

Youth Justice Improvement Board

Minute of meeting

2 October 2023

10:00 – 12:00

Attendees: Ian Donaldson, SG Chair **(ID)**
Tom McNamara, SG **(TM)**
Liz Murdoch, SG **(LM)**
Jenny Ward, SG (Minutes) **(JW)**
Lisa Hay, SG **(LH)**
Jack Murray-Dickson, SG **(JMD)**
Nel Whiting, SG **(NW)**
Johanna Davidson, SG **(JD)**
Quentin Fisher, SG Community Justice **(QF)**
Debbie Nolan, SG (attending on behalf of OCSWA) **(DN)**
Alistair Hogg, SCRA **(AH)**
Grace Fletcher, National Youth Justice Advisory Group (NYJAG) **(GF)**
Elliot Jackson, CHS **(EJ)**
Fiona Dyer CYCJ **(FD)**
Bill Fitzpatrick, Community Justice Scotland **(BF)**
Gerald Michie, Scottish Prison Service **(GM)**
Lynsey Smith, Includem **(LS)**
Laura Buchan, COPFS **(LB)**
Neil Hunter, SCRA **(NH)**
Juliet Henderson, Police Scotland **(JH)**
Fiona Steel, Action for Children **(FS)**

1. Welcome and Introduction

Ian welcomed attendees.

Apologies were received from:

- Janine McCullough, Education Scotland
- Juliet Harris, Together Scotland
- John Trainer, Social Work Scotland
- Laura Caven and Jillian Gibson, COSLA
- Leanne Blacklaw, Police Scotland

2. Minute of the previous (March) meeting

The minute of the 8 March 2023 meeting was agreed as accurate and signed off for publishing on the YJIB website.

The actions from the previous meeting were reviewed. All had been completed, except for consideration of a joint meeting between the Justice Board and YJIB. The Justice Board were due to meet on 6 October and would consider the ask for a joint meeting.

3. Updates from Implementation Groups

NH provided an update on the work of the Advancing Whole System Approach implementation group, who last met on 28 August, and of the working group on Community Alternatives. The group have been looking at CaRM and have been making sure that CaRM is embedded in new Child Protection procedures. They have also been working on a number of areas of work related to transitions and extending the WSA to young people up to the age of 26. Colleagues have been reflecting on the multiple provisions of the Bill and looking at this from a 10-year perspective.

CYCJ colleagues provided an update on the Glasgow youth court pilot evaluation. Members discussed the stepping down of the formality of the youth court, and instead taking on a solution-focussed approach. Colleagues have looked at the work CYCJ is doing to progress youth courts across the country, how we prosecute children over age of 18 in a more participative, problem-solving and person-led way.

CYCJ have been undertaking a mapping exercise of EEI provision across Scotland. They have received poor response rates over the years, so input from CYCJ will be useful to establish a baseline position and to establish where time and effort should be focussed. CYCJ are currently looking at opportunities to develop and expand the *training the trainers* work on CaRM, however more focus and time to concentrate on CaRM is required generally.

Workforce development is another area of focus. As we move towards the Children (Care and Justice) (Scotland) Bill, it will be crucial to have a multi-skilled workforce ready to take on the demands of the Bill. There is a need for a clear approach around workforce development, as well as adequate resourcing. SG have asked the group to lead a couple of workshops on the age of referral cut-off of 17.5 years. YJIB members are welcome to join these workshops.

FD provided the group with an update of progress made in the Children's Rights implementation group (CRIG), which took place on 29 August and the working groups which sit under that group addressing speech, language and communication needs (SLCN) and participation.

Much of the focus has been on the UNCRC Bill and what this means for young people in conflict with the law, specifically in relation to articles 37 and 40. The group is looking at what resources are available for children to understand their rights. SG will lead on an evaluation framework when the Bill becomes an Act. The group is also looking at complaint procedures for young people, and how to make these more child friendly. In addition to this, they have been focussing on public awareness and community confidence, which ties in with the work of **FS's** group around Age of Criminal Responsibility community confidence, as well as anti-social behaviour groups. The CRIG is looking to join up with these groups.

The SLCN group is also currently looking at resources and has taken part in a CYCJ podcast, *Creative Conversations*. There is a further 2 days training course with the Speech, Language and Communication therapists set to start in November. There are still spaces for anyone who would like their staff to attend. The Participation sub-group have decided to align more with the work of the main group. Monitoring and evaluation framework and public awareness are their main focus. CRIG and the sub-groups have also looked at making a blueprint of youth courts. The blueprint information (which was circulated in the papers for the meeting) – was initially presented around 2 years ago. The group are looking at the evidence collated and what support we can now give local authorities in relation to youth courts. 12 LAs are in discussion regarding youth courts. Colleagues have been looking at how we can achieve consistency, focussing on the age range (up to 21) and on sentencing guidelines. Priority will always be to remit any child under 18 to the CHS. They are also looking at practical things like clothing in court, venue and layout of the court, closed courts and how to prepare for court. A video has been created informing young people about what they can expect when they visit court. In

addition, the group is looking at language and is linking in with SLCN. The blueprint has gone out to both the WSA and CRIG and has received comments and sign-off from those two groups. It is still to go to Sheriffs Principal. YJIB were invited to agree to sign-off of publication of the blueprint. Agreement was given to publication on CYCJ's website and YJIB website.

