

# Advancing the Whole System Approach:

local authority survey 2024

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#### Introduction

This short report was produced through the Advancing the Whole System Approach Implementation Group, contributing to the wider work being undertaken by the Youth Justice Improvement Board to progress the Scottish Government's Vision and Action Plan. The Advancing the Whole System Approach Implementation Group subsequently gave their permission for this report to be published.

Mindful of the challenges faced in extending the Whole System Approach to those under the age of 26, and with a number of legislative changes soon to come into being, the Advancing the Whole System Approach Implementation Group agreed to undertake a survey of local authorities in order to identify challenges they faced, plans for the future, training needs and other relevant factors.

Thanks to the time and effort of Whole System Approach leads across Scotland's local authorities, a 100% return rate was achieved. Whilst some respondents did not answer every question, this level of return means that this report offers the most contemporaneous and complete snapshot of Scotland's local authority provision for children and young people who come into conflict with the law. Through this survey a number of issues have be foregrounded that require consideration over the coming years, with a range of developments on the horizon including full implementation of the Children (Care and Justice) (Scotland) Act 2024, achieving the conclusions of Scotland's Independent Care Review and a review of Scotland's age of criminal responsibility. Moreover, as Scotland seeks to fully embed Restorative Justice practices, reduce use of deprivation of liberty and achieve a rights respecting response to children and young people who come into conflict with the law, the findings of this survey point to those aspects which may require attention, and the challenges that require to be overcome.

# Methodology

With an ambition of charting the challenges faced, and progress made, by local authorities in 'Advancing the Whole System Approach' a better understanding of various aspects of service provision were highlighted with meetings of the Advancing the Whole System Approach Implementation Group. These relate to the following areas:

- Availability of Early and Effective Intervention across for 16 and 17 year old children.
- Barriers to extending the Whole System Approach to young people aged under 26.
- The impact of the Children (Care and Justice) (Scotland) Act 2024 upon the way in which 16 and 17 year old children were supported when they came into conflict with the law.
- Training needs associated with the Children (Care and Justice) (Scotland) Act 2024
- Use of Movement Restriction Conditions.
- Incorporation of Care and Risk Management practice within existing Child Protection protocols.

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- Existing resources that may serve as alternatives to deprivation of liberty for children, and any factors that serves as barriers to these alternatives being delivered.
- Delivery of services or approaches that aim to prevent children coming into conflict with the law.
- Existing services or resources that aims to provide intensive support to children and young people who may require it.
- The presence of antisocial behaviour within their local authority.
- The quality of inter-agency collaboration experienced by their local authority.
- Plans for future service developments in how that local authority responds to the needs of children and young people in conflict with the law.

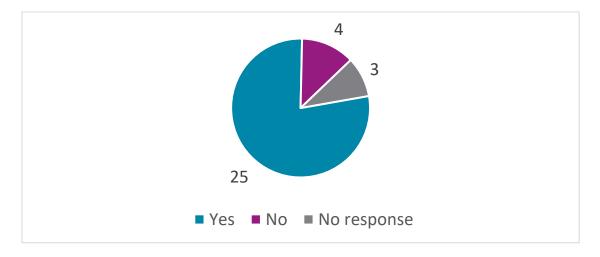
Through discussion amongst the Advancing the Whole System Approach Implementation Group it was agreed that a digital survey was the most appropriate means of capturing the desired information given the challenges of capturing such a range of data and the workload requirements across the 32 local authorities.

Using Qualtrics – an online, digital survey and analysis platform – responses were received from all 32 local authorities between the months of January and May 2024 before being discussed at subsequent meetings of the Advancing the Whole System Approach Implementation Group through 2024 before a decision to produce and publish this report was made.

# **Findings**

#### Early and Effective Intervention for 16 and 17 year olds

The survey sought to explore the availability of Early and Effective Intervention across Scotland, with a simple question of 'Does your local authority deliver Early and Effective Intervention to 16 and 17 year olds?'.



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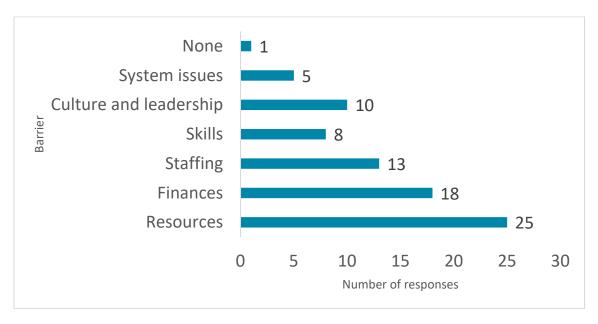
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Across the 32 local authorities, Early and Effective Intervention is delivered in 25. Four local authorities responded that this was not the case, whilst three local authorities did not respond to that question.

