

## NYJAG Group

September 9, 2020, 13.00 – 15.30

### Minute

#### 1. Welcome/introductions/apologies

##### In attendance:

Ranald McTaggart, Renfrewshire (chair)  
Carole Murphy, CYCJ (minutes)  
Grace Fletcher, East Ayrshire  
Colin Convery, Police Scotland  
Fiona Dyer, CYCJ  
Charlie Gracie, Stirling  
Joe Bryers, Action for Children  
Vicky Falconer, Angus  
Meg Thomas, Includem  
Julia Milne, Aberdeen  
Martin Loughrey, Dumfries and Galloway  
Wendy Lowrie, Shetland Islands  
Karen Turnbull, Renfrewshire  
Lindsay Ryan, South Lanarkshire  
Liz Murdoch, Scottish Government  
Lizette Vanzyl, South Ayrshire  
Ricki Sneddon, Stirling  
Ruth Kerracher, Staf & CYCJ  
Wilma Paxtondoherty, Aberdeenshire  
Alison Penman, Dumfries and Galloway  
Duncan Tate, East Dunbarton  
Kyrsten Buist, COPFS  
Debbie Nolan, CYCJ  
Janine McGowan, Edinburgh  
Lorraine McNally, East Renfrewshire  
Lyndsey Robb, North Lanarkshire  
Angelene Moan, East Ayrshire  
Ashleigh Duncan, Perth and Kinross  
Sarah Kerr  
Kevin Carter, West Lothian  
Gordon Bell, SCRA  
Peter Orr, Glasgow

##### Apologies:

Diane Dobbie, South Lanarkshire  
Mags Solomon, Inverclyde  
Chris Wright, Dundee

#### 2. Previous minutes

The note of the last meeting in February was approved. There were no specific actions outstanding except – Reflect on Rights Respecting paper, which will be carried over to the next meeting.

**Action: Rights Respecting paper to be put on agenda for next NYJAG meeting**

### **3. Issues arising from Executive Group meeting note**

The note of the last NYJAG Executive group meeting was circulated prior to this meeting. Most of the items discussed are on agenda below. A previous action for Janine to contact Lucy Smith regarding the Age of Criminal Responsibility (ACR) and the interim position had been completed, although not resolved. The concern is therefore that under 12s are continuing to be charged with offences. Colin updated that Police Scotland were working to the guidance given and were taking this forward with the ACR team. Liz updated that she was not on the ACR team and this issue should continue to be raised with Lucy Smith and Tom McNamara. It was agreed that a letter from NYJAG be written to request interim position. Fiona will also raise within her role in the ACR team which will be updated under agenda item below.

**Action: Ranald/Grace to write to Tom and Lucy about interim ACR position.**

**Action: Fiona to raise interim ACR position in her capacity on ACR team.**

### **4. Secure Care Standards**

At the last NYJAG meeting Debbie had updated on progress with the standards. There are now an agreed set of standards which will be launched on the 5<sup>th</sup> October. They set out expectations for a lot of different people for before, during and after secure care. There is a comprehensive communication plan for launching the standards with three events planned – one for strategic leads the week of the launch, one for key stakeholders in early November and one for children, young people and staff in Secure Care centres the week of the launch. The standards will be published on the Scottish Government website and CYCJ are developing postcards. The website was developed with children and will be an ongoing, live resource. There are ongoing discussions about what support is needed for implementation. There will be a phased approach to evaluation and monitoring of the standards. Phase 1 will be focused on self-evaluation, learning and support – identifying what improvement journeys should/could be. Good practice examples will be published on the website and workshops can be organised/facilitated to share experiences and resources. It was highlighted that the launch is the starting point – there is a lot that needs to be done together to make these a success.

**Action: Anyone who would like support with Phase 1 and implementing the standards should contact Debbie.**

A question was raised about whose role it was to monitor and evaluate the standards. Debbie indicated that CYCJ would support partners in Phase 1 while actively working with the Care Inspectorate and Health Improvement Scotland to progress the future phases. The standards will be embedded in the inspections of secure care from autumn. It was noted that it was important that all Children and Families workers see their role in the standards as often Secure Care is authorised on welfare grounds not just offending. Debbie agreed and also noted that the standards applied to all children in Secure Care including cross border children.

