



Sue Webber MSP
Convener
Education, Children & Young People Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Children (Care and Justice) (Scotland) Bill

Dear Ms Webber,

We are writing to you in our capacities as Chair of the Board and Exec Director of the Good Shepherd Centre (GSC) in Bishopton in relation to Stage 2 of the Bill, from the GSC's perspective as one of Scotland's four secure care centres.

The young people, workforce, and Board of Directors (volunteer Trustees) of the GSC have been actively engaging with a journey of change in relation to Scotland's responses to children and young people in need of intensive support, over many years. In relation to the Bill, GSC previously submitted written views during early and public consultation, and we again provided written and in person evidence to Committee during Stage 1.

We have been following the progress of the Bill with great interest and want to highlight some previously shared and further information to the Committees at Stage 2. We want to do this as it is important to us that the voices of our young people and their families, and our Team - who share a collective passion and determination to ensure the rights and wellbeing of all our children and young people - are clearly heard in this process. So this letter sets out our views at this stage and is also an invitation to yourself and the Committees to come and visit the GSC and hear from young people and the team directly.

Prior to The Promise reports, Roisin, Chair of the GSC's Board of Directors, was a member of the [secure-care-strategic-board](#) and Alison, Exec Director of Services, was a member of the Independent Care Review group who considered secure care. She was also previously the secure care national advisor who gathered young people's calls for action and recommended the development of the secure care standards which are now in place, in the reports [Secure Care in Scotland: Looking Ahead](#) and [Secure Care in Scotland: Young People's Voices](#).

This means that the leadership of GSC is well placed, and driven by a real commitment, to deliver the vision of secure care previously set out to Ministers and within The Promise. We have developed and are delivering our own [GSC Promise](#) which has seen us introduce new roles and ways of working across Promise (VOICE, FAMILY, CARE, PEOPLE and SCAFFOLDING) foundations.

Among the many developments at GSC in the past three years, we have introduced a Family Wellbeing Support Worker role; Specific resources in relation to independent advocacy; The development of a Space and Place Project focused on Outdoor Learning, Training, and health and wellbeing. We are on an ongoing journey towards least restrictive practice including restraint reduction, and trauma informed whole centre practice.

The recent paper written by Charlotte Wilson, Care Inspectorate '[A brief history of secure care in Scotland](#)' sets out how understanding and use of our sector has changed over many decades, but we want to be certain that the changes that we have introduced and the recent and current progress and developments in secure care in Scotland, are being factored into Stage 2 deliberations.

We have noted public statements and social media posts from different interest groups during the progress of the Bill which tell us that there are continuing myths and misrepresentations about those young people who experience secure care. There has also been inaccurate information and ill-informed opinion shared about what secure care is, how we work with young people, and what is happening across our sector to transform impact, experiences and outcomes.

Children first: What we do, and how and why we do it at GSC. The GSC is an independent charitable organisation. The law currently defines us/Secure Care as a service "*which provides accommodation for the purpose of restricting the liberty of children in residential premises where care services are provided*". We are approved by Scottish Ministers for that purpose (Public Services Reform [Scotland] Act, 2010) and we recognise that the Bill enhances the definitions around secure care.

But draft legislation cannot capture our core *intent* which is not focused on *restriction* of rights, but on *promoting rights and wellbeing*, ensuring physical and psychological safety and "*to provide a positive, life changing experience for young people through individual care, education, and skills development*" (GSC's Purpose statement).

In our Welcome Letter we explain the well-known proverb or saying, which is common across several different African cultures and languages, which is '*It takes a village to raise a child.*' In the Kijita language the literal translation is that regardless of a child's biological parents, their upbringing belongs to the community. So, for the children and young people at GSC and in our care, we know this means a whole team/whole Centre approach and valuing every colleague in every job role; because whatever our role; we all play our part, working together in the best interests of the children and young people we support.

First and foremost we believe that children are children first, and should be treated as such, whatever is happening in their lives and the impact of their own needs and behaviours on others. That is not to diminish or disregard in any way other people's rights and needs including situations where children have caused harm to others.

The GSC has for many years adopted [Restorative Practice](#) and relational approaches. As part of this work, young people at GSC have undertaken group learning and programmes in relation to Restorative and interpersonal and community conflict resolution. We have also

directly supported Restorative Justice and programme work between children who have caused harm and people who have experienced that harm.

For the past three years GSC has worked in partnership with the [Keeping Families Together Project](#) (Cyrenians) focusing on restoring familial relationships and conflict resolution.