#### Barriers to extending the Whole System Approach to under 26

To understand the barriers to the extension of the Whole System Approach to all those under 26 years of age, the survey asked respondents to list those factors that proved a challenge to achieving the Scottish Government policy objective.



All 32 local authorities responded, with more than one issue featuring in most responses. Resources (25) was highlighted in over three-quarters of responses, with Finances (18) and staffing (13) the next most frequent responses.

# Impact of Children (Care and Justice) (Scotland) Act 2024 upon 16 and 17 year olds

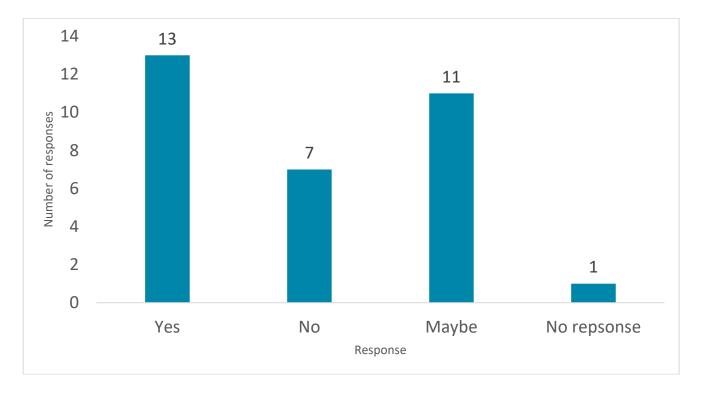
To better understand the impact of incoming legislation the survey asked respondents "Will the Children (Care and Justice) (Scotland) Act have an impact on which team or service within your Local Authority delivers support to 16 and 17 year olds in conflict with the law?".

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31 local authorities responded to this question, with the Children (Care and Justice) (Scotland) Act having no impact on this aspect of practice in slightly under one-quarter (7) of instances. This legislation was felt to have made a difference in 13 instances, and in 11 responses the local authority was not yet clear whether or not this would have an impact.

### Training needs associated with the Children (Care and Justice) (Scotland) Act

With the Children (Care and Justice) (Scotland) Act 2024 touching on a wide range of system responses both within and outwith the justice systems, the survey sought to identify training needs that may arise as a consequence.

All 32 local authorities responded to this question, with each of them stating that they face staff training needs as a consequence of the Act. The scale of the staff group in need to support varied considerably, with one local authority believing that seven members of their staff group would require training, whilst one another respondent suggesting that over 200 staff would benefit from this.

The survey also queried which staff groups would require training; this varied from social work staff, residential staff and teaching staff. Responses highlighted the need for adult justice practitioners to be included in any future training provision on several occasions. Likewise, third sector partners and other corporate parents such as police, health and the Scottish Children's Reporter Administration were often cited.

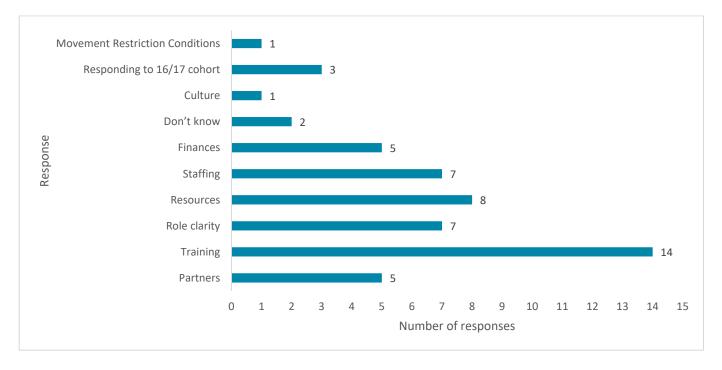
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Finally, the survey provided a free text option for respondents to highlight those areas that they required support with in order to secure successful implementation of the Act.



Chief amongst these responses was training (14) on specific elements of practice relating to children in conflict with the law. Related to this are three responses which identified skills and knowledge required to respond to the 16 and 17 year old cohort of children who may soon enter the Children's Hearing System. Other common responses include resources (8), staffing (7) and finances (5), all of which may be interrelated. Culture (1) and the role of partners (5) were also highlighted, with responses referring to the allocation of tasks between various stakeholders and their attitudes towards all those under 18 being deemed children. One local authority cited information relating to Movement Restriction Conditions as an area they required assist with, whilst two local authorities were not yet sure what assistance they need.

