I want the time with new staff **to build relationships** before I move on Advocacy is good to support me

It's important for me to be a **part of the plans**

I feel it's important for me to have **all the information** about what's going to happen I think sometimes the **transition into adulthood** should be more planned

Children and young people in conflict with the law Supplement

Principles of Good Transitions 3

Published June 2021 © Children and Young People's Centre for Justice and ARC Scotland

YOUTH JUSTICE IMPROVEMENT BOARD







www.cycj.org.uk/ cycj@strath.ac.uk www.arcscotland.org.uk www.scottishtransitions.org.uk www.arcscotland.org.uk www.soldnetwork.org.uk

@CYCJScotland

@Scotranfor

@SOLDarcscot

0141 444 8622

0131 663 4444

0131 663 4444

Association for Real Change is a registered charity:

Association for Real Change is a registered charity:

Registered Charity No. 285575,

Registered Charity No. 285575,

Scottish Charity No.

Scottish Charity No. SCO39129

SCO39129

Contents

Foreword

About Us

Introduction

Children in conflict with the law

Speech, language and communication needs

Rights Respecting

The Secure Care Pathway and Standards Scotland

Children and young people deprived of their liberty

Characteristics for Throughcare Support for Children and Young People deprived of their liberty

Principle 1: Planning and decision-making should be carried out in a

person-centred way

Principle 2: Support should be co-ordinated across all services

Principle 3: Planning should start early and continue up to age 25

Principle 4: All young people should get the support they need

Principle 5: Young people, parents and carers must have access to the information they

need

Principle 6: Families and carers need support

Principle 7: A continued focus on transitions across Scotland

Relevant Legislation

Resources and Signposting

Further Reading

Foreword

This publication is for everyone who works with children and young people who are in conflict with the law or at risk of this. It is relevant to all settings and all organisations and services that play a part in children and young people's lives.

The document is a supplement to the excellent Principles of Good Transitions series. The idea for the supplement came from discussions between colleagues working in youth justice and with children and young people who need additional support. We recognised that there are many common themes and much to be learned from sharing practice.

The importance of good transitions was recognised within the Scottish Government's Youth Justice Strategy 2015-2020 and was a priority for the Improving Life Chances Implementation Group of the Youth Justice Improvement Board. We were therefore delighted to form a team between CYCJ, the Scottish Transitions Forum, ARC Scotland and SOLD to prepare this publication.

It is good to see the fruits of this work. The document reinforces why children and young people in the justice system need special consideration and support, particularly around transitions. It offers advice from policy, research and best practice. Most importantly, it provides important messages from children and young people themselves about their experiences of transitions.

As the Scottish Government publishes its new strategy for youth justice, transitions remain a priority for continued concerted action. I hope that this publication will be useful for all who are concerned for children and young people who may come into conflict with the law, and so help to improve their life chances.

Dr Gill Robinson

Chair, Improving Life Chances Implementation Group, Youth Justice Improvement Board

About Us

Children and Young People's Centre for Justice (CYCJ) works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting, contributing to better outcomes for our children, young people and communities.

CYCJ produces robust internationally ground-breaking work, bringing together children and young people's contributions, research evidence, practice wisdom and system know-how to operate as a leader for child and youth justice thinking in Scotland and beyond.

They focus on three key activities:

Participation and engagement: amplifying the voices of children and young people.

Practice and policy development: developing, supporting and improving justice for children and young people.

Research: improving our understanding of justice for children and young people.

These activities are underpinned and connected by communication and knowledge exchange work, which is focused on improving awareness of evidence in different forms, and supporting dialogue between different perspectives, types of knowledge and viewpoints.

Scottish Transitions Forum aims to improve the experiences of young people (14-25) who require additional support who are making the transition to young adult life.

We do this by:

- Supporting joined-up working across all services
- Continually improving knowledge, motivation and practice
- Informing and empowering young people and their carers

Membership of the Scottish Transitions Forum is free and open to anyone who shares our aim. We have over 950 members, including professionals from all relevant sectors, young people and their carers.

Our work benefits all young people who require additional support in Scotland, including those with learning disabilities, autism, physical disabilities, sensory impairments, life limiting health conditions, mental health difficulties, young carers and those who are either currently, or have been, looked after.

The Scottish Transitions Forum is supported by the Association for Real Change (**ARC Scotland**).

SOLD aims to reduce offending and improve support for offenders with significant communication support needs in Scotland.

