

The purpose of Aberdeen City Council is to protect the people and the place of Aberdeen from harm, enabling them to prosper and supporting them in the event of harm happening.

The purpose of an Integrated Impact Assessment is to evidence that Aberdeen City Council are making decisions in an informed way, and that the impact of decisions made is understood and accepted. The legislation that is considered within this assessment are:

- Section 2 [Equality Act 2010 protected characteristics](#)
- Section 3 [Socio-Economic](#)
- Section 4 [Human Rights](#)
- Section 5 [Children and Young People’s Rights](#)

The term ‘policy’ is used throughout this document and applies to policies, proposals, strategies, provision, criteria, functions, practice, budget savings and activities that includes delivery of our services.

1. About the Policy

1.1 Title

Whole System Approach Lead Officer for Youth Justice

1.2 What does this policy seek to achieve?

The Policy seeks to create a new permanent post of Whole Systems Approach Lead Officer (Youth Justice); This role will support key strategic and operational change. The role holder will develop systems and partnerships across the Children Service Board, reporting on outcomes and leading on developments in relation to the effectiveness of both national and local Youth Justice Whole System Approach. Research shows that those most vulnerable to lifelong poor outcomes are young people who have come to the attention of the justice system at an early stage. (quoted by Vasari in

https://cycj.org.uk/wp-content/uploads/2018/08/Adverse-Childhood-Experiences-in-high-risk_CYCJ-Final-Version-proofed.pdf and (Baglivio, M. T., Epps, N., Swartz, K., Huq, M. S., Sheer, A., & Hardt, N. S.

(2014). The prevalence of adverse childhood experiences (ACE) in the lives of juvenile offenders. *Journal of juvenile justice*, 3(2), 1.) The Independent Care Review, in its’ Promise to the care community, made a commitment to review and improve young people’s experiences when they are in conflict with the law; with the Children (Care and Justice) Bill (Scotland) 2024 an example of a legislative proposal which will radically change the role the Children’s Hearing system has with young people and how we define childhood. This post will support these key change and demand areas, liaise with Scottish Govt commissioned leads and be significant in seeking funding for resource development. Principally the role will:

- Ensure the youth justice partnership can respond to change in systems and operational design introduced into new legislation (by the Children’s Care and Justice Bill)
- Coherently contribute to system change and service design with partners
- Advance key strategic priorities;
- Work with youth justice partners to ensure fewer young people come to attention of Scottish courts and more dealt with by SCRA;
- Co- create consolidated and coherent approaches to youth justice including Diversion from Prosecution; Care and Risk Management and

- Engage and seek the views of young people who have experience of youth justice systems, targeting those with Care Experienced backgrounds and engaging them in feedback loop processes
- With Partners ensure that young people in contact with the law receive a response which reflects their rights
- Be a key contributor to planning family wellbeing responses where services are delivering early intervention and targeted approaches, which effectively prevent young people escalating through formal systems
- Contribute to and lead on planning community alternatives to secure care/remand and prison sentences.
- Facilitate delivery of CSB YJ strategic subgroup, contribute to national strategic fora, reflecting the position of YJ partnership in Aberdeen

1.3 Is this a new or existing policy?

The youth Justice Whole System Approach has been an established approach adopted within multi agency planning and intervention with young people in conflict with the law since around 2010.

1.4 Is this report going to a committee?

No, this is a BC for creation of a post.

1.5 Committee name and date:

N/A

1.6 Report no and / or Budget proposal number and / or Business Case reference number:

BC ref

TBC

Impacts

This section demonstrates the considerations that have been made in relation to the policy - and that the impact of proposals made is understood and accepted.

2: Equality Act 2010 - Protected Characteristics

Aberdeen City Council wants to ensure everyone is treated fairly. This section identifies the [protected characteristics](#) that the policy potentially affects and records the impact and mitigating steps.

