

Towards Child-Centred Justice as a System-Level Paradigm Shift:

Conceptualising a New Framework through the Scottish Whole System Approach

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In recent years, child-centred justice has emerged as a recurring reference in international policy and academic discussions concerning justice for children (OECD, 2023b; Davidson et al, 2022; Lynch & Leifaard, 2020). Invoked increasingly in connection with children's rights and child-friendly justice reforms, the concept nonetheless remains conceptually under-defined and unevenly operationalised, often used interchangeably with adjacent notions without sufficient clarity regarding its distinctive scope or practical implications.

We examine this question in two ways. First, it examines the concept of child-centred justice, primarily drawing on the *Global Declaration on Advancing Child-Centred Justice* (Skelton et al.) (hereafter, '*Declaration*') of the 2025 World Congress on Justice With Children. Second, it explores how child-centred justice can be operationalised at system level, using Scotland's Whole System Approach (WSA) as an example. Rather than presenting this model as a blueprint for replication, the analysis considers what the Scottish experience reveals about key design principles and implementation pathways that can inform child-centred justice globally.

1. Child-Centred Justice: Concept, Scope and Purpose

Over the past decade, 'people-centred justice' has gained prominence in international policy debates as a key mechanism for achieving the United Nations Agenda 2030 for Sustainable Development (UN, 2015). Advanced by leading international agencies, this approach seeks to shift justice reforms away from a focus on justice institutions, towards people's justice needs, with responses emphasising accessibility, responsiveness and impact of justice systems (World Justice Project, 2021).

When applied to children, people-centred justice requires distinct approaches in response to their specific needs, rights and capacities; their interactions with justice systems are shaped by neurological and cognitive development, dependency on adults and institutions, and heightened exposure to power imbalances. They often enter justice systems through pathways influenced by family circumstances and social disadvantage, with constrained capacity to understand proceedings or exercise agency.

Treating children as mini adults risks reinforcing the very inequalities that people-centred justice seeks to address. These limitations have led to growing recognition that children require a distinct justice paradigm grounded in development, dependency and vulnerability, reconfiguring justice systems around children's rights, participation and protection (Davidson et al, 2026).

However, while the case for a distinct child-centred justice paradigm is increasingly recognised, significant conceptual ambiguity remains. While many jurisdictions formally endorse children's rights and procedural safeguards, justice processes themselves may expose children to harm, including unnecessary criminalisation, deprivation of liberty as a measure of first rather than last resort and secondary victimisation. Clarifying what it means for justice to be genuinely child-centred is therefore a necessary step towards assessing how justice systems affect children and improving effective, scalable and sustained interventions (Fixen et al, 2019).

An explicit articulation of a 'Child-Centred Justice Conceptual Framework', is set out in the *Declaration*¹, and provides a global, shared normative reference in a field characterised by fragmented terminology.

The *Declaration* defines child-centred justice as a system-level approach to justice in which children, their rights, and their lived experiences constitute the central reference point for the design, functioning and evaluation of justice systems, recognising that "*ensuring justice for children is crucial to achieving justice for all*" (GIJWC, 2025). Drawing from the people-centred approach, rather than organising responses primarily around institutional and legal processes, child-centred justice requires systems and services to adapt to children's rights, their developmental needs, capacities and vulnerabilities.

As a solution-oriented framework, child-centred justice seeks to prevent *harm*, ensure *children's access to justice* (GIJWC, 2025), and protect society, in addition to promoting positive outcomes for children by prioritising proportionate, preventive and rights-respecting responses. It recognises children as "*rights-holders who are entitled to a range of judicial and non-judicial mechanisms*" (GIJWC, 2025) and emphasises pathways that support children's development, social inclusion and desistance from harmful behaviour, while ensuring accountability is exercised in age-appropriate and constructive ways.

Central to this approach is effective participation and empowerment of children, both at the individual and systemic levels. This encompasses children's involvement in decisions and procedures that affect them, and in the ongoing design, evaluation and evolution of justice systems intended to operate for and with children, across contexts where they may

¹ The *Declaration* was adopted by the Global Initiative on Justice With Children and its partners, at the 5th World Congress on Justice With Children in Madrid 2025

be "victims/survivors, witnesses, accused of an offence, interested parties, or those requiring intervention for their care, protection, health, or well-being" (GIJWC, 2025).

This definition is significant in four respects. Firstly, it offers an expansive understanding of child-centred justice which encapsulates a wide range of challenges children face including – but not exclusively - the barriers to children accessing justice. Secondly, it situates child-centred justice within a children's rights framework, grounded in international human rights law rather than discretionary welfare choices. Thirdly, it frames child-centred justice as a responsibility of systems and institutions. Finally, it explicitly recognises that justice processes expose children to harm and must be designed to prevent and respond to violence affecting children.