We do this by: providing a forum for professionals from all relevant sectors to share learning, identify challenges and develop solutions; enabling people with communication support needs to inform and contribute to all aspects of the work of SOLD; increasing knowledge and awareness of approaches to meet the support needs of people who have communication support needs in the justice system; and achieving change that improves support for people with communication support needs who are accused or convicted of committing a crime.

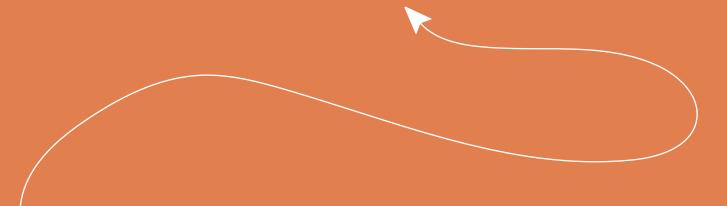
The work of SOLD is funded by the Scottish Government Community Justice Division.

Introduction

For some time, the **Principles of Good Transitions** has provided a framework to inform, structure and encourage the continual improvement of support for children and young people with additional support needs between the ages of 14 and 25 who are making the transition to young adult life.

The seven principles that are set out have been endorsed by a number of organisations that provide support for young people with additional support needs, the Scottish Government and national bodies.

These principles apply equally to those children and young people who are vulnerable because they are in conflict with the law, or are at risk of being so. By their very nature transitions can be times when relationships, routines and security are disrupted. For children and young people who are vulnerable, and have been in conflict with the law, so are at risk of being, transitions of any kind can be a stressful and risky time. This supplement brings together information for all those who work with these children and young people in any setting – in the community, through services, at school or in a residential setting – and combines this with words from the young people themselves.



Children in conflict with the law

Children who come into the justice system are often the most vulnerable, victimised and traumatised in society, often having experienced multiple adversities and presenting with a range of complex needs. The distinction between a young person being a victim or a perpetrator is often a false one.

The Improving Life Chances Implementation Group, on behalf of the **Youth Justice Improvement Board**, published a paper, '**Improving the life chances of children who offend: A summary of common factors**', highlighting the common factors that contribute to improving the life chances of children in conflict with the law including:

Wherever possible **providing support without intervening as a 'justice' service**, since contact with the justice system is known to be one of the biggest factors in continued offending;

Recognising that **strong, secure, consistent and trusting relationships, even just with one adult**, are critical to achieving sustainable, improved outcomes, and that such relationships take time, patience, persistence and perseverance to build and sustain;

Building services around the needs of children, providing all children involved in the justice system with information, support and tailored responses during their journey through the justice system;

Taking an individualised approach, recognising that children involved in offending are not a homogenous group and that other factors may increase vulnerability and require additional support - for example being a young parent or carer, gender, sexual identity, care status and health needs;

Recognising that all services, particularly the universal services of health and education, have a critical role in supporting all children to be included and in building relationships, strengths, protective factors and skills;

Using approaches which are rights-based and first and foremost recognise these children as children, with the same rights as other children;

Using approaches which are developmentally-appropriate, trauma and communication informed and build hope and resilience;

Providing the right opportunities and support at the right time, meaning that a range of services and supports are available and are accessible, responsive, flexible and sustainable, and that services and those who are supporting the child work together, in partnership, including with the children, their families and communities;

Having a **focus on progress and outcomes rather than outputs**: often there will be no 'quick fix' or linear pathway to address the complex needs and circumstances of the child - this often requires creative, flexible and responsive approaches, and progress should be recognised step by step;

Planning for endings from an early stage, helping children and their families to move from dependence on specialist services to universal services, interdependence and independence.

The above reflect the approaches we should be adopting for all children under **Getting it Right for Every Child.**

No child is ever beyond help

Speech, Language and Communication Needs

A high proportion of the children and young people who come into contact with the law have speech, language and communication needs. These needs can compound the challenges of transitions.

Children and young people with additional support needs hope for the same things as other children and young people: to be included in and influence decisions and plans about their lives; gain the supports they need; be supported to understand their rights and have these fulfilled; develop and sustain trusting relationships. This is no different for children and young people in conflict with the law, including those that have been deprived of their liberty. Unfortunately, however, many of these individuals do not get the support they require to achieve this. It is important that work continues to be done to address this and help ensure that Scotland is the best place in which to grow up for all children, in line with the Scottish Government vision.

Speech, language and communication needs (SLCN)

(We use this term here but acknowledge there are also other terms people may be more accustomed to using, such as 'communication disadvantage'.)

SLCN can arise from a number of underlying causes:

Cognitive or neurological: learning disability, autism, acquired brain injury, foetal alcohol spectrum disorder, dementia, mental illness, learning difficulties such as ADHD and dyslexia.