#### **Movement Restriction Conditions**

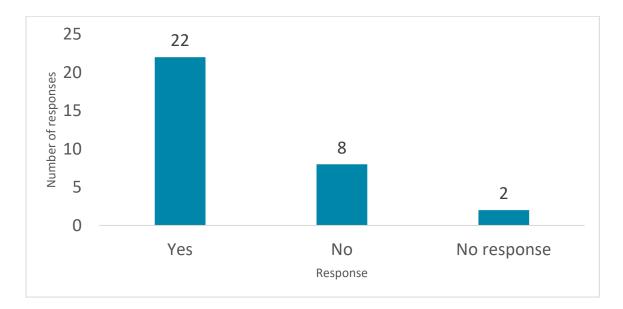
Given the legislative changes to Movement Restriction Conditions (MRCs) through the Children (Care and Justice) (Scotland) Act 2024, and the pattern for limited use of MRCs over several years, the survey sought to ask respondents; 'Does your local authority use Movement Restriction Conditions?'.

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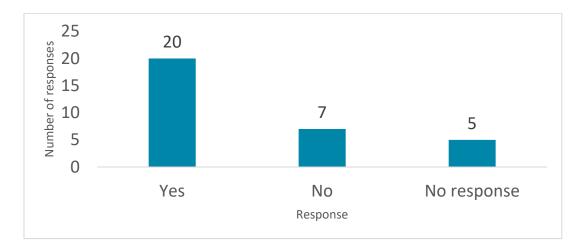




All but two of Scotland's local authorities responded to this particular question. Of those that did, the vast majority (22) stated that they did use Movement Restriction Conditions, with one quarter of local authorities (8) saying that they did not.

#### Incorporation of Care and Risk Management into Child Protection protocols

With a feature of the Whole System Approach relating to risk assessment, management and intervention planning, the survey sought to query whether Care and Risk Management policies were incorporated into local authority Child Protection protocols. This is particularly relevant given the content of the Children (Care and Justice) (Scotland) Act 2024 and the passing of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 which defines all children as those under the age of 18.



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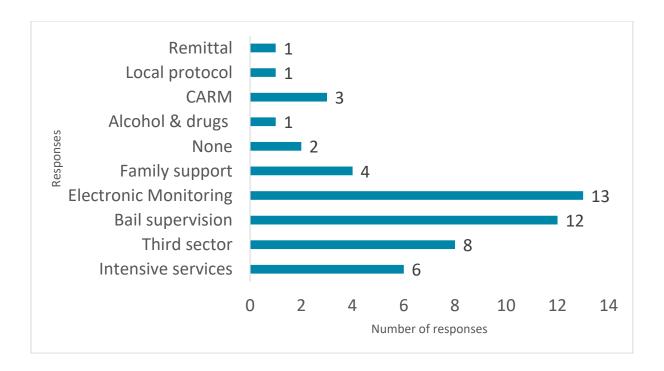
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Slightly under two-thirds (20) of local authorities reported that they have incorporated Care and Risk Management policies into local authority Child Protection protocols. This was not the case in seven responses, whilst five local authorities failed to respond to this question.

#### Alternatives to deprivation of liberty

With both the Whole System Approach focusing on providing resources and approaches that avoid the deprivation of liberty wherever possible, and the Children (Care and Justice) (Scotland) Act 2024 making alterations to secure care authorisation, this survey required respondents to note which services were used within their local authority as an alternative to placing a child or young person in a locked environment.



All 32 local authorities replied to this question, with responses ranging greatly. Under an umbrella term of 'Electronic Monitoring' - consisting of Restriction of Liberty Orders and Movement Restrictions Conditions - some 13 local authorities cited that approach as an alternative. Other commonly cited alternatives include the support of third sector partners (8) and intensive services (6). Two local authorities stated that they did not have any other resources, interventions or approaches that would serve as an alternative to depriving a child or young person of their liberty.

