

# **A RIGHTS-RESPECTING APPROACH TO JUSTICE FOR CHILDREN AND YOUNG PEOPLE – ACTION PLAN 2024-26**

## **INTRODUCTION**

This plan sets out the early actions towards achieving the outcomes and priorities within the Vision between June 2024 and June 2026 [Justice for children and young people: vision and priorities 2024-26 \(www.gov.scot\)](https://www.gov.scot/publications/justice-for-children-and-young-people-vision-and-priorities-2024-26/pages/introduction.aspx). The action plan will be achieved through a partnership approach.

The Vision is aimed at all children up to the age of 18, and those working with them, and has been drafted for adaptation and application for all young people up to age 26. The key priorities are based on the views of children and young people, key partners and stakeholders, going some way towards meet the asks from [the Promise](#) and other key review and research outputs such as [Expert Review of the Provision of Mental Health Services at HMP&YOI Polmont](#) and [‘Rights Respecting? Scotland’s approach to children in conflict with the law’](#). They represent a shared foundation to ensure that the rights of children and young people in Scotland are protected and upheld, to prevent them from being involved in behaviour which leads them into conflict with the law, and to promote desistance and rehabilitation when that occurs. They also continue to support the Getting it Right for Every Child agenda.

Both the vision and this action plan have been prepared by the Scottish Government and members of the Youth Justice Improvement Board. Members and the organisations they represent have agreed to support delivery of this plan by 2026. Support is also needed from a wider representation of those working with children and young people in order to fully deliver on implementation.

To ensure that the actions remain relevant and receive the right attention timeously, this plan will be actively reviewed and updated quarterly, or as new issues and priorities emerge.

Governance oversight of the action plan will be conducted by the Youth Justice Improvement Board through quarterly meetings. Reporting arrangements will also be shared with the Promise Oversight Board, as necessary.

Delivery groups (where necessary) will be set up and organisations will be tasked to deliver on the actions outlined in this plan.

The action plan should be read in conjunction with the vision.

## **OUTCOMES**

We remain committed to keeping The Promise and working towards positive change. In doing so we have met with stakeholders on a regular basis and have conducted engagement consultations from November 2023 to April 2024 to gather views and insights on whether the then current priorities remained the right ones.

## **OVERARCHING PRIORITIES**

The following priorities should span across all we do to support children and young people.

### **Upholding Rights**

It is the responsibility of all those working with children to ensure that the rights of children are upheld, and that children are supported to understand what this means for them and what they should expect. Any services provided to children and their families must uphold their rights in line with UNCRC requirements and legislation. This should include monitoring services to ensure rights are being upheld and complaints procedures for when it is felt those rights are not being upheld.

Support to children and families should be delivered by a skilled and informed workforce, to ensure the child and their family understand and know their rights in order to exercise them. This may include promotion of better public understanding and awareness of children and young people in conflict with the law and the systems in place to support them. For those who go through the criminal justice system their experience should be supportive, meaningful and participative, one which educates, improves, understands and upholds the rights of children, young people and their families.

All children and young people should be able to access services and support that they need to help recovery from the impacts of psychological trauma, including abuse and neglect. In order to achieve this, consideration needs to be given to additional support needs, including neurodivergent conditions, and speech, language and communication needs, to improve life chances. Children and young people must be provided with activities and opportunities to allow them to be able to access education, gain employment and to have stable housing options as a necessity.

### **Participation and engagement**

Children and young people must also be supported to actively participate and engage in the decisions which affect them. The participation and engagement of children and young people should be improved, ensuring that they have developmentally appropriate participation opportunities to help shape the decisions, services and supports that affect them. This will include addressing barriers to engagement, providing access to information and processes in language that they understand, and taking account of cultural differences or disabilities alongside any communication needs.

This must also ensure that practice is relational - building on existing relationships and forming new relationships with children, young people and their families enabling them to engage in processes in a more meaningful way

### **Data and evidence**

The vision and priorities are underpinned by the views and information provided by both partners and children and young people with experience of the system. In order to achieve this vision, and better inform policy and practice to improve outcomes for children and young people, we require data and evidence. This includes recording, gathering and analysing data on children and young people and listening to the views of those directly affected, in order to evidence the need for change and guide further improvements. Alongside data and evidence and upholding children's rights and ensuring appropriate participation and engagement, the following three areas will be the focus of delivery until 2026.

