

Youth Justice Improvement Board

Minute of meeting

16 January 2024

10:00 – 12:00

Attendees: Tom McNamara, SG (acting Chair) (TM)
Liz Murdoch, SG (LM)
Jenny Ward, SG (Minutes) (JW)
Lisa Hay, SG (LH)
Emma Dilger, SG (Prisons Unit, attending on behalf of Quentin Fisher) (ED)
Carol Wassell, CHS (CW)
Laura Buchan, COPFS (LB)
Fiona Dyer, CYCJ (FD)
Alistair Hogg, SCRA (AH)
Grace Fletcher, NYJAG (GF)
Elliot Jackson, CHS (EJ)
Neil Hunter, SCRA (NH)
Martin Dorchester, Includem (MD)
Jillian Gibson, COSLA (JG)
Fiona Steel, Action for Children (FS)
Juliet Henderson, Police Scotland (JH)

1. Welcome and Introduction

1.1 Tom welcomed Board members to the meeting and advised that the purpose of the meeting was to focus primarily on a discussion around the Youth Justice Vision and Action Plan priorities, ensuring that we are working on the areas of greatest concern.

1.2 Apologies were noted from Ian Donaldson (Chair), Bill Fitzpatrick (Community Justice Scotland), Janine McCullough (Education Scotland), John Trainer (Social Work Scotland), Quentin Fisher (Scottish Government Justice Directorate), Leanne Blacklaw (Police Scotland), Laura Caven (COSLA), Gerald Michie (HMP&YOI Polmont), Sharon MacIver (Action for Children).

2. Minute and actions from the previous (October) meeting

2.1 The minutes of the meeting held on 2 October 2023 were agreed and will be published on the Youth Justice Improvement Board (YJIB) website.

2.2 The action for Neil Hunter to set up a meeting with Grace Fletcher, Juliet Harris and Fiona Dyer around data was complete, and that meeting took place on 20 November.

2.3 Jenny provided an update on the action from the end of 2022 for SG officials to consider a joint meeting between the Justice Board and YJIB to consider common issues across both portfolios. Discussions have taken place with Suzanne Lyle of the Justice Board secretariat, to look at a potential extraordinary meeting to take place between YJIB and the Justice Board before or after the summer. Justice Board secretariat have since confirmed that they are content for a meeting to go ahead in September.

2.4 Before moving on to the substantive agenda items, members raised concerns around a lack of confidence and capacity in the system in relation to the Children (Care and Justice) (Scotland) Bill – questioning what tools and levers we have to mitigate risk and to ensure we

deliver on its policy objectives. There is support for the direction of travel, and a desire from partners and practitioners to deliver, but there are concerns about continually being asked to do more with less. We need to identify what priorities can we deliver and what we need to pause or stop – and be realistic and clever about what we *can* do.

2.5 In particular with regard to UNCRC incorporation, it is now important to address some of the issues for 16/17 year olds around their rights, timescales and implementation. There is a mismatch in terms of planned commencement timings, and we must be aware of that. Certain provisions could be implemented earlier than others, when the CCJ Bill is passed, and further discussion about how to proceed with regard to UNCRC and the Children (Care and Justice) (Scotland) Bill is needed.

3. Updates from Implementation Groups

3.1 Neil provided an update on the work and key actions progressed by the Advancing Whole System Approach (WSA) Group.

3.2 The group last met in September. The group has focussed on EEI work and on early intervention successes. It has also linked up with colleagues in CYCJ, looking at the first phase of getting the Training the Trainers model into Care and Risk Management (CaRM) – ensuring practitioners have clear understanding of CaRM. There have been some interesting discussions around the Children (Care and Justice) (Scotland) Bill, around a national training programme with supports for areas of the Bill, MRCs, and cliff-edges within the Bill with an accompanying paper produced (paper 5). A mapping exercise of WSA was conducted before Christmas which may have included CaRM and sent to all LAs.

3.3 A Short Life Working Group (SLWG) met to discuss administrative cut-offs for those referred to the Reporter near their 18th birthday, (paper 5). Each child is unique and a bespoke approach is taken across the system. Certain safeguards do require non-negotiable cut-off points. Hopefully this will prove helpful to officials should this be raised again by committee. The implementation group is keen for comments on the paper.

3.4 Further discussion has centred around youth courts, the finalised cliff-edge report, the group anticipates further conversations coming up on MRCs, and are looking forward to EEI process being mapped.