2.1 What impact could this policy have on any of the below groups?

| Protected Characteristic | What is the impact? | | | | |
|--|---------------------|--------|-----|---------|----------|
| | Negative | | | Neutral | Positive |
| | High | Medium | Low | | |
| Age | | | X | | X |
| Disability | | | X | | X |
| Gender Reassignment | | | | X | |
| Marriage and Civil Partnership | | | | X | |
| Pregnancy and Maternity | | | | X | |
| Race | | | | X | |
| Religion or Belief | | | | X | |
| Sex | | | | X | |
| Sexual Orientation | | | | X | |

2.2 In what way will the policy impact people with these protected characteristics?

The role will ensure that the intentions of the Children's Care and Justice Bill as it pertains to child in conflict with the law, as being recognised as a young person up to the age of 18 years. The definition of a child has been expanded to include young people up to the age of 18 years, therefore extending the supportive protections of the Children's Hearing System to a broader group of young people who if they were not involved with the Children's Hearing System at their 16th birthday they would be dealt with as adults in terms of the Justice System. The extension of referral criteria in terms of age will also apply to those with a higher level of vulnerability and welfare need, as the intentions of the legislation is to extend support provision to this group of 16 and 17 year olds. Hence the scoring for these categories and characteristics will be positively experienced.

2.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

Ref has been made to the IIA for [Recruitment and Selection Processes.pdf](#).

The Policy will support new legislation which is aligned to the intentions of the UNCRC and its incorporation into domestic law and research which informs of the impact of neurological changes in development which influence levels of maturity and should be actively considered in dealing with children

<https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2022/12/children-care-justice-scotland-bill-accessible-summary/documents/children-care-justice-bill-accessible-summary/children-care-justice-bill-accessible-summary/govscot%3Adocument/children-care-justice-bill-accessible-summary.pdf> This lays out the intentions of Legislative change being driven forward by the Children (Care and Justice) Bill, which will incrementally be assumed into statute (believe mid-2024) will radically shift and change the definition of a Child, from 16 up to 18 years of age; increasing the age a young person can be referred to SCRA; the options Police Scotland have as disposals; diverting young people away from Scottish Court system to Children's Hearings and equipping Children's Panel with new and enhanced options. These are areas of significant change which will impact on the Youth Justice Whole System in terms of the role of partner agencies.

There is a need to create a permanent post and move away from the uncertainties of a fixed-term secondment. The clear advantages of an inhouse role holder supports planning for known changes (eg- legislation) and recognize local demands and patterns and can support systems and design responses. These require a long-term approach to fully meet the potential impact this role can have on the lives of these individuals and their families. Additionally the role needs to build trust and credibility – both for themselves but also for CSW and ACC. Therefore, having support for a limited period or avoidable changes in who (and how) delivers the support would impact on continuity and therefore the success of the offer. The post will ensure that there are improved local supports, that there is proportionate help and assistance accessible to children aged 16 and 17 years old. The post will ensure that Justice Systems are the last resort for 16 and 17 year olds.

What consultation and engagement and has been undertaken with officers and partner organisations?

This Policy links to a National Legislative change supported by a range of partners locally including: Police Scotland; SCRA; NHS Grampian; Justice Social Work; Includem and Barnardo providers National legislation. As above the Childre's Care and Justice Bill (2024) is in its second reading in the Scottish Parliament and has gone through a two year consultation and development process.

What consultation and engagement and has been undertaken with people who may be impacted by this policy (e.g. citizens, community groups, or other people/groups)?

n/a

2.4 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

n/a

With mitigations in place, what is the new overall rating of the negative impact(s)?
There is no negative impact

| | |
|-------------------------|--|
| High | |
| Medium | |
| Low | |
| Negative Impact Removed | |

3: Socio-Economic Impacts

This section is used to consider the impact of the policy on people who might be **unemployed, single parents**, people with lower **education** or **literacy, looked after children**, those with **protected characteristics** as examples.

