

## NYJAG Minute

December 2, 2020, 13.00 – 15.30

### 1. Welcome/introductions/apologies

#### In attendance:

Ranald McTaggart, Renfrewshire (chair)  
Grace Fletcher, East Ayrshire (chair)  
Ross Gibson, CYCJ (minutes)  
Jennifer Shields, NHS  
Joe Byers, Action for Children  
Fiona McKinlay, Scottish Government  
Ruth Kerracher, Staf/CYCJ  
Peter Orr, Glasgow  
Chris Wright, Dundee  
Lizette Van Zyl, South Ayrshire  
Lindsay Ryan, South Lanarkshire  
Karen Turnbull, Renfrewshire  
Tish Richford, Moray  
Meg Thomas, Includem  
Lisa McMahan, Angus  
Liz Murdoch, Scottish Government  
Gordon Bell, SCRA  
Stewart Simpson, Scottish Borders  
Stephanie Crisp, The Promise  
Alison Penman, Dumfries and Galloway  
Krysten Buist, COPFS  
Fiona Dyer, CYCJ  
Kevin Carter, West Lothian  
Colin Convery, Police Scotland  
Claire Stuart, The Promise  
Julia Milne, Barnardos  
Janine McGowan, Edinburgh  
Ashleigh Duncan, Perth and Kinross  
Claire Brookes, Midlothian

### 2. Previous minutes

Minutes of the last NYJAG were approved.

### 3. FASD

Fiona McKinlay and Jennifer Shields delivered an input on the challenges posed by FASD, its prevalence, causes and impact. They highlighted the role that culture and attitudes towards ante-natal alcohol

consumption plays in the elevated rates of FASD in Scotland, with some 3-5% of children believed to have FASD. Fiona and Jennifer highlighted their e-learning module online and demonstrated its contents.

#### **4. The Promise**

Claire Stuart provided an input on The Promise team, which has been in place in some form since July 2020. Their work has focussed on building the team which will support implementation over the coming years. Claire provided a summary of the review, and what steps the team have taken in recent months. Claire was unable to take questions due to time restrictions, but welcomed queries via email on [claire@thepromise.scot](mailto:claire@thepromise.scot).

#### **5. Implementation of Secure Care Pathway and Standards Scotland**

Grace Fletcher reminded attendees that secure care standards were now in place, and commented on a workshop relating to the standards that Debbie Nolan from CYCJ had facilitated. Grace offered to share East Ayrshire's ideas on how they planned to take forward the evaluation from the workshop and create an implementation plan.

#### **6. Letters**

Ranald reported that he had sent letters to Tom McNamara (re ACR) and David Harvie (re Court issues) on behalf of NYJAG, and was awaiting a response.

#### **7. EEI/DfP forum**

Ross Gibson provided an update on EEI and DfP forums and the subjects that had been discussed during these. A wide range of services and local authorities have been attending each of these. Roll out of the DfP guidance has been aided by these forums. The EEI forum recently looked at speech, language and communication needs as well as mental ill health. Ross added that there was not a desire amongst the forum attendees to sit on NYJAG.

#### **8. Impact of Covid on remand**

Discussion took place regarding the various impact that Covid restrictions has had upon practice. One issue highlighted was the increased use of remand, and court delays.

Liz Murdoch provided update on guidance for secure units Polmont which impacts upon children's ability to have private consultation with lawyers etc and thus their legal and human rights.

Janine McGowan also felt that Covid has resulted in breakdown in relationship and communication between COPFS/SW/Police, making it more difficult to respond to instances of young people who may be facing remand. Colin Convery stated that this was not due to a change of policy at Police Scotland. Issues relating to unavailability of SCRA in Dundee were also raised.

Ranald Mctaggart queried whether an IRD-type discussion should take place when Bail is being opposed, and therefore create opportunity for SW and partners to propose alternative to remand packages. Kevin Carter and Stewart Simpson both reported on the significant delays that continue to be experienced by those under the age of 16 who had been jointly reported for alleged sexual offences.