An update was then given on Secure Care transport discussions. A meeting had drawn together what the issues are around transport and discussions about Scotland Excel's role going forward had been ongoing. However, they have concluded that they are not in a position to develop this due to the level of spend and demand and the fact that this does not fit within their existing structures. As the issue had originated from NYJAG members it was brought back to the group to decide what the next steps were. There was considerable discussion about what the next steps should be given the length of time this issue has been around for. It was agreed that the issue would be raised at the Secure Care Group, at Social Work Scotland and with COSLA and the Children's Commissioner.

Transport is referred to in both the Youth Justice and Secure Care Standards, and the current situation means that it will be difficult to adhere consistently to such standards.

**Action: Debbie to take issues around Secure Care transport to the Secure Care Group.**

**Action: Ranald/Grace to write to the Children's Commissioner, Social Work Scotland and COSLA to raise the issue and seek a way forward.**

## **5. Age of Criminal Responsibility**

Fiona updated that the ACR Board had last met at the start of the year but that work had been underway to create 4 subgroups – victim support (Chairs – Mike Findlay and Nicola Fraser, community confidence (Chair – Paul Carberry), operational implications (Chair – Anthony Meechan) and data and research (Chair – Fiona Dyer). The ACR team in Scottish Government is looking at guidance in relation to legislation. Police Scotland have 3 or 4 members in the team, SCRA now have a member on the team and they are looking for Social Work support. Fiona will be filling this position until someone is appointed and their secondment starts. The closing date for applications is the end of September and people were encouraged to look at the job description and consider applying as it is a really important post.

## **6. EEI and diversion**

There was a discussion about patterns in local areas in relation to EEI and diversion referrals. Most areas noted a dip in EEI referrals during lockdown but noted that these were starting to pick back up. There was a mix of reports about how frequently 16 and 17 year olds were referred to EEI with this happening regularly in some areas and very infrequently in others. One area also reported that they had been receiving referrals for very low level offences where a conversation may have been more appropriate rather than drawing children into systems.

Variation in diversion was also reported. Some areas have noticed that low level offences had been referred, many of which would have been very unlikely to have been prosecuted through the courts at all, and another area highlighting the serious nature of some of the offences that had been diverted and the need for staff training. Kyrsten noted that low level offences should not be being regularly reported to the PF and the need for training was discussed to reinforce the terms of the Lord Advocates guidelines. Colin will take the discussion back to the EEI Forum and discuss the need for a wider training programme. One area highlighted commendable practice where they have been consulted on where the best interests of the child could be met for some serious offences which were then diverted. It was agreed that this would be kept on the agenda for future meetings. The timescale on change for 16 and 17 year olds getting access to EEI was raised. This had previously been raised with Cliff Most but it was agreed that Ranald would write to him for an update and copy Kyrsten in.

**Action: Colin to raise training need at EEI Forum.**

**Action: EEI and Diversion to be on next NYJAG agenda.**

**Action: Ranald to write to Cliff for an update and copy Kyrsten in.**

## **7. Input from SCRA**

Gordon shared a powerpoint on the impact of Covid-19 on Children's Hearings. This had arisen as a result of the discussion at the NYJAG Executive group. Referrals to SCRA on non-offence grounds and offence grounds were both down and although preliminary figures indicate these are increasing they do not indicate a return to pre-covid rates. Court applications determined also fell and there is a significant backlog sitting with the Court. There was a request for the slides to be shared, however, as the figures are not published Gordon will check what can be shared. Areas may be able to get local figures any way.

It was queried whether 'n' grounds of conduct could be used for referral to the Reporter instead of offence grounds as this would then not constitute conviction. There has been a lot of discussion about doing this for 8-11 year olds. If the child is involved in offending alongside antisocial behaviour / risk taking behaviour then it has always been an option to bring 'n' grounds. This would be more in line with UNCRC and reducing criminalisation however, it raises issues for Reporters about whether it is being used to avoid conviction. Gordon will discuss further at SCRA.

