



CONSULTATION RESPONSE: YOUTH JUSTICE STANDARDS

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience of social services.

We welcome the opportunity to comment on the Youth Justice Standards. Within the membership of Social Work Scotland there will have been a range of local responses. The views below do not capture the insights and expertise of all of them. Suggestions below focus on views about general emphasis, and specific strengths and concerns about content, meaning and impact.

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

Yes, (broadly and allowing for caveats and considerations below, some of which are fundamental)

- The draft Standards are helpfully introduced by integrated reference to national strategy, the Whole System approach, GIRFEC and the National Performance Framework. The preamble/introduction, which focusses upon principles, gives due centrality to UNCRC.
- There is a good opportunity to strengthen both systems and professional judgement having some of the UNCRC articles more embedded. (For example in relation to best interests; wellbeing; participation and non-discrimination.)
- However, The Independent Care Review reports have been published just as the Consultation on these Standards have closed and, continuing in the spirit of Kilbrandon, YJ Services have a wave to catch. The Standards have an opportunity to allude to some intersections between the way young people's holistic needs relate to their needs within YJ services. A selection of relevant extracts are appended in the box below
- Scotland's Ambition for children and young people that " We grow up loved, safe, and respected so that we realise our full potential." Is a headline that captures the intended outcome for all relevant standards

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

Yes :

- The draft standards seem functional. They provide a business-like sort hand which could be applied and developed locally within procedures and systems to good effect. Some of the standards are framed already as procedural requirements. Others allow for flexibility in approach

3. What aspects stood out as being the most helpful?

- You provide a strong message by introducing by Lord Kilbrandon’s injunction to respond to deeds in the context of needs.
- The introductory statement about responsibilities of organisations who are listed as “corporate parents” for the purposes of Part 9 of the 2014 is helpful, as is reference to the strategic planning landscape.
- Consideration of supported transitions
- The draft standards are not over lengthy

4. What aspects stood out as being the least helpful might benefit from rephrasing or supplement?

- **There is reference to a common language and understanding**, the standards depend on an assumed appreciation of terms within the youth justice landscape. It would be a struggle for some young people to know what some of the standards mean for them. (“Standard 3 Where appropriate, children should be dealt with out with formal systems. Where that is not possible consideration must be given to the use of alternatives to prosecutorial action, which includes diversion.”) There is a stark contrast with, for example, the tone and accessibility of secure standards or the ‘new’ standards for health and social care . This is simply a different sort of document. However even, the extent of the meaning/scope of some very helpful references (eg ‘restorative justice’ , or ‘transitions’) might be defined in a glossary. These terms have different meanings in different contexts.
- It would be helpful to give more **explicit emphasis to the people/ relationships** which are most significant to the young person. These people are not just supports or parts of a holistic assessment, but the most crucial partners in assessment, planning and intervention, and potential elements in the resilience, growth and recovery from trauma for many young people. The concept of encouraging the skills and relationships that foster resilience could be usefully embedded in the standards.
- **It would be appropriate to reference ‘context’** in the core of the standards. This can include appreciation of the young person’s perceptions of risk and resource in place, family and community.

- It may be appropriate to expect practice that is **responsive to cultural and language differences**; and explicitly reference **a trauma informed approach** within the body of the standards.
- There are 2 helpful references to child protection within the standards. However they sound as though they are referencing completely different systems and needs, whereas for a significant number of children, **the needs underpinning harmful and/or offending behaviours will relate to a history of or current abuse or neglect**. The wellbeing of the young person are primary considerations through all assessment, decision making and action and this emphasis is fairly clear. The phrasing (regarding wellbeing) in the Age of Criminal Responsibility (Scotland) Act might usefully be echoed here
- Would the new (forthcoming) national Guidance on CaRM be referenced ?

5. With reference to the core principles and data sets, will the proposed Youth Justice Standards allow for reliable local and national evaluation of services?

Don't know

If the issues above are transparently captured in the way that services are self- evaluated and inspected then it will be possible to answer this question positively.

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?

Don't know

As above

See references and points made above in relation to relevance of extracts below

INDEPENDENT CARE REVIEW: EXAMPLES OF EXTRACT INTENTIONS WITHIN 'THE PROMISE' THAT HAVE RELEVANCE TO YOUTH JUSTICE DELIVERY AND GOOD OUTCOMES FOR YOUNG PEOPLE

1. Scotland must respect, uphold, champion and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers. **Scotland must fully incorporate and uphold the UNCRC.**
2. Information sharing. Underlying many of the Significant Case Reviews where the worst has happened to children is the acknowledgement that key information about a child was not shared timeously
3. Carers in all settings must be supported to develop **caring relationships** and know that those relationships must be nurtured.
4. The children that Scotland cares for must be actively supported to develop **relationships with people in the workforce and wider community**, who in turn must be supported to listen and be compassionate in their decision-making and care.

5. Children, families and the workforce must be supported by a system that is there when it is needed. The **scaffolding of help**, support and accountability must be ready and responsive when it is required.
6. Scotland must **re-orientate its system of scrutiny to uphold relationships** so children feel loved, safe and respected.
7. **Everyone involved in The Children's Hearing System must be properly trained in the impact of trauma**, childhood development, neuro-diversity and children's rights.
8. The workforce and in particular family carers must know that they have a particular role in supporting children to have good **overall health across dental, physical, mental and sexual**. That must be done through caring, nurturing relationships that model good habits and a healthy approach to life.
9. **Children who have been harmed through relationships, must have supportive relationships in order to heal.**
10. Learning must support the **interaction between Family Carers and other professionals.**
11. **Children must be listened to and meaningfully and appropriately involved in decision-making** about their care, with all those involved properly listening and responding to what they want and need.
12. Scotland already has a clear commitment to early intervention and prevention. That commitment is best realised through proper, **holistic support for families**
13. **All children must be supported to continue relationships that are important to them, where it is safe to do so.**
14. Where children are safe **in their families and feel loved they must stay – and families must be given support together to nurture** that love and overcome the difficulties which get in the way.
15. There must be significant, ongoing and **persistent commitment to ending poverty** and mitigating its impacts for Scotland's children, families and communities.
16. **When children talk about wanting to be safe, they talk about having relationships that are real, loving and consistent.**
17. Where living with their family is not possible, **children must stay with their brothers and sisters where safe to do so** and belong to a loving home, staying there for as long as needed.
18. Children and their carers must have **access to information about their rights and entitlements at any point** in their journey of care.
19. **If children are removed from the care of their parents, Scotland must not abandon those families.** Families must continue to be provided with therapeutic support, advocacy and engagement in line with principles of intensive family support
20. Whatever the mode of arrangement, Scotland must **ensure that children living in kinship care get the support they need** to thrive
21. The **workforce must be nurtured.** They must be supported at all stages of their caring journey. That support must enable them to facilitate a sense of home, family, friends, community and belonging in which children feel loved and can flourish