

Consultation on the future of secure care - CYCJ key summary

Introduction

CYCJ very much welcomes the ongoing commitment to reimagine secure care, from Scottish Government and all other key partners across the care and justice systems. Given our extensive involvement in this work, and some of the complexity around the proposed changes, we wanted to share a concise overview of our response to the Future of secure care consultation.

Scotland has made momentous progress in recent years, in creating a more rights-respecting, trauma-informed approach to children in conflict with the law. However, we know that there are still children being detained in secure care who could be better supported in other environments, and some who are being detained for longer than is necessary. Significant changes are still needed if we are to deliver on the Promise by 2030 and embed the United Nations Convention on the Rights of the Child into Scotland's response to children in conflict with the law.

As set out in our response to this consultation, we believe action can and must be taken to:

- reduce the number of children in secure care by investing in alternatives;
- provide individualised, responsive and wraparound support in the community to the most at-risk children;
- ensure the national coordination of placements and provide workforce support.

Reducing the number of children in secure care

The removal of all under 18s from Young Offender's Institutions in Scotland was a historic step forward and through the four secure care centres a much more trauma-informed and rights-respecting approach is provided. **We support the new criteria which was agreed by Parliament as part of the Children (Care and Justice) (Scotland) Act 2024 and would strongly argue against any changes which would expand the eligibility of children for secure care.**¹

However, we know from both the Independent Care Review and our research for the Reimagining Secure Care report, that significant and prompt change is still required.

*“Scotland must take responsibility for its most distressed and at-risk children and fundamentally rethink the purpose, delivery and infrastructure of Secure Care”
(Independent Care Review, 2020, p81).*

We know that there are still children being sent to secure care due to failures in the current system to find them more appropriate alternatives. **This includes children with complex mental health needs who should be in a specialist resource.** They are there because the

¹ Section 7 of the Children (Care and Justice) (Scotland) Act 2024

system lacks flexibility and is not able to provide them with the individualised response necessary.

There have been several recommendations over the years that children should not be deprived of their liberty, given the significant harm it causes.

“deprivation of liberty means deprivation of rights, agency, visibility, opportunities and love. Depriving children of liberty is depriving them of their childhood” (Nowak, 2019, p. 4).

UNCRC article 37, and General Comment 24, states that deprivation of liberty must only be used as a last resort, for the shortest time possible and subject to regular reviews. We are clearly not there yet in Scotland and need decisive action.

Reimagining secure care

Many across the sector have been working hard for a long time to conceptualise and shape a reimagined future for children who have been deprived of their liberty. Central to this is the idea of **Flex-secure** which provides the opportunity for intensive support for children in home-like environments that are embedded in communities. This offers supportive, relational-based care in a space that is nurturing, therapeutic, and trauma-responsive. This environment has adaptable security tailored to the needs of the child, keeping them and others safe whilst upholding their rights. This is **underpinned by regular reviews to ensure no child is deprived of their liberty for longer than is absolutely necessary** and would need **a new category of provision to allow necessary shifts between restriction to deprivation of liberty within the one setting**.

In keeping with the Promise, a greater emphasis on community-based support is needed for alternatives to secure care. We believe **Community based hubs** would enhance the rights of children in conflict with the law by providing flexible, dynamic spaces that offer a continuum of support tailored to local needs. Where possible, this would mean children are not removed from their families and communities, even during difficult periods where high levels of support are needed.

This care would be overseen by **Multi-disciplinary teams**, providing specialised, holistic support to children and their families, ensuring continuity and integration across services. These work in close partnership with the team around the family and lead professionals. There are already great examples of this approach in Scotland and should be rolled out nationally. Support should be provided to make this happen, including redirecting funding to **invest in alternatives to secure care** to overcome current gaps such as intensive family support.

At the heart of this alternative approach to secure care is an individualised response. It's vital for services to consider the wider often complex context of a child's life and experiences, their age and stage of development, to ensure each individual child has their rights respected. The development of these three key components would ensure less disruption

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and smoother transitions for children and their families, as well as giving them the specialised support needed.

Wider system coordination and support

It has been well established that there are limitations and challenges with both spot purchasing and the current approach to placement within secure care (Scottish Government 2025). **We believe that some form of national coordination is needed to ensure each child is provided with the most appropriate level of care for their situation.** Where necessary, we believe this should involve shared learning across local authorities, greater workforce support and training and pooling of resources, but stress that localised responses need to be front and centre.

We believe that there is insufficient information provided in the consultation for us to make a judgement on nationalisation. We understand the appeal of parity of service and a centralised placement coordination which it could bring. However, we believe that nationalisation would be a considerable undertaking with significant legal and financial implications, none of which are outlined in the consultation. We are also unclear how it would fit with the reimagining secure care model of children remaining in their local communities. Likewise, the short summary of the multi-agency panel clearly identifies some merits to that approach, but again we also believe there is not enough detail to take an informed view at this time.

Single point of contact

CYCJ is playing an active role in the ongoing development of the Single Point of Contact (SPOC) for victims. However, in response to the questions set out, we believe greater clarity is needed around key aspects of its remit, including integration with the wider system, and believe a comprehensive training package is required.

CYCJ contact

If you would like any more information or to discuss this briefing in more detail, please contact Allan Young allan.young@strath.ac.uk

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References

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Legislation

Children (Care and Justice) (Scotland) Act 2024. Available at <https://www.legislation.gov.uk/asp/2024/5>

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