Use this guide to understand more on socio-economic inequalities: [The Fairer Scotland Duty: Guidance for Public Bodies \(www.gov.scot\)](http://www.gov.scot)

3.1 What impact could this policy have on any of the below groups?

| Group | Negative | | | Neutral | Positive |
|---|----------|--------|-----|---------|----------|
| | High | Medium | Low | | |
| Low income / income poverty – those who cannot afford regular bills, food, clothing payments. | | | | X | |
| Low and/or no wealth – those who can meet basic living costs but have no savings for unexpected spend or provision for the future | | | | X | |
| Material deprivation – those who cannot access basic goods and services, unable to repair/replace broken electrical goods, heat their homes or access to leisure or hobbies | | | | X | |
| Area deprivation – consider where people live and where they work (accessibility and cost of transport) | | | | X | |
| Socio-economic background – social class, parents' education, employment, income. | | | | | X |

3.2 In what way will the policy impact people in these groups?

The majority of children in conflict with the law aged 18 years and under, disproportionately experience early childhood disadvantages, this legislation should allow for some mitigations in terms of the justice system impact.

3.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

Ref has been made to Aberdeen City Council Recruitment and Selection IIA
National research to produce this legislation

What consultation and engagement and has been undertaken with officers and partner organisations?

As above

There has been engagement and regular info sharing across CSB and Youth Justice partnership. There are in addition Improvement Projects linked to LOIP which should support change management re practice implications. There have been a series of briefing notes produced.

What consultation and engagement and has been undertaken with people who may be impacted by this policy? citizens, community groups, or other people/groups impacted by this policy?

As above.

3.4 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

N/a

With mitigations in place, what is the new overall rating of the negative impact(s)?

High

Medium

Low

Negative Impact Removed

4: Human Rights Impacts

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000

The Act sets out our human rights in a series of 'Articles'. Each Article deals with a different right.

Use this guide to understand more about [Human Rights](#).

4.1 What impact could this policy have on Human Rights?

| Human Rights Article | Negative | Neutral | Positive |
|---|----------|---------|----------|
| Article 6: Right to a fair trial | | | X |
| Article 7: No punishment without law | | | X |
| Article 8: Right to respect for private and family life, home and correspondence | | | X |
| Article 9: Freedom of thought, belief and religion | | X | |
| Article 10: Freedom of expression | | X | |
| Article 11: Freedom of assembly and association | | X | |
| Article 12: Right to marry and start a family | | X | |
| Article 14: Protection from discrimination in respect of these rights and freedoms | | | X |
| Article 1 of Protocol 1: Right to peaceful enjoyment of your property | | X | |
| Article 2 of Protocol 1: Right to education | | | X |
| Article 3 of Protocol 1: Right to participate in free elections | | X | |

4.2 In what way will the policy impact Human Rights?

The Policy applies to the Human Rights of Children as expanded on below. The policy will support the design and delivery of support to young people in conflict with the law that is proportionate, targeted and developmentally relevant in their accessibility by young people. It will be in support of the principle and goal that no young person under 18 years will be imprisoned and the attainment of this also being applied to those under 21 years. The Articles selected are from the UNCRC as more relevant and are;

Article 12 (respect for the views of the child)

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

And: Article 40 (juvenile justice)

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

4.3 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

n/a

If mitigations are in place, does this remove the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

5: Children and Young People’s Rights Impacts

The United Nations Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

Children’s rights apply to every child/young person under the age of 18 and to adults still eligible to receive a “children’s service” (e.g. care leavers aged 18 – 25 years old).

The Conventions are also known as the “General Principles” and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:

1. Non-discrimination (Article 2)
2. Best interest of the child (Article 3)
3. Right to life survival and development (Article 6)
4. Right to be heard (Article 12)

You can [read the full UN Convention \(pdf\)](#), or [just a summary \(pdf\)](#), to find out more about the rights that are included.