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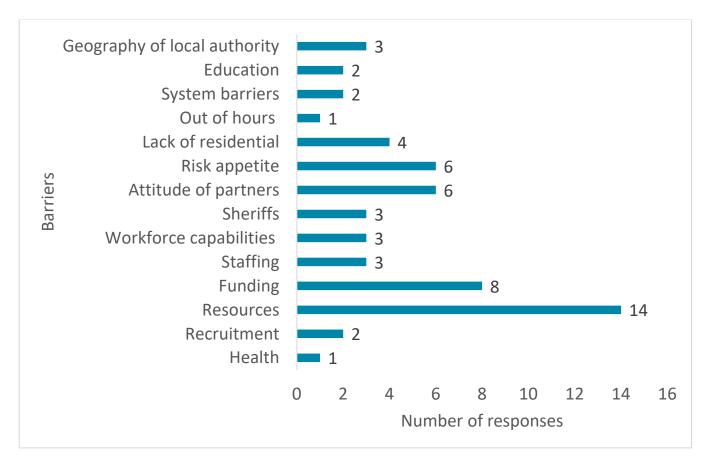
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#### Barriers to the delivery of alternatives

To explore challenges that local authorities face in delivering alternatives to deprivation of liberty, the survey invited respondents to highlight which barriers were commonly encountered.



Resources (14) was the single most cited reason, with funding (8) the next most common. The appetite towards risk was cited on six occasions, as was the attitude of partner agencies. Lack of residential provision was given as a reason on four occasions. Staffing was highlighted in three different response types, namely staffing (3), workforce capabilities (3) and recruitment (2). The geographical challenges of the respondent were highlighted on two occasions, as was system barriers relating to the local authority itself. Responses relating to education (2) and health (1) were given in a small number of instances, whilst Sheriffs were identified as a barrier to alternative provision on three occasions.

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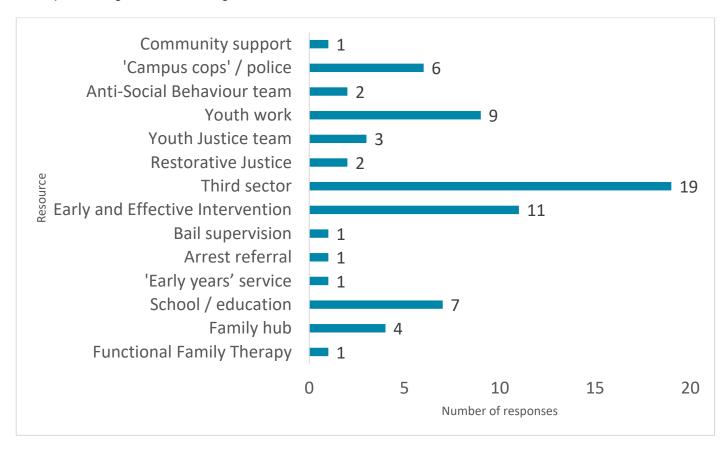
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#### Preventative services

The survey sought to chart the range and availability of services which focused on preventing children coming into conflict with the law.



With all 32 local authorities responding to this question, a wide variety of resources were cited as playing a role in the prevention of children and young people coming into conflict with the law. Use of the third sector (19) emerged as the most commonly cited resource, with Early and Effective Intervention – who may invariably lead to service provision by a third sector organisation – cited on 11 occasions. Youth work – of various kinds – are used in nine local authorities, with school and educational services contributing to preventative work in just under a quarter (7) of areas. 'Campus cops' and police more generally play a role in six local authorities. The remainder of the responses highlight the broad interpretation of this question and the many different approaches adopted across Scotland.

#### Intensive supports

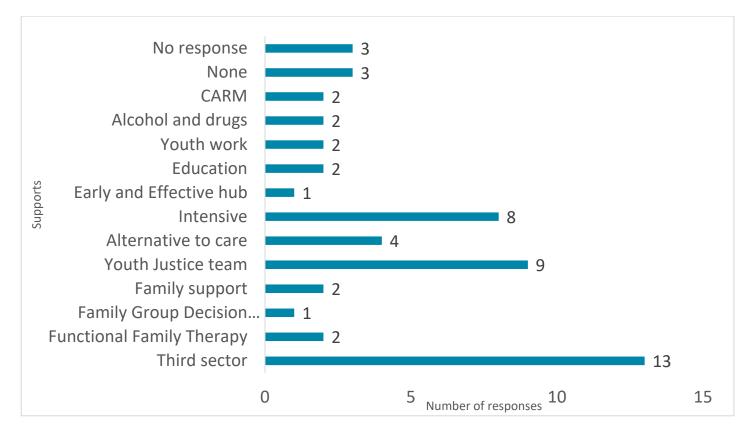
Given the need to develop and deliver intensive supports to those children who are at most risk, or for whom greatest levels of concern are held, the survey next sought to chart which intensive supports were utilised across Scotland.