**Priority 1 - Victims Outcome:** Victims are supported, and their rights are upheld, with specific attention paid to child victims and their families.

To achieve this we will:

- Enhance information and support for those impacted by harm, considering good practice, whilst respecting data protection and confidentiality rights.
- Ensure that access to restorative justice approaches are available, where appropriate, regardless of the age of the person who has caused harm or the outcome of the case.
- Take into account the effects of trauma that a child may have experienced. This must be tailored to the needs of participants, where possible.

**Priority 2 – Whole System Approach ('WSA') Integrity Outcome:** Children are diverted away from the justice system to appropriate alternative supports through the continued delivery of the Whole System Approach.

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In order to meet this we will:

- Continue to deliver a reinforced and reinvigorated WSA to under 18s – with cohesion and integrity in all its elements, supporting the development of community confidence and the workforce to deliver effective multi-agency partnerships and creating lasting systems and culture change.
- Supporting social work and the wider workforce to develop a consistent approach to early and effective interventions.
- Work with those whose behaviour presents a high risk of harm to themselves or others - embedding Care and Risk Management processes and supporting a contextual safeguarding approach which considers the context of the risk in the wider community to ensure that appropriate measures are considered for those who present a risk to children and young people.
- Support implementation of the Children (Care and Justice) (Scotland) Act 2024, including raising the age of referral to the Principal Reporter, and ensuring that services are in place to ensure that no under 18s are detained in YOI and that smaller, trauma informed settings such as secure accommodation are available to meet the needs of all children.
- Consider intensive residential and community-based alternatives, where therapeutic trauma informed, and responsive approaches are required for the safety of the child or those around them and where community alternatives are available and provided for those who require additional support. Including supporting the development of alternatives to police custody, where appropriate and available.
- Provide ongoing collaboration with Justice colleagues and agencies to extend WSA to those beyond the age of 18.
- Support workforces to develop and continually meet the needs of children, young people and their families in Scotland.
- Ensure that there is a consistent national approach to preventing the criminalisation of children who are looked after away from their own home.

**Priority 3** – Prevention, Early Intervention and Support Outcome: Children and families are supported at an early stage to improve their life chances with their wellbeing and protection and mental health needs addressed. This includes working in partnership to improve community confidence and address local and national concerns around violence and anti-social behaviour, and Scotland's responses to those issues.

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- Support children and families at an early stage to assess, identify and respond to wellbeing needs, to reduce stigma and improve their life chances and outcomes.
- Build positive relationships and connections to ensure the impact of psychological trauma and adversity does not create a barrier to children and young people accessing the support they need. This includes all children and young people feeling safe in their communities and responding to anti-social behaviour and violence, through improved community supports and the delivery of trauma-informed approaches, youth work, gender-based approaches and effective multi-agency partnerships.
- Ensure that all children and young people have timely access to appropriate multi-disciplinary services and supports to address mental health issues, with a clear understanding of the complex layers of health needs, including early identification, assessment and appropriate supports for those with neurodivergent conditions.
- Promote positive masculinity, creating supportive environments that allow boys and men to express themselves authentically and seek help when needed.
- Continue to train and support workforces and services to recognise where children and young people are affected by psychological trauma and adversity and are able to respond in trauma-informed ways.
- Continue to progress work across public protection areas to support those vulnerable to harm, reduce risk, and to ensure that people get the right help at the right time.

