

CHILDREN AND YOUNG PEOPLE IN CONFLICT WITH THE LAW: POLICY, PRACTICE AND LEGISLATION

Section 16: Reintegration and Transitions

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1. Introduction

'Reintegration and Transitions' is an umbrella term frequently used to describe policy and practice relating to children and young people who are at the interface between services, systems, and processes. In this section 'transitions' refers to the transitioning of children and young people:

- Moving from child to adult services
- Moving from school to employment, training, and further/higher education
- Moving from childhood to adolescence and young or emerging 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 Young Offenders Institutions (YOIs) from secure care to YOIs; and YOIs to adult prisons.

'Reintegration' refers to:

- Children and young people moving from having a legal order in place, for example a Community Payback Order (CPO) or Compulsory Supervision Order (CSO), to having no such order; and
- Children or young people returning from secure care or custody to their community.

This section will focus on the transition from the CHS to the CJS; moving to and from secure care, including to YOIs; and reintegrating back into the community. Information will be provided on the importance of good practice and how this can be achieved to deliver the best possible outcomes for young people. However, this guidance must be seen in the context of the changing political landscape within Scotland. The [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) received royal assent on 16 January 2024 and the [Children's \(Care and Justice\) \(Scotland\) Act](#), became an Act on 4 June 2024. The later Act once fully commenced will monumentally change how children are dealt with in both the CHS and CJS and as of August 2024 children under the age of 18 years old can no longer be placed in YOIs.

Reintegration and transitions practice is one of the areas prioritised under the Whole System Approach (WSA) ([see Section 1](#) of this guide); which was recently extended to young adults up to the age of 21 and in some circumstances up to 26, details can be found in [Info Sheet 44](#). This section should be read in conjunction with the online resource ['The child's journey: A guide to the Scottish justice system', which is being updated.](#)

2. Children's Rights

[The UNCRC](#) outlines the rights of every child, including those children who come into conflict with the law and are deprived of their liberty (for further information [see Section 3](#)). [The United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#) was passed by the Scottish Parliament in January 2024, enshrining the UNCRC in domestic law. The UNCRC specifies every child should be "fully prepared to live an individual life in society" (United Nations Committee on the Rights of the Child, 1989, p. 2), with children having a right not to be punished in a cruel, inhumane or degrading way (Article 37); the detention or imprisonment of children must be lawful, and only used as a measure of last

resort and for the shortest appropriate period of time. There must also be alternative services that can provide intensive supports in the community. The child's needs and age must be respected; this includes separating children from adults unless this is not in their best interests. They must have access to legal advice, advocacy and other assistance and be able to challenge their detention and have the right to family contact. They have the right to be treated in a manner that is consistent with their sense of dignity and worth, requiring the use of institutions that are specifically designed for children, that promote the child's reintegration and assume that the child will play a constructive role in society. These rights and obligations enshrine a focus on reintegration, support and throughcare (Article 40). In addition, services and supports should be made available to fulfil children's rights: to health and healthcare (Article 24); education (Article 28 and 29) and leisure (Article 31). Children who are the victims of neglect, exploitation, abuse, torture, or any other form of cruel, inhumane or degrading treatment, should be supported in their physical and psychological recovery, and social reintegration, in an environment which fosters the health, self-respect and dignity of the child, be this in the community, secure care or custody (Article 39). The services and facilities responsible for the care or protection of children must meet the standards established by competent authorities, particularly with regards to safety, health, the number and suitability of their staff, and competent supervision (Article 3).

The [Standard Minimum Rules for the Administration of Juvenile Justice \(The Beijing Rules\)](#) reinforce the above and include specific articles on detention pending trial (Article 13) and least possible use of institutionalisation (Article 19). Part 5 relates to institutional treatment: and under part 5, children deprived of their liberty should be provided with care, protection, and all necessary assistance - social, educational, vocational, psychological, medical and physical - with a view to assisting the child to play a constructive and productive role in society in the future. The importance of support for children returning to the community is also highlighted under Articles 28 and 29, with the commentary stating:

"The importance of care following a period of institutionalization should not be underestimated... This rule also emphasizes the need for a diverse range of facilities and services designed to meet the different needs of young offenders re-entering the community and to provide guidance and structural support as an important step towards successful reintegration into society."

(United Nations General Assembly, 1985, pp. 16–17)

While the language used above is somewhat dated, the principles remain the same, and children in conflict with the law need support and care to re-integrate into their communities. Similarly, the [United Nations Rules for the Protection of Juveniles Deprived of their Liberty \(The Havana Rules\)](#) further reiterate and extend the above principles. They refer to the need for the rehabilitation; planning for the period of detention; the range of supports that should be made available; matters while the child is detained (such as regarding the use of restraint and complaints processes); and reintegration planning and support. The Havana Rules specify that all children should benefit from arrangements that aid their return to society, family life, education, or employment (thus promoting successful transitions). These include support with accommodation, employment, clothing, and finances, and services should begin this prior to release. The importance of community and family involvement is also stressed. They establish minimum standards for what children deprived of their liberty should expect from the services and staff, including in respect of: admission; the environment and accommodation; education, work, and training; leisure time; healthcare; family contact;

restraint; and complaints. These factors are also echoed in the [Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice](#).

This means that the provision of a support package for children during a period in which they are deprived of their liberty, and upon return to the community, is a legal obligation rather than an option. This should “ensure reintegration and look to get young people back to the place where they would have been if their liberty had not been deprived” (Lightowler, 2020, p. 20). In spite of this, the UNCRC (2019) in [General comment No. 24 on children’s rights in the child justice system](#) reiterates that further steps should be taken to minimise children being deprived of their liberty and to ensure that their rights are upheld. To maintain contact with their family, children should be supported by placing them as close to their families’ place of residence as possible; and contact should only be limited in exceptional circumstances. The environment, education and accommodation provided should support reintegration; health needs should be met; and contact with the wider community promoted.

3. Policy & Legislation

The Independent Care Review (2020) findings set out a vision, ‘the promise’, that identified five foundations that must be built on: the vision highlighted the importance of ‘Voice’ and of meaningful and appropriate engagement with children by compassionate caring workers. Where it is safe for children to stay with their families they should be supported to do so; the ‘Family’ must be supported to provide loving and nurturing experiences and to overcome any difficulties that may get in the way. Where it is not possible for children to remain with their family, they must be provided with ‘Care’ that allows them to live with their brothers and sisters, where it is safe to do so and for as long as it is needed. The ‘People’ who support Scotland’s children must develop relationships where children are listened to, and workers should be compassionate in their care and decision-making. The ‘Scaffolding’ of help must reflect a system that supports children, their families and the workforce when needed; it must be responsive and ready when the support is required (Independent Care Review, 2020).

In 2022, the Promise Implementation Plan was published (Scottish Government, 2022). The Plan set out measures that promote transformational change for children who come into conflict with the law. Scottish Ministers pledged to “end the placement of 16 and 17 year olds in Young Offenders Institutions without delay” and to “fund care based alternatives to custody” (Scottish Government, 2022, p. 6). In support of ending children in YOIs, the Scottish Government commissioned the Children and Young People’s Centre for Justice (CYCJ) to undertake a piece of work using the [Reimagining Justice](#) framework. [Reimagining Secure Care](#) published their final reports in September 2024 and following a review by the Scottish Government their response was [published](#) in June 2025. The response is in two phases; Phase 1 (2025-26 – 2027-28): Capacity restoration and reinforcement. Phase 2 (2028-29 – 2029-30): Road-testing / readiness for ‘reimagining’.

The plan also highlighted that there was a need for a review of the CHS. The recommendations from this review, [published in May 2023](#), which was led by Sheriff David Mackie and overseen by a Hearings System Working Group, was [consulted](#) on by the Scottish Government in 2024. Some related legislative changes have been included in the [Children \(Care, Care Experience and Services Planning\) Act 2025](#).

The Promise Implementation Plan (Scottish Government, 2022, p. 71) “tells us that a new approach to youth justice in Scotland is required. An approach which continues to align with

the UNCRC, that proceeds from a rights-respecting approach, supports all children under the age of 18 and young people up to age 26 to participate in decisions about them, directs positive support to families, and offers that support through safe and caring relationships". As part of the plan, it was agreed that an annual grant of £200 over ten years would be provided to 16–25-year-olds with care experience to give them additional security. This was to help to reduce some of the financial barriers that many children and young people face as they move on to more independent living. A subsequent [consultation](#) which has been [analysed](#) has proposed that a one-off lump sum payment of £2,000 may be more beneficial and this is due to start in April 2026 through the [Care Leaver Payment \(Scotland\) Regulations 2026 \(draft\)](#) (Scottish Government, 2025). Five years since the Independent Care Review findings were launched, it is recognised that progress has been made, [but there is still lots to do](#).

To keep 'the promise' by 2030, [Plan 24-30](#) sets out a working framework made up of 25 route maps structured under the five foundations. Each route map has outcomes to be achieved and details who is responsible for the work to be undertaken to meet 'the promise'.

A new approach to children in conflict with the law in Scotland will be implemented through the [Children \(Care and Justice\) \(Scotland\) Act](#), once fully commenced. Provisions include the following:

- Define a child as those under the age of 18 years old as set out in the [UNCRC](#) across key pieces of care and justice legislation.
- 16- and 17-year-olds will not be accommodated within YOIs, instead children who require to be deprived of their liberty will normally be placed within secure care (these provisions commenced in August 2024).
- Children who come into conflict with the law 'need care and support rather than punishment' and through raising the age of referral to the Principal Reporter, it is likely fewer children will have their cases dealt with via the CJS.
- There will be changes to the measures that can be attached to a CSO, including decoupling the secure accommodation and movement restriction condition criteria, which could support more children to remain in their community as an alternative to deprivation of liberty.
- The definition of secure care will be amended to clarify that this is a service provided for the purposes of depriving children which must also provide appropriate care, education and support for the purposes of safeguarding and promoting the welfare of the children who are accommodated there, taking account the effects of trauma which the children may have experienced.
- Scottish children who are remanded or sentenced and placed in secure care must be treated as a child "looked after" by the local authority, with the associated rights including to access aftercare if the child is a care leaver (also commenced in August 2024).
- Scottish Ministers can make regulations to allow children who were remanded or sentenced to secure accommodation under the age of 18 to remain within this service to a maximum age of 19.
- Requires Scottish Ministers to prepare and publish standards, applicable to a "secure transportation service" in relation to children and young people (those under 19). There will be a duty on providers of secure transportation services to meet the applicable standards, and on those commissioning a secure transportation service to ensure that the service meets the applicable standards.

As detailed in [Section 1](#), a timeline for the commencement of the remaining provisions is currently being agreed. Further information on the Act is available on the CYCJ website, which will continue to be updated. If you have any queries, please get in touch.

'A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities' (2021) sets out a vision and action plan prepared by the Scottish Government and Youth Justice Improvement Board members. This plan was updated in [2024](#) and sits within an updated [action plan](#). The overarching action involves the need to work in partnership to deliver what is highlighted by reviews, research and the Promise as crucial to support better outcomes for children and young people.

In 2023 we saw the passing of the [Bail and Release from Custody \(Scotland\) Act](#). This legislation refocuses the use of remand by emphasising that it be reserved for those individuals who either pose a public safety risk or "present a significant risk of prejudice to the interests of justice". The Act also introduces changes that will impact on preparation and planning around being released from prison. All parts of the Act were implemented by May 2025.