It was observed that as far as collation of data is concerned, different practices may be required for some of the smaller courts. In some LAs a youth court may take place once a fortnight, some LAs may be working together. The question of children appearing in youth court outside their home LA will also need to be considered. It was acknowledged that there will be differences across the country, and it will be necessary to respond to local need. Colleagues also noted that there are gaps in youth justice data and that, as we move through youth courts development, we should not repeat the mistakes and oversights of the past and get a consistent data set and collection systems from day one - so that we can answer future scrutiny by way of consistent evidence.

The blueprint aligns with the Hearings System and the CHS report, and the principles of the welfare based system. It will be good to see the blueprint and learning from these pilots. The recommendation of the blueprint was that anyone under 19 be remitted to the CHS, but this is not currently in the Children (Care and Justice) (Scotland) Bill, which states 18 years. It was agreed that this statement should be amended within the Blueprint.

4. Equally Safe

NW from the Violence Against Women and Girls (VAWG) team presented to the Board on the Equally Safe Strategy.

The Equally Safe Strategy is Scotland's strategy to eradicate violence against women and girls, which was published in 2014 and updated in 2018. The Strategy was published jointly by the Scottish Government and COSLA. Equally Safe has funding of £19m per year. The vision of the Strategy is for women and girls to live free from all forms of abuse, and attitudes which perpetuate it, it looks at VAWG from a gendered analysis – with a priority around prevention. It recognises that there are specific forms of VAWG perpetuated by men against women, recognising at the same time, however, that both boys and girls will experience certain traumas such as childhood sexual abuse for example, looking at the different impacts on different victims. The work of the VAWG unit aims to bring together all areas of Scotland to work together to address this issue. There are four main principles of the Equally Safe Strategy: embracing equality, thriving economically, support for victims and working with perpetrators. These principles continue into the refreshed document. An enormous amount of social, cultural, legislative and policy change has occurred since 2018, and it is important to ensure that we have a strategy that works in relation to these changes, as well as the international context and UNCRC. A report around misogyny by Baroness Kennedy advised that misogyny is often nuanced and not always directly comparable to other forms of prejudice such as racism. The online sphere has played a role in misogyny which is reflected in the new strategy. In developing the Strategy, colleagues have spoken to lots of people, with some really clear points coming through.

In addressing misogyny, we need to increase the focus on prevention, especially primary prevention, as a public health issue and look at the structures which allow misogyny to continue. It will be important to harness alliances between men and boys and women and encourage inter-agency collaboration. The subject of health needs to be brought more into the discussion. For workforce and professionals this isn't an add-on, but rather integral to their work. This work also overlaps with a range of issues such as poverty, homelessness, drug use etc. Colleagues have been told that the data which currently exists needs to be more intersectional. Colleagues have also been told that the justice system does not work for women

and girls and are looking at how we address that. There is a need for funding and for safe spaces for women and girls.

We know a lot more about experiences of certain groups than we ever did, such as women with disabilities. There are many specific challenges for black and minority ethnic women, such as the labelling of VAWG as honour-based violence when it is not necessarily, as well as barriers for women who are asylum-seekers. We need to think about the specific needs of children and young people and look at misogyny with an understanding of the role of men and boys as both perpetrators and victims. VAWG colleagues are currently drafting the Equally Safe refresh.

It was noted that CHS anticipate an increase in referrals for children who are taking part in behaviours under this agenda. Appropriate training will be important. Coercive control is also prevalent in relationships between young people

SG have been thinking about intersectionality and the numerous ways in which groups of people experiences challenges specific to them. We are looking at how best to respond in a way that acknowledges the resources available. The challenge with intersectionality is recognising the shared mutual experiences. A lot of expertise sits with the third sector working with those with direct experience.

5. Bairns' Hoose

JMD gave an update on Bairns' Hoose and Joint Investigative Interviews (JII).

Bairns' Hoose is about connecting services around the needs of the child – it takes the '4 rooms' approach, underpinned by GIRFEC, recognising the importance of early preventative support. Bairns' Hoose makes sure that children receive the right help at the right time and is a long-standing commitment of the Scottish Government. Our agreed scope for Bairns' Hoose is for all children under the age of 18 who have experienced or witnessed violence or harm, and young people under the age of criminal responsibility whose behaviour may have caused harm.

The work around Bairns' Hoose links closely with many other policy areas including the Equally Safe work. 1 May 2023 saw the publication of the National Bairns' Hoose Standards. There was also a range of Scottish Government documents published on 1 June – a refreshed Vision paper, a Pathfinder Project Delivery Plan, and a Participation and Engagement Plan for Children and Young people. The plan is to move to the pathfinder phase followed by the pilot phase, then the national rollout. The aim of the pathfinder is to test the Standards in different contexts. Applications for the pathfinder were open for a ten-week period which is now over, a sizable number of applications were received, and the successful pathfinder partnerships will be announced this month (October). £6m in funding has been allocated for this financial year, a similar amount expected in 24/25. An independent fund administrator has been appointed to lead on administration of funding. The £6m funding is split between three funds - pathfinder funding, thematic funding, and development funding.