## Delivery Plan

### UPHOLDING RIGHTS

Rights of all children are upheld and they are supported to understand what this means for them and what to expect.				
Action	What does success look like	Timescale	Responsibility	Further Detail
<p>Through delivery of the CRIG implementation group and subgroups on SLCN and children's rights at court:</p> <ul style="list-style-type: none"> <li>• Map the advice already available in relation to Children's rights.</li> <li>• Deliver engagement events.</li> <li>• Develop fact sheets and other materials.</li> <li>• Support the development of processes to challenge or complain when children's rights are not upheld.</li> <li>• Support children and young people to articulate and realise their wishes and rights through promotion of delivery of Advocacy.</li> <li>• Commence all sections of the CC&amp;J Act by end of the Parliamentary term.</li> <li>• Gather data on a regular basis to monitor whether children's rights are being protected.</li> </ul>	<ul style="list-style-type: none"> <li>• Rights of all children are upheld and they are supported to understand what this means for them and what to expect.</li> <li>• Complaints processes achieved.</li> <li>• Easily accessible advice for all on aspects relating to rights, linking with other work on-going around rights, enlisting the support of groups such as YouthJustUs is available.</li> <li>• Children are legally defined as children and the legislation that enables this has commenced.</li> <li>• Quarterly CRIG and ongoing delivery of the Implementation Plan</li> </ul>	Ongoing	CRIG	<p>Collective action to work with practitioners to raise awareness of general rights across the youth care and justice field.</p> <p>Link to UNCRC to monitor progress.</p> <p>CRIG Implementation Plan</p> <p>CRIG will engage with wider stakeholders such as SCTS, Health, Legal profession etc in order to progress on rights relating to key access to justice issues</p>

## PARTICIPATION AND ENGAGEMENT

**Children and young people are supported to actively participate and engage in the decisions which affect them.**

Action	What does success look like	Timescale	Responsibility	Further Detail
<ul style="list-style-type: none"> <li>Updating current Youth Justice Standards, working with young people with experience of the Justice system and key stakeholders.</li> <li>Work with practitioners to highlight good practice around ways of working with young people to hear their voices with a view to developing children's service plans that give prominence to the voice of those with experience of the care and justice systems, as part of implementation of the standards</li> <li>Support practitioners to consider how children can be involved in EEI processes through engagement.</li> <li>The Reimagining Justice project will engage with local authorities and partners to develop case studies of how participation can be done effectively in practice in order to reshape services</li> </ul>	<ul style="list-style-type: none"> <li>Revised standards which included participation published.</li> <li>Child friendly version of the standards published.</li> <li>Children are listened to, and views reflected in practice.</li> </ul>	By June 2025	CRIG, CYCJ participation leads, local authorities	

## DATA AND EVIDENCE

**We have the required data and evidence on children and young people, to better inform policy and practices so that children and young people benefit**

Action	What does success look like	Timescale	Responsibility	Further Detail
<ul style="list-style-type: none"> <li>Establish what data is missing and the barriers which are restricting access to data in order to</li> </ul>	<ul style="list-style-type: none"> <li>Significant progress towards gathering data on all Youth Justice aspects.</li> </ul>	Ongoing	SG and CYCJ, WSA Implementation Group - Data Subgroup (LA's,	These actions are resource intensive and require multi-agency collaboration.

<p>overcome these issues and ensure we have full information to know what is working well and where the gaps are</p> <ul style="list-style-type: none"> <li>• Develop national data sets for youth justice</li> <li>• Monitor the impact of the CC&amp;J Act implementation</li> <li>• Gather data on all children in conflict with the law to establish a baseline, trends and shifts at local or national levels which could then inform specific gaps and needs of areas of effective practice</li> <li>• Consider the evidence available in order to shift spending at strategic levels upstream and into EEI and Diversion</li> <li>• Continue to support the actions of the Children's Social Work Statistics Steering group led by the Scottish Government Children's Analytical Services in order to ensure that data is collected on secure care and CARM.</li> </ul>	<ul style="list-style-type: none"> <li>• Data is used to identify trends, opportunities for service development, and better targeting of resources</li> </ul>		<p>SCRA, COPFS, CHS, PS), EEI forum, Diversion Forum</p>	<p>We continue to highlight and share best practice identified in data collection amongst the 32 Local Authorities. Joint working with Police Scotland to produce dashboard findings based on trends and shifts at local levels and in real time.</p>
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## KEY PRIORITY 1 - VICTIMS

**Victims are supported and their rights are upheld, with specific attention paid to child victims and their families.**

Action	What success looks like	Timescale	Responsibility	Further Detail
<ul style="list-style-type: none"> <li>• Support the Restorative Justice Stakeholder Group to ensure RJ is provided to children in Scotland.</li> <li>• Prepare for and commence provisions in the CCJ Act – including in respect of information</li> </ul>	<ul style="list-style-type: none"> <li>• Information and support for victims is enhanced, considering good practice, whilst respecting data protection and confidentiality rights. This includes access</li> </ul>		<p>Community Confidence Group/CRIG</p>	

