



Children and Young People's
Centre for Justice



HOW GOOD YOUR CARE AND SUPPORT SHOULD BE: STANDARDS FOR PEOPLE WORKING WITH CHILDREN IN CONFLICT WITH THE LAW 2022

A Quick Guide for Children and Young People

January 2022



I have a Children's Hearing. Will someone help me understand what this means?

Will I get help to understand my rights and decisions made about me?

When I leave secure care or young offenders, will I be supported?

My behaviour is changing, and my family are worried. Can we get help?

Will I get help to stay safe?

I am going to court. Will someone help me through this?

Will someone explain what happens in secure care or a Young Offenders Institution?

If I have committed a crime, can I still be a victim?

I have been charged by the police. Will I have to go to court?

Will someone check that my care and support is right for me?

HELLO AND WELCOME TO YOUR QUICK GUIDE TO SCOTLAND'S NEW AND IMPROVED YOUTH JUSTICE STANDARDS. THEY ARE CALLED SCOTLAND'S STANDARDS FOR PEOPLE WORKING WITH CHILDREN IN CONFLICT WITH THE LAW. WE WILL CALL THEM 'THE STANDARDS' FOR SHORT.

This guide is easy to read and uses examples to help people understand what the Standards are. You can read this on your own, or you could ask someone to help you.

It has been written for children by the Children and Young People's Centre for Justice (CYCJ) with the help of Hannah Snow and pupils from The Robert Burns Academy in Cumnock.

Hannah is a person with lived experience of Scotland's justice and care systems and services. She wanted to welcome you to this guide and share why she feels these Standards are so important.

“Hello. My name is Hannah. This is a guide for you. It will help you understand your rights and how you should be treated if you find yourself in trouble with the law. It will also help your families and caregivers.

“Up to this point you might feel like you haven't had a voice, but please know that you do. You have the right to be heard. You also have the right to be treated with care, dignity, and respect. Remember this, it is important.

“If you have found yourself in trouble with the law, I have probably felt what you are feeling right now. This was my experience...

“It was confusing and frustrating. I never felt like I had a voice. I did not understand the process of what was going on and this made me angry. I also didn't understand all the words getting used when I entered the system, or during my stay. I was scared and this made me feel very much alone.

“This might be your story right now, but I want you to know that you don't have to be alone.

“You should be heard, made to feel safe and helped to understand what is happening to you. These Standards are about making sure these things happen and that you are supported through a time that I know can be overwhelming and sometimes scary. Most important for me is, the Standards make thinking about and respecting your rights, best interests and individual needs a priority.

“Lots of things have changed since I was looked after. The government and services that you might be involved with right now, have worked together to change things for the better. These Standards are another change. I hope this guide helps you to feel more comfortable and understand how you should be treated on your journey.”

Hannah

WORD LIST

Here are some words and phrases you might not know. If you see a word underlined in this guide, you can find out what it means here. You don't have to remember everything in this list now. You can check back as you read.

Adult Justice Systems are systems that have been made for adults. This usually means people over the age of 18, but sometimes 16 and 17 year olds end up in them too.

Advocacy is about helping people use their voice and be heard. A person called an Advocate gives this support. They don't make your choices, they help you make your own and tell others what you need.

If you commit a crime an Alternative to Prosecution might be used rather than going to court. These are things like a fine or warning.

A Child is anyone under the age of 18.

A Children's Hearing is a legal meeting that children are sometimes asked to go to with their families or carers, to help them sort out problems in their lives.

A Children's Reporter is the person who decides if a child needs to go to a Children's Hearing.

Children's Rights are extra rights children (anyone under 18) have to make sure they are cared for and protected.

A Compulsory Supervision Order (CSO) is an order made by a Children's Hearing. It is for children who need extra support or protection. When a CSO is made it means the local authority has to support you and help your family. It also means there are certain rules you will have to follow.

Being taken into custody, means being put in prison or jail. You can also be put in someone's custody. This means you are under their care and protection.

Deprivation of liberty means to take away your freedom in some way. This might include being placed in secure care or a Young Offenders Institution.

