



Children and Young People's
Centre for Justice

Finance and Public Administration Committee, Scottish Parliament

Call for views: the affordability and sustainability of Scotland's tax and spending plans, pre- budget scrutiny 2027-28

CYCJ response

August 2026

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Overview

The Children and Young People's Centre for Justice (CYCJ) very much welcomes the opportunity to respond to the call for views on the pre-budget scrutiny process. As well as providing this submission to the Scottish Parliament's Finance and Public Administration Committee, we also responded to the call for views from the Public Service Reform Committee, and we recommend that the submissions are read together.

Across both consultations, we only provided answers to the questions which were directly relevant to our work. We welcome the focus across both on tackling child poverty, and a more preventative and joined up approach. Evidence shows that providing a more trauma-informed, rights-based and preventative approach for children and young people in conflict with the law will deliver better outcomes, which will also reduce future public service spend. However, we are concerned that the accompanying goal of very significant public savings could undermine this and, through avenues such as greater use of AI, deliver inferior outcomes for children. Our response draws from our practice knowledge, research evidence, policy understanding and participation work. For more information on the call for views, click [here](#)

Call for views

What are the biggest risks to the spending plans outlined in the 2026 Scottish Spending Review?

The Children and Young People's Centre for Justice (CYCJ) welcomes aspects of the Scottish Spending Review (SSR), in particular its focus on prevention and joining up services, as well as aiming to eradicate child poverty. As such, our response primarily addresses the risks posed to delivering these parts of the SSR, in the context of children and young people who are, or are close to being, in conflict with the law.

A significant risk we have identified in the achievement of a more preventative and joined up approach, and to tackling child poverty, is that the SSR proposes working towards this at the same time as it delivers a recurrent savings target of £1.5bn. Even with innovative thinking and planning, these savings will likely cause ongoing impacts to service delivery, including through generating unintended consequences. Significant reductions in the workforce and other saving reforms, may see key needs of children and young people in the care and justice systems being unmet which, in turn, will generate both short and long-term public service demands. Regarding the projected workforce savings for the Justice and Home Affairs portfolio, much greater detail is needed as to what this will mean in practice, and we have particular rights concerns over moves to a more AI-based approach to justice. Many children and young people can have negative experiences of the justice system (CYCJ, 2026) and we are concerned that workforce reductions may in fact increase these perceptions. Child Rights and Wellbeing Impact Assessments will be critical tools in the consideration and analysis of any proposed changes.

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As evidenced by the Edinburgh study on youth transitions and crime, and outlined in more detail below, a trauma-informed, rights-respecting approach which addresses underlying needs, as opposed to a more punitive response, increases the likelihood of a child or young person desisting from further serious offending in the future (McAra, L., & McVie, S., 2022). This is the approach which is needed to further the preventative agenda for children and young people in Scotland and it is vital to ensure that this is not undermined through any workforce or other savings.

Alongside this, a second risk is that various pressures, including political, for short-term results and/or specific outputs may hinder the next stages of decisive action needed to advance a more preventative approach to youth justice. Through the delivery of the Whole System Approach, Scotland has made substantial progress in recent years in reducing the number of children and young people who are deprived of their liberty after coming into conflict with the law. This is to the credit of joined up, multi-agency working, based around early intervention and prevention, in accordance with evidence-based policy,¹ alongside sustained political commitment. It follows the minimum intervention principle, which finds that formal contact with the justice system at an early age can in fact increase the likelihood of repeated offending into later years. Instead, a trauma-informed, rights-based approach which address underlying needs is more likely to deliver desistance. As is well evidenced, preventative spend is most effective when used for early years, and supporting children and young people to move away from serious offending is paramount for delivering individual, community and societal outcomes, including Getting it right for every child (GIRFEC) and the National Performance Framework. To build on this good work, decisions will need to be taken, such as investing in the Reimagining Secure Care agenda, and reducing the use of the current approach to secure care, as well as increasing community alternatives to police custody. By delivering more rights-based, trauma-informed approaches, helping to address underlying needs, these actions will lead to longer term financial savings, as well benefitting the economy as outlined in question five, but may require an upfront invest to save approach, and be challenged by some. It is vital that leadership and resources continue to be provided for this approach and that it is not overridden by short term pressures.

We are also concerned that a rights-based approach has not been taken to the strategy, particularly for children who are most impacted by Government action/inaction. Scotland has made significant progress in recent years around children's rights, most notably through the incorporation into Scot's law of the UNCRC in 2024. Resulting from this, Scottish public authorities must now not act incompatibly with the UNCRC, as set out in the UNCRC Act. There are welcome statements on human rights in the SSR but it fails to mention UNCRC, which raises concerns that key protections under a rights-based approach, such as equality and non-discrimination, as well as the ability to seek remedy for perceived rights infringements, may not be of central importance to the delivery of this strategy. Alongside this, as set out in more detail in response to question eight, it is disappointing to see a lack of commitment to child rights-based budgeting as recommended by the UNCRC concluding observations (UNCRC, 2023), and as a logical next step from the incorporation into Scots Law of UNCRC in 2024. Taken together, this reduces vital protections needed to stop the

¹ This draws from the longitudinal Edinburgh Study on youth transitions and crime, which has tracked over 4,000 individuals as they have transitioned from children into young adults

increasing marginalisation of key groups, such as children in conflict with the law, and the furtherance of poorer outcomes and the overall undermining of the preventative goal of reducing future service demands.

What actions should the Scottish Government take to grow the tax base and increase labour market participation, productivity, and Scotland's economic growth?