Having cared for many young people who have been in conflict with the law (some of whom have hurt others), including children on long sentences who have moved from our care into prison settings at the age of 18; We have a depth of insight and experience which underpins our compassionate approach.

This applies across our care, education and health and wellbeing teams consistently with young people, their families and (when we are able to be involved), with those affected by a young person's offending. This is complemented by the input of highly skilled clinicians in Forensic and Mental Health Clinical Psychology and our partnerships with the relevant FCAMHS teams who contribute to our Multi-Disciplinary Team model. We assess and manage risk well and this is consistently reflected in our [Care Inspectorate Reports](#).

As CYCJ's 2023 Practice Guidance clearly sets out, [Children and young people in conflict with the law](#) have rights which must be respected. According to Articles 37 and 40 of the Convention on the Rights of the Child (1989), children in conflict with the law have the right to treatment that promotes their sense of dignity and worth, takes into account their age and aims at their reintegration into society. We consulted all of the young people resident with us in 2019 to produce our initial Charter of Rights for the GSC, (which continues to be revisited and updated with young people and as we strive to become a Gold Rights Respecting School) and young people also highlighted Article 39 of the UNCRC as being very important to them.

This states children and young people have the right to recover from difficult things that happen to them, and that they can expect to receive the help that allows them to do so. This includes help for survivors of violence, sexual violence, and other forms of trauma.

We fully support and share the position Fiona Dyer and her Team adopt in CYCJ's recent [Letter](#) to you, in relation to the compelling evidence that children in Scotland who experience secure care or custodial settings are almost always children who themselves have experienced harm, exclusion, childhood adversity (often complex) trauma and disadvantage.

As research cited in CYCJ's letter and elsewhere tells us, children who harm others are nearly always children who themselves have been victims of harm.

It is misleading and unhelpful to label and categorize children as either 'victims' or 'offenders', and to apply the language and terminology associated with adults to children. The Principles of offender 'rehabilitation' for example, where children have both experienced and caused harm and trauma, cannot be applied to children as they can be to adults – because *children are not adults*.

We would like to refer you to GSC's previously submitted views on the [Children \(Care and Justice\) \(Scotland\) Bill](#) where we profiled the life experiences of children placed at GSC. In

2018 a census showed that more than a third of the young people who came to live at GSC that year had actively tried to end their lives by suicide in the months prior to being secured. In the past two years alone, tragically we have lost several young people and young adults who were previously resident in secure care and at GSC to early death including by suicide and by accidental substance related death.

The report findings and recommendations of the Expert Review of Mental Health Support for Young People Entering and in Custody at HMP and YOI Polmont highlighted the prevalence of adversity, unmet mental health and neurodiverse needs and vulnerabilities which dominate the lives of young people in custody. It is essential that these needs are meaningfully addressed at the earliest opportunity if young people who have caused harm to individuals or communities are to be supported and educated to improve their life chances *and* to minimise the risk of further harm to others.

We believe that *all* children (anyone aged under 18) and young people should experience love, safety, respect, nurture, and high-quality home, health, wellbeing, education and learning settings and supports.

We must ensure that the rights of these children, some of whom will have harmed others, are upheld and that we do everything we can to help them heal from past hurt and harm and develop the hope, ambition and skills to move forward positively in their lives. Doing so is the best way in our opinion and experience, to simultaneously minimise risks to others and to communities where young people have been engaged in harmful behaviours.

International research strongly indicates that a punitive and shaming approach to children in conflict with the law only exacerbates the risk that children will go on to offend as adults. UK studies and analysis supports these findings that [punishing 'risky' young people does not work](#).

Our extensive and direct experience of safely supporting hundreds of children and their families over the course of the past 17 years means that we understand this and have acted accordingly, fostering a nurturing, caring and compassionate ethos and environment. Of course it is complicated – when a child has violently harmed other people, it can be painful and distressing work supporting that child or young person in a compassionate way whilst also challenging and educating them, and ensuring privacy and confidentiality and safety of all of the other young people they are living alongside.

Historically the balance at GSC has meant that between 5 % and 15 % of Scottish children living here at any one time are at GSC through the Courts, so 85% to 95% are children placed on care and protection grounds through the CHS.

It is not easy ensuring that safety risks are well managed, and confidentiality and privacy respected so that the climate and environment at the GSC is homely, warm and welcoming, relaxed and comfortable and that all children feel and are safe. It takes multi-skilled, caring, dedicated staff and highly structured routines and practices. It also requires agility and flexibility – for example the profile of needs and routes into GSC in 2022 was very different to our current balance and average age and gender balance. But this is what we do.