Complex trauma, which is particularly common among care experienced young people.

Communication and literacy challenges associated with reduced opportunities to develop vocabulary and/or reading and writing abilities throughout childhood and adolescence.

It is important not to underestimate the profound impact SLCN, due to any cause, can have on a young person's ability to understand and communicate, in every interaction and especially under stress. Speech, language and communication needs (SLCN) is an umbrella term describing difficulties with speech, language and communication which significantly impact on an individual's academic achievement or day to day social interaction (Hughes et al. 2012). The presentation of these needs is widely heterogeneous, SLCN may be minor and temporary or complex and long-term (Coles et al. 2017) where an individual may have difficulty in one or many areas (Afasic 2018). SLCN may be in isolation, or symptomatic of another condition. Difficulties at speech production level present as dysfluencies, articulation difficulties and voice disorders affecting quality, pitch or loudness. Language difficulties refer to expression or comprehension of words and phrases, their form, content and use. Beyond the spoken word, pragmatic difficulties with non-verbal and social communication are frequently observed SLCN phenomena. Young people with SLCN will likely suffer literacy difficulties due to the dependence of oral language competence on the development of literacy (Griffin et al. 2004).

SLCN are extremely common in children and young people in conflict with the law. Major studies to date have focussed on the prevalence of language difficulties in males, with 50% to 70% of this group found to have significant difficulties with language function (Bryan, Freer, & Furlong, 2007; Snow, Powell, & D Sanger, 2012). This is compared with approximately 10% of the general population (Norbury, et al, 2016). It is important to note that these individuals may also have other communication difficulties and that there will be yet more young males in this population with difficulties in non-linguistic aspects of communication (SLCN is also common among young females, although the nature of the SLCN may be different).

In common with general findings in youth justice research, less attention has been paid to the SLCN of young females involved with the criminal justice system. It has been found to be common for young females in custody to report indicators of SLCN, with around a quarter regarded as having language deficits severe enough to indicate a need for direct speech and language therapy intervention (Snow et al., 2012).

The presence and severity of SLCN appears to have associations with offending severity, in particular, violent offending. Whilst SLCN are relatively common in all children and

young people in conflict with the law, they are particularly common amongst more severe offenders, and amongst violent offenders (Snow & Powell, 2011).

The high prevalence rates of SLCN in children in conflict with the law means that it is best practice to assume every young person you meet will have SLCN

The message which can be drawn from the range of prevalence-related research in this area is that SLCN are commonplace in children and young people who are in conflict with the law. Often SLCN are masked by the children and young people's behaviour, which may be seen as challenging and as a result they are often unidentified and therefore unmet. This invites the conclusion that practitioners working with children and young people in conflict with the law must approach their work with with the expectation that SLCN will be present, unless there is specific evidence to the contrary. For more information see **CYCJ practice guidance chapter 9.**

Rights Respecting

The Scottish Government has committed to incorporating the United Nations Convention on the Rights of the Child (UNCRC) into domestic law in Scotland, recognising that a significant change is required if we are to progress children's rights. The report, "Can Scotland be Brave?" examines the readiness of services to deliver on Article 12 of UNCRC. As part of this, particular attention to the rights of children who are the most marginalised, including those in conflict with the law, has to be made. Lightowler (2020) highlights in her report 'Rights Respecting? Scotland's approach to children in conflict with the law' that many children who are in conflict with the law do not experience 'justice' in the true meaning of the word and therefore Scotland would benefit from thinking about these children from a perpective of rights.

The Secure Care Pathway and Standards Scotland

The Secure Care Pathway and Standards Scotland set out what all children in or on the edges of secure care in Scotland should expect across the continuum of intensive supports and services. The Pathway and Standards provide a framework for ensuring the rights of children and young people are respected and improving experiences and outcomes for children who are experiencing extreme vulnerabilities, needs and risks in their lives. The Pathway and Standards establish a coherent set of expectations across the continuum of intensive supports, following a child's potential journey before, during and after a stay in secure care. Many of the key messages from the Pathway and Standards have been incoprotated into this guide including the voices of children and young people.