Of central importance to any strategy which not only seeks to improve labour market participation, but which is also centred on prevention and reducing the need for costly interventions, is the maintenance of meaningful education opportunities for all children. This is particularly pressing for children who are neurodivergent, as well as children who are, or are on the edges of being, in conflict with the law. We believe this requires increased investment from current levels, as well as learning from best practice to deliver, where necessary, flexible approaches to education and appropriate responses to antisocial or offending behaviours.

As is well established, there can be significant economic impact and increased service costs resulting from undiagnosed/untreated neurodivergent conditions (French et al, 2023). In Scotland, there are currently unprecedented numbers of children awaiting assessment, diagnosis, and treatment for these conditions. This is in part due to increased public awareness, but also indicates that greater investment is needed to build system capacity (Adam, 2025). Keeping children with additional support needs in education also requires additional spend and as noted in the [National Neurodevelopmental Specification for Children and Young People: Implementation Review Report](#), there continues to be “substantial funding and capacity challenges”.

Maintaining educational and relational support for children involved in antisocial behaviour and/or in conflict with the law is also integral to producing longer term positive outcomes. Evidence from the longitudinal Edinburgh study highlighted the importance of both of these as protective factors to encourage desistance. It noted that the type of response to early behavioural difficulties played a key role in shaping future outcomes. Especially when coming at particularly sensitive times for a child, a response such as exclusion could further negative self-perceptions, as well as place the child in more vulnerable, unsupervised environments, putting them at greater risk of harm. It could also disrupt any positive adult connection within the school which the Study identified as being a key protective factor (CYCJ, 2026). There is also a strong overlap between exclusions and poverty with those in higher SIMD areas disproportionately excluded, and often then placed at greater risk of outcomes such as increased negative self-identity (CYCJ, 2026). Whilst further research is needed on school exclusions and antisocial behaviour in Scotland, including intersectional approaches and more detailed national data, it is clear that a rights-based approach, centred on protective factors such as education and positive relationships, which buffers structural inequality where possible, is vital to deliver positive individual outcomes, which will then have economic impacts.

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Preventative spend has been a goal for several years, but the intended outcomes have not been fully achieved. Why do you think this is the case and how might a Preventative Budgeting Tool help track progress with achieving outcomes?

As noted previously, there has been important preventative work for children and young people in conflict with the law in Scotland, through the Whole System Approach (WSA), which has delivered notable results. In tandem with this, key advances have been made in recent years to create a more rights-based and trauma-informed approach, including through the removal of all under 18s from Young Offender's Institutions and the incorporation of UNCRC into Scots Law, both in 2024. That said, significant further action is needed to advance preventative spend in this area, such as the Reimagining Secure Care agenda and providing alternatives to police custody. These, and other aspirational preventative measures, have likely been held up due to system capacity issues, a short-term crisis in secure care placements which occurred over several months in 2025, and competing pressures, including political, to either make no changes or move in a counter direction.

Alongside this, the failure to take a comprehensive child rights-based approach to budgeting has also contributed to preventative spend not always being front and centre of the budgetary process. The UNCRC General Comment 19 (2016) provides detailed guidance on how public budgets can advance children's rights and the UNCRC Concluding observations on the UK in 2023 recommended the incorporation of a child rights- based approach into the state budgeting process for all its jurisdictions, including Scotland. Since the 2024 UNCRC Incorporation Act, there has been some very good progress made around UNCRC in Scotland, and the actions set out in the Child Rights Scheme indicate a positive direction of travel. However, there are clear areas of improvement for Scotland around child rights-based budgeting, in particular around the current lack of participation of children, alongside challenges around the transparency of the whole process. The SHRC raised these two, amongst other, concerns regarding the 2025-26 budget setting process and it appears to us that the 2026-27 process did little to advance this. We support the SHRC recommendations for participation to be improved through a more structured and inclusive process, alongside a wider range of methods of gathering input, alongside the adoption of international best practice around the pre-budget process.

The use of a preventative budgeting tool at both local and national level in Scotland has significant potential to help overcome these pressures by increasing wider public understanding of the benefits of a more preventative approach to children and young people in conflict with the law. Given the degree of subjectivity to the tool, as identified by the Scottish Government's Prevention Unit, we would ask that as this develops, the Scottish Government works with the Auditor General and the Accounts Commission to ensure independent analysis where possible.

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In which areas should the Scottish Government prioritise its capital spend to best support economic growth?

Greater investment in community-based justice infrastructure is needed to deliver more preventative, rights-based outcomes for children and young people in conflict with the law. As identified in the recent report from the Scottish Sentencing and Penal Policy Commission (SSPPC, 2026), Scotland's current approach has resulted in an unsustainable prison population. This is a tremendous resource drain and, due to capacity issues, has resulted in a lack of rehabilitation services being delivered in prison settings, hampering the development of future positive outcomes.

Instead a shift is needed towards more community-based alternatives to support young people not to enter the formal justice system, to provide them with the support needed to minimise re-offending and deliver the reintegration support needed. The SSPPC report recommends extending application of the Whole system approach to under 25s, and the Scottish Government's Youth Justice Vision and Priorities (2024) set out, where possible and appropriate, to extend this to those under 26. Findings from CYCJ's 2024 survey of local authorities, however, found significant barriers in the application of this to those under 26, with resources and finance being the top concerns (CYCJ, 2024), and concerted work is needed to overcome these. Supporting children and young people in conflict with the law to reintegrate into society and promoting disposals and interventions prioritising rehabilitation, as required under [UNCRC](#) article 40 and the [Children and Young People Sentencing Guideline](#) require commitment to the investment in the development and provision of resources to support these endeavours, equating to increased spending requirements to promote longer term savings, not reductions.

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