives to secure and UNCRC-compliant processes within EEI. CHS will need to be made aware of timescales in order to recruit additional tribunal members in the middle of 2025 to ensure they can sit by 2026.

4. Youth Justice Vision and Action Plan – further discussion and feedback

Background

Tom provided background and scene setting to the group discussion around the Vision and Action Plan following the presentation from Liz at the January meeting. January's meeting was very productive with a lot of very useful input. Colleagues were reminded of the principles of the Vision Ensuring that the voice of the child is heard had to be more than services merely being receptive, it should be about putting in place the machinery that ensures quality participation of children and young people. It was agreed that the language could be changed to make sure that point is clearer.

The priorities still feel clear and relevant. It is important to be pragmatic about what is achievable in 2024 and 2025. This does not mean abandonment of current actions, but offering partners a clear focus on what can be realised given pressures and limitations.

Colleagues were reminded of the policies which link with the Vision, such as the Care and Justice Bill, reimagining secure care, hearings system redesign, ACR, UNCRC and the National Care Service/National Social Work Agency. The reimagining secure care work will run until summer 2024, and colleagues will then produce a series of proposals for potential change which partners will consider. A potential draft of the updated Vision should be available by June, and drafting developments to the end of May will be shared by correspondence. The aim is that the near-final updated vision will be agreed by the next YJIB meeting on 6 June.

Group discussion

Colleagues were asked to consider the following three questions:

- 1) Which 3 areas of the Vision/Action merit greatest concentration of resource and attention?**
- 2) How would we achieve this?**
- 3) What further engagement is needed?**

Questions 1 and 2: feedback

Table 1 (Liz): The group spoke about some of the areas which were missing from the Vision such as ASB, positive masculinity and building positive relationships with boys, children with disabilities and UASC, and how best to incorporate these elements into the revised Vision. Top priorities for table one included removing children from YOI between now and the end of 2024, places of safety with an anticipated date by end of 2025, and the development of youth courts. The group were reminded that impact assessments will need to be completed. It is important to make sure that communities are galvanised and engaged in the agenda.

Table 2 (Alistair): The three priorities identified were diversion from prosecution and keeping children out of formal systems, the need for enhanced/improved data and evidence, and participation. With regard to the first priority around diversion, challenging the political narrative around this with the development of a clear comms strategy approach is essential. Turning to the second priority, there is a wealth of data available, but the art is about pulling this together into an overall narrative. On the third priority, inclusion as prevention is a resource-intensive approach to participation, but one which yields positive results. Including young people in the conversation will have a much greater chance of success. It was agreed among the group that the community confidence point is key, and that it will be important to produce a narrative for public consumption which is accessible.

Question 3: feedback

Table 2 (Alistair): Colleagues discussed how important it is to engage with teachers, who form a very influential group. Tapping into, and learning from, other jurisdictions will also be critical in bridging the gap between policy and practice.

Table 1 (Liz): Colleagues discussed the need to reframe with the public how we move from a punitive system to caring system, and make sure public confidence is not lost in the process. Engaging with organisations such as COSLA and SOLACE and elected members, as well as retaining children's involvement through expert groups at a strategic level is also important.

Next steps

Colleagues were advised that they should receive a draft for consideration in 4-5 weeks' time (mid-April). The following weeks to late May will see further redrafting and subsequent bilateral conversations, with a version for Ministers to be submitted in late May. SG colleagues will be in touch with YJIB attendees over the next month to refine this. Colleagues were invited to let SG youth justice colleagues know of any engagement opportunities that might assist in raising awareness of the current issues and developing the draft.

5. National Youth Justice Advisory Group (NYJAG)

Grace Fletcher provided an update of the last NYJAG meeting which took place on 28 February 2024.

NYJAG have been working to recruit new members in order to ensure as wide a voice as possible. The group is keen to retain experienced members as well as bring in newer ones and have shared an updated member list with the Scottish Government. There are still concerns around violence and the use of weapons among young people, and representations of this in social media. Evidence shows that anti-social behaviour is on the decrease and that 80% of ASB is actually committed by adults, but media is heavily biased towards portraying ASB by young people. The group has been looking at practitioners' confidence around Care and Risk Management (CaRM) and received an update on Foxgrove and secure care outreach at the last meeting. Colleagues discussed managing low level and high-level behaviour, and the gap that exists around managing behaviour in between these two extremes. There was also a discussion and feedback around the Vision.

Action: SG Youth Justice colleagues to connect with Grace and Fiona to discuss how CaRM intersects with victims' work.

6. Hearings System Redesign/CHIP update

Tom provided an update on the progress of the Hearings System Redesign Board.

The Children's Hearings Redesign Board were due to meet again on 13 March. The Redesign Board have been tasked with taking forward aspects of improvement that didn't require new legislation around the Children's Hearings System. Over the spring, they will synthesise a work plan around the CHS report published last year. The work is supported by a planning group at officer level. The Board intends to go to public consultation and will expect to go live with this around the time of the Youth Justice Conference in June. Colleagues are already working on refreshing the detailed policy analysis of the Mackie report to make it suitable for public consultation and will check with YJIB members to ensure they have right kind of coverage in terms of proposals with a youth justice dimension. Colleagues are also planning to engage with children and young people through the SG Children's Hearings team.

7. AOB

- Next YJIB is due to take place on 6 June 2024. As the Conference will take place in person the same month, this is expected to be a virtual meeting.