Diversion means taking a person out of the criminal justice system. Instead of going to court, someone like social work could be asked to help you look at problems you are having in life and work with you to make these better.

Human rights are something all people have. They are the things we should all have, or be able to do.

The Law is all the rules that a country has that we must stick to. If someone breaks these rules, then they are in conflict, or trouble with the law.

The Procurator Fiscal is the person who decides what happens next if you are charged with a crime.

Legal Representation is when someone like a lawyer gives you advice or speaks for you, based on what you want.

Restorative Justice (RJ) is when a person who caused harm, and a person who was harmed (sometimes called the victim) meet to talk about what happened and how it made them feel. RJ is voluntary, this means it is your choice to take part or not.

Restrict your liberty means to take away your freedom in some way.

The Right to Appeal means if you think the wrong decision has been made in your case, you can ask for it to be looked at again.

Secure Care is a locked care setting where you can be placed to keep you or others safe.

Transition means moving between one place, experience or system to another.

A victim is a person who has been harmed, injured or killed because of a crime or accident.

A Young Offenders Institution (YOI) is a prison for people aged 16-21.

WHAT ARE THE STANDARDS FOR?



Sometimes children find themselves in trouble with the [law](#), like when the police want to talk to them, or they need to go to court.

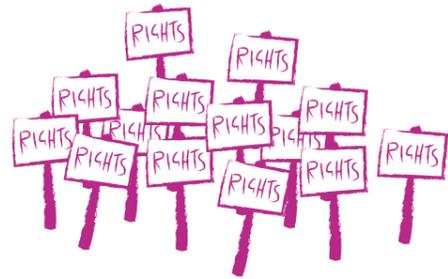
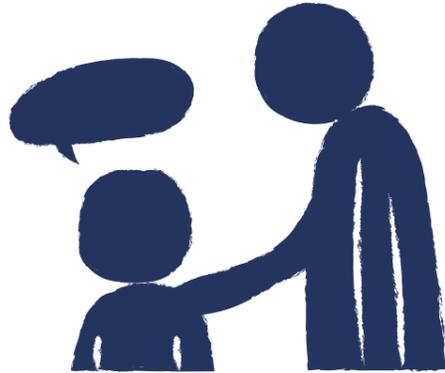
When this happens, it is important that all children get the care and support they need and that it is right for them. The Standards have been written to help make sure that happens.

Lots of professionals work with children in trouble with the [law](#). This work can happen in the community, but sometimes this isn't possible and children need to be supported in [secure care](#) centres, or in [custody](#).

These Standards were written to tell professionals what the care and support they give to children (and their families) should be like. They also tell children what they should expect from professionals supporting them.

The Standards will help make sure children understand their [human rights](#) and that they are protected.

If everyone follows the Standards, children's experiences of the justice system should get better.



10 STANDARD THEMES

When the Standards were written, they were put into ten groups, or themes. There are lots of different Standards under each theme. Each theme will be explained as you read this guide.

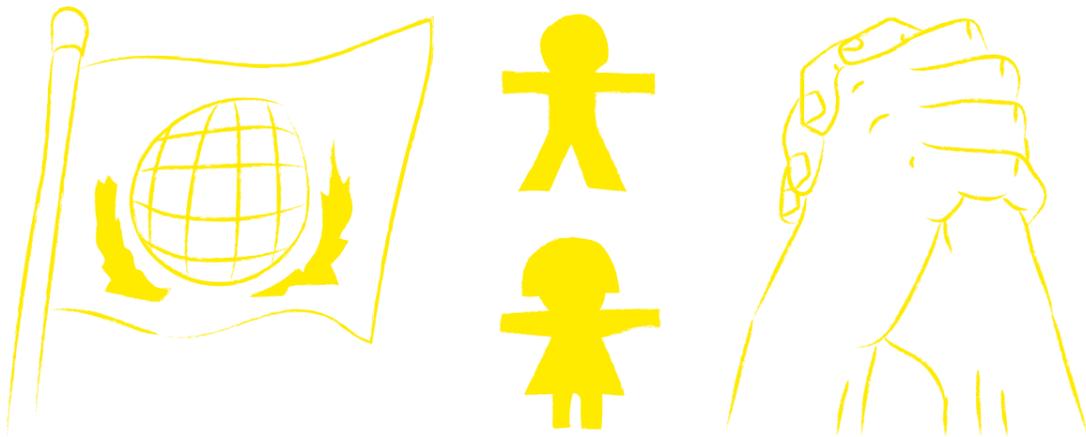
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STANDARD THEME 1: CHILDREN'S RIGHTS AND PARTICIPATION

The Standards under this theme are about making sure that children who find themselves in trouble with the **law** are listened to and have their rights protected.