Child-centred justice, as reflected in the *Declaration*, is underpinned by several core principles: central among these is the recognition of children as rights-holders, rejecting approaches that primarily treat children as objects of protection or correction. This has direct institutional implications, requiring accountability for rights compliance across all stages of decision-making. A second principle concerns the primacy of the child's best interests, requiring systematic assessment of how interventions affect children's safety, development and long-term outcomes. A third principle relates to meaningful participation and empowerment, emphasizing that participation must be age-appropriate, supported and safe, understood as a protective mechanism when properly designed. Further principles concern developmental and age-appropriate responses, informed by knowledge of child development and trauma, and protection from violence within justice systems.

Together, these principles distinguish child-centred justice from related concepts. Unlike welfare-only approaches, child-centred justice retains a clear rights-based framework grounded in accountability. Unlike *child-friendly* justice which typically focuses on procedural adaptations, *child-centred* justice also addresses systemic design, functioning and evaluation of systems themselves, placing children's rights, developmental needs and protection at the centre of decision-making pathways and institutional arrangements.

Increasingly, research has highlighted that justice systems can themselves function as sites of harm for children (McAra & McVie, 2022). Being deprived of liberty, having repeated system contact and experiencing poorly coordinated interventions can exacerbate trauma, entrench criminalisation and undermine children's rights. Child-centred justice therefore is not limited to *procedural* reforms. While such measures may mitigate some immediate harms, they do not address the structures through which children are drawn into justice systems. Thus a *systems*-level orientation forms an essential feature of child-centred justice, with attention to justice as a system of decisions, pathways and relationships operating across institutions and over time.

This system-level orientation is compatible with multiple analytical perspectives used in youth justice reform, including developmental approaches that emphasise children's evolving capacities and maturity, or preventive and public health perspectives that seek to reduce escalation and address the underlying drivers of system contact (April, et al, 2023). These perspectives reinforce the case for early, proportionate and coordinated interventions, grounded within children's rights. Reflecting on the interactions between education, social care, policing, health and community services, child-centred justice reduces fragmentation by placing children's rights, needs and trajectories at the centre of inter-agency collaborations.

Within this framework, prevention, protection and accountability are complementary. Child-centred justice focuses on constructive responses to the underlying causes of harmful behaviour and supports positive development, rather than on purely reactive or punitive measures. Accountability is reframed in developmentally appropriate terms, while protection extends to designing justice pathways that minimise unnecessary system contact and deprivation of liberty. Crucially, child-centred justice shifts responsibility from individual children to systems, asking whether justice arrangements comply with children's rights, and thus aligns closely with the UNCRC (OHCHR, 2018).

If child-centred justice is a system-level obligation, the central challenge becomes implementation. While many jurisdictions formally endorse children's rights, far fewer have translated these into coherent, system-wide practice. Against this backdrop, Scotland provides a particularly instructive illustration through the Whole System Approach (WSA), which has sought to operationalise child-centred justice across decision-making, institutions and services.

2. The Scottish 'Whole System Approach' Illustration: Context and Architecture

Scotland's approach to child and youth justice is rooted in a welfare-oriented tradition tracing back to the Kilbrandon Committee's 1964 report (Kilbrandon, 1964), which articulated that the needs of children who offend do not fundamentally differ from those requiring care and protection. This led to the creation of the Children's Hearings System, an integrated forum designed to address children's needs rather than adjudicate guilt. This welfare approach continued with broader reforms in children's services, notably the Getting It Right for Every Child (GIRFEC) framework, which placed wellbeing, early intervention and coordinated service delivery at the centre of policy, thus laying the groundwork for articulating child-centred justice, aligning welfare, rights and justice objectives.

Against this backdrop, the Scottish Government formally introduced the WSA in 2011. Conceived as a strategic framework rather than a discrete programme, it seeks to align decision-making, practice and services across the justice system. Its central premise is that most children in conflict with the law can and should be diverted through early, proportionate interventions and emphasising alternatives to detention, which should be used only as “*a last resort and for the shortest appropriate period of time*” (UNCRC).

Governance and coordination are critical in the WSA framework. Multi-agency collaboration is supported through national guidance, local planning structures and oversight mechanisms. A Scottish Government-funded improvement centre (The Children and Young People's Centre for Justice) supports WSA implementation through research, practice guidance, training and capacity-building (Gibson et al, 2025). This infrastructure reflects the recognition that child-centred justice is not a destination, but rather an ongoing journey requiring sustained investment in systems and professional cultures.