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Whilst no response was submitted from a small number (3) of local authorities, and a similar number (3) stated that they did not provide any intensive supports, the remaining 26 provided a wide range of responses. The most commonly cited support was the third sector (13), followed by a Youth Justice team (9). Care and Risk Management (2) was highlighted in a small number of occasions, with an 'alternative to care' service cited in four. Family support was highlighted in three separate responses; Family Group Decision Making (1), Functional Family Therapy (2) and a generic 'family support' (2). The remainder of responses were made on one or two occasions, namely; alcohol and drugs counselling, youth work, education, and an Early and Effective hub.

#### Anti-social behaviour issues

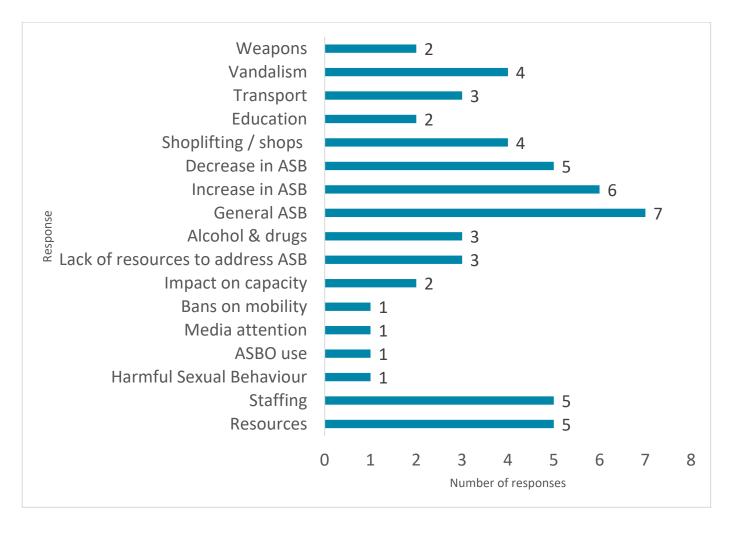
Given the increased media and political attention to episodes of anti-social behaviour (ASB) through 2024, the survey sought to capture what – if any – concerns had arisen in that field.

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A wide range of responses were received in response to this question. Some seven local authorities reported that 'general' issues with anti-social behaviour, without providing further detail or analysis. In terms of behaviour by children and young people, vandalism (4), disorder within shops (4), involvement of alcohol and drugs (3) and related to transport (3). Resources were referenced within a number of responses; staffing (5), resources (5) and lack of capacity (2), whilst the impact of responding to anti-social behaviour was cited by two local authorities. Of note, five local authorities reported a decrease in anti-social behaviour, whilst six reported the contrary. One local authority highlighted the media attention associated with anti-social behaviour, with a similar number highlighted the use of Anti-Social Behaviour Orders.

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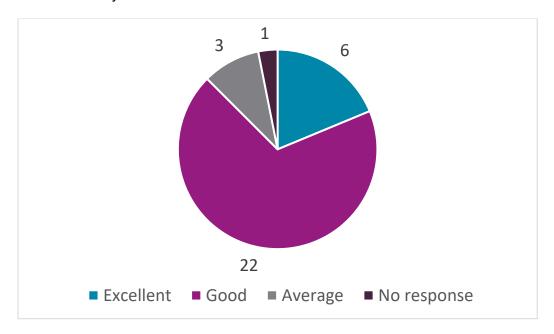
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#### Inter-agency collaboration

Mindful that securing successful outcomes for children and young people require interagency collaboration, the survey asked respondents to evaluate the quality of this within their local authority.



Although three local authorities did not respond to this question, 28 of the remaining 31 reported that inter-agency collaboration was either excellent (6) or good (22). Three respondents rated this item as average.

#### Future service developments

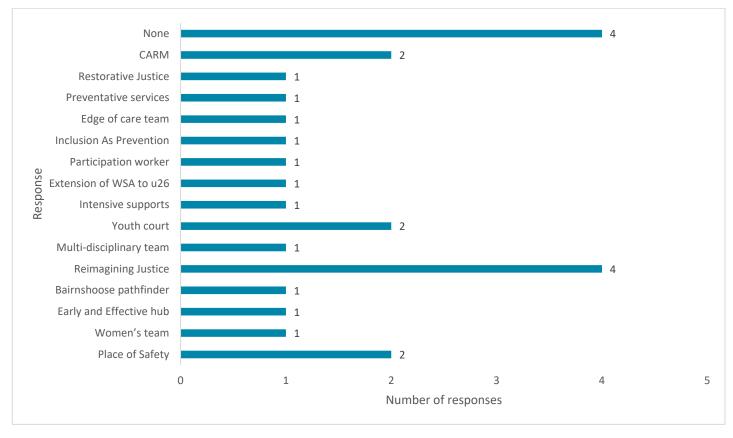
Given the significant changes that the Children (Care and Justice) (Scotland) Act 2024, the incorporation of the United Nations Convention on the Rights of the Child into Scots Law, and achieving the conclusion of Scotland's Independent Care Review were likely to bring in coming years, the survey asked respondents to highlight what plans they had for future service design.