Children and young people deprived of their liberty

The removal of children and young people from their families and communities to secure care or custody interferes with processes and factors generally thought to promote desistance, including developmental processes, positive links with the community, family ties, employment and housing (Rutherford, 2002; Fitzsimons & Clark, 2021). These young people will often have already faced multiple adverse experiences, including abuse (sexual; physical and emotional); neglect (physical and emotional); household dysfunction (familial substance abuse; familial mental illness; domestic violence in the home; incarceration of a household member); moves of home and school; community violence; and associated trauma (Gough, 2016, 2017; Johnson, 2017; Moodie & Gough, 2017; Smith, Dyer, & Connelly, 2014; Youth Justice Improvement Board, 2017; Gibson, 2020). These pre-existing vulnerabilities and disadvantage can often be exacerbated with the additional experiences of being deprived of their liberty (Armstrong & McGhee, 2019; End Child Imprisonment, 2019; N Vaswani & Paul, 2019). Furthermore, the transitions to and from secure care or custody are major, often traumatic, life events for children and young people, which in addition to the negative effects this experience in itself can bring, may exacerbate pre-existing vulnerabilities and disadvantage, rendering young people susceptible to a range of (further) negative outcomes on return to the community (Bateman, Hazel, & Wright, 2013; Hollingsworth, 2013).

The **CYCJ practice guidance section on Reintegration and Transitions** defines "transitions" in a youth justice context as the following:

- Moving from children to adult services
- Moving from school to employment, training and further/higher education
- Moving from childhood into adolescence and young adulthood in developmental terms
- Moving from the Children's Hearings System (CHS) to the Criminal Justice System (CJS)
- Moving from the community to secure care or custody and vice versa; from secure care to custody; and Young Offenders Institutions to adult establishments

Characteristics for Throughcare Support for Children and Young People deprived of their liberty

A number of characteristics have been established by **Beyond Youth Custody,** a learning and awareness project based in England which focused on supporting vulnerable young people with changes in their lives. These characteristics for all through care support have been identified as crucial for effective transition and in sustaining gains made while the child or young person has been in secure care or custody. N. Hazel et al. (2017) state the likelihood of effectiveness of individual components of support and overall support can be judged on whether it demonstrates five characteristics.

- Constructive: Focused on identity shift, future orientated, motivating, strengths based, and empowering
- Co-created: Inclusive of the young person and their supporters
- Customised: Individual and diverse wraparound support
- Consistent: Throughout the journey, seamless, enhanced at transitions, and based on stable relationships
- Coordinated: Managed widespread partnerships across organisations. The five characteristics will be incorporated throughout the principles in this guide.

These helpful descriptions of effective support have been incorporated into the seven principles which follow.

Principle 1:

Planning and decision-making should be carried out in a person-centred way

This means:

Children and young people:

- are at the centre of their transition planning
- have a single Child's Plan or Transitions Plan that documents what should improve for the child, the actions to be taken and why the plan has been created
- are supported to identify their strengths, hopes and future goals
- are supported to understand their previous experiences and barriers
- are given the mental and physical health care they need as and when they need it
- are supported to make informed choices whilst promoting individual responsibility as appropriate

"it's important for me to be a part of the plans and reports written about me, and for people to know the good things about me" (Young Person - Secure Care Standards)

- All those providing support to children and young people in conflict with the law (and their families) at all stages adopt an inclusive communication approach in everything they do – both at the level of the individual and more generally in print, online, telephone and "in building" communications
- Support is focused on the individual's needs, strengths and hopes as a child or young person and not on their previous actions or behaviours
- Priority is given to engagement and building and sustaining a relationship with the child or young person
- Support is customised and individually tailored based on an understanding of the individual child or young person

"Plans should be being made and discussed with young people so they know where they are going and when" (Practitioner - Secure Care Standards)

- For children and young people in custody, specific timescales must be met for initial custody reviews, review meetings and pre-release meetings.
 See CYCJ Info Sheet 44 for more information (Nolan 2019)
- On the day a child or young person is remanded or sentenced to custody, the criminal justice social work report and a Child's Plan (where established) should be

submitted to Scottish Prison Service to ensure information is shared on the individual. See **CYCJ Info Sheet 44** for more information (Nolan, 2019). For children and young people in secure care or a looked after child, the review meet ings should be held in accordance with legislation and guidance: For more information see **Young Person's Journey.**

Children & young people should be considered as experts in their own lives who go on a journey of desistance and identity shift (Hazel et al., 2017)

Principle 2:

Support should be co-ordinated across all services

This means:

- There is a co-ordinated approach to transitions in each local authority.
- It is the lead professional's role to co-ordinate the Child's Plan

"I want to have a full transition plan in place before I leave secure that gives me enough time to get used to the thought of moving on and that I have the right people there supporting me throughout my transitions"

(Young Person - Secure Care Standards)