Recently, the WSA has been reinforced by strengthened commitments to children's rights. Scotland passed the UNCRC Incorporation (Scotland) Act in 2024, which places new duties on public authorities to act compatibly with children's rights. In the same year, the Children (Care and Justice) (Scotland) Act 2024 was passed, which recognises the rights of all children under 18 in conflict with the law. Through this legislation all children under 18 were removed from young offender institutions/prison in August 2024 and, when fully commenced (estimated as early 2027), all children will be offered equality of approaches.

Since 2021, the Scottish Government has articulated a rights-respecting vision for youth justice, explicitly framing justice for children as a matter of rights, participation and protection. This approach is explicitly grounded in a human rights framework, in which children's rights function not merely as guiding principles but as binding standards shaping decision-making across the justice system (Lightowler, 2020). In this Scottish interpretation, a rights-respecting approach requires justice systems to be designed and assessed primarily through their compatibility with children's rights, resisting the temptingly easier route to treat children's human rights as adjunct to existing practices. This has included renewed emphasis on children's voices, recognition of brain development in sentencing, and alignment with wider reforms in care services.

Within the WSA, children's rights are operationalised through substantive and procedural measures. Risk assessment integrates care and protection alongside public safety. Decision-making ensures proportionality and continuity, particularly at transition points such as entry to, and exit from, locked settings.

The Scottish approach also situates victims' rights within a child-centred framework. Rather than framing children who offend and victims as opposing categories, policy emphasises responses that acknowledge harm while avoiding further victimisation through punitive measures. This reflects an understanding of child-centred justice as encompassing both accountability and protection.

While the *implementation* of WSA is complex, and remains an ongoing effort, these developments illustrate how Scotland's WSA functions as *architecture* for child-centred justice, integrating rights, welfare and justice considerations within a coherent system supported by governance structures and evidence-informed practice.

3. From Concept to Practice: What the Whole System Approach Demonstrates

The WSA provides a practical illustration of how child-centred justice principles can be translated into everyday decision-making. Rather than treating child-centred justice as aspirational, the WSA embeds its principles within routine processes governing police discretion, prosecutorial decision-making, care planning and judicial oversight, shifting the focus from isolated legal responses towards managing children's trajectories through systems.

A defining feature is the emphasis on minimum and proportionate intervention. Children's contact with formal justice mechanisms is a last resort, with early intervention designed to address concerns before they crystallise into criminal proceedings. This reflects a child-centred understanding prioritising prevention of harm, including the harm that can be generated by system contact, overly symbolic or punitive responses.

Operationalising child-centred justice requires sustained attention to relationships and continuity. The WSA places importance on consistent professional engagement, coordinated planning and structured transitions, particularly where children experience deprivation of liberty. These features recognise that fragmented decision-making undermines children's stability, participation and trust. Relational continuity supports both accountability and rehabilitation compatibly with children's rights and developmental needs.

The WSA does not solely rely on individual discretion. While professional judgement remains central, it is exercised within a framework of shared principles, guidance and governance. This reduces risk that child-centred outcomes depend on exceptional practice rather than systemic design, demonstrating how child-centred justice can be institutionalised.

The Scottish position did not happen overnight and was only possible after a period of growing dissent between the youth justice workforce and the government in relation to their increasingly punitive approach to children in conflict with the law (Vaswani et al, 2018; Burman & McVie, 2017). A review of youth justice policy and practice was undertaken, leading to the publication of the policy document *Getting it Right for Every Child (GIRFEC): Proposals for Action*, (Scottish Executive 2005). This policy set out a vision for children's services more aligned with the original principles of the Kilbrandon Committee. GIRFEC was introduced in 2006, focusing on improving outcomes for all children by placing them at the centre of thinking, planning and action. This laid the foundations for the development and ethos behind the WSA, in creating child-centred justice.

Evidence associated with the WSA suggests substantial reductions in children's formal justice system engagement (Murray et al, 2015). Data indicate marked declines in referrals to the Children's Hearings System on offence grounds by 89%, (SCRA, 2022), and a 93% reduction in the rate of conviction and 98% reduction in the rate of custodial sentences for 16-17 year olds (McAra & McVie, 2022). These trends are frequently attributed, at least partly, to expanded diversionary practices, early intervention and alternatives to custody (Dyer, 2025).

However, these outcomes warrant cautious interpretation. Reductions in system contact do not establish causality or confirm all children's needs are met. Broader social, economic and cultural factors have also influenced youth justice trends across jurisdictions, with some declines predating or coinciding with wider changes, as evidenced elsewhere in the United Kingdom and further afield.

