

## **NATIONAL YOUTH JUSTICE ADVISORY GROUP (NYJAG) Terms of Reference**

### **1 Introduction**

- 1.1 The Youth Justice Strategic Group created by the Scottish Government in 2007, had a key role in developing the Preventing Offending by Young People Framework. The Preventing Offending by Young People: Framework for Action', published in 2008, reflected a new approach to dealing with young people who offend, or are at risk of offending. The framework was jointly owned by the Scottish Government and COSLA and was endorsed by other key organisations.

The Strategic Group also supported the development and implementation of a Whole System Approach (WSA) following a successful pilot in Aberdeen in 2011 and were instrumental in driving early progress and overseeing the national roll-out.

In 2014 it was agreed that a new Youth Justice strategy would be developed with a wide range of partners. In June 2015 the '[Preventing Offending – Getting it right for Children and Young People](#)' was published. This strategy builds on earlier progress and focusses on 3 priority areas - around advancing the whole system approach, improving life chances and developing capacity and improvement.

A renewed focus building on progress made in recent years is now needed. This will take account of priorities from the strategic refresh, evaluation of the Whole System Approach and changes in local planning arrangements associated with the implementation of the Children and Young People (Scotland) Act 2014 and the new model for Community Justice.

The Youth Justice Improvement Board (YJIB) has been formed to drive these priorities forward.

## 1.2 Remit of the Youth Justice Improvement Board

At a national level, the Youth Justice Improvement Board will drive a culture of improvement in youth justice to make a sustained impact on priority areas, which will be kept under review.

The primary role will be to support the delivery of the Youth Justice Strategy and, in particular, its priorities around:

- Advancing the whole system approach
- Improving life chances
- Developing capacity and improvement

The Board will have a key role in developing and agreeing a plan to be taken forward and will guide and oversee work being delivered under the 3 strands.

Specifically the Board will:

- Ensure collective responsibility for delivery of the strategy and achieving effective outcomes.
- Identify and advise on managing risks and issues associated with delivery.
- Commit resources to support delivery.
- Make appropriate links to other national policies and agendas.
- Demonstrate accountability.

1.3 The strategy has been developed with a wide range of partners and has been signed off by the previous Youth Justice Strategic Group: Police Scotland, Convention of Local Authorities (COSLA), Crown office and procurator Fiscal Service (COPFS), Local Authorities, Scottish Children's Reporter Administration (SCRA) and relevant inspectorates and professional organisations.

## 2 NYJAG Background

- 2.1 The National Youth Justice Advisory Group (NYJAG) formed in 2008 following the implementation of the Concordat Agreement between Scottish Government and Local Authority Areas. The group formed from the previous Youth Justice Coordinators Group, a collection of Local Authority managers with remit for the implementation and delivery of Youth Justice Services within their local area.
- 2.2 As Youth Justice Coordinators, the group was expected to deliver the 'National Standards for Scotland's Youth Justice Services (2002)'. This included 'ring-fenced' funding for youth justice service delivery with Local Authorities reporting to Scottish Government. Following the Concordat Agreement ring-fence funding ceased and Local Authorities now implement youth justice services in line with other local priorities. GIRFEC remains a key policy driver in relation to provision of Children's Services in Scotland.
- 2.3 The framework developed a new working relationship between Scottish Government and key partner agencies. It was recognised by the existing Youth Justice Coordinators Group that a broader representative forum, including key partners from other services in the statutory and voluntary sector, was needed to continue to deliver youth justice services in Scotland and NYJAG was formed.
- 2.4 NYJAG consists of 2 bodies: the **NYJAG Executive Group** and **NYJAG**. The NYJAG Executive Group organises the agenda and work for the NYJAG group and takes governance responsibility for the work of NYJAG.
- 2.5 The key role of NYJAG is to provide a forum with representation from local authorities responsible for the implementation of youth justice practice along with representation from key partner agencies, including the voluntary sector, who have the responsibility for youth justice strategic development and practice implementation.
- 2.6 To support the achievement of the implementation of the Preventing Offending strategy and specific actions that are developed by the Implementation Groups, NYJAG through its executive group representation will work closely in the development and implementation of areas of work as identified through the Youth Justice Improvement Board.

- 2.7 A main focus of these developments is the continued support and development of the Implementation Groups that are configured around the key themes from the new strategy. The Implementation Groups are the key forums in the development and overall implementation of agreed youth justice strategy and related practice. The Groups will develop agreed remits and outcomes and report back directly to the YJIB and the NYJAG.
- 2.8 Achievements of NYJAG to date have included leading in the following developments:
- Establishment of an Annual National Youth Justice Practitioners Conference;
  - Development and implementation of the Youth Justice National Practice Development Team;
  - Development and establishment of the 'Champions Group' structure for Youth Justice in Scotland.

### **3 Governance**

- 3.1 The NYJAG will report directly to the Youth Justice Improvement Board and the Chair of the NYJAG will be a member of the YJIB.
- 3.2 The Centre for Youth and Criminal Justice (CYCJ) is funded by Scottish Government in respect of dissemination of best practice, evidence and research linked to the youth justice agenda. The CYCJ works with NYJAG and provide support in relation to agreed meetings and events, plays a key role and provides the secretariat for the Implementation Groups, NYJAG full meetings and NYJAG Executive Group meetings.