On February 6, 2026, the Scottish Government published the [Scottish Sentencing and Penal Policy Commission report: Justice That Works](#). This highlights the need for a fundamental shift in our approach to justice, moving away from an overreliance on imprisonment and towards a system focused on rehabilitation and reducing reoffending. It sets out a clear and comprehensive case for prevention, early intervention, and diversion, alongside a stronger emphasis on community justice and more robust support for individuals transitioning from custody back into their communities (Scottish Government, 2026). The report also outlines several key recommendations. These include extending the Whole System Approach to young people up to the age of 25, and advancing our work to ensure restorative justice is consistently available across Scotland (Scottish Government, 2026).

4. Transitions from Children's Hearings System to the Criminal Justice System

[CYCJ](#), the [Scottish Government](#) and the [Independent Care Review](#) published research that informed the need for a review of the CHS. The Independent Care Review (2020, p. 41) concluded that, "despite the principles of Kilbrandon that aimed to ensure a welfare-based approach to offending, a significant number of children involved in offending behaviour are dealt with in criminal courts rather than through the CHS. Traditional criminal courts are not settings in which children's rights can be upheld and where they can be heard". While significant efforts were made under the Whole System Approach (WSA) to improve on this position, Dyer (2016a) also highlighted that the majority of children who end up in court could have had their behaviour addressed through the CHS, with too many children still being prosecuted as adults in adult courts, resulting in lifelong consequences. This has important implications for children's rights (see [Section 3](#)); Article 40 of the [UNCRC](#) stresses the importance of diverting children from judicial processes. Many children entering the CJS have a range of unmet needs that can lock them into a cycle of reoffending if they remain unmet (CYCJ, 2016; Scottish Government, 2008). Whilst this situation should be improved with the ability for all 16- and 17-year-olds to access the CHS where necessary when the provisions of the Children (Care and Justice) Scotland Act are commenced in full, the Lord Advocate and Procurator Fiscal will retain the discretion to begin criminal proceedings and to

prosecute children in court. As a result, some children will still transition between the two systems and given that a timetable for commencement of provisions is still under development, the following section reflects the current position (i.e. before full commencement of the Children (Care and Justice) (Scotland) Act). There are various situations which can result in failure to maximise the use of the CHS to manage assessed needs and risks in a child-friendly, age and developmentally appropriate way.

4.1 Minimising premature termination of Compulsory Supervision Orders (CSOs)

One of the aims of the WSA is to reduce the number of transitions that a child or young person has to experience. In June 2022, findings were published from [research](#) undertaken by SCRA of 400 children aged 12-15 referred to the CHS on offence grounds. For many of these children, (79 girls, 321 boys), their lives were characterised by adversity, trauma, neglect, exposure to harmful behaviours by others, victimisation, and exploitation (including criminal exploitation and sexual exploitation), often compounded by socioeconomic disadvantage. Highlighting the need to remain on CSOs past age 16 (SCRA, 2022).

Historically while a CSO may be continued until a child reaches the age of 18 years old, there is anecdotal evidence and concern about the premature termination of CSOs, particularly on or around a child's 16th birthday. In research by Nolan et al. (2017) children reported the negative impact of the premature termination of their CSO and the differential experiences between the CHS and the adult courts, with the former described as a much more positive, inclusive and understanding child-friendly system. Henderson (2017) looked at decisions made for 113 children on CSOs aged between 15¾ and 16, who had a hearing which made a substantive decision within three months of their 16th birthday. Seventy two percent of children's CSOs were continued past their 16th birthday, in most cases, in recognition of the child's vulnerabilities and the need to support them in the transition to further education and/or increasing independence, as well as following the recommendation of social work (Henderson, 2017). In some cases, where these orders were terminated, this decision did not consider the child's current needs and circumstances, it was simply because of their age (Henderson, 2017). A more recent scoping study by Lightowler (2022), looking at the legal support needs of children and young people in conflict with the law, indicated that the termination of CSO's continues to be an issue.

The premature termination of CSOs has significant implications, including limiting the future ability of children to be supported via the welfare based CHS, where most children can receive the care and support they need, in keeping with their age and stage of development (Dyer, 2016a; Lightowler, 2020, 2022). The ineligibility of 16- and 17-year-olds not on a CSO to be referred to the CHS has been a longstanding systemic inequity and one that will in due course be addressed by commencement of the Children (Care and Justice) Act 2024. However, as it stands, for these children who cannot access the CHS, entry into the adult CJS as the means of dealing with new or subsequent offending will often be accelerated, bringing with it a raft of negative outcomes. This can also contribute to a failure to uphold children's rights (Dyer, 2016a; Nolan et al., 2017). This was illustrated in research by the Inspectorate of Prosecution in Scotland (2018). In the sample of cases examined, 16 and 17-year-olds who were not subject to a CSO were twice as likely to be prosecuted compared to those who were subject to these measures. Such a decision can increase the vulnerability of children by limiting access to legislative childcare entitlements; these were introduced in recognition of the particular needs experienced by looked after children and aimed to ensure that any transitions for these children are graduated and prolonged. The introduction of

[Staying Put Scotland guidance](#) and the duties on local authorities under [Parts 10 \(Aftercare\)](#) and [Part 11 \(Continuing Care\)](#) of the Children and Young People (Scotland) Act 2014 have made this possible. The Children (Care and Justice) (Scotland) Act will allow Scottish children remanded or sentenced and placed in secure care to be treated as a child “looked after” by the local authority, with the associated rights including to access aftercare if the child is a care leaver (also commenced in August 2024), detailed further below.

Research, guidance and reviews have recommended against the premature termination of CSOs (Henderson, 2017), including the Social Work Scotland (SWS) Position Statement [‘Children between 15 and 17 in the CHS’](#). This stressed that children should continue to be supported on a CSO between the ages of 16 and 18 when this is appropriate and justified. It is not appropriate to base a recommendation for the termination of a CSO solely on:

- The child’s outstanding offences, (this will fast track children into the adult CJS and often prison)
- The age of the child (unless approaching 18)
- The child’s failure to engage with services that are assessed as necessary, recognising this can indicate increased vulnerability and risk, rendering support and protection under childcare legislation of greater importance
- The fact that the child is in the adult court system or has been given a custodial sentence.

Similarly, the [Supporting Young People Leaving Care in Scotland](#) guidance states that children should remain looked after up to the age of 18 years old if that is in their best interests. This general principle applies regardless of care setting and includes those looked after at home, with the early termination of CSOs based on factors such as age, or levels of engagement, to be avoided. The Scottish Government’s [Looked After Children Strategy \(2015\)](#) also recommended that:

“Corporate parents in a position to influence young people panels should “presume against” recommending the ending of a compulsory supervision order around the child’s 16th birthday unless continuing the compulsory supervision order would lead to a significant and negative impact on the young person’s wellbeing.”

(Scottish Government, 2015, p. 37).

Despite this, a variety of arguments continue to be cited as the basis for terminating CSOs, although there is a change in policy direction as indicated elsewhere. The premature termination of CSOs should be avoided and challenged evidentially by all parties working with the child. Below is a list of arguments and counterarguments regarding the premature termination of CSOs:

- **‘The child is not engaging with services.’** To be placed on a CSO, the test for compulsion outlined in the [Framework for Decision Making By Reporters](#) requires to be met, which states: “the lesser the motivation to change, or the willingness to cooperate, the more likely that a CSO is necessary” (SCRA, 2013, p. 2).
- **‘They’re a full-grown adult now.’** 16 and 17-year-olds are children, not adults, grounded in law, with research highlighting that brain development continues well into the twenties. New patterns of repeated experiences and healing, nurturing relationships promote lifelong learning and development (Kohlstaedt, 2010; McEwan, 2017; O’Rourke et al., 2020). Children are often vulnerable and may demonstrate a

- difficulty in making positive choices. By prematurely terminating the CSO they may quickly come into conflict with the law and end up in the revolving door of the CJS.
- **‘The child is more likely to engage if supervised under a Community Payback Order (CPO).’** Both CSOs and CPOs require that a child has an allocated social worker with whom they meet regularly for purposeful contact. CSOs are extremely flexible in nature, and it would be surprising if a child, with an Offender Supervision Requirement as part of a CPO, would be able to receive a form of service provision that was significantly different in focus or more robust. Moreover, the costs of non-compliance with any of the requirements of a CPO are significant (Bateman, 2011; Nolan, 2017b, 2018a).
 - **‘The child has already been made subject to a CPO; therefore, the CSO has become redundant.’** In fact, this dual status may prove beneficial. Depending on the age of the child and length of any CPO imposed, if the CSO is terminated and the child subsequently breaches the CPO, or the Order ends before the child is 18, they may lose the support and services provided within the CHS, including the possibility that further offences might be considered by a Children’s Hearing rather than the Court.
 - **‘The child is in secure care having been remanded or sentenced.’** The length of time for which a child has been placed in secure care via the CJS will vary depending on whether they have been remanded or sentenced. The length of detention may be short and the premature termination of a CSO could limit the child’s future access to the hearing system. In addition, if the period of remand or sentence finished before the child is 16, the child although treated as a “looked after” child for that period, would not have a statutory entitlement to aftercare. Entitlements to justice throughcare also vary.
 - **‘The child will not be able to obtain supported accommodation if they are subject to a CSO.’** This should not be the case. Housing support services are defined under the [Public Services Reform \(Scotland\) Act 2010](#) which does not specify any reason why these services could not be available to those defined as a child, although a service could have a condition on age ranges - this could however be removed or varied on application to the Care Inspectorate.
 - **‘The child wants to be treated as an adult, believes he/she has outgrown the CHS and emphasises that his/her views must be given consideration.’** While the child’s views should always be considered, as per [UNCRC](#) and domestic legislation, their ability to manage risky situations during adolescence and to make informed decisions is likely to be as limited as that of children who are not “looked after”, who rely on their parents and carers for support and advice for many years (McEwan, 2017). In making any assessment and recommendation, all responsible Corporate Parents must weigh up the child’s desire to be treated as a “grown up” in the “adult system” with the child’s best interests and the significant negative consequences that may stem from their non-compliance with Court disposals.

4.2 Maximising the use of remittal to the Children’s Hearings System

As detailed in [Sections 1 and 11](#), Scotland currently has legislative measures in place to enable children aged under 18 years old who appear in court to be remitted to the CHS for advice or disposal. The right of children to be diverted from formal judicial processes and the promotion of specialised systems for child accused is enshrined in the UNCRC. Contemporary data is not available, but what we do have indicates that, while significant progress has been made in relation to children who come into conflict with the law, there has been little change in the proportion of requests for advice from criminal courts to the CHS,

and criminal proceedings where the outcome was to remit to a Children's Hearing remain extremely low (Dyer, 2016a; Henderson, 2017). On average, only 10% of those children aged 16 and 17 attending summary court are referred to the CHS from the Sheriff Court for advice and 6% for disposal between 2009/10 and 2013/14 (Dyer, 2016a). In 2015/16, the court requested criminal advice from Children's Hearings for 109 young people, 49 of whom were remitted by courts to Hearings for disposal (Henderson & CYCJ, 2017). This was echoed by the Independent Care Review, (2020) which concluded that the proportion of remitted cases remains low. Statistics show that 31 children out of 604 were remitted to the Children's Hearing in 2020/21 ([youth-convictions-2020-21](#)).