Moreover, the WSA operates within structural constraints. Variations in local implementation, resources and workforce capacity affect consistency. Tensions arise where concerns about serious harm or public safety intersect with commitments to minimum intervention. A rights-based understanding of child-centred justice does not deny these tensions but provides a framework for addressing them. Rather than establishing a hierarchy between children's rights and public protection, this approach emphasises balancing within a rights framework, requiring transparent justification of how decisions respect children's rights while addressing legitimate safety concerns. These challenges highlight that child-centred justice does not eliminate difficult decisions but reframes how they are approached and justified.

Another ongoing tension relates to balancing children's rights with victims' rights and needs. While the Scottish framework seeks to avoid adversarial binaries, translating this into practice requires careful attention to communication, support and public confidence. Child-centred justice must remain attentive to legitimacy and transparency, particularly in

politically sensitive contexts. The development of restorative justice practices with and for children and young people in Scotland has provided opportunity to address these tensions and need for balance directly. Whilst facing data protection challenges, restorative justice offers opportunity for a rights and trauma-informed process to addressing needs identified by those harmed, whilst being sensitive to the needs of those who have caused harm.

Beyond domestic impact, the WSA has relevance for international debates, illustrating how principles can be operationalised at system level. (Al Nashif, N., 2024) :

Progress around the world is often slow, and turning these standards into reality remains a significant challenge. It will take a strong collective effort to achieve change, but we must not lose hope. While we are seeing a push-back against children's rights in some countries, others are leading the way. And just one example: this year the Scottish Parliament passed legislation to keep children out of prison, ending the placement of under 18s in young offenders institutions.

The WSA demonstrates that child-centred justice is not confined to procedural reform or specialist courts, but can shape decision-making across policing, prosecution, care and custody. Internationally, jurisdictions have drawn on a range of theoretical rationales, including developmental, public health and restorative perspectives, to justify system-level youth justice reform (April et al, 2023). The Scottish experience illustrates how such rationales can be integrated within a coherent child-centred justice framework, while remaining anchored in children's rights.

The Scottish experience underscores both the importance of context and the transferability of core principles. While the WSA is embedded within specific legal, institutional and cultural contexts, its underlying design principles can be adapted to diverse jurisdictions. Successful implementation requires adapting these principles to legal frameworks, institutional capacities, professional practices and cultural contexts, rather than replicating institutional arrangements wholesale.

What is transferable are the underlying design features: emphasis on early intervention, strong presumptions against prosecution and custody, multi-agency governance, and clear articulation of system responsibility for children's outcomes. These elements provide a framework through which other jurisdictions can assess whether their justice systems are genuinely child-centred rather than merely child-adapted.

The WSA contributes to international debates as a practice-informed case study demonstrating that system-level child-centred justice is both feasible and impactful. It offers concrete evidence of how principles can be translated into institutional practice, governance structures and professional culture. As jurisdictions worldwide seek to

strengthen their child justice systems, the Scottish experience provides a foundation for identifying transferable lessons, developing implementation guidance and supporting technical assistance adapted to diverse legal and institutional contexts. `

Conclusion

We argue here that child-centred justice is best understood as a system-level obligation grounded in children's rights, development, prevention and protection from harm, rather than solely as procedural adaptations or child-friendly practices. Drawing on the *Global Declaration on Advancing Child-Centred Justice*, we have illustrated how the 'Child-Centred Justice Conceptual Framework' places responsibility on justice systems and institutions to design responses that are proportionate, preventive and attentive to children's evolving capacities and vulnerabilities.

Based on this analysis, we propose the following definition: *Child-centred justice is a rights-based, solution-oriented approach to justice that places the child at the centre of coordinated multi-agency responses. It is a systemic approach, not merely a procedural one, emphasising the effective participation and empowerment of children in both individual justice processes and in the broader design and evaluation of justice systems.*

Scotland's WSA demonstrates how these principles can be operationalised in practice. Sustained through strong child-centred political will, by embedding child-centred justice across decision-making pathways, institutions and services, through early intervention, diversion, alternatives to custody and coordinated multi-agency responses, the WSA shows that it is possible to reduce children's exposure to formal justice processes while maintaining accountability and public safety. The Scottish experience offers valuable insights for international debates on implementation, illustrating that child-centred justice requires sustained system alignment, governance and professional culture change. As jurisdictions worldwide seek to translate children's rights into justice practice, the WSA provides a practice-informed case study demonstrating that comprehensive child-centred justice reform is both a feasible and impactful, offering transferable lessons for developing implementation frameworks and technical assistance adapted to diverse legal and institutional contexts.

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