- The co-ordinated Child's Plan should meet all of the child or young person's needs and involve everybody who has responsibility to care and support them
- A child or young person should have all the care and support required to build the future they want
- Learning and development opportunities across all services, including health and education, include an understanding of all aspects of transition
- Children or young people in secure care or custody have a Child's Plan which should move with them and be shared with those responsible for their care

- Reviews are carried out in line with the **Whole System Approach**, Corporate parenting responsibilities and guidance dependent on the child's legal status
- Stable, consistent supportive relationships between the child or young person and those involved in their support are crucial and make a vital contribution to their engagement and the promotion of good outcomes

"Sometimes it's better to have care staff explain things because you have a better relationship with them" (Young Person - Secure Care Standards)

- Contact from staff within the community continues during the child or young person's period in secure care or custody, and any new services that will work with them on release should make contact early so there is time to build relationships (Bateman et al., 2013; Malloch, 2013
- Children and young people are supported to maintain positive relationships with professionals and carers throughout their justice system journey (Scottish
- Government, 2016; Independent Care Review, 2019)
- Values underpinning partnership working including respect, appreciation and understanding of each agency's roles, trust, openness, and working towards a common goal are agreed and used
- Organisations are aware of, and ensure the fulfilment of, their corporate parenting responsibilities outlined in the Children and Young People (Scotland) Act 2014
- Speech and language therapy services are able to assess individuals, advise and support colleagues throughout transitions to meet the communication

- requirements of children and young people and their families
- Third sector organisations, who regularly play a lead role, are fully considered and involved
- Transitions are evaluated to ensure they improve children's outcomes

"...desistance is more likely to be achieved when a 'working alliance' between service user and service provider is developed". Healy (as cited by Malloch, 2013, p.24)

Principle 3:

Support should be co-ordinated across all services

This means:

- Planning is available as early as possible and be proportionate to need
- Child's Plans and assessments are always completed in a child-centred manner and follow the child, including in any transition to adult services
- Transition planning and support should continue to age 25
- **Corporate parenting responsibilities** should continue until a young person's 26th birthday
- Young people know as early as possible where they will live on their return to the community, support is established pre-release, young people understand post-release plans and contact arrangements
- Young people have as much choice as possible about the place they are moving to and are able to visit
- Young people in custody are prepared early for their return to the community
- Interventions are future-focused and take a long-term perspective, with planning and preparation for release commencing at the point of entry to custody or secure care (Malloch, 2013; Hazel et al., 2016)
- Support is seamless
- Support includes contingency planning in recognition that change is hard and relapse andsetbacks common on the journey to desistance (Hazel et al., 2017)

"I want to have a full transition plan in place before I leave secure that gives me enough time to get used to the thought of moving on and that I have the right people there supporting me throughout my transitions" (Young Person - Secure Care Standards)

Principle 4:

All young people should get the support they need

This means:

- Eligibility criteria should be applied equitably across Scotland
- Support is made available for those who do not meet eligibility criteria
- An improved understanding of the number of children and young people who require support and levels of unmet need (and steps to address this unmet need)
- Children and young people are supported to build self-belief and esteem and resilience as well as to identify their current strengths and future goals, hopes and aims
- Support that involves preparation for the fact that transitions can be stressful, overwhelming and disorientating experiences

"When I'm upset, staff come in and speak to me, I know that I have people who understand me and that know what to do/say when I'm feeling low" (Young Person - Secure Care Standards)

 Planning and decision-making for services they receive is done in partnership with children and young people and their carers

- While the legislative basis for post-release support varies, all young people should be prepared for, and supported on, release
- Children in conflict with the law, like all children, are rights-holders who are entitled to their rights and should have their rights upheld
- An improved recognition of the negative impact of the premature termination of Compulsory Supervision Orders
- Improved familiarity with section 49 of the **Criminal Procedure (Scotland) Act 1995** which outlines in detail the circumstances whereby young people found guilty of an offence in an adult court may have their cases remitted back to a Children's Hearing for advice and/or disposal.

"Children are often unable to participate meaningfully in justice related settings, where they struggle to understand what is happening, let alone feel confident enough and able to express themselves. Being accused of criminal behaviour makes participation in justice settings an inevitably challenging and potentially traumatic experience for children. Furthermore, the high proportion of children in conflict with the law who have a speech, language or communication difficulty, means there is a need for highly trained professionals and child-friendly settings in which to support participation. In addition to compliance with participation rights, there are major issues for children's access to justice if children are not able to understand and participate in the processes they are subject to." (Lightowler 2020)

Principle 5:

Young people, parents and carers must have access to the information they need

This means having information that:

- Clearly states what children and young people are entitled to during transitions
- Shows what support is available
- Is inclusive of different communication needs
- Uses common and agreed language

