



Youth Justice Standards 2020

The document with the proposed standards can be accessed [here](#).

The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to respond to this consultation. The Children's Hearings System is Scotland's distinct statutory system, in which concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child) are considered by Children's Reporters and then by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family.

In the Children's Hearings System:

- the needs of children or young people are addressed through one holistic and integrated system which considers all the circumstances of the child and the child's welfare
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making
- the rights of children and families are respected

The role and purpose of SCRA is to:

1. Make effective decisions about a need to refer a child/young person to a Children's Hearing
2. Prepare for and participate in court proceedings where statement of grounds or Hearings findings are appealed and ensure the wellbeing of children and young people – particularly vulnerable witnesses – are protected throughout the court process
3. Support Panel Members (though we are not involved in making Hearing decisions) and ensure fair process in Hearings
4. Support children, young people and families to participate in Hearings
5. Disseminate information and data to influence, inform and reassure
6. Provide premises for Hearings to take place
7. Work collaboratively with partners to support and facilitate the Getting it Right For Every Child (GIRFEC) agenda

SCRA's vision of service is that: We operate within Scotland's Children's Hearings System to protect and support the country's most vulnerable and at risk children and young people identified as requiring the full protection of the law due to difficulties, challenges and risks they face.

1. Do the proposed Youth Justice Standards reflect national youth justice priorities?

Yes

SCRA warmly welcomes these Youth Justice Standards. We are of the view that the Standards not only capture the priorities for youth justice work in Scotland as we go forward but that they capture these priorities within the context of the child's whole experience and in the context of holistic support around the child as set out in the getting it right for every child (GIRFEC) practice framework.





For children who are involved in the Children's Hearing System this is crucial – the Children's Hearing operates in the same way and has the same disposal options available regardless of the reason a child comes to their Hearing. A child who comes to a Children's Hearing as a result of a section 67 (2) (j) ground for referral (a child who has committed an offence) will have the same disposal options available as a child who comes as a result of section 67 (2) (a) (lack of parental care) or 67 (2) (f) (close connection with a perpetrator of domestic abuse).

This framework supports the holistic approach taken by the Children's Hearing.

2. The proposed Youth Justice Standards focus on the functions of youth justice, and are intended to influence service design and delivery to allow for flexibility to meet local needs.

Do the proposed Youth Justice Standards allow for flexibility to meet local needs?

Yes

The standards are framed so as not to prescribe or determine how a local authority or public service will choose to implement the standard or how they will report on their performance in relation to the standard's objectives. This allows for a flexibility of approach which can be tailored to meet different need in different areas of Scotland.

It will, however, make it more difficult to report on the delivery of the standards in a meaningful and consistent way and may make it difficult to compare performance across local authorities or public services if it is not possible to match like with like. It may make it more tricky to say with any certainty that one method of reducing risk and meeting need is more or less successful than another, and this may require a careful watching brief from the Scottish Government.

3. As outlined, the Scottish Government wants to make sure that the proposed Youth Justice Standards are as helpful as possible to strengthening the delivery of services for children and young people.

What aspects stood out as being the most helpful?

1) Broad statements of principle are helpful; for example that "Children should not have increased contact with the police as a result of being cared for within a residential placement." These principles should result in change across professional procedure and understanding which will have a direct positive influence on the lived experience of young people in residential care.

2) The clear messaging in the standards is helpful; for example, Standard 1.2 spells out that early and effective intervention should be available for all children, regardless of their current or previous status and regardless of the response they offer to the allegations about their behaviour.

3) It is helpful that key tests are set out in full, like the professional consideration required in a referral to the Reporter, Standard 1.2; the decision making around ending the support of a CSO, Standard 2.2; the framework for jointly reported cases as set out in the Lord Advocate's Guidelines, Standard 2.5. This sets clear expectations around delivery of services which will meet these standards.