3.5 Following the update, it was observed that questions have been raised, but not resolved, in the Bill consultation around the 18-25 population and to what degree will the Kilbrandon approach reach into the 18-25 population.

3.6 Victim Support Scotland have enquired about CaRM. CaRM is linked with risk management in Scotland; disclosures can be made to victims if a child poses significant risk. Victim Support Scotland feel this does not go far enough. This is an issue which may need to be teased out further with SG colleagues. It would be helpful to look at where CaRM guidance sits in child protection; all 32 LAs should be using CaRM. CaRM should be at the centre of child protection discussions, with a robust evidence-based process. There is no need to create something new within the Bill, however policy may need to be updated to make it more explicit.

3.7 Colleagues agreed that it would be very helpful to make CaRM more specific and clear, the ability to make certain disclosures to victims and families is already allowed if there is a valid reason and it is proportionate. Additional safeguards are already in place for children. CaRM is multi-agency; it has been broadly accepted and agreed by all agencies involved. CYCJ has updated the guidance and delivered Training the Trainers sessions. Decisions are made on a case-by-case basis.

3.8 Grace advised that she will ask ational Youth Justice Advisory Group (NYJAG) members how CaRM is going in their areas. This could be an opportunity to highlight the wider aspects of CaRM that professionals need more support and confidence to navigate and explain.

3.9 Fiona provided an update on the progress of the Children's Rights Implementation Group (CRIG)

3.10 The CRIG has been looking at mapping and considering which areas of legislation they think children's rights could be supported. The group has also been looking at UN body concluding observations, working with Together Scotland who have provided a child-friendly version. Work is underway with SG colleagues on monitoring of the evaluation framework. A SLWG has been set up to look at the development of indicators which will concentrate on Articles 37 and 40 of the UNCRC. Education has also been an area of focus. The Promise has mentioned ending school exclusions – however the recent education summit focussed on consequences of behaviour. The education summit also covered a number of additional issues including boundaries and consequences, teachers feeling abandoned and under threat, age demographics changing, a lack of trauma informed training, need for restorative practices, view that all issues need to be sorted in schools. The Participation sub-group is looking into resources in schools about children's rights, ensuring children know their rights, supporting children better to know about complaints procedures and how they can properly raise a complaint rather than fill in a form. The Speech, Language and Communication Needs (SLCN) sub-group has been developing resources which can be rolled out further.

3.11 UNCRC and links with education will be a focus going forward. The implementation of youth courts across Scotland has been somewhat slow. CRIG is looking at 16-17 year olds, as well as over 18s and under 21s in Polmont, focussing on their rights and the links with rights of children in secure care. The group is also linking in others who are doing work around children's rights. CRIG will be meeting again in February.

3.12 Colleagues noted an interest in the education aspect and highlighted the COPFS review of diversion of children and young people for serious sexual offences which is currently underway. There is an issue of consent and how to reinforce the right messaging in schools.

4. Youth Justice Vision and Action Plan and Work Impacting Youth Justice Policy – discussion and feedback

4.1 Liz provided a presentation on the Vision and Action Plan with a view to the Board looking at priorities going forward, identifying what the actions and priorities are which we still want to achieve and whether there are any areas missing, as well as looking at a new iteration of the Vision to be published at the Youth Justice Conference in June. Following our move to a virtual meeting on this occasion, there will be follow-up in-person discussions in March building on today's discussion. The following questions were posed to the group:

Q1. Based on the cross government policies impacting youth justice, are there any areas within the Vision and Action Plan which you feel require greater attention/priority?

Q2. Is there anything not included already in the vision which should be prioritised from June 2024?

Q3. Do you envisage any challenges in achieving the priorities and the cross-government policies over the next few years and how can these issues be resolved?

Background

4.2 Children's Rights/CRIG – there are a number of different areas highlighted under CRIG

which are also being picked up by different areas of government.

4.3 Some actions under the WSA group have also been superseded by the CCJ Bill, such as provisions in the Bill supporting children and young people accommodated in secure care.

4.4 Victims is another area which is focused on in the Bill. Mental health is an area which is touched upon in the vision but is an area of potential future focus. Reimagining secure care as well as under 18s in YOIs, the longer-term asks around secure care and the wider care agenda are further areas of focus. Groups have been set up under Age of Criminal Responsibility (ACR) Advisory Group including community confidence and victims - there is a potential for join up rather than setting up new groups. The National Care Service and National Social Work Agency are two other significant areas of focus linked to this work.