It is imperative that all social workers are familiar with s.49 of *the Criminal Procedure (Scotland) Act 1995* which outlines in detail the circumstances in which a child found guilty of an offence in an adult court may have their case remitted back to a Children's Hearing for advice and/or disposal (see [Section 1 and 11](#); [SWS, 2019](#)). Moreover, all social workers should follow guidance as detailed in [Section 1](#), which clearly states:

“the report writer must **always** comment on the option of remittal back to the Children's Hearing, (where the subject of the report meets the criteria of being under 17 years and six months) **but** it is critical to be clear that remittal is being considered with a view to work being undertaken which will address both the needs and risks already identified as well as being tailored to the young person's stage of development.”

(Scottish Government, 2010b, p. 52)

Research indicates that this did not always happen in practice and geographical variations were noted (Dyer, 2016b; Henderson, 2017). The rules regarding remittal will change when Part 2 of the Children (Care and Justice) (Scotland) Act 2024 is fully commenced-this guidance will be updated to reflect those changes in due course.

5. Children in transition to and from Secure Care and custody, and reintegrating into their communities

5.1 Scotland's approach to children deprived of their liberty

It is recognised that 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) (see [Section 9](#) for more on desistance). 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 can bring, may render children and young people susceptible to a range of further negative outcomes on return to the community (Bateman et al., 2013; Hollingsworth, 2013).

Recent work undertaken as part of the [Reimagining Secure Care project](#) Swann (2024) found a range of views relating to the differences between secure care and custody, with some young people in HMP&YOI Polmont reflecting that access to age- and stage-appropriate education was sometimes better in YOI, and that there were more vocational opportunities compared to secure care. In this project children in secure care also shared mixed opinions about the differences between secure care and custody; in some respects children in secure care felt that YOI would perhaps be a better incentive to desistance, however several children shared that they were fearful of the environment within YOI

referring to deaths in custody of children and young people. In summary, the findings from work with children and young people as part of Reimaging Secure Care suggest that whilst secure care can provide a safe and nurturing space for growth and recovery, many children feel that the environment could be improved through changes including increased and diversified education and vocational provision, improved physical environment, and increased support to build achievable aspirations for their futures post-secure care.

When a child is deprived of their liberty, a period of stability is essential, with predictability supporting the child's care and wellbeing needs. Encouraging healthy development to promote both positive identity formation and the opportunity to live a fulfilling life in the community is important. To achieve this, it is crucial that staff establish supportive and respectful relational practice that enables children to feel safe and secure, so that they develop trust, self-awareness, agency and regard for themselves and others (End Child Imprisonment, 2019). This should take place within therapeutic, and trauma-informed caring relationships, where children's needs are met and their rights upheld (Independent Care Review, 2020). Some children in secure care stated that this type of placement had saved their lives and being deprived of their liberty had prevented more serious offences from being committed, or harm being caused (Gough, 2017; Nolan et al., 2017; Vaswani et al., 2016).

The [Secure Care Pathway and Standards](#) has set out 44 standards of practice that secure care centres utilise, in partnership with Local Authorities (LAs) and other agencies, to promote children's care and wellbeing as part of a participatory and rights-respecting approach. The Standards set out what children can expect before, during and [after](#) their experience in secure care. For strategies to be effective, a multi-agency and multi-disciplinary approach is necessary (McAra & McVie, 2022). Although the Standards should be seen collectively, of relevance for this section are the "after" standards:

Standard 38 - I am fully involved and influence all decisions and plans about my future, in a way that works for me, from an early stage.

Standard 39 - I understand my rights when planning for my future and I have access to the legal advice, representation and high-quality independent advocacy I need.

Standard 40 - My plans for moving on meet all my needs. They involve everyone who has responsibility to care for and support me.

Standard 41 - I am fully prepared for making the transition from the service and this is taken at a pace which means I am completely ready.

Standard 42 - I am confident that people I know well and have trust in will continue to be involved in supporting me after I leave the service.

Standard 43 - I have as much choice as possible about the place I am moving to and am able to visit. I get to know the people there as they have been involved in planning with me for the move.

Standard 44 - I have all the care and support I need to build the future I want, from everyone who has a role or responsibility, for as long as I need it.

5.2 Throughcare support

This section details the key components of throughcare support for children who are currently placed within secure care or young people in custody. Whilst the use of custody for children has ended, the key components of throughcare support and information subsequently contained in this section remain applicable for children in and leaving secure

care. Throughcare, sometimes called resettlement, refers to a range of supports provided by social work and other services (both from within and outside the justice system, statutory, and third sector) to children entering secure care or young people in custody and their families. This support extends from the point of sentence or remand to secure care, and their subsequent return and reintegration to the community (Malloch, 2013a; Scottish Government, 2011b). The Youth Justice Board (2018) in England and Wales concluded that the aim of resettlement should be to support the child's identity shift from one that is pro-offending to a position of being pro-social. While this builds on the research by Hazel et al. (2017) who advocated that effective and sustained resettlement or reintegration involves a journey of shifting the young person's perception of themselves from being in conflict with the law to one that promotes a positive contribution to society and a new narrative for how they relate to others, the picture is more complex than this as multiple factors impact on a child or young person both being deprived of their liberty and engaging in behaviour that brings them to the attention of authorities (Whitelaw & Gibson, 2023). Relational and appropriate support is recognised as the foundation for achieving improved outcomes and positive futures, including reducing the likelihood of reoffending and ultimately supporting desistance (Youth Justice Board, 2018). The second aim of throughcare support is to aid the transition for children and young people returning and reintegrating to their community from secure care or custody.

Throughcare is distinct from Continuing Care and Aftercare for care leavers (as defined in the [Children and Young People \(Scotland\) Act 2014](#)) but for a variety of reasons is arguably even more critical for children and young people who have been deprived of their liberty. Day et al. (2020) highlighted that for care experienced children, deprivation of liberty and resettlement is more disruptive than it is for their non-looked after peers. The focus on survival - and strategies to ensure this such as self-reliance – is often driven by experience, and a sense that others cannot be relied upon; this leads these children to focus more on the here and now, rather than the future. Focusing on the future is a key aim of resettlement support, and in promoting desistance. It has been echoed by Baker (as cited by Fitzpatrick et al. (2019), who stated care experienced children felt that they had no space to get things wrong and lacked wider family support networks to fall back on. As detailed above, all children who are remanded or sentenced in secure care will now be treated as if they are “looked after” children, thereby having statutory entitlements, and many children on leaving secure care and young people in or leaving custody will also have aftercare entitlements. Whilst there is some concern that this will create significant new demand, even prior to the provisions in the Act commencing, most children who were remanded or sentenced and placed in secure care would already have been “looked after” children and therefore would have had access to such entitlements. Newly published children and families secure statistics shows the high percentage of children who were 'looked after' in some form prior to admission: [Social Work Statistics Secure Care 2024/25](#). Similarly Cameron et al. (2017) found three fifths of children sampled in the Scottish Prison Services Prisoner Survey in 2017 reported being in care at the age of 16 years old; this figure remained consistent in the follow up survey in 2019, thereby highlighting many of these children would also have had such entitlements (Broderick & Carnie, 2019). Further information on the different processes and roles and responsibilities is detailed below.

It is important that workers understand and can communicate entitlements to children who have looked after and care leaver status, with research having shown children are often unaware of, or do not identify with, their care leaver status and do not know what is available to them (Nolan et al., 2017; Scottish Care Leavers Covenant, 2015). In seeking to address this, a [protocol for the identification of looked after young people and care leavers by justice](#)

[agencies](#) was developed. It is also crucial that all practitioners can support children to access what they are entitled to, advocating on their behalf to ensure corporate parenting duties are fulfilled (Scottish Care Leavers Covenant, 2015). This includes the [Children & Young People \(Scotland\) Act 2014](#), (Part 10, Aftercare), the duty to provide aftercare to all eligible care leavers under 19 years of age, unless satisfied that the young person's welfare does not require it. All care leavers aged 19 – 26 are entitled to request assistance from their local authority, who must complete an assessment and if eligible needs are identified that cannot be met by other means, the local authority must provide advice, guidance and assistance to meet them. The [Children \(Care, Care Experience and Services Planning\) Act 2025](#) supports the rights that are currently in place for aftercare.

Except for the work of [Beyond Youth Custody](#), research specifically focused on the throughcare needs of, and effective practice with, children aged under 18 is limited. The Beyond Youth Justice Custody partnership concluded in 2018, having produced a significant body of evidence about effective resettlement for children leaving custody and this has continued to be developed by the Youth Justice Board (2018) in England and Wales, who made resettlement and transitions between services a strategic priority. The following sections will draw upon the programme's Framework for Effective Resettlement and the Scottish Government's rights-respecting approach to justice which supports the promotion of WSA and keeping children out of the criminal justice system (Scottish Government, 2021). This will be explored within a changing context and increasing understanding of what children and young people need from those who support them.

5.3 Characteristics of Throughcare Support

A number of characteristics have been identified as crucial for throughcare support to be effective, and sustain the gains made while the child has been in secure care or young person in custody. Hazel et al. (2017) state that the likelihood of effectiveness of individual components and overall support can be judged on whether it demonstrates five characteristics, each of which will be discussed in turn:

- **Constructive** focused on identity shift, future orientated, motivating, strengths-based, and empowering
- **Co-created** inclusive of the child 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

Constructive: To be constructive, throughcare support should facilitate the pathways for a child's desistance journey and identity shift (Hazel et al., 2017). Interventions should be future-focused and take a long-term perspective, with planning and preparation for return to the community commencing at the point of entry to secure care or custody (Hazel et al., 2016; Malloch, 2013a). This preparation is embedded in the Secure Care Pathway and Standards (2020). Supports should be less focused on what the child has previously done and more on them as a child/young person, their current strengths, hopes, needs and experiences, and how these can be built upon in the future (CYCJ, 2016; Gough, 2017). Interventions should help to develop self-esteem, which is critical in building and maintaining motivation to change (Hazel et al., 2016). It should be recognised that where support is promised but is not forthcoming, a child's confidence in their new narrative and identity can

be negatively affected; they may become demotivated, hopeless and disillusioned and the risk of relapses and reoffending is increased (Hazel et al., 2016).

Co-created: Under Article 12 of the UNCRC, children have the right to express their own views freely in all matters affecting them. Children are experts in their own lives and go on the journey of desistance and identity shift (Hazel et al., 2017). Engagement of children and young people throughout the throughcare process is essential for meaningful and effective intervention and research suggests that those who “have faith in their self-assessment in relation to risks and readiness to move on, really listen to what they and their supporters tell us, responding to this and informing decision-making” (Bateman et al., 2013; Gough, 2017). Moreover, engagement brings a number of wider benefits, each of which are linked to desistance, including: cognitive and emotional change; support for the child to reflect on who they would like to be; enhanced self-confidence and self-esteem; increased sense of purpose; and fostering agency and empowerment (Bateman & Hazel, 2013; Wright et al., 2014). It is the responsibility of practitioners and agencies to engage with children and families and to provide the information and support needed to achieve this (Independent Care Review, 2020). Planning should start with the opportunities, challenges and barriers as identified by the child. Supports should: appeal to them and be relevant to their self-perceived needs, goals, hopes and future; be constructive and encourage the benefits of engagement; ensure persistence, patience and perseverance from staff, demonstrating a flexibility to respond to the child’s needs; include sharing as much information as possible with the child about the systems and processes they are involved in, to increase their understanding (Bateman et al., 2013; Gough, 2016, 2017; Nolan et al., 2017; Wright et al., 2014; Youth Justice Improvement Board, 2019). Children should be clear about who is involved in their plans and what support they will be provided with, including upon return to the community (Gough, 2016). The child’s family, friends and informal supporters should also be engaged throughout the throughcare journey.