4) We are pleased that the standards do not set a linear procedural route for children & young people, and that they are responsive. For example, Standard 1.3 is clear that the focus for holistic support is on the child within the context





of the family – and that support does not need to wait for a process (like a referral to the Reporter) to be completed. A child should not have to wait until contested grounds for referral are established at Court until they receive support. Regardless of outcome professionals can negotiate a support package with a family.

4. What aspects stood out the least helpful?

1) SCRA would comment that Standards which allow for flexibility of localised approaches, like Standard 1.6, could be more helpful – in that what systems this covers / how they measure the effectiveness or not of an intervention could be clearer. This could be laid out in guidance or in practice notes or case studies to accompany the standards.

2) Standard 2 – covering children referred to the Reporter, does not explicitly detail diversion as an option for the Reporter. We have read the standards outlined in Standard 3 as being sentiments which apply to Reporter decision making as well as COPFS decision making – and would follow the approach as outlined in relation to Reporter decisions. We think the emphasis given to diversion and to the availability of Restorative Justice services in Standard 8 is the right emphasis.

3) Standard 4.2 – should also apply to children who are being brought to a Children’s Hearing from custody.

“Evidence-based decision making is central to the work of the Scottish Government and we have designed the proposed Youth Justice Standards to support internal and external evaluation of services which support children involved in, or at risk of, offending.” With reference to the core principles and data sets, will the proposed Youth Justice Standards allow for reliable local and national evaluation of services?

Yes & Don't know

We think the principles and the data as outlined will mean that local authorities and public agencies like SCRA scrutinize the work that is already done; identify where there are gaps and seek to enhance our service provision by aligning clearly with the standards, delivering the standards and demonstrating effectiveness in doing so. We are less clear how this will translate into a clear national picture for the reasons we have already outlined in our response to question 2.

The Scottish Government is committed to ensuring that services delivered to children involved in offending are scrutinised appropriately.

Background

The Care Inspectorate is Scotland’s regulatory body for health and social care, early learning and childcare, social work, children’s services, and community justice.

Services that support children involved in offending are mainly included in inspections of services for children and young people in need of care and protection. This includes services for children under the age of 18 years and/or young people up to 26 years if they have ever been looked after. In addition, these services could overlap with criminal justice social work services for those children involved in the criminal justice system.

The [quality framework for children and young people in need of care and protection](#) outlines the Care Inspectorate’s expectation of the quality of service provision for children in need of care and protection across community planning partnerships. The framework is arranged under six high-level overarching domains.





These are:

1. Key outcomes
2. Stakeholder's needs
3. Delivery of services
4. Management
5. Leadership
6. Capacity for improvement

Care Inspectorate scrutiny activity addresses key questions in relation to these six domains by gathering information against a number of quality indicators arranged in 10 areas within the framework, with one or more of these being linked to each domain. The key questions include:

1. How good is the partnership at recognising and responding when children and young people need protection?
2. How good is the partnership at helping children and young people who have experienced abuse and neglect stay safe, healthy and recover from their experiences?
3. How good is the partnership at maximising the wellbeing of children and young people who are looked after?
4. How good is the partnership at enabling care experienced young people to succeed in their transition to adulthood?
5. How good is collaborative leadership?

6. Having read the background information above, do you think the current key questions are sufficient to ensure appropriate scrutiny of services provided to children involved in or at risk of offending, if no then please provide further reasoning and suggested alternatives below?

Yes

We support the current framework and think that the focus on risk, recovery and wellbeing is the focus we should take. For children involved in the Children's Hearing, who are often victims as well as presenting concern about their own behaviour this is the balance that works to assess the services in place to offer them effective holistic support.

By definition the quality framework is broad and generic and we support that approach. However we believe there is scope to drill down further into local partnership areas to specifically address the effectiveness of arrangements for children and young people who are involved in offending – and the delivery of these standards - for example the efficacy of partnership between social work, education, the 3rd sector and the Police in delivering preventative work under the banner of EEI or the degree of partnership and leadership in delivery of Whole Systems approach etc. The degree of necessary scrutiny of these areas could be assessed through pre-inspection data analysis or through the self-assessment work of local partners.

SCRA Practice & Policy Team, January 2020