Bairns' Hoose builds on the Scottish Child Interview Model (SCIM) for JIIs. This approach, based on early data/evidence, improved preparation and support for interviews has enhanced support and experience and improved outcomes for children who take part. We expect SCIM to be available in every area by summer next year (2024), and the findings of the research into Bairns' Hoose will be made available when published.

With regard to the scope of Bairns' Hoose, children above the age of criminal responsibility are not included. The National Bairns' Hoose Governance Group have discussed the issue and whilst there is support for broadening the scope in this way, recognise the challenges this

would represent. A short life working group to look into this issue has been set up which is chaired by NH, the findings of the group will report to the Governance Group in November.

6. National Youth Justice Advisory Group (NYJAG)

The last NYJAG group met on 13 September in Stirling. **GF** explained that the group is still struggling to find venues which accommodate hybrid facilities to ensure that LAs are not excluded from in-person meetings. The consensus, however, is that the quality of meetings improve when they are hosted face-to-face. The group have recently updated their terms of reference and are currently updating their list of members. Members recently discussed the importance of ensuring that the meetings are aligned with other meetings such as YJIB.

Colleagues discussed the increase of use of weapons and knife carrying. **GF** is hoping to speak to **JH** around potential data on this to create a national picture.

A place of safety follow up event will be taking place in November; Glasgow has recently hosted a local event. Child exploitation guidance is on the agenda for the next NYJAG meeting.

Data has also been an ongoing issue for some time, it is hoped that at the next meeting colleagues will have more data around trends and numbers of undertakings of young people at court. Data and monitoring are a key consideration for the Children's Rights implementation group, as a key area within the Vision. It was agreed that a collective meeting to discuss this would be helpful.

CYCJ publishes a paper every year which collates all of the data they have. The latest version of CYCJ's data report can be accessed here: [Scotland's response to children in conflict with the law: What data exists? \(cycj.org.uk\)](https://www.cycj.org.uk/scotland-response-to-children-in-conflict-with-the-law-what-data-exists/). It may be helpful to include an update from reimagining secure care. An alternative to secure care paper is also being developed but has not yet been published.

Action: **NH** to set up a meeting with **GF**, **JH** and **FD** around data ahead of the next YJIB meeting in December. **FD** to consider gaps within the CYCJ annual data.

7. Children (Care and Justice) (Scotland) Bill

TM provided an update on the Children (Care and Justice) (Scotland) Bill.

The Stage 1 debate on the Bill has taken place, the committee heard evidence on the Bill in the weeks prior to this. Resourcing, planning and implementation has been discussed at the Bill implementation group meetings. The anticipated financial costs arising from the Bill have been updated and has been sent to Ministers for approval. Colleagues can project ahead to 2024/2025 with confidence in all aspects. The third meeting of the Bill implementation group focussed on pacing, sequencing, and the running order, supported by the financial questions over the summer. The committee will want to hear from stakeholders and delivery partners around December, it is expected that Stage 2 will commence before Christmas and possibly run until early 2024. The Minister for Children, Young People and Keeping the Promise will be meeting with Victim Support Scotland. There is a definite need for increased support for victims, especially child victims, and their families.

8. Hearings System Working Group

TM provided an update around the Hearings System Working Group (HSWG) report and latest developments.

The HSWG concluded its work in May ahead of the publication of its report. Colleagues are grateful to those who assisted with the 300 page report, which is very broad and covers a large range of areas. SG officials are working on a public response to the report's recommendations by the end of the calendar year and are considering both the resourcing and legal implications. If we accept all of the recommendations, it will be necessary to introduce primary legislation which will require broad engagement across the sector. There will be full public and sector wide engagement across the first part of 2024, and further opportunities for discussion. Officials are receptive to comments or questions before developing advice about the SG position. Most of November will be dedicated to drafting work. A COSLA response to the report is also expected shortly.

It was observed that since the beginning of the year we have seen a rapid increase in the prison population which will create an operational risk in the coming months, including a potential management issue of young people in prison. The Cabinet Secretary for Justice will make a statement this week in Parliament on this subject. Anything which can be done to minimise children in custody would help. Whilst alternatives such as secure care are not always possible currently due to the legislation, Fiona highlighted CYCJ's paper [Alternatives to Young Offender Institutions for children under 18 - Children and Young People's Centre for Justice \(cycj.org.uk\)](https://www.cycj.org.uk/publications/alternatives-to-young-offender-institutions-for-children-under-18), which offers some alternative options.

9. AOB

The next meeting will take place on 7 December. This will be in person and will focus on the Youth Justice Vision and next iteration of the action plan which is due to come to an end in 2023. The Kilbrandon lecture is due to take place on 9 November in the evening, featuring a lecture by Phil Scraton. CYCJ colleagues will be hosting a seminar earlier in the day.

A Glasgow specific place of safety event took place at the end of September, a wider national event is planned for 16 November - a year on since the last event on children in police custody and alternative places of safety.