5.1 What impact could this policy have on the rights of Children and Young People?

| UNCRC and Optional Protocols | Negative | Neutral | Positive |
|---|----------|---------|----------|
| Article 1: definition of the child | | | X |
| Article 2: non-discrimination | | | X |
| Article 3: best interests of the child | | | X |
| Article 4: implementation of the convention | | | X |
| Article 5: parental guidance and a child's evolving capacities | | | X |
| Article 6: life, survival and development | | X | |
| Article 7: birth registration, name, nationality, care | | X | |
| Article 8: protection and preservation of identity | | X | |
| Article 9: separation from parents | | X | |
| Article 10: family reunification | | X | |
| Article 11: abduction and non-return of children | | X | |
| Article 12: respect for the views of the child | | | X |
| Article 13: freedom of expression | | X | |
| Article 14: freedom of thought, belief and religion | | X | |
| Article 15: freedom of association | | X | |
| Article 16: right to privacy | | X | |
| Article 17: access to information from the media | | X | |
| Article 18: parental responsibilities and state assistance | | | X |
| Article 19: protection from violence, abuse and neglect | | | X |
| Article 20: children unable to live with their family | | | X |
| Article 21: adoption | | X | |
| Article 22: refugee children | | X | |
| Article 23: children with a disability | | | X |
| Article 24: health and health services | | X | |
| Article 25: review of treatment in care | | X | |
| Article 26: social security | | X | |
| Article 27: adequate standard of living | | X | |
| Article 28: right to education | | | X |
| Article 29: goals of education | | X | |
| Article 30: children from minority or indigenous groups | | X | |

| | | | |
|---|--|---|---|
| Article 31: leisure, play and culture | | X | |
| Article 32: child labour | | X | |
| Article 33: drug abuse | | | X |
| Article 34: sexual exploitation | | | X |
| Article 35: abduction, sale and trafficking | | | X |
| Article 36: other forms of exploitation | | | X |
| Article 37: inhumane treatment and detention | | | X |
| Article 38: war and armed conflicts | | X | |
| Article 39: recovery from trauma and reintegration | | X | |
| Article 40: juvenile justice | | | X |
| Article 41: respect for higher national standards | | X | |
| Article 42: knowledge of rights | | X | |
| Optional Protocol on a Communications Procedure | | | |

5.2 In what way will the policy impact the rights of Children and Young People?

The role holder will work with key partners on options which support young people under 18 years to have their support needs assessed and where appropriate met from accessing community resources. There will be fewer young people having their liberty removed. As above Articles 12 and 40 are the most relevant for this Policy and their application will ensure that children's rights to express their views will be taken into consideration in terms receiving statutory support over the age of 16 years; they will also have a right under Article 40 to experience a proportionate and fair approach to the design and delivery of juvenile justice. The policy will also indirectly positively impact on enhancing safeguards where children may be at risk of Article 34 sexual exploitation as this policy supports the extension of childhood up to the age of 18 years and removes ambiguity for 16 and 17 year olds who are being groomed and exploited.

5.3 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

n/a

If mitigations are in place, does this remove the negative impact?

No – negative impact remains

Yes – negative impact reduced

Yes - negative impact removed

6: Sign Off

Any further positive or negative impacts on individuals or groups that have been considered?

There may be over time an increased number of 16 and 17 year old referred to the Children's Reporter. Resources to support these young people and the methodologies to be utilised have not been clarified to local authorities

Overall summary of changes made as a result of impact assessment.

The assessment relates to the creation of a post of WSA Lead Officer, which already exists as a fixed term post supporting strategy, planning, design and development of partnership approaches and responses with and for young people in conflict with the law. The Scottish Govt have enacted a draft bill CCJ Bill outlining specific changes ie defining a child as someone under the age of 16 years; redefining how secure care is used and designed; extending the age range of ref to the CHS as well as preventing under 18 year olds being sentenced in prison detention. These changes also run in parallel to the adoption into domestic law of the UNCRC. The post holder will lead a multi-agency partnership approach which ensure these principles and significant changes are locally in place.

Outline of how impact of policy will be monitored.

The WSA Lead Officer will be part of Children Service Planning and Youth Justice multi agency partnership which report back to Children Service Board. There are also links to Champions Board via Corporate Parenting stand of improvement work.

If there are any remaining negative impacts after mitigation, what is the justification for why this policy should proceed.

n/a

| | |
|--------------------------|----------------|
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| Date | 18/03/2024 |
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| Date | 18/03/2024 |