Customised: Children entering and leaving secure care or young people leaving YOI will often have a complex array of needs that require to be met (Beyond Youth Custody, 2015). It is therefore important that support is bespoke and individually tailored based on an understanding of how the child makes sense of their life, strengths and goals. Diversity should be considered; support should be proportionate to need and risk, available at the point of need and appropriately paced and sequenced. Enhanced support should be provided at transitions and wraparound strategies should be built to help children tackle obstacles (Bateman et al., 2013; Hazel et al., 2017; Malloch, 2013a).

Consistent: Throughcare should be recognised as a long-term journey. Support should be seamless, starting at the point of entry to secure care/YOI if not before, for example, by giving children/young people information on their rights, and what to expect on admission. Supports should build upon plans developed prior to entering secure care/YOI and progress made during this period should continue on return to the community (Bateman et al., 2013; Gough, 2017; Hazel et al., 2017). It is recognised that there can be challenges in ensuring appropriate support is available at each stage of this journey, but it is critically important to address any barriers (see for example (Scottish Parliament Justice Committee, 2019; Vaswani & Paul, 2019). Support should include contingency planning, recognising that change is difficult, with relapse and setbacks part of the journey to desistance (Hazel et al., 2017). Stable, consistent supportive relationships between children and those working with them are crucial and make a vital contribution to engagement, as desistance is more likely to be achieved when there is a ‘working alliance’ between the child and service provider (Healy, 2017; Malloch, 2013a). Moreover, for looked after children and care leavers, sincere,

enduring, consistent and continuous relationships have been identified as the thing that makes the greatest difference (The Care Inquiry, 2013; Winter, 2015). Indeed, the Independent Care Review (2020, p. 19) concluded “where nurturing relationships within the family are impossible, those who care for children must know that the most important thing they do is to provide a loving, stable, safe relationship - above everything else”. To achieve this, responsibilities and contact from staff within the community should continue during the child’s period in secure care or young person’s time in custody, and any new service who plan to work with the child or young person on return to the community should make contact early (Bateman et al., 2013; Malloch, 2013a). As children transition into and out of secure care and custody, a new and challenging period of their lives, it is vitally important that they are supported to maintain positive relationships with professionals and carers (Scottish Government, 2011b). This support, evident in the WSA, has been critical. The promise implementation plan indicates that lifelong advocacy support for care leavers will be introduced. In addition, factors identified in research as supporting positive relationships include staff:

- Being empathic, non-judgemental, interested, genuine, committed, consistent, caring, warm, hopeful, optimistic and available to see children through their best and worst times and to “be there no matter what”.
- Having time, space, patience, persistence, and perseverance (often referred to as stickability).
- Helping children to make informed choices and promoting individual responsibility but being committed to social justice and able to recognise the experiences children have been through and their stage of development. Start where the child is and focus on what they can be rather than what they have done.
- Managing expectations and exercising authority in a legitimate fashion.
- Being credible, treating children as individuals and showing them that they matter, with dignity and respect, and getting things done (Cook, 2015; Gough, 2016; Malloch, 2013a; Youth Justice Improvement Board, 2019).

Coordinated: In light of what has been said above, it is impossible for one agency to provide effective throughcare support. Instead, a range of services across secure care/custody and community settings is necessary (Bateman et al., 2013). To be effective this requires:

- Adequate co-creation of plans and the coordination of services, to prevent fragmentation and duplication; the Lead Professional has a key role to play in this coordination.
- Appropriate and ongoing contact, communication, and information sharing. This includes information moving with a child when they enter and leave secure care or custody, which is of critical importance (HM Inspectorate of Prisons for Scotland (2019b).
- Clearly defined roles and responsibilities, which are communicated to children in ways they understand.
- Values underpinning partnership and collaborative working including respect, appreciation and understanding of each agency’s roles, trust, openness, and working towards a common goal.
- The ability to manage tensions and different opinions arising in what are often very emotive situations, and shared responsibility for the management of risk.

- Third sector organisations can often be key partners, with The Robertson Trust (2012) citing the benefits that can be provided by this sector as including: flexibility; responsivity; often being rooted in the community the child is returning to; perceived as not being aligned to any statutory agency; and in gaining trust and building relationships (Hazel et al., 2017; Malloch, 2013a).

5.4 Personal & structural support

To achieve the aims of throughcare, services need to provide two types of support: personal and structural. While previous guidance focused on individual change and exploration of identity we have an “improved understanding of children in contact with the youth justice system (*which*) has revealed that increasingly they have multiple needs and vulnerabilities” (Youth Justice Board, 2021, p. 5), and our approach needs to prioritise their interests, needs and potential while being developmentally informed and cognisant of structural inequalities and barriers rather than focussing on individual change.

Personal support

Personal support relates to individualised help for children to see the way forward towards a more positive identity and future, and the pathways that can help to achieve this (Hazel et al., 2017). This need to help conceptualise an alternative future adulthood is particularly important for children, for whom the ability to have hopeful conversations and build hope has been absent (Miller and Baxter (2019). This involves helping to build children’s self-belief and self-esteem, and promoting and reinforcing positive change (Bateman & Hazel, 2013; Rajah et al., 2014). Personal support begins with helping children to: identify their current strengths and future goals; understand their previous experiences and barriers; and establish supportive, caring, and hopeful relationships. Staff should identify, plan and facilitate activities that will help these goals to be achieved, and support and sustain change (Hazel et al., 2017).

Personal support should also involve preparation for transitions into and out of secure care and any movement into and from custody, as these can be stressful, overwhelming and disorientating experiences for children, and they have the potential to be traumatic or retraumatising (Vaswani & Paul, 2019). Such transitions require the readjustment to new structures and routines and, becoming familiar with a new environment and renegotiating relationships, to the extent that:

“...children’s related experiences [in the weeks post-release] are consistent with symptoms of adjustment disorders which carry increased risks of long-term psychiatric illnesses and suicide”

(Bateman & Hazel, 2015, p. 3).

It is therefore unsurprising that the period immediately following release can be associated with increased risk of breach, reoffending and other negative outcomes, with Bateman and Hazel (2015, p. 7) concluding that:

“the period immediately after release has been identified as a window of opportunity during which (children and) young people may be committed to giving up offending (Bateman et al., 2013). The shock of leaving custody, however, if not addressed, might tend to undermine that commitment, thereby reducing the prospects for desistance.”

It is therefore crucial that:

- Children are prepared early for a return to their community, how this may feel and difficulties that may be faced. Familiarity with the Secure Care Pathway and Standards is relevant for children leaving secure care. Periods of time outwith the secure care centre as detailed below may be beneficial.
- We listen to children's assessment of their readiness for return to the community and how this can be supported, requiring the embedding of children and their views in these processes and the provision of choice for future plans including future living arrangements (Scottish Government, 2020).
- Careful planning is undertaken, recognising that returning to the community may have both negative and positive associations for the child, and complexities that can be associated with this.
- Children know as early as possible where they will live when they move on, support is established pre moving on, they understand all plans and contact arrangements.
- Enhanced emotional and practical support is provided at the point of transitions.
- Children are given time and flexibility in this adjustment period and a responsive, structured timetable and activities for the initial period and beyond is considered, as are contingency plans and strategies to promote the plan's progress.
- Supports are provided not just in the initial days and weeks but in the longer-term based on the needs of the child, and plans move at their pace.
- Supports are based on positive, hopeful, empowering and well-developed relationships (Bateman & Hazel, 2015; Gough, 2017; Malloch, 2013a; Scottish Government, 2020).

Structural support

Structural support facilitates the changes needed to enable the child to follow their chosen pathway and to address barriers to change (Hazel et al., 2017). Structural support requires: the coordination of planning and services, both within secure care and custody and the community; continuity of support including following return to the community; flexible and timely support and exit planning (Hazel et al., 2017). Areas often requiring structural support include those which are recognised as underpinning effective reintegration and contributing to desistance - namely accommodation, education, training and employment, health and substance misuse, involvement of families and financial stability. These are also factors children have highlighted when asked about their wishes for the future and identified as components of hope - a home and housing; a job, education or skills; health and self-esteem; a family and trusting relationships; and some sense of stability, security and normality (Miller & Baxter, 2019). While support in each of these areas is important, they should not become "ends in themselves"; it's critical that a joined-up, holistic, forward looking and strengths-based approach is adopted (Hazel et al., 2017). The following information highlights the importance of attention being devoted to each of these areas and identifies points for their consideration in practice.

Accommodation

Housing problems may pre-date and be exacerbated by, or result from, entry to secure care or custody, with accommodation consistently identified as a key concern for children moving on from where they have lived (Scottish Government, 2015). In the Talking Hope project (Miller & Baxter, 2019) children and staff in secure care expressed concern about the identification of suitable placements to move on to, a lack of choice and control, as well as

time to develop relationships with new supports in place. [Scottish Government](#) data shows in 2024 – 2025 of the 136 children moving on from secure care within the same time period destinations reflect 30% moved on to the parental home/friend or relative, 12% to foster care/children's home, 32% to a residential school, 5% to secure care and 11% to another place which included supported accommodation/independent living/assessment centre/close support or hospital. This would suggest that children are more likely to return home or to a residential school on leaving secure care and there is an increase in young people moving to a YOI from 3% (2023/24) to 12% (2024/25) which is due to end of imprisonment of children. The Care Inspectorate (2020) review into the deaths of looked after children, where children were aged between 16 and 18 and deemed to be at high risk of self-harming and suicide, showed there were limited options available for their return to the community; this meant that some returned to reside with family members or into supported accommodation arrangements which carried a high likelihood of breakdown, subsequent homelessness and further trauma-related harm. This was echoed within the Nolan et al. (2023) 'Journey of Implementation' report and in research by Day et al. (2020, p. 5) where care experienced children shared concerns in which living arrangements dominated, meaning other considerations, including how they might construct a positive future for themselves or utilise the support that was being offered, became secondary.

Similar findings were made in the Care Inspectorate (2023) Secure Care Pathway Review, where children moved on to a range of settings-including supportive intermediary settings sometimes called 'step down' or 'close support'-but others moved to their own tenancy. For the majority of children, intensive efforts were being made to find suitable placements and support but often limited resources, compounded with the stigma and labels that could be experienced by children by virtue of having been in secure care, made it harder to respect children's wishes in where they wanted to live, find suitable accommodation and often children were left with very little choice about where they lived. This is in spite of the Promise calling for further investment in supportive intermediate settings so that children leaving secure care could access the support they required. The outcomes for this cohort of children was clear - in the period of the Care Inspectorate review almost a third of the children sampled became homeless or were at risk of homelessness.