<p>sharing and Single point of contact.</p> <ul style="list-style-type: none"> <li>The CCE Toolkit will be rolled out nationally in order to enhance the identification and response to children who are at risk of exploitation, ensuring that they receive the support and protection afforded to victims</li> </ul>	<p>to restorative justice approaches where appropriate, regardless of the age of the person responsible or the outcome of the case.</p> <ul style="list-style-type: none"> <li>Support available is trauma responsive and tailored to the needs of all participants.</li> <li>Children and young people at risk of criminal exploitation are supported through increased understanding of the nature, scale and extent of the issue and awareness raising with practitioners and communities.</li> </ul>			
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## KEY PRIORITY 2 - WHOLE SYSTEM APPROACH

**Children are diverted away from the Criminal Justice System to appropriate alternative supports through the continued delivery of the Whole System Approach.**

Action	What success will look like	Timescale	Responsibility	Further Detail
<p>Through continued delivery of the Advancing WSA group:</p> <ul style="list-style-type: none"> <li>Scottish Government rolling engagement sessions with Local Authorities to gather information around delivery of Whole system approach.</li> </ul>	<ul style="list-style-type: none"> <li>All under 18s are classed as children, and no child is held in a young offenders' institution by the end of 2024, with smaller, trauma informed settings used instead where a period of detention is required.</li> <li>Appropriate services and supports are available for</li> </ul>	<p>By end 2024 - complete</p>	<p>WSAIG CHIP</p>	



<ul style="list-style-type: none"> <li>• To follow up on the WSA Survey responses and recommendations. Paper to YJIB by December.</li> <li>• Prepare for raising the age of referral to the Principal Reporter.</li> <li>• Establish a workforce development subgroup under the WSA Implementation Group. The workforce is confident, skilled and knowledgeable to meet the needs of children in conflict with the law.</li> <li>• Establish a trauma informed pathways subgroup to progress work on alternatives to police custody for children.</li> <li>• Publication of EEI National Scoping Survey and its findings. YJIB to consider how to take forward the recommendations and actions.</li> </ul>	<p>those children, in particular those who are accused of committing offences such as sexual offences or those children who are violent towards their parents, carers, peers or others</p> <ul style="list-style-type: none"> <li>• All under 18s will be able to be referred to the Principal Reporter.</li> <li>• The number of children coming into, and time spent in police custody is reduced as alternatives are utilised.</li> </ul>			
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### KEY PRIORITY 3 - PREVENTION, EARLY INTERVENTION AND SUPPORT

Elements of this priority sit under current working groups and future considerations, including Reimagining secure care, work being led by SG mental health Directorate, trauma informed practice. Mental health services need to be strengthened, gender based approaches, child criminal exploitation, cashback.

This action plan will be updated further at the next quarter with any specific actions to be delivered.

Children and families are supported at an early stage to improve their life chances with their wellbeing and mental health needs addressed.				
Action	What does success look like	Timescale	Responsibility	Further Detail
<ul style="list-style-type: none"> <li>• Consider the bairns hoose model and how this impacts those in conflict with the law.</li> </ul>			YJIB	

<p>Learning from the practice and standards of bairns hoose.</p> <ul style="list-style-type: none"> <li>• Work with SG colleagues leading on mental health provision to ensure children are supported at an earlier stage, in turn reducing numbers in secure accommodation.</li> <li>• Continued funding of the Interventions for Vulnerable youth, jointly funded with SG health.</li> <li>• Carry out discussions with Child protection on the criminal exploitation framework.</li> <li>• SG continue engagement with Cashback to ensure the next phase 7 includes organisations delivering services to young people in conflict with the law.</li> <li>• Set up a working group looking at children in Police custody.</li> <li>• Consider legislative amendments for alternatives to police custody.</li> </ul>			<p>SG</p> <p>SG</p> <p>SG</p> <p>SG</p> <p>Neil Hunter/Fiona Dyer SG</p>	
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