"I feel it's important for me to have all the information about what's going to happen or can happen in my life" (Young Person - Secure Care Standards)

• Is alert to the significant prevalence of speech, language and communication needs for children and young people in conflict with the law (research indicates that 50% to 70% of males in the youth justice system have significant difficulties with language function (Bryan, Freer, & Furlong, 2007; Snow, Powell, & D Sanger, 2012)) For more information please see **CYCJ's practice guidance, Section 9**. It should also be recognised that SLCN are also common among females

 Young people have accesss to legal advice, representation and high quality independent advocacy

"Advocacy is good to support me, like at my 72 hour meeting, to make sure my voice is heard" (Young Person - Secure Care Standards)

- There is awareness of local support i.e. **Families Outside**
- Staff utilise the Young Person's journey and Journey through Justice resources.

"In the development of Journey through Justice, young people repeatedly identified that where possible they preferred to gain information from people rather than resources, highlighting a real need for strong relationships."

(Practice development advisor, CYCJ)

Principle 6:

Families and carers need support

This means that:

- Family wellbeing needs are supported
- Families are involved as early in the transitions as possible
- Families are encouraged and supported to keep in touch, where this is in the best interest of the child, and are treated with dignity, compassion and respect

"I get contact with my family through calls, skype and visits – I love this time to speak to my family and it definitely makes me feel happy to know they are fine" (Young Person - Secure Care Standards)

- Independent advocacy is available at the start and throughout transitions
- It is acknowledged that family support can be crucial for achieving and sustaining desistance and good outcomes
- Support is given to families in their own right including the provision of advice, information, practicial assistance and emotional support
- The child or young person's family, friends and informal supporters are also engaged throughout
- Workers are aware of the importance of the involvement of families in assessment, planning and information sharing for young people; the necessity to take parents' views into account has been enshrined in the Children and Young People (Scotland) Act 2014.

• Families are recognised for their unique positions in fulfilling a number of the characteristics associated with effective throughcare support, in other words that it is continuous; consistent; offering individualised, wide ranging support based on their knowledge of the young person; and promoting engagement with plans and services (Hazel et al., 2016)

"What helps? The amount of contact you have with your family and friends" (Young Person - Secure Care Standards)

- Family relationships are promoted and barriers to family contact are addressed where appropriate
- This may include the need to undertake reparative work between the child or young person and their family
- Support is available to young people in secure care or custody who are parents
- Consideration is given to the likelihood that children and young people are placed in settings outwith their own community and often a significant distance from their home, and the implications of this.

"A child or young person's family, friends and informal supporters have important roles in supporting and reinforcing key aspects of plans and goals"

(Mallock, 2013; Hazel et al., 2017)

Principle 7:

A continued focus on transitions across Scotland

This means:

- There is a shared approach to transitions across all professional sectors
- A continued focus on transitions within policy and legislative developments
- Learning from project-funded work is embedded into longer-term strategies
- We hear and learn from the voices and experiences of children and young people and make changes based on this

"I think sometimes the transition into adulthood should be more planned. I turn 18 in October and I feel really anxious... You're turning 18. You are getting an adult social worker. You've got to build this relationship. And also, you're going to get a throughcare worker and oh! Also, you might be getting a mental health worker, oh you might be getting a learning disability worker. Can you just take your time." (Young Person - Talking Hope Report)

- The rights of children and young people, including the incorporation of UNCRC into law, are prioritised for the future
- All those with a part to play in policy and practice recognise that good practice in transitions is crucial if positive outcomes are to be achieved for children in conflict with the law.

"It's a multi-agency responsibility, we're all corporate parents. It can't just be left to social work because we do need our partners in housing, in the education sector, etc, to be able to get the full package of what young people need for transitions and for hope."

(Practitioner – Talking Hope report)

"The transitions to and from secure care or custody are major, often traumatic, life events for young people, which in addition to the negative effects this experience in itself can bring, may exacerbate pre-existing vulnerabilities and disadvantage, rendering young people susceptible to a range of (further) negative outcomes on return to the community" (Bateman, Hazel, & Wright, 2013).