## 4 Scope

- 4.1 The NYJAG Executive will assist in the implementation and delivery of the work of the Youth Justice Improvement Board, Implementation Groups and work with the Centre for Youth and Criminal Justice and partners to highlight practice challenges and emerging issues. The NYJAG Exec will provide information on service gaps in current practice, as well as emerging trends that require consideration at Strategic, Policy or Practice level.
- 4.2 The remit of NYJAG is set within the context of the National Performance Framework and the local Single Outcome Agreements. Its work will primarily relate to four key National Outcomes :
- Our children have the best start in life and are ready to succeed.
  - Our young people are successful learners, confident individuals, effective contributors and responsible citizens.
  - We have improved life chances for children, young people and families at risk.
  - We live our lives safe from crime, disorder and danger.
- 4.3 NYJAG's approach to identifying, preventing and responding to offending by young people, incorporates the key *GIRFEC* values and principles which recommend that practitioners in all agencies who are working with children, young people and their families facilitate a pathway for help. It recognises this is within the context of the 'whole systems approach' as promoted by the Scottish Government.

## **5 Role and Remit of NYJAG**

- 5.1 NYJAG will link closely with the Scottish Government Youth Justice Team, CYCJ and the Implementation Groups in advising and contributing to the implementation of the priorities identified by the Youth Justice Improvement Board.
- 5.2 The views of the full NYJAG will be reported by the NYJAG Executive to the Youth Justice Improvement Board.
- 5.3 The key role of NYJAG is the implementation and delivery of national policy and guidance frameworks including the new national strategy - Preventing Offending – Getting it right for children and young people by Young People.

Specifically, NYJAG will:

- *Support the development services to deliver Whole Systems Approach guidance;*
- *Contribute practice experience and knowledge to the Implementation Groups and Practice Groups;*
- *With the continued support of Scottish Government and the CYCJ, be a key partner in the continued planning and implementation of the annual National Youth Justice Practitioners Conference;*
- *Encourage the sharing of resource design and implementation strategies (including protocols and processes);*
- *Contribute Local Authority data to the developing performance framework and to the evaluation of programme/service delivery;*
- *Support the identification and sharing of emerging trends and issues in Youth Justice;*
- *Communicate, with the support of the CYCJ, successes and learning in Youth Justice internally and externally, including National Media;*
- *Identify and share training opportunities.*
- *Promote and protect the development of a 'Rights Based' approach, in line with UNCRC recommendations, to working with young people in Scotland involved in or at risk of becoming involved in offending.*

## **6 Membership**

- 6.1 NYJAG consists of 2 main forums: the **Executive Group** and the **NYJAG**.
- 6.2 The **NYJAG Executive Group** consists of the following representatives:
- 1 x Chair (Local Authority Representative)
  - 1 x Vice Chair (Local Authority Representative)
  - 1 x Scottish Government Representative (from the Youth Justice Division)
  - 1 x Scottish Police Service
  - 1 x SCRA
  - 1 x Practice Development Manager of the CYCJ
  - 3 x Local Authority NYJAG Members
  - 1 x Manager from 3<sup>rd</sup> Sector
- 6.3 The NYJAG Executive Group will communicate with the wider NYJAG membership through the CYCJ website and specific e-mail communications regarding the business of the Executive Group and agreed related communications.
- 6.4 The NYJAG Executive Group will organise quarterly meeting to facilitate identified practice development discussions for NYJAG members that will ensure their contribution to key national discussions and debates regarding strategic and operational issues in relation to Youth Justice. These meeting will also provide an opportunity to discuss the operational role of NYJAG and the agreed role of the NYJAG Executive Group.

## **APPENDIX 1**

### **NYJAG - Statement of Purpose**

- The purpose of NYJAG is to promote the rights of, and justice for, children involved in offending.
- NYJAG will campaign for the development and implementation of policies and practice that are consistent with this purpose.

### **NYJAG will implement the Statement of Purpose by:**

- Promoting responses to children within the criminal justice system, which encourage them to take responsibility for their actions while remaining in the community.
- Promoting the principles of anti-discrimination, anti-oppression, diversion, decriminalisation and using custody and secure care as a last resort.
- Promoting the belief that the rights and welfare of children must be paramount throughout the youth justice system.
- Publicising examples of effective policies and practice.
- Promoting and encouraging community based methods of working with children involved in offending that maintain their rights and safeguard their welfare.
- Campaigning to influence legislation.
- Providing information and training with the aim of improving the quality and effectiveness of work with children in trouble.

## **Appendix 2**

### **Working with Children and Young People involved in Offending the Philosophical Base**

Children and young people should be viewed individually according to their stage of development. A child or young person who offends should be viewed as a child and as a child first and foremost. Thus, the welfare of the child remains paramount. Within this context, NYJAG believes that:-

- Children are entitled to equality of opportunity and access to relevant services. They are particularly vulnerable to, and must be protected from, discrimination.
- The establishment, application and protection of children's rights within national and international law and convention (UNCRC) is essential.
- Children are best looked after within their family or community, however these may be constituted.
- Children and young people are less likely to offend if their physical, emotional educational and social needs are met throughout childhood, with protection from all forms of neglect, abuse, exploitation or poverty and opportunity for development of full potential and achievement.
- Intervention into children's lives should be the least damaging and restrictive necessary. Positive responses which are proportionate both to the gravity of the offending and to the circumstances and needs of the child, are more effective than disproportionate or purely punitive measures.
- Locking up children is inherently damaging and contrary to the promotion of healthy development. Children should not be locked up and services should be developed and provided with a view to achieving that aim.
- Children should be helped to take responsibility for their decisions and actions in accordance with their stage of development and understanding.
- Most children and young people offend and will mature into responsible, law abiding adults. The labelling of children's behaviour as criminal is likely to be injurious to their normal development.
- Childhood is always a factor which mitigates against the full rigour of the criminal justice process.
- Enhancing children's awareness of the effects of their offending on others may be beneficial. Victims of crimes should have their needs met separately