

National Youth Justice Standards Consultation

Includem welcomes the Scottish Government's commitment to review the National Youth Justice Standards.

Includem is a youth support charity that works with young people to help them transform their lives. We provide intensive, bespoke support to young people and families in challenging circumstances. Our model of support is based upon building solid relationships of trust. Through this approach we are able to help young people make positive life choices and progress towards the type of future they want to live.

Includem works with young people in their own communities, planning support where and when they need it most. As a result, we frequently support young people across the spectrum of youth offending from those at risk of offending to those leaving the secure estate or young offenders' institutions. Most young people are referred by Social Work or Education and many are at risk of becoming involved in offending regardless of why they have been referred. We consider that we are well placed to comment on the National Youth Justice Standards.

1. The national youth justice key priority themes are: Advancing the Whole System Approach, Improving Life Chances, and Developing Capacity and Improvement. Do the proposed Youth Justice Standards reflect these national youth justice priorities?

Yes/ No/ Don't know

Please provide a reason (or reasons) for your answer

Includem welcomes the commitment by the Scottish Government to update the Youth Justice Standards and agree that, on the whole, they reflect the national youth justice priorities around advancing the Whole System Approach, Improving Life Chances and Developing Capacity and Improvement. However, reflecting the thoughts and feelings of our young people and frontline staff we have some specific questions and concerns:

- **Ensuring a clearer link with prevention and early intervention** – Many of our young people identified that they were only offered help after they had been charged with a number of offences. They either were not offered or did not recognise being offered help at an earlier point. All of the young people identified that the right help would have been helpful but those agencies they approached, such as school counsellors, did not provide the intervention required to prevent them offending.

One young person said, "I should have had it (help) sooner and if it wasn't for me looking for help I think I wouldn't have anyone."

Another young person said, "I thought I was okay but all they wanted to help me with was my anger and I don't have issues with my temper."

Includem are keen to see a greater emphasis placed upon prevention within the standards, with clearer links to factors that influence offending e.g. Adverse Childhood Experiences, exclusion from school, etc. and a widening of the standards to consider the role of education and health services in the earlier identification of those young people needing help.

- **Voice of the child young person** – Includem’s engagement with our young people in relation to the standards identified that there are significant differences in what is offered in different areas of Scotland and do not reflect their own experiences of the justice system.

One young person said, *“I feel like Police don’t understand us and that we are scared if they try to arrest us – we are only children. We might act like adults but we are teenagers and we are going to react and defend ourselves.”*

Includem would welcome mechanisms to be included in the standards which captures the voices and experiences of children/young people.

- **Appropriately responding to individual need, vulnerability and risk, including additional learning needs** – The standards appear to focus on low tariff young people with little other identified needs beyond their offending behaviour. The reference to a wholistic assessment comes in relation to the Children’s Hearing System and is focussed on the presenting offending behaviour and managing this risk. Includem considers that assessment of need and risk needs to be throughout the standards, with an emphasis on addressing the needs and vulnerabilities which increases the risk of young people offending. The need for different levels of support and their uniqueness to each child/young person should be reflected in the standards.

The standards refer only to young people who offend, however young people encounter the Police for other reasons and consideration needs to be given to making clear that these standards relate to all young people. One of our young people recounted a recent incident where she ran away from home after a fight with her mother and her mother reported her missing. When the Police located her, they attempted to handcuff her, she felt they were physically aggressive towards her and they did not explain to her why they were attempting to restrain her. There was no evidence of an offence being committed and no indication as to why she needed to be restrained.

There is no mention within the standards to young people who are neurodiverse or have additional learning needs, despite these young people being disproportionately represented within the youth justice system. Includem would welcome a specific standard ensuring that young people get the support they need, including support from Speech and Language Therapy at all points within the system.

Includem also considers that specific reference needs to be made within the standards for all professionals coming in contact with young people within the youth justice system to consider if the young people are at risk of or are currently being criminally exploited and

consideration of referral to the National Referral Mechanism to allow mitigation of any offences committed due to exploitation.