Relevant legislation

Social Work (Scotland) Act 1968
Children (Scotland) Act 1995
Criminal Procedure (Scotland) Act 1995
Children's Hearing (Scotland) Act 2011
Children and Young People (Scotland) Act 2014
Criminal Justice (Scotland) Act 2016

Useful resources and signposting

GIRFEC Wellbeing: Improving Outcomes online tool www.wellbeingoutcomes.scot/

Principles of Inclusive Communication www.gov.scot/publications/principles-inclusive-communication-information-self-assessment-tool-public-authorities/pages/1/

Inclusive Communication Resources (The Royal College of Speech and Language Therapists) www.rcslt.org/speech-and-language-therapy/inclusive-communication-overview/

The Box – Communication Help for the Justice System (The Royal College of Speech and Language Therapists) www.rcslt.org/learning/the-box-training/

Scotland's Inclusive Communication Hub www.inclusivecommunication.scot/

Journey Through Justice – interactive online resource (Centre for Youth and Criminal Justice) www.cycj.org.uk/resource/journey-through-justice/

Young Person's Journey https://content.iriss.org.uk/youthjustice/

Can Scotland Be Brave? Can Scotland be Brave – Incorporating UNCRC Article 12 in practice - gov.scot (www.gov.scot)

Children and Young People's Centre for Justice, A Guide to Youth Justice in Scotland: policy, practice and legislation https://www.cycj.org.uk/resource/youth-justice-in-scotland-guide/

Secure Care Pathways and Standards Scotland https://www.securecarestandards.com/

Scottish Prison Service Vision for Young People in Custody http://www.sps.gov.uk/Corporate/Publications/Publication-7393.aspx

Families Outside www.familiesoutside.org.uk/families/

Find an Advocate (Scottish Independent Advocacy Alliance) www.siaa.org.uk/find-advocate/

Find a Solicitor (Law Society of Scotland) www.lawscot.org.uk/find-a-solicitor/

Further reading

Afasic (2018) What are Speech, Language and Communication Needs (SLCN)? Available from: https://www.afasic.org.uk/about-talking/what-are-speech-language-and-communication-needs-slcn/ (accessed 17 Feb 2021)

ARC Scotland (2019) **Principles of Good Transitions 3** (Second Edition) www.scottishtransitions.org.uk/summary-download/

Armstrong, S., & McGhee, J. (2019). **Mental Health and Wellbeing of Young People in Custody**: Evidence Review. Retrieved from Glasgow: https://www.sccjr.ac.uk/wp-content/uploads/2019/05/SCCJR-Mental-Health-and-Wellbeing-of-Young-People-in-Custody_Evidence-Review.pdf

Bateman, T., Hazel, N., & Wright, S. (2013). **Resettlement of young people leaving custody**: lessons from the literature. Retrieved from http://www.beyondyouthcustody.net/resources/publications/lessons-from-the-literature/

Beyond Youth Custody. (2015). **Effective Resettlement of Young People**. Retrieved from http://www.beyondyouthcustody.net/wp-content/uploads/Effective-resettlement-of-young-people-lessons-from-Beyond-Youth-Custody.pdf

Bryan, K., Freer, J., & Furlong, C. (2007). Language and communication difficulties in juvenile offenders. International journal of language & communication disorders, 42, 505-520. doi:10.1080/13682820601053977

Coles H, Gillett C and Murray G et al. (2017) **Justice Evidence Base**. Royal College of Speech and Language Therapists, Available from: https://www.rcslt.org/speech_and_language_therapy/slt_work_settings/justice_slcn/justice_evidence_base2017 (accessed 18 September 2019).

CYCJ. (2019). **A Guide to Youth Justice in Scotland: policy, practice and legislation**. Retrieved from https://www.cycj.org.uk/resource/youth-justice-in-scotland-guide/

CYCJ/IRISS. (2019). Youth & Criminal Justice in Scotland: The Young Person's Journey Retrieved from http://content.iriss.org.uk/youthjustice/index.html

End Child Imprisonment. (2019). **Principles and minimum expectations** for children deprived of their liberty. Retrieved from https://article39.org.uk/wp-content/uploads/2019/04/ECI-Principles-and-Minimum-Expectations-FINAL-pub-18-April-2019.pdf

Fitzsimons, D. and Clark, A., 2021. Pausing Mid-Sentence: An Ecological Model Approach to Language Disorder and Lived Experience of Young Male Offenders. International Journal of Environmental Research and Public Health, 18(3), p.1225.

Gibson, R. (2020). **ACEs, Places and Status**: Results from the 2018 Scottish Secure Care Census. Retrieved from https://www.cycj.org.uk/wp-content/uploads/2020/07/ACEs-Places-and-Status.pdf

Gough, A. (2016). **Secure Care in Scotland: Looking Ahead**. Retrieved from http://www.cycj.org.uk/resource/secure-care-in-scotland-looking-ahead-2/

Gough, A. (2017). **Secure Care in Scotland: Young People's Voices**. Retrieved from Glasgow: https://cycj.org.uk/wp-content/uploads/2017/10/Secure-Care-Young-Peoples-Voices.pdf

Griffin T, Hemphill L and Camp L et al. (2004) Oral Discourse in the Preschool Years and Later Literacy Skills. First Language, 24(2), 123-147.