While loss of accommodation and homelessness are the most obvious concerns, Shelter Scotland (2015) and the Scottish Government (2015) have highlighted wider accommodation-related issues such as loss of possessions; accrual of arrears; shortage of appropriate, stable and supported accommodation on return to the community; and lack of skills in managing a tenancy. The implications that result from housing issues are wider and intersect with a range of the other areas impacting on effective reintegration. The Howard League for Penal Reform (2020, p. 2) states: "a roof over a child's head is not sufficient to reintegrate a child into the community, but an address is essential to enable planning to meet a child's needs for education, leisure, health and other important networks of support". It is well established that children who experience accommodation difficulties on return to the community are significantly more likely to reoffend than those who have stable accommodation (Bateman et al., 2013; Malloch, 2013a; Scottish Government, 2015; Shelter Scotland, 2015).

At a practice level, housing-related service provision during the throughcare process is nationally inconsistent. For people in custody, SHORE housing standards have been developed to improve this situation (Scottish Government, 2015; Scottish Prison Service, 2017). For care leavers, the [Youth Homelessness Prevention Pathway](#) has also been developed. The aim should be that every child leaving secure care or young person leaving

custody has suitable accommodation that is identified prior to their return to the community, with the Secure Care Pathway and Standards (2020) detailing the importance of choice, visiting, building relationships and full involvement in planning for this move (Gough, 2017; Scottish Prison Service, 2017). In addition, supports should be provided to children, both while in secure care/custody and on return to the community, from a range of providers including public, third sector and specialist housing services. These services should include:

- All those involved with the child proactively enquiring about their housing situation and providing informed housing advice and support
- Identifying housing needs at the earliest opportunity and early collaboration with housing providers and support services
- Where a child has a tenancy, informing appropriate agencies (e.g. landlord, DWP, mortgage provider) in the event of a change of circumstances. Where possible, the child should be supported to maintain their accommodation.
- Securing the property and/or retrieving and storing possessions
- Accessing support from specialist services, such as [Shelter Scotland](#), who can provide specialist advice and guidance
- Making accommodation-related arrangements for dependents and potentially transferring tenancies to other family members/relevant persons
- Dealing with abandonment or eviction proceedings
- Support to deal with historical housing issues
- Contacting and supporting relatives who may provide accommodation on return to the community
- Identifying and accessing safe, suitable, and sustainable accommodation and support for return to the community, considering the child's needs and what might be the most appropriate option for moving on. Efforts should be made to ensure children in or on the edges of secure care do not experience homelessness, so the provision of intermediate care settings or housing support for the child may be crucial. Any barriers to accessing housing support based on how services are registered should be addressed.
- Where a child or young person is moving on to their own accommodation providing information about processes and starting early any necessary assessments and applications (homeless legislation enables an application to be made eight weeks prior to returning to the community); if the local authority fails to accept or act on this they are also failing to uphold that individual's legislative rights (see SHORE housing standards for more information). There are examples of how this has been creatively supported and enabled, for instance, through the use of virtual visits to show potential tenancies so that they are secured prior to return to the community.
- Advocating on the child's behalf; making arrangements for moving into accommodation; establishing support and coordinating appointments for their return to the community.
- Support to develop independent living skills and in tenancy management, recognising that the child may not have previously lived independently.
- Responding promptly to changes in housing circumstances.
- Fulfilling corporate parenting responsibilities towards looked after children and care leavers, recognising care experienced children are at greater risk of homelessness, and working together (Dore, 2015; Nolan, 2016; Scottish Government, 2015, 2019; Scottish Prison Service, 2017; Shelter Scotland, 2015; The Robertson Trust, 2017).

Education, training and employment

Disengagement from education and poor educational experiences are very common for children in secure care and in the experiences of young people in custody, with persistent truancy, school exclusion and a lack of attainment strongly associated with committing offences ([The Promise Progress Framework: Plan 24-30](#)). Research also indicates almost half of young men in custody reported experience of school exclusion - for many this began from primary school - but more than 70% report that they enjoyed school some or all of the time (Smith et al., 2014; Youth Justice Improvement Board, 2017). However, further research has shown that care leavers are likely to achieve academically later in life (Sacker et al., 2021; Ward & Stein, 2021).

It is important that throughcare support pays attention to the disadvantage that children are likely to have experienced educationally; the time children spend in secure care or young people in custody must be utilised to support and enhance learning (Independent Care Review, 2020). It is expected that all children in secure care will access education. On moving on from secure care or custody, the stigma of having a criminal record; the requirement to disclose unspent and certain spent convictions (as well as the complexities surrounding disclosure); and structural conditions which may impact more heavily on those with convictions, render the accessing of education, training and employment more complex (Malloch, 2013a; McGuinness et al., 2013; Nolan, 2018b; Nugent & Schinkel, 2016). [The Disclosure Scotland Act 2020](#) and subsequent implementation planning and guidance may further address some of these barriers. A lack of employment and issues in accessing education on return to the community have been identified as key concerns. In the Care Inspectorate (2023) review some of the children sampled when leaving secure care struggled to access training, employability and educational support. The Youth Justice Improvement Board (2017) reports that 72% of children spoken to in HMP&YOI Polmont stated that it was very important to receive support to find employment.

Education, training, and employment is generally associated with reduced involvement in offending. Benefits include: establishing financial stability; reducing unstructured time; providing a daily routine and positive social relationships; having a positive impact on identity and goals; the accumulation of human and social capital; and promoting self-esteem, purpose, hope and direction (Kendrick et al., 2008; Piacentini et al., 2018). It is, however, noted that the nature and quality of the employment is a factor here; this will interact with the individual's goals, priorities and concerns and influence their self-identity (Weaver, 2018). Education, training, and employment opportunities should not be the sole focus of reintegration support, but this support should include:

- Ensuring information about any additional support needs, learning styles, and what can help is shared when a child enters secure care or a young person goes into custody (see [Scottish Transitions Forum \(2017\)](#) for the principles of good transitions for children with additional support needs).
- The provision of creative, holistic, motivational, bespoke and individually tailored approaches; these should support learning, and encourage children to utilise education, training and employability support and opportunities while in secure care and custody.
- Offering a wide range of high quality educational, vocational, and community-based experiences and qualifications; children should be supported to attain and achieve at the highest standard, with help to develop their interests, skills, strengths and hopes for the future.

- Children and young people might need support to overcome previous negative experiences, from nurturing, persistent and trauma-informed staff, who can encourage, support and celebrate the achievement of their potential.
- Taking training, the pursuit of qualifications, timings of exams etc. into account in determining the most appropriate time for transitions; this should continue upon entrance to/return from secure care or custody, where possible. For this to be possible within secure care, a smooth handover of information, and changes to the SQA exam process, are needed.
- Providing good quality information and support regarding the disclosure of criminal records including the periods of disclosure, what needs to be disclosed, how this can be managed etc. ([See Scotland Works for You; Disclosure of childhood criminal convictions - Clan Childlaw](#)). This may include helping the child to access specialist support and ensuring that everyone is clear about the impact of accepting grounds and offences on disclosure checks.
- Making efforts to have education, training and employment in place prior to return to the community to support effective transitions planning and recognising the need for providing the right opportunity/course/job, at the right time, with appropriate, ongoing, coordinated, flexible and wraparound support to sustain this, recognising that the journey to employment is often less linear for children in conflict with the law (Bateman et al., 2013; Gough & Lightowler, 2018; Smith et al., 2014; Who cares? Scotland, 2014; Youth Justice Improvement Board, 2019).

Health and substance misuse

Children involved in serious and persistent offending may have additional health and wellbeing needs, including in relation to their mental and emotional health (Gough, 2016; Scottish Parliament Justice Committee, 2019). Research in one Scottish secure care centre highlighted high levels of post-traumatic stress (65%), depression (65%), and dissociation (18%) in the children who participated (Barron & Mitchell, 2018). Similarly, in the [2018 census](#) of Scottish children in secure care in Scotland, 35% of children had attempted suicide in the year prior to admission, with 53% experiencing suicidal ideation; 22% had received a trauma diagnosis over that timeframe; staff within secure care noted that for 24% of children there was a suspected, undiagnosed mental health concern, but only 36% of children had received support from the NHS's Child and Adolescent Mental Health Service (CAMHS) in the year prior to admission (Scottish Parliament Justice Committee, 2019). In addition, Armstrong and McGhee (2019) highlighted that children and young people in custody had higher rates of suicide and higher rates of factors associated with self-harm and suicide, including: depression; anxiety disorders; psychotic symptoms; and attention deficit hyperactivity disorder (ADHD).

Girls in secure care and custody are particularly likely to suffer from mental health issues, self-harm, suicidal behaviour, and trauma (Bateman & Hazel, 2014; Malloch, 2013a) (for more information, [see Sections 5 and 8](#)). Cesaroni et al. (2023) advocate for the need for gender responsive approaches to trauma for young men who have been deprived of their liberty, that explores and promotes an understanding of the masculine identity and its interaction with seeking help and recovery from trauma. The Independent Care Review (2020: 81) also concluded:

“Specific residential, therapeutic settings for girls who have been sexually abused and exploited must be developed. Those girls must not be held in inappropriate settings. Their deep pain and trauma must be recognised across services and settings that uphold their

rights and meet their needs in an informed and therapeutic way... Scotland knows that some boys placed in Secure Care have been sexually abused and exploited. Scotland must make sure that they have the therapeutic care and support they need to recover and be kept safe. Their rights must be recognised and upheld in a trauma informed way, so that their pain is not exacerbated by their placement.”

The Scottish Government’s Mental Health Strategy 2017-2027 is committed to increasing support for the mental health needs of children in conflict with the law (see [Section 8](#)). In 2020, The Scottish Youth Parliament and a group of young volunteers developed a range of resources to support mental health transitions from children to adult services (See: [Transition Care Plans: moving from CAMHS to adult mental health services](#)). In addition, many children in this population experience physical health needs. These include: speech, language and communication issues (with 75% - 90% of children in custody estimated to have speech, language and communication needs); head and brain injury; learning disabilities. Kent and Williams (2021, p. 4) describe traumatic brain injury as “a ‘silent epidemic’ among people in contact with the law” and for children from low socio-economic households and adolescent boys there are increased risks. Traumatic Brain Injury can result in “cognition, memory, social communication, and self-regulation of emotions and behaviours” issues which can be exacerbated by other neurodevelopmental difficulties (Moore, foreword, p.3 in Kent and Williams, 2021). Many children also have substance misuse problems; these often develop as a consequence of self-medicating in order to manage the impact of traumatic experiences in their lives (Care Inspectorate, 2020; McEwan, 2017; Nolan, 2018c). Often these issues have not been identified, assessed or addressed and therefore no support has been given to these children; instead, they are labelled as having “challenging behaviour” (Broderick & Carnie, 2018; McEwan, 2017; Moodie & Gough, 2017; Vaswani, 2014) ([see Section 6](#)).

The period where a child or young person is in secure care or custody is a unique opportunity for these needs to be addressed, providing benefits for the child, their family, the wider community and the NHS (CYCJ/IRISS, 2019; Nolan, 2017b). The trauma of returning to the community may exacerbate these difficulties, which can present additional challenges to successful reintegration and impact on other pathways such as sustaining accommodation and employment, education or training; therefore, the need for health support at times of transition is high (British Medical Association, 2014).