Here are some examples of how this should happen:

- You must get help to understand your rights. You should be reminded what they are at every step of your care or justice journey.
- Everyone responsible for your care and support must make sure you understand your rights and that they are protected. You have rights even if you get in trouble with the **law**.
- When you, your parents or carers speak, the people working to support you must really listen. If you need some help to make your voice heard, you must get it.
- You and your family must be included in decisions about your life. You must be helped to understand these decisions and why they have been made. Words that are hard to understand should not be used. If you do not understand, you can ask to be told again or in a different way. This is your information, you have a right to know and understand it.
- You and your family must be asked about the support and services you get, or think you need. Your views should be listened to, taken seriously, and help shape decisions about services and support.
- Sometimes the wrong decisions can be made. If this happens, you and your family must know who you can go to for help and to complain, appeal or challenge decisions. Legal advice and advocacy must always be available.



STANDARD THEME 2: PREVENTION AND EARLY INTERVENTION

The Standards under this theme say every child should be able to get care and support to help keep them safe and out of trouble with the **law**.

This support should be available in the community when they need it, and should be available to help stop things from getting worse.

Here are some examples of how this should happen:

- You should get support to make sense of any difficulties you have experienced. This support should try and help stop problems getting worse.
- If you need support to keep out of trouble with the **law**, you should get it (even if you have not admitted to doing something wrong). Support should be available in the community and close to where you live.
- Everyone involved in your care and support must work together to make sure the needs of you and your family are met.
- You and your family should be asked what help you need. This should be done in a way that works for you. The help that you and your family need should be included in decisions made about you.
- If someone like your school or the police are worried about you, they might tell the **Children's Reporter**. You should feel confident that this person thinks carefully about the law, your rights, your needs and any risks of harm to you or others before they decide what happens next.
- You should not have to wait for the **Children's Reporter** to make a decision before you can get help and support. Support should be given to you and your family as soon as possible.
- If you are looked after by someone other than your parents, you should not come into contact with the police more often than children who live with their family.



STANDARD THEME 3: CHILDREN'S HEARING SYSTEM

Children that adults are really worried about, or who get in trouble with the police, might get asked to a meeting called a **Children's Hearing**. Someone called a **Children's Reporter** will decide if this meeting is needed.

The Standards under this theme want to make sure hearings only happen if children really need them and that support is given no matter what.

If a meeting does happen these Standards say children must get individual support to keep them safe and help with problems in their lives.

Here are some examples of how this should happen:

- Worries about you should only be shared with the **Children's Reporter** if there is evidence that you need more support with problems in your life and to keep you safe.
- If worries about you are shared with the **Children's Reporter** you should get support as soon as possible.
- Decisions made about you at a **Children's Hearing** must be made as quickly as possible, but never rushed.
- The people making decisions about you at a Children's Hearing must think about the law, your rights and all the support you could get in the community. They will also think about how best to keep you and the people around you safe.
- At any **Children's Hearing**, your rights, needs and views must be listened to and fully considered.
- You should get help, support and protection through the **Children's Hearing System** for as long as you need it. This is not the only way you can be supported. If you need support in other ways, you should get it.
- A **Compulsory Supervision Order** (or CSO) should not be ended unless you don't need it, even if you are finding it difficult to stick to. Instead, you should be helped with these difficulties.