Hazel, N., Goodfellow, P., Liddle, M., Bateman, T., & Pitts, J. (2017). "Now all I care about is my future"-supporting the shift: framework for the effective resettlement of young people leaving custody: a summary.

Hazel, N., Goodfellow, P., Wright, S., Lockwood, K., McAteer, L., Francis, V., & Wilkinson, S. (2016). **The Role of Family Support in Resettlement** Retrieved from http://www.beyondyouthcustody.net/resources/publications/role-family-support-resettlement-policy-briefing/

Hollingsworth, K. (2013). Securing responsibility, achieving parity? The legal support for children leaving custody. Legal Studies, 33(1), 22-45

Hughes N, Chitsabesan P and Bryan K et al. (2017) Language impairment and comorbid vulnerabilities among young people in custody. Journal of Child Psychology and Psychiatry, 58(10), 1106-1113.

Independent Care Review (2019). **The Promise**, Retrieved from https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf

Johnson, D. (2017). **A Best Fit Model of Trauma-Informed Care** for Young People in Residential and Secure Services. Retrieved from https://www.kibble.org/wp-content/uploads/2017/08/best-fit-model-trauma-informed-care.pdf

Lightowler, C. (2020). **Rights Respecting**? Scotland's approach to children in conflict with the law. Retrieved from Glasgow: https://cycj.org.uk/wp-content/uploads/2020/01/Rights-Respecting-Scotlands-approach-to-children-in-conflict-with-the-law.pdf

Malloch, M. (2013). The Elements of Effective Throughcare Part 2: Scottish Review, SCCJR report No. 04/2013. SCCJR.

Miller, E. & Baxter. K (2019). **Talking Hope Report**, retrieved from https://cycj.org.uk/wp-content/uploads/2019/10/Talking-Hope-Report.pdf

Moodie, K., & Gough, A. (2017). **Chief Social Work Officers and secure care.** http://www.cycj.org.uk/resource/chief-social-work-officers-and-secure-care/

Nolan, D. (2019). **Reviews for young people in custody under the Whole System Approach** - information for local authorities. Retrieved from https://cycj.org.uk/wp-content/uploads/2019/11/Info-sheet-44-Nov-2019-final.pdf

Norbury, C.F.; Gooch, D.; Wray, C.; Baird, G., Charman, T., Simonoff, E., Vamvakas, G., Pickles, A. The impact of nonverbal ability on prevalence and clinical presentation of language disorder: Evidence from a population study. J. Child Psychol. Psychiatry Allied Discip. 2016, 57, 1247–1257.

Rutherford, A. (2002). Growing out of crime: The new era. Hook: Waterside Press

Scottish Government (2020). **Secure Care Pathway and Standards**, retrieved from https://www.gov.scot/publications/secure-care-pathway-standards-scotland/

Smith, S., Dyer, F., & Connelly, G. (2014). **Young Men in Custody**: A report on the pathways into and out of prison of young men aged 16 and 17. Retrieved from Glasgow: https://cycj.org.uk/wp-content/uploads/2014/09/Young-men-in-custody-research-report.pdf

Snow, P. C., & Powell, M. B. (2011). Oral language competence in incarcerated young offenders: Links with offending severity. International Journal of Speech-Language Pathology, 13(6), 480-489

Snow, P., Powell, M., & D Sanger, D. (2012). Oral Language Competence, Young Speakers, and the Law. Language, speech, and hearing services in schools, 43, 496-506. doi:10.1044/0161-1461(2012/11-0065)

Youth Justice Improvement Board. (2017). **Children And Young People In Custody** In Scotland: Looking Behind The Data. Edinburgh: YJIB Retrieved from https://cycj.org.uk/wp-content/uploads/2017/10/Young-People-in-Custody-October-2017.pdf

Youth Justice Improvement Board. (2020). **Improving the life chances of children who offend** - A summary of common factors. Glasgow: Centre for Youth & Criminal Justice. Retrieved from:http://www.cycj.org.uk/wp-content/uploads/2020/10/ILC-Common-Factors-paper-2020.pdf

Vaswani, N., & Paul, S. (2019). 'It's knowing the right things to say and do': Challenges and Opportunities for Trauma-informed Practice in the Prison Context. The Howard Journal of Criminal Justice, 58(4), 1-22