This support should include:

- Children or young people having their health needs assessed on arrival at secure care or custody, with any relevant information shared by community-based staff, and needs met throughout.
- Timely access to universal, targeted and specialist assessment, services and treatment as required.
- The provision of broad, inclusive, interactive, quality health education that includes mental and emotional wellbeing; physical activity; nutrition; cooking; dental health; sexual health; relationships; consent; medication; substances; feelings; sleep; confidence and stigma which may have been missed through non-school attendance.
- Recognising health and wellbeing as part of holistic intervention for children, requiring a broader whole establishment/environment approach to health and wellbeing.
- Prior to a return to the community, making any necessary referrals/registration/appointments to community-based services, pre-empting

potential issues and developing contingency plans where possible, promoting a continuity of care. This should include GP and dental registration, which is an entitlement even for those without a permanent address. If an individual is trying to register with a GP they can use a 'care of' address, such as a friend or relative's address, or that of the GP Practice itself.

- Continuity of supports and relationships when the child or young person returns to the community, with ongoing access to the equivalent level of support, particularly in respect of their mental health and emotional wellbeing and mental health.
- All staff and organisations should be practicing in a trauma-informed way. This requires an understanding of the prevalence and impact of trauma for children involved in offending behaviour, and a recognition of revised policies and practice. Providing trauma-informed care in custodial settings can be challenging (SAMHSA, as cited by Vaswani and Paul (2019)), but the aim should be to prevent re-traumatisation and healing from trauma by the service or systems.
- Ensuring the whole workforce has robust baseline and ongoing training on trauma, adversity and mental health, attachment and resilience, child development and the impact on children. In addition, there is a need to support the workforce in managing the often-challenging work of supporting children with a complex array of needs. For further guidance and resources see the [NHS Education for Scotland National Trauma Training Programme](#).
- Staff being alert to the potential for undiagnosed health issues with children they are working with and the impact this may have on their understanding of processes, and compliance with the expectations placed on them. Staff should tailor their approaches to most effectively support and meet the child's needs ([see Section 8](#)) (Bateman & Hazel, 2014; HM Inspectorate of Prisons for Scotland, 2019b; McClafferty, 2016; Murphy, 2018; Nolan, 2017a, 2017b; Scottish Government, 2011a; Vaswani & Paul, 2019; Youth Justice Improvement Board, 2019).

Involvement of families

As highlighted in the literature reviewed by Weaver and Nolan (2015), the role of the family in supporting reintegration and reducing reoffending is well established and has been illustrated in a variety of policy documents, including the National Parenting Strategy:

“Family involvement can make a huge difference, both to the ease of transition and to building on any gains made while in secure care or custody.”

(Scottish Government, 2012:42).

Children in secure care have repeatedly identified the importance of relationships with family and friends, while recognising these relationships can be complex (Gough, 2017; Miller & Baxter, 2019). The removal of a child can impact on their family's ability to maintain contact while the child is in secure care or custody, and their ability to provide effective support to him/her following the child's return to the community (Gough, 2017; Weaver & Nolan, 2015); an increased emphasis on family support may have contributed to improvements in this area (Whitelaw & Gibson, 2023). However, children and young people leaving secure care and custody may be estranged from family members; indeed, their arrival at secure care/custody can break relationships, or they may find that contact is not productive or beneficial to them (Gough, 2017; Hazel et al., 2016; Scottish Government, 2015). For girls this can be even more problematic with the family context, conflict, and poor family relationships often a

precursor to offending; issues of sporadic and infrequent family contact, and isolation upon return to the community are common (Bateman & Hazel, 2014; Burman & Imlah, 2012). However, children have a right to family contact unless this is not in their best interests; the importance of involving families in assessment, planning and information sharing for children - and the necessity to take parents' views into account - is enshrined in legislation. Recent research by the Care Inspectorate (2024) found that almost all children in the sample had good support to maintain relationships with their family whilst they were placed in secure care and that this in some cases had led to improvements in relationships.

Family support can also be important in achieving and sustaining desistance when children need to separate from previous associates, which can result in feelings of isolation and loneliness (Nugent & Schinkel, 2016). In a Youth Justice Improvement Board (2017) paper Cesaroni found that, for 61% of the children in the study in HMP&YOI Polmont, support to build relationships with their family was very important. It was also recognised that family members can have a unique position in fulfilling a number of roles associated with effective throughcare support. They: provide continuity and consistency (being a familiar support in times of uncertainty and after formal support has ended); offer individualised, wide-ranging support based on their knowledge and understanding of the child; promote engagement with plans and services; and are a vital part of partnership working (Hazel et al., 2016). Unfortunately there is limited family support services available to children, young people and their families who come into contact with secure care, with the four centres providing in house support and custody services having their own family centres providing a service. [Families Outside](#) provide support to families who are affected by imprisonment.

In practice, working with families should involve:

- The adoption of a whole family approach that recognises each family is unique; family members' views should be considered, and their needs and strengths should be assessed and supported by all of the professionals involved. The principles of intensive whole family support as identified by the Independent Care Review (2020) should be useful here.
- Preparing the child/young person and family members for going into secure care or custody, providing as much information as possible and involving and influencing discussions about the potential restriction of liberty, as well as the reasons for this.
- Engaging and involving families, as appropriate, early on and throughout throughcare planning and support, and motivating family members to participate in this.
- Promoting familial involvement in interventions. Family work should be a feature of the Child's Plan when the child is subject to a CSO; is entitled to aftercare support; intends to reside with their family on return to the community; or will be released on licence.
- Promoting, supporting, and seeking to address barriers to family contact where appropriate. This may include the need to undertake reparative work both between the child and their family, as well as with professionals, and being ready to respond in the event of family crises or relationship breakdowns.
- Including children in decisions about contact and how this happens.
- Practical, financial and emotional support to families to stay in touch with their child in secure care and to prepare for a child's return to the community.
- Providing support to families, including brothers and sisters, in their own right, for example through the provision of advice, information, practical assistance and emotional support.

- Support for children in secure care or custody who are parents, understanding the range of potential experiences and impacts of parental imprisonment.
- Fulfilling corporate parenting duties where the local authority remains, or has been, the child's parent (Criminal Justice Family Support Network, 2015; Gough, 2017; Hazel et al., 2016; Malloch, 2013b; Scottish Prison Service, 2017; Weaver & Nolan, 2015).

A) Financial stability

McAra and McVie (2022) highlight within their research of individuals in contact with justice services, that participants identified that a lack of employment, educational attainment, and financial support contributed to their capacity to desist from offending. Earlier research by the Youth Justice Board (2012) found that 54% of children reported concerns about having insufficient income to survive on after returning to the community, with the provision of financial support and legitimate income amongst the most common responses as to what could be done to support children leaving custody. In research by Duncalf (2010), financial issues were cited as one of the top five issues affecting care leavers. Where children are concerned about their ability to meet their basic needs, their ability to engage with other supports will undoubtedly be limited. The Scottish Government (2015) has highlighted issues such as housing benefit rules, delays in payments following liberation, and sanctions as areas of difficulty for people leaving custody. All of this underlines the importance of support in this area for children as part of throughcare support. This should include:

- Providing high quality information on benefit entitlement and arranging appointments with organisations such as DWP and Job Centre Plus to ensure financial arrangements are made prior to release. Where delays in financial payments are likely, consideration should be given to how basic needs will be met.
- Developing money management skills.
- Applying to the Scottish Welfare Fund, pre-release, for example for clothing or household goods.
- Arranging access to forms of identification and bank accounts prior to returning to the community.
- Local authorities and other corporate parents taking positive and proactive action to ensure that children leaving secure care or custody and who qualify for aftercare support, under Part 10 of the 2014 Act, are aware of their entitlements to support, and can access this (Morrison, 2017; Scottish Government, 2015).

5.5 Gender

The above roles of services and characteristics of throughcare support are gender neutral (Bateman & Hazel, 2014), but as was previously outlined, research indicates that additional considerations are necessary (Cesaroni et al., 2023). While even less is known about the needs of vulnerable girls and young women, it has been suggested in throughcare support particular attention should be paid to (Bateman & Hazel, 2014; Vaswani, 2019):

- **Vulnerabilities:** Girls and young women in secure care and custody tend to have greater unmet support needs. Professionals should recognise and seek to address the vulnerabilities that, for girls, are particularly linked to offending such as relationship difficulties, experiences of abuse, victimisation and trauma, mental health issues and alcohol and drug use.

- **Relationships:** Due to the perceptions of women as relational, this would suggest the loss of roles (such as parent, carer and mother) is harder to bear when deprived of their liberty. It is important that girls are supported to explore and understand how past and present relationships have impacted on their behaviours and how alternative relationships can be developed and maintained in the future.
- **Empowerment:** Given that the lives of girls in secure care and custody will often have been marked by vulnerability and subordination, empowering interventions are important in promoting self-esteem and optimism. This can be structural, for example in support to gain employment, and activities that seek to build agency, such as participation in planning, addressing past trauma, and building positive meaningful relationships (see [Section 5](#) and [Section 7](#)).

6. Key processes and best practice for effective transitions

The following section identifies the practical arrangements needed when a child is at risk of and enters secure care having been remanded or sentenced, throughout this period, and on return to the community, as well as when children move from secure care to custody (see the [Child's Journey](#) for more information on the processes children experience). These are key components of the WSA (Scottish Government, 2011b) and the arrangements prior to remand or sentence and following this will apply to all children who have been remanded or sentenced. The provisions in respect of transfer to a YOI therefore apply to older children who are preparing for this move, with local authorities having [extended WSA processes](#) to young people up to the age of 21, although in some areas this has been extended to 26, if the young person is a care leaver or considered to be vulnerable.

This information reflects the current position whereby only certain provisions of the Children (Care and Justice) (Scotland) Act have been commenced. It will be updated further in due course. A [briefing paper](#) with frequently asked questions, which will continue to be updated, has also been published.

The only occasion where a younger child should be kept in a police station is if an Inspector or above certifies that keeping the child in a place of safety other than a police station would be impractical, unsafe, or inadvisable due to the person's state of health (physical or mental). In this case, the child would be made subject to a Child Detention Certificate. For "older children" an alternative place of safety does not currently legally require to be considered but this will be a requirement when the provisions of the 2024 Act are fully commenced.

When the local authority is notified that a child is in police custody, even if the child has not already been placed in secure care as a place of safety, should the local authority suspect that the child may be remanded when they go to court.

6.1 Following the decision of court to remand or sentence a child to secure care

Between the remand decision being made and the child being transported to secure accommodation, the responsibility for the care of the child lies with the Local Authority. For children who are sentenced, GeoAmey are responsible for the care and transport of the child as per the Scottish Government contract.

As detailed in [Section 13](#), the court social worker or support worker should interview the child (particularly if the child is not supported by their social worker). The interview should include support to the child ensuring they understand the decision of the court, what will happen next, and offering to contact family if unaccompanied. Where there is an assessed level of immediate risk to the person (e.g. risk of suicide) or to others (e.g. where a specific threat against another has been made), or where there are concerns about the welfare and/or well-being of the person, this information should be recorded and shared (Scottish Government, 2023a). There is an agreed pro-forma that should be completed, shared with transport staff to be provided to the secure care centre and shared with the allocated worker or appropriate social work office (Scottish Government, 2010).