STANDARD THEME 4: ALTERNATIVES TO PROSECUTION

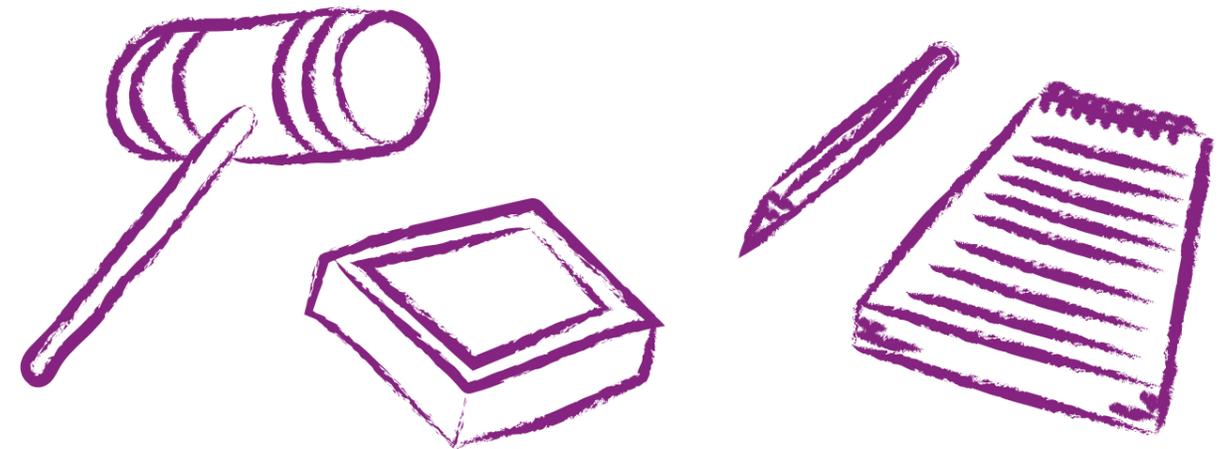
If a child is charged with a crime their case might be sent to the Procurator Fiscal, and they decide what will happen next.

Court is only one option. A fine or warning could be used, or social work could be asked to help a child look at problems they are having in life and work together to make these better. These options are called **alternatives to prosecution** and **diversion**.

The Standards under this theme say children should be kept out of **adult justice systems** (like court) unless there is no other option. Professionals must work together to make this happen.

Here are some examples of how this should happen:

- The police must give the **Procurator Fiscal** all the information they can about your case. This is so the best and right decision for you can be made.
- Services that can support you in the community must exist. They must be available when you need them and be able to meet your individual needs.
- The people making decisions about your case and life must think about your **human rights** and your rights as a child. The decisions they make must respect these rights.
- A decision about your case must be made as soon as possible. You must be told what this decision is and what it means in words you can understand.



STANDARD THEME 5: COURT AND JUDICIAL PROCEEDINGS

If a child ends up in **adult justice systems** (like court) they must be supported throughout their journey. The Standards under this theme say how this should happen.

Here are some examples of how this should happen:

- You must be included in discussions and decisions about you and your case. Professionals should share information so that the best decisions can be made. You must get the support you need to understand what is happening and why.
- If there is a chance the court will decide to **restrict your liberty** by putting you in **custody**, **secure care**, or a **Young Offenders Institution (YOI)** your case must be heard in court as early as possible in the day. This is so you can be supported as well as is possible.
- The support you get before, during and after court must be right for you. This means it must be based on your individual needs and circumstances, including your physical and mental health.
- If you need legal advice, **representation** or advocacy you must get it. People giving you this advice must know about your children's rights and be able to tell you about these.
- You should be supported to add to and comment on all reports that are written about you, in a way that works for you.
- Going to court can be scary and upsetting. Being put in a cell or handcuffs can make it feel even worse. The people looking after you at court or taking you to or from court should use them as little as possible. You should be treated with sensitivity, dignity and respect and kept away from prisoners, or other adults who might have done something wrong.
- Your support must not end once a court has made its decision. You have the **right to appeal** a decision to **restrict your liberty**. You can also complain, or ask for a decision made about you to be reviewed. You must be told about this, helped to understand what it means, and helped to do this if you decide to.
- If the court orders you to do or not do something you must get help to understand what this means, how to stick to it, and what will happen if you don't.
- If you are being taken to or from court, the transport used to take you there should be suitable for children.

