

National Outcomes

CYCJ response to the Call for Views from the Finance and Public Administration Committee.

1. What are your views of this updated purpose for the National Performance Framework?

The [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. Through our participatory work with children and young people, the research evidence we have generated and our policy and practice knowledge, we understand and recognise the importance of shaping care and justice settings around maximising the wellbeing of children and young people.

As such we welcome the renewed focus on improving wellbeing. However, we believe the NPF purpose statement should be strengthened to cover everyone, and therefore rewritten to say:

'to improve the wellbeing of all people...' or 'to improve the wellbeing of everyone'.

Children and young people who pass through care and justice settings are often the most marginalised in Scottish society. They can face exclusion from many opportunities which can improve their wellbeing, such as developing and maintaining caring relationships, building social connections, and pursuing education and employment opportunities. The groundbreaking [Edinburgh Study of Youth Transitions and Crime \(2006\)](#) reported that exposure to poverty and trauma in childhood is strongly associated with offending behaviour in adolescence and early adulthood. The [Scottish Children's Reporter Association \(2022\)](#) identified that nearly all children and young people who come into conflict with the justice system will have experienced some form of adversity or trauma and have often been the victim of serious harm themselves.

Children in conflict with the law can be placed in vulnerable situations and it is widely recognised that their behaviour is often a reaction to their circumstances and experiences, as evidenced in McAra & McVie, (2022) [Causes and Impact of Offending and Criminal Justice Pathways: Follow-up of the Edinburgh Study Cohort at Age 35](#). There is, therefore, a need to treat children who offend as children, first and foremost and ensure that they experience 'justice' in the true meaning of the word. The victim-offender dichotomy often fails to stand up and in many instances it would be more appropriate to reframe them as being victims of child criminal exploitation, rather than as being offenders deserving punishment.

Scotland has taken significant steps forward towards creating a rights-respecting environment for children and young people in care and justice settings with the UNCRC (Incorporation) (Scotland) Act 2024 and the Children (Care and Justice) (Scotland) Act 2024. UNCRC Article 37 is clear that children should not be punished in a cruel or harmful way and should only have their liberty deprived as a last resort. The NPF must deliver a rights-based approach,

recognising human rights for everyone are inalienable, indivisible and interdependent. Our fear is that without an explicit statement of intent to cover everyone, only improving the wellbeing of some in society will be considered a realisation of the NPF purpose and this may exclude some children and young people in care and justice settings.

3. What do you think of the changes being proposed?

We welcome the addition of a national outcome for Care and support the framing of it. CYCJ believes that all children and young people experiencing care and justice settings should be responded to by a trauma-informed, rights-respecting approach, providing them with the care they need to thrive. This should be accompanied by appropriate support to enable the workforce to deliver this.

CYCJ supports the reframing of the national outcome for Children and Young People to recognise the merit in its own right of children being loved, safe and respected. We also welcome the added focus on “every single one of us” realising our potential. As outlined in our response to the new NPF purpose in question one, we support a universalist framing to explicitly cover every child and young person, including the most marginalised. In terms of youth justice this would mean a trauma-informed, rights-respecting approach for every child who is, or is at risk of becoming, in conflict with the law to support them to improve their life chances and wellbeing. This includes keeping them out of the justice system as far as possible, through the provision of timely, supportive, and effective interventions aimed at preventing further offending by addressing underlying causes and improving life chances.

We support the modification of the national outcome on health to place mental health on an equal footing with physical health. Gibson (2020), [ACEs, Places and Status: Results from the 2018 Scottish Secure Care Census](#) notes many children and young people in conflict with the law have histories of high levels of childhood adversity that can lead to trauma responses. As identified in Landsdale, Saunders and Erikson (2021), [Neurodisability and the Criminal Justice System](#) they also have higher rates of neurodevelopmental issues than the general population. These experiences and circumstances, and some of the responses from systems/agencies, can lead to the development of further mental health difficulties later in childhood or adulthood. As evidenced in CYCJ (2024), [Children and young people in conflict with the law: policy, practice and legislation](#), for children and young people with such complex needs, early identification, or differentiation of mental health from additional needs, is vital to inform timely and effective intervention, thereby preventing an escalation in difficulties over time.

We welcome the creation of a new national outcome on housing as we understand and recognise the strong impact of housing insecurity on the likelihood of a child or young person coming into conflict with the law, and the impacts this can have on their ability to transition away from harmful behaviour. Mitchell, Burns, Glozier and Nielsson

(2023), [Homelessness and predictors of criminal reoffending](#), evidence the clear link between housing insecurity and reoffending.

6. In deciding on its proposed National Outcomes the Scottish Government must consider how the outcomes will reduce inequalities. How do you think the proposed National Outcomes will impact on inequality?

The proposed changes have the potential to reduce inequalities if they can direct the right changes in funding, policy and practice. If the new outcome for children and young people, for example, can maximise a trauma-informed, rights-respecting approach to those in conflict with the law, such as through early and effective intervention and diversion from prosecution, instead of going through the courts system, then positive outcomes can be delivered for a cohort of young people facing multiple inequalities.

In addition, the new outcomes for care and housing, alongside the inclusion of mental health in the health outcome, all have the potential to improve the wellbeing and outcomes for the most marginalised children and young people in society, who often suffer the most inequalities in these areas.

8. The Scottish Government says that through the National Outcomes, the National Performance Framework provides a framework for working together and planning of policy and services across the whole range of Scotland's civic society, including public and private sectors, voluntary organisations, businesses, and communities. To what extent do the proposed National Outcomes support joined-up policy making in Scotland?

We welcome the concept of the National Performance Framework and proposed National Outcomes as an overarching shaper of policy and practice. It creates the opportunity for joined-up policy making but this requires significant leadership and funding to go with it in order for it to be realised.

9. The Scottish Government has committed to with a wide range of others during the development of an implementation plan to ensure the success of the National Performance Framework across the Scottish Government, the wider public sector and beyond. What should the implementation plan contain to make sure that the National Outcomes are used in decision-making?

An implementation plan would be welcome and should contain realistic, measurable, time-bound objectives and actions to achieve these, within a transparent monitoring and reporting framework to measure how the National Outcomes have influenced decisions.