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

Yes/ No/ Don't know

Please provide a reason (or reasons) for your answer

Includem's experience is that young people across Scotland have different experiences within the youth justice system. Whilst Includem appreciates that the standards are not prescriptive to allow flexibility, we consider that some of the Standards are quite ambiguous and open to interpretation or that without more direct wording may result in service delivery based on budgets rather than good practice.

Our experience is that the third sector provides resource to support young people involved in youth justice. Over time the investment in this resource has shrunk and to expand it again would depend on commissioning priorities of 32 individual Local Authorities. A lack of data on youth offending across all the Local Authorities further impedes their ability to make youth justice part of a strategic commissioning process, thus limiting the consistent application of the youth justice standards.

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?

Includem welcomes the commitment within the Standards to ensuring young people get the help and information they need when they need it. Includem's young people who expressed their views and experiences of the youth justice system consistently expressed experiences which do not reflect those captured in the standards. Many young people we work with were not offered or did not recognise being offered early intervention, many young people did not receive support to attend court, some were not given the reports in relation to themselves or did not meet Criminal Justice workers until the day of their court appearance. Includem therefore welcomes the commitment of Scottish Government to ensure that consistent delivery of services across Scotland. Includem welcomes the links that have been made to other existing standards and policies, notably the Secure Care Standards and the Health and Social Care Standards, however, consider that there are opportunities to align to other policy and practice areas such as responding to child exploitation, the role of restorative justice and responding appropriately to those with additional support needs due to neurodiversity or learning difficulty.

4. What aspects stood out as being the least helpful?

Includem considers that the proposed Standards currently lack information about the following and would be keen to see these included:

- **How Youth Justice services should be commissioned** - Includem would like to see these standards being used as the Gold Standard to inform commissioning of youth justice services.
- **How needs and vulnerabilities for the young person and their wider family will be responded to** – with a link to the child poverty plans in each local authority.
- **The need for gender specific approaches for working with young people.**
- **The need for specific approaches for working with young people with additional support needs.**
- **The need for all professionals within the youth justice system to consider the possibility that the young person is being exploited** and the development within the standards of specific approaches to respond to these young people including referral to the National Referral Mechanism.
- **Clear expectations about the use of force, handcuffs and other implements at other points of contact with the police rather than just at the point of detention or transportation.** One young person spoke of witnessing the police using a baton and pepper spray on her 15 year old boyfriend at the point of arrest.

Includem would also welcome more information about how the Standards will be communicated to young people so they know what they can expect. There is an opportunity within Standard 8 to place an obligation on Local partnership to establish systems to routinely capture the experiences of young people and to develop procedures to allow recourse for young people who feel that their experience has fallen short of the standards.

In addition to communicating the standards with young people, there needs to be a clear plan for how the updated standards will be communicated and promoted to relevant stakeholders. Will it be built in to training for judiciary, managers, front line staff etc?

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?

Yes/No/ Don't know

Please provide a reason (or reasons) for your answer

Includem would reiterate the response given by the Criminal Justice Voluntary Sector Forum that third sector organisations deliver significant direct interventions with those at risk of offending or who are offending. The standards should include the collection of data from the third sector which can contribute to improving understanding of youth justice issues and how well services working.

There are existing challenges around information sharing currently, with practice around information sharing varying across the country. GDPR, for example, is sometimes being wrongly

cited as a barrier which then prevents effective information sharing or timely referrals to the third sector for support and intervention.

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/ **No**/ Don't know

Please provide a reason (or reasons) for your answer

Includem supports the answer provided by the Criminal Justice Voluntary Sector Forum in relation to including questions specifically relating to the delivery of services and outcomes in line with community justice services and recommendations emerging from other recent work (e.g. mental health, child poverty action plans) would also be helpful.

Includem also considers that there needs to be specific questions and mechanisms in place to capture the voice and experience of young people at all stages within the youth justice system and not just at the point of formal inspections. The experience of young people in the system cannot be improved without their participation and influence.

The development of a base line will also be required to enable partners to assess progress towards the Standards.