STANDARD THEME 6: DEPRIVATION OF LIBERTY

The Standards under this theme are about caring for and supporting children who have been **deprived of their liberty**. These are split into what should happen before, during, and after **deprivation of liberty**.

These Standards say a child should only be put in a cell, secure care, or a Young Offenders Institution (YOI) as a last resort. If this does happen, it must be for the shortest time that is safe and possible and respect their rights as a child.

Here are some examples of how this should happen:

Before

- All options for caring and supporting you in the community must be thought about before a decision is made to **restrict your liberty**. You and your family must be included in this.
- If you can't be cared for in the community, the reasons why must be explained to you. These reasons must respect your rights as a child.
- You have the **right to appeal** a decision to deprive you of your liberty. You must be told about this and helped to appeal if you want to.
- Information should be shared with the people who will look after you in **secure care** or a YOI so you have everything you need when you arrive.

During

- If you are under 16 and **deprived of your liberty**, you should not go to a YOI. You should be cared for in a **secure care** centre.
- If you are 16 or 17 and have a **Compulsory Supervision Order (CSO)** you must not go to a YOI. You should be cared for in a **secure care** centre.
- When you arrive in **secure care** or a YOI an assessment should be done with you and your parents or carers. This assessment will help the people looking after you to plan your support. This plan should be individual to you and meet your physical, mental, emotional and wellbeing needs. If your needs change, the plan should too.
- You must be supported to stay connected and in touch with your family throughout your stay in a YOI or **secure care**.
- From the day you enter **secure care** or a YOI you should get help to start planning for your move back into the community.

After

- Support should not end when you leave a YOI or **secure care**. You should be helped to plan your move back to the community. This plan should meet all your needs and include everyone responsible for your care or who is important to you.
- If you need it, you should get support with things like family, your education or training needs, finding a job, a place to live, your health and money matters.

STANDARD THEME 7: ASSESSING, REDUCING AND MANAGING RISK OF HARM

Professionals (like social workers) and other people responsible for a child's care must make sure a child is safe. They have to think about any risks of harm for the child and others around them. They do this through something called a risk assessment.

The Standards under this theme are about making sure risk assessments are right for children and include their views.

Here are some examples of how this should happen:

- The risk assessment you are given must be specially designed for children, not adults.
- Your assessment should focus on the things that are going well for you (like the things you are good at, achievements, hopes and goals) as well as the things that are not going so well.
- Any support you are given to keep you or others safe must be right for you. It should be given by people who are trained to do the best job possible. If they need special skills, they should have them.
- There are lots of ways you can be supported. However this is done, it should always be explained to you in a way that you understand.
- Everyone involved in your care and support must collect information about you and your support. They must look at how well it is going and think about if it needs to change. If your needs or circumstances change, plans for how to support you should change.
- Professionals must look at the information they collect about all children they support to stay safe from harm, or from harming others. This will tell them if the support they are giving to children like you is right, or if they need to do better.
- Any assessment that is done with you must respect your rights. Support that adults put in place needs to be run properly. Special guidance exists to make sure this happens. Everyone involved in your care and support must follow this guidance.



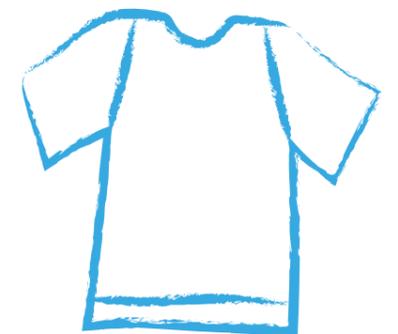
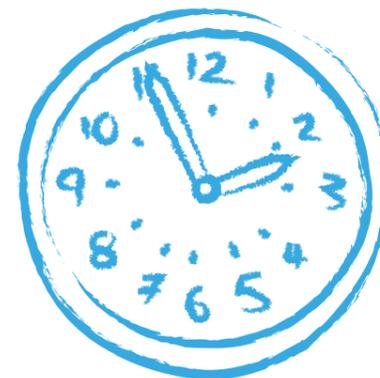
STANDARD THEME 8: TRANSITIONS

Change can be difficult and stressful. Being ready for a change, or given help to prepare, can make it easier. Changes like being looked after by someone new or leaving **secure care** are sometimes called **transitions**.