Ranald and Grace are meeting with COPFS shortly, and intend to raise these issues there.

**Action: Members to share details of unnecessary use of remand with Grace and Ranald, in advance of their meeting with COPFS.**

**Action: Gordon Bell will speak to operational management in Dundee to raise this concern.**

## **9. Justice System Recovery paper**

Members were provided with a copy of this paper, produced by Community Justice Scotland. Chris Wright asked whether the changes that have been made in the past few months have resulted in better practice, and posed the question as to whether these changes should be formalised and continued when public health concerns have been remedied.

Grace Fletcher pointed to the work done by CELCIS and CYCJ over past months on highlighting practice issues.

Various members spoke, highlighting the benefits of adopting digital means of communication and interaction with children, but were mindful of digital poverty and the divide that this causes. Some local authorities reported having secured funding for equipment and access devices. Some members suggested that once the risk from Covid had abated there would be a balance of new methods and newer innovative methods.

Gordon Bell highlighted that a CHIP recovery plan is in place which aims for delays in the system to have been recovered by August 2021.

**Action: Gordon will share CHIP recovery plan**

## **10. Youth Justice Conference**

The 2021 iteration of the conference will take place on June 16 and 17. It will be entirely online. Fiona made requests for support in delivering this.

## **11. HSB Research**

Fiona Dyer reported that Stuart Allardyce was undertaking a mapping exercise of services that respond to HSB by u18 across the UK. Fiona asked if it would be possible for WSA leads to produce response for their area. It was agreed that the request should be submitted to the CSWOs who can then delegate as appropriate.

## **12. Permanence Order**

Janine McGowan queried what the legal position was for those children subject to Permanence Orders who accrue charges, and whether these matters could be referred to SCRA or must they be dealt with by COPFS. There is clearly a concern, particularly for those young people aged 16-17 who, if remanded or sentenced, could not access secure care.

## **13. FRAME**

Julia Milne asked whether other local authorities are updating their risk management policies in light of the incoming FRAME come January. Edinburgh and East Ayrshire confirmed that they were. Julia open to liaising with other partners in order to reflect on their current situation.

## **14. Addendum**

Due to lack of time a number of items were not discussed during the meeting. A written response has therefore been provided by Liz Murdoch:

YJIB – Due to meet again on December 10. Focus will be on the analysis of the 16/17 consultation responses, which will be published on December 7 - link will be circulated. The meeting will also consider the draft end of strategy report and the draft vision and priorities document. The draft has been based on the feedback received from partners and stakeholders over the last year, the responses to the qualtrics survey in August and the engagement with young people which took place in September. The vision and priorities also look to address ‘the asks’ of The Promise and to meet UNCRC.

YJ Standards - A short life working group looking at the standards and taking on board the feedback from the consultation process earlier in the year, was set up in August. The group have met (virtually) four times since September to consider amendments to be made to the standards. The group met for the last time on November 18. Final revisions are now being made and it is hoped the standards will be published in the new year as part of the suite of documents being published around the vision.

Secure care - Secure Care Pathway and Standards Scotland were launched on October 5. It is hoped that further support and engagement sessions will take place in the new year.

Age of Criminal Responsibility - NYJAG had previously raised concerns regarding those under 12 being charged by the police and wrote to the SG. SG colleagues in ACR team are currently in discussion with Police Scotland colleagues regarding this issue. Disclosure provisions have now commenced. Any behaviour that took place when a child was under 12 will no longer be automatically disclosed. Any information that the police think should be disclosed in relation to an enhanced disclosure, will now be considered by the independent reviewer, and she will decide whether it is indeed relevant for that information to be shared. This was the second of the key commitments that the Minister made during Stage 3 of the Bill, and means that childhood behaviour won't follow a young person through their life and have a negative impact on their future outcomes (when considering potential applications for further or higher education, or for vocational positions).

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

Date of next NYJAG Executive meeting is February 3

Date of next joint WSA and NYJAG meeting is February 24