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With the exception of four local authorities, all other respondents (28) had plans to develop their response to children and young people in conflict with the law. These plans were widely dispersed, with participation in the Reimagining Justice programme of work cited on four occasions. With the exception of Care and Risk Management (2), Youth Court (2) and Places of Safety (2), all other responses were cited once only, albeit they allude to overlapping focus of work.

#### Discussion

The findings of the survey point to several issues that should be borne in mind as Scotland strives to extend the Whole System Approach, embed a Rights Respecting approach to justice and enact the Children (Care and Justice) (Scotland) Act 2024, whilst meeting the objectives set out by the Independent Care Review. Whilst there is a degree of subjectivity involved in any analysis of data, by taking the range of questions in its totality it is possible to identify certain themes.

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#### Resources, staffing and finances

The issues of resource, staffing and finances have been grouped together given the connection and interaction between them.

Highlighted on numerous occasions across the survey was the lack of resources to address the needs of children and young people who come into conflict with the law. Some 25 of 32 local authorities highlighted this as barrier to extending the Whole System Approach, with 14 respondents highlighting resources as an obstacle to providing alternative to deprivation of liberty and on two occasions a local authority reported that they had no alternative provision. Resources were once again highlighted when considering anti-social behaviour, both in terms of the impact this issue had on existing resources and a lack of resources to address this.

Associated with this finding is the impact of finances, which may directly shape the availability of resources. Over a half (18) of respondents cite finances as a barrier to the extension of the Whole System Approach

#### **Electronic Monitoring**

Findings regarding the use of Movement Restriction Conditions and other forms of electronic monitoring are of interest given the sparce use of Movement Restriction Conditions over recent years. Data from G4S highlight that in the year 2023/24, only 20 Movement Restriction Conditions were imposed across Scotland, equating to a mere 0.3% of the total number of all electronic monitoring used during this time. That same source highlights that the use of Restriction of Liberty Orders for children of that age is very low, with only 20 imposed over that timeframe. Furthermore, G4S data suggests that under 10 Movement Restriction Requirements were involved as a condition of a Community Payback Order upon children during that period. This data appears to contrast with the findings of the survey which found that electronic monitoring was utilised as an alternative to deprivation of liberty for 13 local authorities.

This discrepancy could be explained in a few ways. Firstly, the small number of electronic monitoring interventions adopted during 2023/24 may stem from those 13 local authorities who include such a response within their suite of services. Whilst data is not available to provide confirmation, the 50 electronic monitoring interventions applied to children during that year may all originate within this fairly small band of local authorities.

Alternatively, the response from local authorities may be down to the interpretation of those completing the survey who may have taken the view that hypothetically their authority *could* offer electronic monitoring, yet had not been faced with those situations where it was felt appropriate.

It is concerning that only 13 local authorities considered the use of electronic monitoring as an alternative to deprivation of liberty, particularly given the need to consider Movement Restriction Conditions when a child faces the prospect of admission into secure care, and

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within the content of a Justice Social Work report. This discrepancy may allude to training needs in this area, and raising the profile of, and confidence in, electronic monitoring in supplementing care plans and thus may represent an area that relevant partners should focus on in the coming years. The legislative powers for Electronic Monitoring to be provided as a condition of Bail – <u>via an Electronic Monitoring Order</u> – further underlines the need for increased confidence in the use of such approaches, and awareness of its features amongst local authorities.

#### 16 and 17 year old children

With the Children (Care and Justice) (Scotland) Act 2024 set to make changes to the way in which 16 and 17 year old children are responded to, the survey has highlighted existing systems that may aid in the implementation of the Act. At least 25 local authorities have Early and Effective Intervention forums in place that include 16 and 17 year old children. This is particularly important given the impending changes from the Act which could have the unintended consequences of increasing the volume of appropriate referrals to the Scottish Children's Reporter Administration. Availability of Early and Effective Intervention forums can enable less serious matters to be dealt with through multi-agency panels, rather than causing unnecessary interference in children's lives and increased workload for practitioners. For those local authorities for whom Early and Effective Intervention forums are not in place, support is available from CYCJ to identify the challenges to this provision.