The Standards under this theme say children who find themselves in trouble with the law must be helped to understand and prepare for **transitions**. They must also be supported before, during and after a **transition**.

Here are some examples of how this should happen:

- Everyone responsible for your care and support must work together to plan any **transition**. You must be included in this planning and be listened to.
- Plans made for you must meet your physical, mental, emotional and wellbeing needs. They should also focus on your hopes and support to keep you and the people around you safe.
- If you **transition** from one service to another, information about you (like your individual plans) must go with you. Your views must be included in these plans. This helps you not need to tell your story again and to keep the help you need.
- Professionals must help you prepare for making a **transition**. It must be taken at a speed that you are comfortable with. You must be told about this **transition** before it happens.
- Relationships matter and it is important that people you know well and trust continue to support you or to be in touch with you.
- If you **transition** into an adult service an identified professional must make sure you get the support you need.



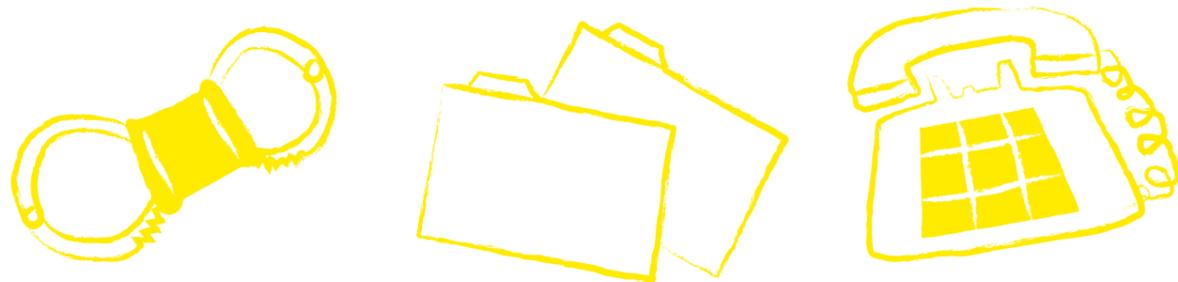
STANDARD THEME 9: VICTIMS

The Standards under this theme say **victims** of crime must get information, help and support to recover from the difficult things that happen to them.

Lots of children in trouble with the **law** have been **victims** too. It is their right to have support to help them recover.

Here are some examples of how this should happen:

- **Victims** should be told how you and the professionals around you are dealing with the harm caused.
- Any information shared with a **victim** about your case and what happens, must respect your right to privacy.
- If information about how you are being supported cannot be shared with a **victim** they should be told why.
- All **victims** of crime should get support. As a child you have a right to this support. It must meet your individual needs and keep you safe.
- **Victims** of crime, or any person who has caused harm by committing a crime (or other action), should be able to ask for **Restorative Justice** (RJ for short).



STANDARD THEME 10: IMPROVING OUTCOMES

The Standards under this last theme are about checking everyone who works with children in trouble with the **law** sticks to all the other Standards in this guide.

Professionals should use the Standards to measure how good the care and support they give to children is. If it does not meet the Standards, they know they need to do better.

Here are some examples of how this should happen:

- The Scottish Government will ask professionals and services that support you (like the court and **children's reporter**) to tell them how well they are doing. They will also keep a note of things that are important. For example, if the number of children in court keeps going up, everyone will know they need to do better.
- Everyone involved in your care and support must check to see that what they are doing is working for you. If things have got worse, or stayed the same, they will know they need to do better.
- Services need to make sure they are doing the best they can for all the children they support. To do this they will look at the difference their support is making to all children. This will help them see where things are not working so well and need to be better, as well as what things are helping children.



IF THIS GUIDE HAS HELPED YOU, CHECK OUT
OUR NEW WEBSITE FOR MORE RESOURCES
AND INFORMATION AIMED AT CHILDREN,
YOUNG PEOPLE AND THEIR FAMILIES.
GO TO [JUSTTHERIGHTSPACE.ORG](https://www.justtherightspace.org)

#RIGHTSRESPECTING

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