4.5 Trauma-informed journeys is a subject requiring further exploration. Colleagues are considering creating a sub-group to look at the pathways journey. If everyone is in agreement we will look at how to progress. Work is progressing around the Children's Hearings redesign which has a response rate of 90+%.

Discussion – a range of reactions, thoughts and challenges from Board on next phase of Vision

4.6 Colleagues reflected on the presentation and questions posed. It was noted that 'antisocial behaviour' is an area of political, media and public interest. CYCJ are looking at low level anti-social behaviour but also the public perception of anti-social behaviour which we see increasingly in the media. Colleagues are aware that there are negative public perceptions around the impact of the free bus pass for young people. A 5 nations group was set up which published a report around some of the themes arising across the UK and Ireland – anti-social behaviour being one of those themes. The report is titled "Rights Respecting Justice for Children in Conflict with the Law" and can be accessed here:

<https://www.cycj.org.uk/resource/rights-respecting-justice-for-children-in-conflict-with-the-law/>.

There is a danger the two subjects (anti-social behaviour and bus passes/children travelling) are getting lumped together. They are very linked together in the public mind and it is increasingly difficult to have constructive discussions on the matter.

4.7 Equality and race is another matter for consideration and potential focus for CRIG. There is a perception that in Scotland this may 'not really be an issue' but any such view should be supported by evidence. SCRA have undertaken research into the issue and we should be looking across all of the protected characteristics.

See: [Ethnic-minority-research-report-final.pdf \(scra.gov.uk\)](#)

4.8 Neurodiversity is a further point for consideration.

4.9 NYJAG have, with the support of CYCJ, engaged in a conversation with partner agencies and elected members to educate about WSA, particularly around early intervention, trauma and the national picture. Colleagues have also reflected on the local context. There is buy in and support for WSA from this point going forward but clearly we need to show the impact and outcomes to retain this support.

4.10 One of the biggest areas of progress has been embedding the idea that children in conflict with the law are children first and foremost. Many are now more conscious of this changing paradigm. The welfare-based approach has helped to change this. We are better at addressing children's emotional and mental needs – there is, however, a danger that this progress may unravel under the current media narrative and political pressures. The youth justice community need to reassert the very clear evidential basis and remind ourselves and

others of where we were 10-15 years ago with policies not based on evidence of efficacy.

4.11 It was noted that unfair adverse commentary and the consequent loss of credibility for the Children's Hearings system posed a potential risk. Extensive planning is required. In addition, we want to ensure that alongside the new proposals we do not lose existing elements which are already working well. We need to consider unaccompanied asylum-seeking children (UASC) and where this may factor in. A Comms strategy is something which we will need to look at. We may wish to consider children who come into conflict with the law through climate action.

4.12 SG colleagues advised that they will make links with Richard Wilkins in SG who leads on UASC.

4.13 Specific challenges in achieving our priorities were outlined. Firstly, capacity: we need to plan in relation to sequencing, and focus on compliance before we move on to excellence. Secondly, we need to be ruthless – looking at capacities across organisations, taking on feedback from panel members. There are huge reforms ahead. We will need to apply a ruthless lens to some of the changes, and be prepared for some agencies saying 'no' to our proposals.

4.14 Colleagues discussed the importance of earning goodwill from the wider community; there is some really good work underway but without this support a progressive agenda is vulnerable, and bad outcomes in one or two hard cases could unravel years of good work. Fiona Steel advised that the community confidence group is currently looking at this; there seems to be a vacuum between practitioners and the public on this issue. Combatting public feeling that no action is being taken to confront offending behaviour will be a challenge. We should also consider Child Criminal Exploitation (CCE) with the Jay report expected in March 2024. There may be recommendations in there that we want to consider.

4.15 It was agreed that areas which require extra emphasis in the next iteration of the vision include credibility, public confidence/perceptions and realism around resourcing.

4.16 Possible omissions from the Vision requiring inclusion include: UASC, links to employability and learning, the pandemic and its impact on young people, mental health and the multi-layered issues experienced by young people sometimes pegged as 'mental health'. The over-medicalisation of problems experienced by young people in post-pandemic work.

4.17 It was agreed that slides would be shared following the meeting and members were asked to share any further observations with Liz by the end of January. Further discussion on this will take place in person at the next meeting.