With over one third (13) of local authorities requiring to make changes to service provision for 16 and 17 year old children in conflict with the law, the survey has highlighted a significant alteration in the role of this cohort of social workers. This may have implications for the training and learning of these practitioners. For example, this may require adult justice social work staff to develop their understanding of child protection procedures, of preparing reports for the Children's Hearing or in identifying suitable residential placements. Alternatively this may have the longer-term effect of children and families social workers, or those from specialist youth justice teams, losing their familiarity in producing court reports given the move to minimise wherever possible the number of children entering that forum. These add to the wider range of training needs that are highlighted by this report, which the next theme highlights.

#### Training and Learning

With all local authorities reporting that they require training in the contents of the Children (Care and Justice) Act 2024 there is a need for training and learning opportunities to be made available to practitioners. To some degree this is being addressed through the work of CYCJ. However this survey also highlights the scale and breadth of areas where local authorities require support to meet the training needs of their staff – and partner organisations - in their attempts to support children who come into conflict with the law. This survey therefore foregrounds this challenge, and provides evidence to call for a national training programme that provides practitioners with the skills and competencies to deliver what is expected of them.

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#### Role of the third sector

It is evident from the results of this survey that the third sector play a critical role in preventing children coming into conflict with the law, responding to those who do, and delivering services to the cohort of children at risk of being deprived of their liberty.

Given the financial pressures highlighted within this report, there is a risk that their services may be one of the first to be scaled back in order to make savings. Not only would this have a direct impact upon the children and young people they support, but would invariably lead to greater workload pressures on the local authority staff who would need to absorb the tasks and duties currently performed by their third sector colleagues.

## Regional variation and service redesign

The nature of a crude, and blunt methodology such as a survey fails to highlight the nuanced subtleties that may arise had a different approach been adopted. This is perhaps best demonstrated through the way in which responses are focussed solely on each local authority, failing to acknowledge the availability of certain resources within neighbouring local authorities. Moreover, on analysing the data at a more granular level, it was evident that whilst one respondent spoke of the availability of a particular resource, their neighbouring authority highlighted the absence of the same resource as a barrier to achieving Scotland's objectives. Given the range of resources identified within this survey to respond to children who may lose their liberty, or who require intensive support, there may be merit in considering the pooling of resources across local authority boundaries to provide the range of services required. Furthermore, there may be financial benefit in considering such an approach at a time of budgetary constraints and continued fiscal pressures. These findings are particularly germane given the challenging landscape upon which services seek to support children and young people, as has been highlighted within a recent CELCIS report on this issue.

#### Risk management

In anticipation of the full implementation of the Children (Care and Justice) (Scotland) Act 2024 it is promising to find that 20 of the 32 local authorities have incorporated Care and Risk Management procedures into their Child Protection protocols. This provides a suitable arena within which to consider the risks, needs and vulnerabilities of those children deemed to pose a significant risk of harm to others, and will be all the more important in the coming years with more children accused of crimes coming into the Children's Hearing System.

However, for the remaining 12 local authorities where it is not known whether this is in place, or where respondents have acknowledged that Care and Risk Management procedures sit outwith the Child Protection framework, there is ground to be covered. This is particularly important given the need for local authorities to report to Scottish Government on their use of Care and Risk Management from the summer of 2025 onwards. This is perhaps one reason

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why an increasing number of requests for both 'Care and Risk Management' and 'START-AV' (a model of structured professional judgment risk formulation) training have been received by CYCJ in the past few months.

# **Next Steps**

Given the above data and the analysis provided, a range of actions are now proposed that aim to further advance the Whole System Approach and to respond to wider issues in Scotland's response to children and young people in conflict with the law.