As per the Secure Care Pathway and Standards Scotland ([Scottish Government, 2020](#)) all children should be supported to understand the decision made at court, what their rights are and how these will be upheld during their stay in secure care. This, along with what to expect of their transport and admission to, and daily life in, secure care, should be explained by someone who the child knows and trusts. This adult should accompany the child to the secure care centre.

6.2 Arriving at secure care

On arrival, the child should be welcomed at the main entrance unless this is unsafe for the child or others (Scottish Government, 2020). This should be based on the child's individual circumstances and needs. The child should be supported by someone they know and welcomed and reassured by everyone involved.

Relevant information about a child should already have been shared to inform a decision being made on the child's placement but any additional relevant information should be shared as part of the admission process. This could include assessments, the child's plan or justice social work report where completed. Where the child does not already have a child's plan, this should be developed based on a comprehensive assessment of strengths, need and risk, guided by GIRFEC principles and informed by appropriate structured risk assessment tool(s) and risk formulation (see the [Risk Management Authority Risk Assessment Tools Evaluation Directory \(RATED\)](#) for an overview; Murphy [2018a](#); [2018b](#)). Where the child does already have a child's plan, this should be updated in light of the child's change of circumstances. The aim of this information sharing is to ensure that the receiving service is aware of any needs, vulnerabilities, and risks, to tailor the support the child requires.

During the first 72 hours, the multi-disciplinary team within the secure care setting will complete their assessment of the child which, along with the wider assessment of need and risk, will inform the team about the necessary supports and interventions required for the child, which will be incorporated in the child's plan.

6.3 Post admission and ongoing Reviews for Children

At the child's post-admission meeting, usually held within 72 hours, the responsible local authority should share any additional relevant information, that was not shared pre-or-post-admission and outline existing care plans. An Individual Placement Agreement will have been completed (by the local authority if the child is remanded or Scottish Government if

sentenced under solemn proceedings, prior to the child being admitted). The purpose of this initial review meeting is to support the child during this transition period and ensure they and their families are involved in and influence plans and decisions about what the child needs during their stay in secure care, who will provide this support and how; promote continuity of planning and continuity of supports by building upon the previous child's plan; assist in the provision of comprehensive, holistic and individualised support; and promote partnership working between those who have, are or will be involved throughout the child's journey.

Reviews are an essential part of the assessment, planning, and support process. The frequency of reviews varies depending on whether the child has been remanded or sentenced as detailed above. This should however be recognised as minimum requirements, with reviews undertaken more regularly as required based on the needs or circumstances of the child or local authority processes, remembering the UNCRC requirements that the child should be deprived of their liberty for the shortest period. Where possible, alternatives to deprivation of liberty should be considered as part of review processes. It is however recognised where a court has decided that a child needs to be deprived of their liberty (particularly where a child has already been sentenced the court), there are limited alternative options. Given the potential for children to be overwhelmed by a continual process of review that may be unsettling or unhelpful, professionals involved with the child should seek to coordinate and streamline the review process where possible and appropriate (Scottish Government, 2013).

Where a child remains subject to measures through the children's hearings system, these will have their own statutory requirements, including for reviews within set timescales, which should continue to be adhered to (detailed in section 137 of [Children's Hearings \(Scotland\) Act 2011](#) and The Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013. Key considerations for the children's hearing will be what has happened since the CSO was made or last reviewed and whether any change is necessary, including if the child still meets the secure care criteria; and whether the child is still in need of compulsory supervision ([Practice Direction 20 - Secure Accommodation](#)). For the CSWO, particular considerations will include what the child's current needs are and how those needs are being met in secure care; whether the placement remains in the child's best interests; and any potential risks or costs of this placement for example of the child being deprived of their liberty. More detailed guidance is available in [Scottish Government](#) (2013).

6.4 Looked after children

Under section 24 of the 2024 Act, through the addition of section 17A to the Children (Scotland) Act 1995, where a child is detained in secure accommodation having been remanded or sentenced (under sections 51, 205, 208 or 216 of the 1995 Act), for any length of time, the child will be treated as "looked after" by the local authority. This will not require a child to be referred to the reporter - however it should be considered whether the criteria for a referral to the reporter is met. "Looked after" child status as per section 17 of the Children (Scotland) Act 1995, enshrines resulting duties on corporate parents and affords consistency of treatment with children placed in secure care through the Children's Hearings System. Section 17 puts various duties on local authorities, primarily to safeguard and promote the welfare of looked after children, including making available support services and the promotion of contact with parents and siblings. [The Looked After Children \(Scotland\) Regulations 2009](#) specify that the local authority is required to make an assessment of the

child, as per Regulation 4, and prepare a child's plan (Regulation 5). Local authorities have a legal duty to review the cases of looked after children (as per section 31 of the 1995 Children (Scotland) Act 1995), which under the 2024 Act also applies for children who are remanded or sentenced. The local authority should review the care plan of a looked-after child placed away from home in a residential establishment within 7 days, then 6 weeks of the placement, 3 months after and then within 6 months of the previous review (Regulation 45). In the case of an emergency placement, the first review should be within 3 working days (Part X). Local authorities will have their own processes for reviews which should be followed.

The regulations (41 for emergency placements and 45 for other placements) and Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 (Scottish Government, 2010a) set out in more detail the matters to be considered as part of reviews. It is recognised where the court has required that a child is placed in secure care, the ability of the review to change the child's placement, even if it concludes this is not in the child's best interests or the most suitable, is limited. However, other considerations of reviews such as practical arrangements for the care of the child; views on the impact of the placement on the child, including the child's views; contact arrangements; the child's current and longer-term needs and how these can be met; identifying supports that may be required, including the transfer of any supports; how any risks are to be managed; responsibilities of different parties as detailed in the child's plan; and that statutory requirements are being fulfilled, will remain relevant. The relevant local authority who will be responsible for fulfilling these entitlements will have the same meaning as per [section 201 of the Children's Hearings \(Scotland\) Act 2011](#) i.e. the area where the child predominantly resides, or where the child does not predominantly reside in the area of a particular local authority, the local authority with whose area the child has the closest connection.

Children placed under section 44 of the 1995 Act are not included as there are already existing duties to treat these children as if they are subject to a CSO (via section 44(3) of the 1995 Act when read with section 17(6)(b) of the Children (Scotland) Act).

6.5 During the young person's time in secure care

During the child's time in secure care, work should be undertaken to meet needs and reduce risks identified in the Child's Plan, via the provision of comprehensive, holistic and individualised support from a range of services (Scottish Government, 2020). Most children will already have a Lead Professional from the responsible local authority, a role which should be maintained throughout and if not, this role should be allocated as soon as possible. The Lead Professional has a range of roles and responsibilities which include:

- Ensuring that the Child's Plan is implemented, managed, and reviewed, and to co-ordinate the support described in the Plan. This includes updating and sharing the Plan after each review; ensuring any reintegration and transition planning is incorporated into the Plan; and that this is reviewed in accordance with legislation.
- Maintaining ongoing contact with the child and family throughout and ensuring they understand what is happening at each point so that they can be involved in the decisions that affect them.
- Promoting partnership working between agencies and with the child and family.
- Maintaining contact with the child's keyworker in secure care, as well as with any other agency contributing to the Child's Plan.

- Sharing information and communicating with all partners.
- Preparing for and ensuring the child is supported through key transition points, including the child's return to the community (Scottish Government, 2011b).

The involvement of all staff who will be supporting a child on their return to the community following their time in secure care (not just the Lead Professional), is important. Miller and Baxter (2019) highlight that the involvement of professionals based in the community was essential in building or maintaining a bridge to the community, with the level of connectedness with the community cited as having an important bearing on the level of hope or hopelessness children felt. This communicates important messages about commitment and supporting the child to rebuild a future life (Miller & Baxter, 2019). This is also reflected in the Secure Care Pathway and Standards (Scottish Government, 2020)

6.6 Support pre and post return to the community

All children leaving secure care should be fully prepared for their return to the community, with their transition planned and supported throughout (Scottish Government, 2020). Transitions are recognised to be a particularly challenging time for children, with clear expectations set out in the secure care pathway and standards, including the full involvement and influence of children in decisions and plans; needs are fully met, with continuity of support from everyone who has a responsibility for as long as the child needs it; and choice and pace are key. The Care Inspectorate (2023) review of the pathway and standards as detailed above contains information on what can support children and continued areas of challenge. The [Working with children in conflict with the law 2021: standards](#) in respect of transitions should also be met.

For many children, as they prepare for leaving secure care, plan for reintegration will include visits to their own or local community and familiarisation with appropriate resources in order to assess progress made by gradually providing the child with more freedoms on a planned basis, progressing to time outwith the secure care centre including in the local community and at home, to help make the transition from secure care more gradual (Scottish Government, 2013; Scottish Government, 205/208). This would not apply where a child has been remanded and the court has specified this must be in secure care. For children who have been sentenced, visits to their own or local community or family would normally be considered when a child has reached the final third of their sentence or where a child is detained without limit of time (or under an Order for Lifelong Restriction), when the punishment part of their sentence is concluded (Scottish Government, 205/208). Familiarisation and visits will be discussed at review meetings and is subject to a current risk assessment being carried out and agreement being reached, with the final decision for sentenced children being that of the CYP Placement Manager. Plans will include support systems and contingency measures, should any problems arise and multi-agency information sharing as required. Home detention curfews do not apply to children leaving secure care.

All children leaving secure care should have an updated child's plan detailing the support that will be provided to them in the community (Scottish Government, 2020). The plan should include information on supports under each of the areas detailed above and contingency plans that can be introduced as necessary. The child should retain a lead professional, and the child's plan should include support from local authorities and community planning partners, who have a responsibility to ensure resources are available for children returning to

the community from secure care and can include third sector organisations (CYCJ/IRISS, 2019; Scottish Government, 2011b). The Scottish Parliament Justice Committee (2019) has also advised that upon their discharge, a dossier of information should be provided to relevant organisations such as the NHS, housing providers, social work etc. to ensure a smooth transition back into the local community.

For children who have been sentenced, they can leave secure care on their:

- Earliest date of liberation (EDL): [automatic release date](#);
- Parole qualifying date (PQD): becomes live if the Parole Board Scotland has deemed the child can be returned to the community

The timescale by which an individual would be released; their entitlements to throughcare; and supervision requirements will vary based on the sentence and length. For more details, please see the Child's Journey.

The Parole Board for Scotland is responsible for compiling the release licence for all children sentenced under 205(2) or 208. Release arrangements are outlined in [Practice Guidance: Custody of Children and Young People Convicted on Indictment Under Section 205\(2\) or Section 208 of the Criminal Procedure \(Scotland\) Act 1995](#)

The [Children and Young Person's Placement Manager](#) acting on behalf of Scottish Ministers will set the licence conditions for release for those children who have been sentenced to less than four years for sexual offences. The license will expire on the same date as the full sentence.

A Home Background Report will be requested from social work to contribute to decisions made about setting the licence conditions. The child will also be given the opportunity to give their views and staff from the secure care centre, based on information sharing assessments and interventions undertaken during a child's stay in secure care.