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

Action 2: YJIB colleagues to revert with any reflections on today's discussions by COP Wednesday 31 January.

Action 3: Communications strategy to be developed for new iteration of Vision.

Action 4: SG colleagues to contact Richard Wilkins around UASC links within Vision.

5. Data discussion

5.1 Neil summarised some of the key points following a meeting on data in November 2023. The meeting had been agreed as a one-off meeting at the last YJIB.

5.2 Colleagues are looking for an agreement to move work forward on a more formal basis in 2024. The meeting touched on the need to instil public and political confidence in our work,

however there are limitations with regard to data. We have access to only partial data, are very light on preventative data, but are better at the acute e.g. prosecutorial data. Some work undertaken by CYCJ in recent times around mapping data is available, some work is required to make the data more available and accessible. Information needs to be more fluid, flexible and for colleagues to be able to analyse – particularly around age. There is a high degree of reliance on random sampling of cases which construct some of our data sets.

5.3 Preventative data impacts our ability to examine the acute data – we really need to look at the whole and not just the partial picture. An investment of time, energy and possibly resource will be required, with people inside systems – working alongside system analysts and developers especially in Police Scotland – to look at whether we can develop some analytical capability within the system. At the moment none of us can search the live operational data across the system which needs to happen.

5.4 The data group is happy to continue discussions with officials and will report to YJIB on progress. Nominations for participation in the sub-group were welcomed.

Discussion

5.5 Many colleagues across YJIB expressed an interest in participating in the group. Nominations for participation were requested by the end of January. Police Scotland would be happy to help with data and appreciate the scale of the issue – this is a real sticking point and such a big organisation and getting every department to pass on information is tricky. In addition, SG colleagues, CHS, CYCJ, and Includem all indicated an interest.

5.6 COPFS have long identified and amplified on their work on the Victims, Witnesses and Justice Reform (VWJR) Bill, that their case management system cannot pull out the data often sought in terms of conviction rates etc. Police Service of Scotland (PSOS) and Scottish Courts and Tribunals Service (SCTS) use other systems. COPFS are looking at wider work (bearing in mind budget restrictions) to see how they can improve their ability to pull and analyse data. COPFS are happy to nominate someone on the group and to assist in whatever data they can usefully provide.

5.7 It was noted that a potential data sub-group will need to identify its priorities from the outset around what it wants to measure – as different members may have different requirements. The group will also need to link in with the work of the CRIG which is looking at development of indicators for children in conflict with the law in respect of UNCRC.

5.8 Neil advised that something the Board may want to explore is whether it can work more from within system development priorities and bring some progress to facilitate this with some moderate investment (e.g. to enable Police Scotland and other partners internally).

Action 5: YJIB members to return nominations for participation in data sub-group by COP Wednesday 31 January.

6. National Youth Justice Advisory Group (NYJAG)

6.1 Grace Fletcher to provide a brief update following the last NYJAG meeting which took place in November. There are no specific asks from NYJAG, however their latest update requests that the group acknowledge ongoing support for Neil Hunter leading the SLWG on data.

6.2 Colleagues are conscious that they do not want membership of NYJAG to become stale and to be as inclusive as possible. The WSA leads meeting at VQ in November allowed NYJAG to make some connections. NYJAG and SWS are working together on diversion. There

are concerns currently about an increase in the use of weapons and the carrying of weapons, and are looking to understand the reasons why children are carrying weapons, without making assumptions. Members are also looking at data around offences and anti-social behaviour to track trends. SCRA will also look at this and feedback. The group is trying to get behind the headlines to examine instances of anti-social behaviour – whether it is accurate or exaggerated/misrepresented.

6.3 NYJAG asked for support from YJIB around data. Members would also like to acknowledge the support provided by Neil on this data issue, which is greatly appreciated.

6.4 A public health consultant will be joining a future NYJAG meeting.

7. AOB

- It was flagged to members that Sheriff Mackie was due to speak about the Children's Hearings System redesign at a seminar that evening. In the period between January and March the Scottish Government will re-engage YJIB on the legislative aspects of the redesign.
- A round table with colleagues from Wales has been organised for Thursday, 25 January in relation to the Hearings System. The Scottish Government have also been contacted by colleagues from the UK Ministry of Justice interested in organising a visit to Scotland, and possibly visiting a mock-hearing.
- The next YJIB will take place on **12 March 2024** from 10:00 – 12:00. This will be an in-person meeting to allow colleagues to further refine today's conversation.