**Action: Gordon to discuss use of n grounds with SCRA colleagues and feedback.**

**Action: Gordon to check and share what figures (if any) he can make available**

## **8. Consultations**

Grace acknowledged the work that NYJAG members had put into the consultation on the sentencing of young people. Also looking for a couple of people to contribute to the consultation on the extension of the Childrens Hearing System to 16 and 17 year olds. Charlie and Julia volunteered to contribute.

**Action: Grace to arrange meeting with Charlie and Julia.**

## **9. Youth Justice Voices**

Ruth gave an update on the national participation project for children and young people age 16-25 who have experience of care and justice systems. Inside Out is running in HMPYOI Polmont and Youth Just Us in the community. At the moment communication with these groups has had to quickly move online – zoom, whatsapp, e-mail, phonecalls – whatever format is best for them. There are opportunities for children and young people to still participate and talk about current issues. There are a number of consultations that are keen to hear what young people think e.g. the extension of the CHS, the new Youth Justice vision. There is an open event on the 22<sup>nd</sup> September on zoom to contribute. If there are existing participation groups that would like to contribute then please get in touch and can support if it would be helpful. There is a topic guide on all three issues to help guide conversations about the consultations. There are short timescales for them – end September. Scottish Government have assured that there will be a feedback loop so that children and young people are updated with what is happening with the consultations and the contribution of their views. Angelene is coordinating responses from young people in East Ayrshire for the Youth Justice vision survey. Lorraine asked that Ruth copy her into any information and she would link in with people in East Renfrewshire. Ranald invited Ruth to attend every couple of meetings to give an update on what children and young people are saying. Ruth also offered to bring a young person to a future NYJAG meeting when appropriate.

**Action: Ruth to send information to Lorraine on participation opportunities.**

## **10. Child Criminal Exploitation**

It was highlighted that CCE is an issue that needs to be raised on the agenda nationally in relation to how it is identified and responded to. There have been reports of increased cases in some local areas. There was a discussion about whether people were identifying increased CCE in their local areas but this was not highlighted as an issue by those in attendance. It is being discussed at NYJAG Executive group so any issues please flag them to the group as this will remain on the agenda.

## **11. Community Payback Orders**

Janine McGowan had previously raised the issue of some children being placed on multiple CPO's at the same time which created issues because if they breached one then they faced breaches of multiple orders. Kevin said that it was working well in their area as Social Workers were confident in their assessments and highlighting to courts that they were already subject to a CPO and to

consider deferring sentence or revoking the current order and invoking a new order (if current matters). This had been achieved through quality assuring CJSW reports to improve quality and develop confidence. No other areas raised that this was an issue.

## **12. Longer term impact of Covid-19 on Court appearances and Children's Hearings**

Gordon covered most of this under agenda item 6. The significance of the impact of Covid-19 on the backlog of court cases has been reported recently and Rape Crisis Scotland have put in a legal challenge on the slowness of the trials and impact on victims. It is on the agenda to get people's views about the issue as a lot of victims of young people's offending are other young people and although it has been said these cases will be prioritised it is not clear how this will happen. Kevin indicated that they were managing to do assessments over the telephone and if on remand either getting into HMPYOI Polmont or using videoconferencing to do assessments. West Lothian have done more stand down reports which is speeding up a process in the current situation. It has been getting the key partners to make it work. The issue of young people spending longer on remand due to delays in trials was also highlighted.

## **13. Scottish Government update**

Most issues had already been covered. CYCJ has put out a survey on behalf of the Scottish Government on the Youth Justice vision and action plan going forward. A meeting of the working group looking at the Youth Justice standards has taken place following the analysis of the consultation responses. One of the issues raised through the consultation was how the voices of children and young people are heard and engaged with in relation to the standards. Another issue was how they would be implemented, monitored and evaluated. YJIB had a virtual meeting last week where there was a focus on the UNCRC and the Promise. The next YJIB will be December.

## **14. AOCB**

None raised.

## **15. Date of next meeting**

Date of next NYJAG Executive is 11<sup>th</sup> November.

Date of next NYJAG is 2<sup>nd</sup> December. Ranald will set up a meeting over Microsoft Teams (1-3pm). It was agreed that Grace would invite someone from the Promise team to do an input at the next meeting.

**Action: Grace to invite the Promise team to input to the next NYJAG meeting.**