14 respondents highlighted resources as an obstacle to providing alternatives to deprivation of liberty and in two occasions a local authority reported that they had no alternative provision.  5 Kills and capabilities of the workforce were highlighted as challenges in responding to the needs of children in young people in conflict with the law.  5 Electronic Monitoring  7 Responses broadly highlighted a willingness to use electronic monitoring, with this measure utilised as an alternative to deprivation of liberty in 13 local authorities. This scale of uptake is incongruent with existing data which shows limited use of this resource.  6 Whilst data is not available to provide confirmation, the 50 electronic monitoring interventions which applied to children during that your all originate within the fairly small band of local authorities.  7 Meson data whore search and obstacle to provide in two occasions a local authorities are using electronic monitoring and seek to identify barriers.		Finding	Response/Future action	
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а	At least 25 local authorities have Early and Effective Intervention forums in place that include 16 and 17 year old children.	CYCJ continue to support development of Early and Effective Intervention practice through practitioner forums.  Through the Early and Effective Intervention subgroup, work is underway to review Early and Effective Intervention core elements.
b	Around one quarter of local authorities do not have Early and Effective Intervention forums in place for this cohort.	CYCJ are approaching the seven authorities for whom this is not the case with the aim of helping them to address this gap in provision.
4.	Training and Learning	
а	Imminent changes related to the Children (Care and Justice) (Scotland) Act are likely to have an impact on the skills required across the youth justice workforce. Practitioners from adult justice social work, housing and elsewhere may require to gain familiarity with the Children's Hearing System, for example.	Local authorities and other employers may require to reflect on existing training, and workforce configuration.  CYCJ to continue to offer support to partners to prepare for implementation of the Act.
b	All local authorities highlighted a need for training in the Children (Care and Justice) (Scotland) Act, and in various other aspects of youth justice practice.	Support to raise awareness and knowledge of the Act is in place through the CYCJ workplan; this is likely to be required throughout the roll out and implementation stage.  Findings suggest the need for range of training options for practitioners who respond to the needs of children and young people in conflict with the law.
С	The scale and breadth of areas where local authorities require support to meet the training needs points to the need for a national training programme.	Consideration could be given to a business case being made to Scottish Government for a nationally funded training programme.
5.	Regional variation and service redesign	
a.	The third sector were highlighted as key to the delivery of preventative and early intervention work, and when responding to high risk and as an alternative to	The Advancing the Whole System Approach Implementation Group propose
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	deprivation of liberty. There is a risk of these services being scaled back in order to make savings.	to explore these issues further with third sector and local authority partners.  The importance of third sector provision should be highlighted across funding bodies, stressing the need to secure stable funding streams.
b.	There may be merit in considering the pooling of resources across local authority boundaries to provide the range of services required.	The Advancing the Whole System Approach Implementation Group propose that this issue is discussed at the next Youth Justice Improvement Board.
6	Risk management	
a.	20 of the 32 local authorities have incorporated Care and Risk Management procedures into their Child Protection protocols.	Awaiting the first tranche of Care and Risk Management data.
b.	In 12 local authorities it is not known whether this is in place, or where respondents have acknowledged that Care and Risk Management procedures sit outwith the Child Protection framework.	CYCJ will continue to approach these bodies to support them to progress this piece of work, whilst government and social work leadership should consider how to address this gap.
C.	The need for risk assessment skills in use of Care and Risk Management was highlighted in the responses.	The Youth Justice Improvement Board is to consider making the case for a national funded training programme.

#### Conclusion

This report presents and analyses data captured from all 32 of Scotland's local authorities, examining various aspects of their readiness to extend the Whole System Approach, to adhere to the Children (Care and Justice) (Scotland) Act 2024 and to meet the needs of children in conflict with the law. Whilst the data is merely a snapshot in time and circumstances may have changed since the completion of the survey, it offers the most contemporary view available.

There are aspects of the findings that are to be welcome, such as the embedding of Care and Risk Management within Child Protection protocols, and the availability of Early and Effective Intervention forums for 16 and 17 year old children in the majority local authorities. Work to make this universally available is underway at CYCJ, as the absence of these may hinder the impact of incoming legislation.

A recurring theme throughout the survey has been the impact that lack of resources, staffing and finances have upon the delivery of services. Whilst clearly outwith the scope of this paper to propose solutions to that, it is perhaps a further reminder of the material impact of

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continued periods of economic fragility, austerity and spending choices. It may also instigate wider consideration of regional pooling of resources to provide the spectrum of care and support required, whilst potentially reducing overhead costs. This economic pressure also poses a risk to the key role played by third sector organisations at both the preventative and intensive level where they deliver essential components of care plans. Failure to sustain this may have significant consequences for the children and young people they currently support, whilst adding to the significant workload currently faced by local authorities.

The capacity and skills of the workforce have likewise been highlighted, cited as barriers to fulfilling Scotland's ambitions across a range of youth justice priorities. This perhaps strengthen the case for further investment by local or national government in a suite of training opportunities available across the country, raising the expertise of those who are involved in this aspect of work. Such opportunities are essential across the workforce in its widest sense given the implications of the Children (Care and Justice) (Scotland) Act 2024.

Finally, this exercise has proven beneficial to CYCJ in their planning for implementation of the Children (Care and Justice) (Scotland) Act 2024 and in the project management of the Advancing the Whole System Approach Implementation Group. It may therefore be a worthwhile exercise to repeat at a future date in order to assist in identifying those areas that require most attention, and thus make progress within Scotland's various ambitions.

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