As detailed in [Section 1](#), throughcare is the provision of social work and associated services to people and their families from the point of sentence, during the period of detention and following release into the community. Local authorities have a statutory responsibility to provide throughcare services to individuals who are sentenced to more than four years in prison on release; those released on licence; and for those sentenced to Supervised Release Orders and Extended Sentences. Throughcare, as set out in the [Justice Social Work Services: national throughcare guidance](#), published in March 2026, refers to a continuous, coordinated package of support provided from the point of sentencing, throughout custody, and into the community after release. Its core elements include assessment and management of risk and individual need, delivery of person-centred and trauma-informed support, and a strong focus on reintegration, such as access to housing, health care, relationships, and community services. It relies on collaboration between prison-based and community-based social workers, alongside third sector and statutory partners, to ensure continuity of care. The approach balances public protection responsibilities with social work values, emphasising human rights, inclusion, and support for families, while maintaining structured supervision where required. Overall, throughcare aims to reduce reoffending and support sustainable reintegration by addressing the complex, often multiple needs of individuals leaving custody (Scottish Government, 2026).

Local authorities must also offer voluntary aftercare to those who request such a service within 12 months of their release. [Upside](#) provides voluntary aftercare support to individuals

leaving short-term custody or remand, with a focus on helping them successfully transition back into the community. Engagement is optional, enabling individuals to build trusting relationships with workers while receiving practical and emotional support tailored to their needs, including assistance with housing, health, finances, employment, and family connections. After release, support continues through regular contact, advocacy, and links to wider community services, ensuring continuity of care and addressing both immediate and longer-term needs. Delivered through a national partnership of third sector organisations, Upside adopts a person-centred, trauma-informed approach to promote reintegration, reduce reoffending, and support sustainable, positive outcomes.

Given all children who are remanded or sentenced should be treated as a looked after child, section 24 of the 2024 Act also provides that sections 29 and 30 of the Children (Scotland) Act 1995 apply. These sections are about the provision of after-care for looked-after children after they cease to be so looked after, including financial support for education or training. Where the child/young person meets the statutory definition of a care leaver, they would have the same rights to aftercare entitlements as any other child or young person. In respect of continuing care, as detailed in the Continuing Care Guidance ([Scottish Government, 2016](#)), under section 26A(5) of the 1995 Children (Scotland) Act as inserted by section 67 of the 2014 Children and Young People (Scotland) Act a local authority does not have a duty to provide Continuing Care to an eligible young person in certain circumstances, one of which is if the young person was accommodated in secure care immediately before ceasing to be looked after. Local authorities should however agree alternative support measures which meet the young person's needs ([CELCIS, 2014](#)).

The [Victim Notification Scheme](#) applies to children in secure care and a process for the management of this is currently being developed. The Scottish Government have advised:

“In Spring 2022, the Scottish Government commissioned an independent review of the Victim Notification Scheme (VNS). The review's [report](#) was published in May 2023 and made 22 recommendations, including:

‘Recommendation 9: a process should be put in place to enable victims of (i) offenders held in secure care and (ii) young people detained in secure inpatient care to access information.’

Whilst wider work is undertaken by colleagues in the Scottish Government Victims and Witnesses Unit on VNS reforms, the Youth Justice and Children's Hearings Unit has developed an interim VNS process for victims of children and young people convicted on indictment under section 205 or section 208 of the 1995 Act, and detained in secure care. The intention was to do this with minimal disruption on the current wider system (in anticipation of future changes) and therefore we have engaged with other organisations which already have existing VNS processes in place to identify opportunities to adopt similar arrangements in an effort to keep the process as simple as possible.”

Not all children will move from secure care to the community and a number of other transitions which young people may experience warrant attention:

6.7 Moving from Secure Care to YOI

Sections 18 and 19 of the 2024 Act provide that Scottish Ministers may make regulations relating to children detained in secure accommodation through criminal justice routes, which

may include providing that a child may remain in secure accommodation up to a maximum age of 19. This will enable any decision to be made on a case-by-case basis to ensure that the decision is in their best interests and not contrary to the best interests of other children in the setting. These sections of the Act are not yet commenced. Until this is the case, children cannot stay in secure care beyond their 18th birthday. Therefore, where a period of remand or sentence extends beyond that date the child will need to transition to a YOI. However, the transition from secure care to custody can be unsettling and it is important that:

- This is planned, preferably with this planning process starting 6 months before any move or as soon as possible after this in the event that the child is remanded or sentenced after that point. Where the child is sentenced, Scottish Ministers will engage SPS in this planning process and if remanded the local authority should do so.
- Agreed procedures are in place between SG and SPS for transitions of sentenced children to SPS care. Polmont's Placement Officer is invited to review meetings from around 6 months prior to the child's 18th birthday to ensure arrangements are in place for the transition.
- The child is given information about where they are going, what will happen when they get there and changes to structures and routines.
- The identified hall manager or Personal Officer from SPS attends the child's reviews prior to moving, to provide and receive information. A transition meeting should be held in advance to share information about the child's past and current circumstances, their views on the move and to give the child and their family a chance to ask questions.
- Wherever possible and appropriate, a visit for the child and family members to the YOI should be facilitated before moving.
- The secure care centre and local authority should provide the YOI with full information and documentation about the child including the Child's Plan, which should be disseminated within SPS, for example with NHS, education, and social work as necessary. This should include any information about enemies or victims, particularly where these victims have been children or the young person has been convicted of a Schedule 1 offence.
- After transition, staff from the secure centre should be invited to the child's initial custody review meeting and any other meetings as appropriate.
- Under the Whole System Approach, the local authority should remain involved with the young person until at least the age of 21 (Scottish Government, 2011b).

The Scottish Prison Service outlines a "new approach" to supporting people in custody; however, this is more accurately understood as a reform of the existing Talk to Me (TTM) suicide prevention strategy rather than a wholly new system. TTM remains the central framework for managing risk, including for young people entering Young Offender Institutions (YOIs), but the updated approach seeks to address previous limitations—particularly its focus on crisis response rather than prevention. There is now a stronger emphasis on early identification of risk, especially during the first 72 hours in custody, with enhanced observation, structured assessment, and multi-disciplinary involvement at the point of entry. Support under TTM continues to involve individual risk assessments, personalised care planning, and regular monitoring, but is intended to be more person-centred and responsive to the complex needs of young people, including trauma and mental health challenges. The reforms also promote a shift toward proactive, everyday support, embedding suicide prevention into routine care and encouraging earlier conversations about distress. In addition, a wider network of support—including prison staff, healthcare services,

third-sector organisations, peer supporters, and family involvement—aims to strengthen safeguarding and engagement. Overall, while not introducing a new model, the changes represent an effort to make existing support more preventative, consistent, and holistic for young people in custody ([SPS, 2026](#)).

Given that any child who has been remanded or sentenced and placed in secure care should be treated as a “looked after” child, when a child moves to a YOI from secure care they will have aftercare entitlements as a care leaver, which SPS staff and other corporate parents should fulfil. Where a young person enters custody from the community but discloses that they have previously been in secure care, YOI staff should, with the child’s consent, contact the relevant secure centre for information to aid assessment and planning (Scottish Government, 2011a).

Given the extension of the WSA, when a young person enters custody, reviews should begin soon after entry and be undertaken throughout a young person’s time in custody, although the frequency and arrangements for, reviews will vary. The [WSA Information Sheet for Local Authorities](#) highlights:

- For young people entering custody on remand, or who have been sentenced, reviews should be held where possible within 72 hours, but at most within 10 working days, of being detained. Family members should be encouraged to attend reviews for all young people who have been sentenced or fully committed.
- For young people on seven-day remand, a telephone call should be undertaken with the personal officer ASAP.
- Subsequent review meetings should take place throughout the young person’s detention, at a frequency determined by the length of sentence and child/young person’s needs. For those in custody, a pre-release meeting should take place at least 10 days prior to liberation, and prior to the SPS pre-release case management board date.
- SPS has introduced to Polmont YOI, 3 residential workers and an admin worker to support the arrival of young people and ensure that WSA and communication with LAs is improved.

CYCJ’s [Information Sheet](#) 44 provides further information for LAs on Reviews for young people in custody under the WSA. To support consistency, a [template](#) for the chairing and recording of reviews for children in custody has been developed.

These reviews would be in addition to those as part of [Integrated Case Management \(ICM\)](#). ICM is a process where other agencies work with the [Scottish Prison Service \(SPS\)](#) to give children in custody help and support to address their needs, risks and vulnerabilities to reduce the likelihood of the child coming into further conflict with the law. All young people are managed under ICM but are separated into categories according to sentence type or length.

6.8 Moving from YOI to SPS adult establishments

As with the move from secure care to YOI, many of the same principles will apply when a young person moves from YOI to adult prison:

- The move should be planned and scheduled for the most appropriate time for the young person (young people can, on a case-by-case basis, remain in YOI until they are 23 years old if this is assessed as appropriate by SPS staff).
- The young person should be given information as detailed above.
- The young person's future Personal Officer should make contact and attend any meetings prior to the young person's move.
- Any relevant plans should be shared in advance to support young people continuing in training, qualifications, and employment that they have started.
- Post transition meetings should be arranged for within the first month of transfer and be attended by staff from the YOI, who should withdraw when necessary and in agreement with the young person (Scottish Government, 2011a).

6.9 Moving from YOI or an adult establishment to the community

As with children leaving secure care, all young people should be prepared for release, with their transition planned and supported throughout. Leaving custody, this is a key vulnerability point, transition, and stage of risk management, particularly associated with increased risk of suicide, self-harm, offending and other negative outcomes (HM Inspectorate of Prisons for Scotland, 2019a).

At a minimum all children should have, and be involved in, a pre-release meeting as detailed above and with a plan to support them in the community (Scottish Government, 2020). The plan should include information on supports under each of the areas detailed above and contingency plans that can be introduced as necessary. This plan should include support from local authorities and community planning partners, who have a responsibility to ensure resources are available for young people returning to the community from secure care and custody and can include third sector organisations (CYCJ/IRISS, 2019; Scottish Government, 2011b). It should also include details on how any aftercare entitlements where the young person is a care leaver will be met.

As with children leaving secure care, the timescale by which an individual would be released; their entitlements to throughcare; and supervision requirements will vary based on the sentence and length. The roles and responsibilities set out above would largely remain, although the licence conditions for release for those young people who have been sentenced to less than four years for sexual offences will be set by the Parole Board.

It is important that post-release support begins immediately; the young person should be met at the gate by a trusted and known professional if family support is not available, in keeping with the WSA. This support should be regularly reviewed and continued for as long as the child or young person requires it (Nolan, 2015).

6.10 Child to adult services

Where necessary, child and justice services should be co-ordinated and agreements reached about who is the best person to complete JSWRs, supervise any orders made, and support the child in custody (Scottish Government, 2011a). It may be that practitioners across child and adult services work together with the child/young person to allow a continuity of support and resources, ensure that any assessments and approaches utilised

are age-appropriate, and that there is flexibility in enabling a service to work beyond typical age limits. Any transition between services should be planned, adopt a relational perspective, and ensure that critical information, assessments and the Child's Plan are shared (Scottish Government, 2011a). At a service level, children in conflict with the law should be included in children's service plans, community planning partnerships, and child and adult protection committees to ensure partnership working, communication and coordination of policy and strategy (Scottish Government, 2011a). This is likely to be even more important as further provisions of the 2024 Act commence.

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