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22 January 2020

Consultation on the Youth Justice Standards

Community Justice Scotland welcomes the opportunity to comment on the updated Youth Justice Standards. We see this work as a key practical step in further improving and developing Scotland's delivery of better outcomes for young people involved in the justice system, and in improving prevention and diversion.

CJS are actively engaged in this agenda, working on the Youth Justice Improvement Board, the National Youth Justice Advisory Group, and multiple working groups delivering strands of the Youth Justice Strategy. We are also involved in supporting a pilot to evaluate the use of Structured Deferred Sentences with young people, and in partnership with CYCJ, developing and delivering training to police officers about capturing antecedent information in order to support informed and appropriate responses for young people who come to their attention.

We welcome a renewed iteration of the Youth Justice Standards. The Standards are a useful articulation of coherent and constructive expectations for the delivery of youth justice services and strategies. In a complex landscape for policy and practice, such clarity is of great value. If we as a nation are serious about improving outcomes for the most marginalised and vulnerable young people, policy makers and practitioners need a shared understanding and direction of travel.

There is a risk that the reach and impact of these standards will be limited without coordinated support for implementation and guidance in their use. We would recommend further work with partners to consider how the intended implementation of these standards can be realised to the fullest extent and to greatest impact.

We are happy to engage with you further on this matter.

Yours faithfully,

A handwritten signature in black ink that reads 'Karyn McCluskey'.

Karyn McCluskey, Chief Executive



Questions

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

Yes

While the Standards do not directly transfer onto these three priorities, the various sections within the document, in the main, relate to the activity outlined above. The priorities are clearly aimed at improvement outcomes, however they do not reflect how such would be measured and utilised either locally or nationally. The only section of the standards designed to reflect the national outcomes measures is Standard 8 which has one standard that defines who will collate and analyse national data – however, it stops short of defining how this will assist local areas.

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

Yes

It is clear that the standards allow for local arrangements to be in place as long as there is adherence to the standards, e.g. how EEI is implemented is flexible, but there is a requirement to pay attention to Core Elements as an underpinning methodology. However, the document does not define or illustrate how particular elements, for example governance arrangements, should be implemented locally in order that effective and efficient scrutiny arrangements are in place.

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

Please provide a reason (or reasons) for your answer

The standards are fairly comprehensive and very welcome in an arena that requires many partners to play specific roles to achieve the best outcomes for young people.

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

Please provide a reason (or reasons) for your answer

- The standard are 'activity' based and, as such, are difficult to directly translate into outcomes (which are the questions being asked in questions 1 & 2 above)
- Some of the standards are not standards, but statements, e.g. Standard 1.1 makes a binary statement about having arrangements in place but the quality required of the partnership arrangements is not specified
- The language is, at times, inconsistent, For example there are many instances of the word "must" is used such as Standards 1.2, 3.1, etc. (which, in a standards document is OK). There are other instances where "should" is used (e.g. 2.2, 2.5, etc.) and introduces an element of discretion that may compromise the standards. As an example, this is problematic in Standard 4.2
- The document could be more prescriptive in terms of timescales, e.g. Standard 1.2 and the use of "earliest opportunity"
- Some standards have too much in them leading to cluttered messaging, e.g. Standard 6.1. Starts with ambiguity of responsibility between practitioner and agency, then an

absolute statement re: age / assessment tool linked to an external document and ends with another absolute statement about which tools not to use.

- The standards would benefit from clearly defined time-bound processes in a number of areas

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

The data sets are not defined in the document – as a result neither is there any reference to what meaningful data will be collated and the purpose of this data, how this data will feed into local arrangements, why it is being collated for national purposes, etc. It may be that adjustments to presentation may address this issue.

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?

No

The above measures from 1 to 4 apply to all children (which we fully support) but would benefit from being somewhat more focused in terms of the justice aspect and what young people experience within the justice system (notwithstanding that they should be kept as far away from it wherever possible). In addition to this, those experiences should serve to inform practice and service delivery improvements and it is not clear from the questions above that this is either collated or is, indeed, a priority.

Question 5, about collaborative leadership, either needs to be more specific in terms of looking beyond leadership per se (i.e. looking at the quality and efficacy of the partnership as a wider local model) or being incorporated in the previous four questions as the partnership will only function effectively if there is collaborative leadership. As an alternative suggestion, the Care Inspectorate might want to focus us on the quality and efficacy of scrutiny of the partnership both in terms of internal processes (e.g. supported and validated self-evaluation) and how local governance and scrutiny is applied (e.g. quality and impact).