Adopting this children-first value and belief base is not straightforward, *but it is possible, it can work, and it does work.*

We regard this work as our bread and butter. The GSC exists to meet the intensive support needs of groups of individual children each of whom is their unique selves in the context of their situation, family and community. We have been able to grow and develop our teams, specialisms and ways of working in response to changing patterns of needs and asks over the years and will continue to do so.

When she was the Makar, the poet Liz Lochhead wrote this poem in 2012 to encourage people to consider becoming Panel Members as the national Children's Panel came into place. We're sharing it again here because we believe that the Bill presents a unique opportunity for Scotland to legislate in a truly rights-respecting and child-focused way and the poem is a powerful reminder of the Kilbrandon Principles which we hold dear:

Trouble is not my middle name.
*It is not what I am.
I was not born for this.*

*Trouble is not a place
though I am in it deeper than the deepest wood
and I'd get out of it (who wouldn't?) if I could.
Hope is what I do not have in hell –
not without good help, now.*

*Could you
listen, listen hard and well
to what I cannot say except by what I do?*

*And when you say I do it for badness
this much is true:
I do it for badness done to me before
any badness that I do to you.*

*Hard to unfankle this.
But you can help me. Loosen
all these knots and really listen.
I cannot plainly tell you this, but, if you care,
then — beyond all harm and hurt –
real hope is there.*

Our core and active values are being kind, rights-respecting, nurturing, resilient and hopeful in all that we say and do. We articulated these values in 2020, as we responded to the publication of The Promise and our young people and workforce prepared for the launch of the [Secure Care Pathway and Standards Scotland](#).

The GSC offers a safe and nurturing environment in secure care for eighteen young people in Lyle, Kilpatrick, and Nevis houses and intensive support which is less restrictive than secure care (referred to as close support) for six young people in Lomond House. We also offer open/semi-independent care currently through Hillview Cottage, for up to three young people (with our second two-bedroom open cottage due to re-open in April 2024).

Like each of the secure care settings in Scotland, we have extensive campus facilities with a fully equipped school and education department, therapeutic and relaxation and workspaces, and gardens including a growing area, a wildlife trail, and an outdoor sports pitch. The Centre is homely and welcoming whilst also offering very intensive staff ratios, structure and routines, a climate and culture of respect and emphasis on empathy and relational safety within close supervision.

The Board of Directors is currently exploring possibilities in relation to further extensions and enhancements of the campus and our services to prepare for a potential increase in the number of 16- and 17-year-olds who we care for at GSC, and different 'asks' of our workforce. We are taking into account the findings of the recent Care Inspectorate [Secure care pathway review 2022-23](#)

We can evidence that the GSC has been successfully meeting the diverse needs of children and young people, across a broad age range (usually 12 plus through to 21 in our open setting) placed through the Children's Hearings System on orders (the CHS) or the Courts on sentence or remand, since 2006.

This has included on many occasions, young people who have sexually assaulted and seriously injured or threatened other children and adults. We have worked with children who have killed.

In contrast with some of the misinformation which has been published during the progress of the Bill to date, we can evidence a very strong record of safe care and public protection.

The GSC has never been awarded less than a Grade 4 (Good) in relation to the quality of care and support we provide. No young person has ever 'broken out' of the GSC secure care campus. There have been no fatalities in secure care at GSC.

There have been no serious incidents of group violence among our young people leading to Police or Court action. Police intervention and call outs to secure care at GSC are minimal in comparison to other residential school care settings and we have been praised by Care Inspectorate for our rights-based approach.

We are committed to The GSC's Bridging Model, whereby ordinarily young people arrive at GSC and stay in secure care because they are being placed at a point of acute danger, crisis and vulnerability and the decision-making bodies (CHS and Chief Social Work Officer or Courts) have deemed that they require to be deprived of their liberty to keep them and/or others safe. But most of the young people who live in Lomond House or Hillview Cottage have moved there from one of our secure care houses. We offer this bridging support as young people transition from the physically and psychologically safe, nurturing but highly structured and supported and supervised environments in secure care and education, to

close support or the open cottage as they become ready to have more agency over their day-to-day choices and freedoms.

The GSC has operated this Model since opening in 2006, with the addition of the open cottages some years ago. In every Care Inspectorate Report since, and particularly so in recent years, the continuity of care, relationships, learning and formal education opportunities and programmes available to young people as they move through Close Support, acting as a bridge between secured care and the transition to open/community/return home settings, has been highlighted as a strength:

“Young people who had placed themselves at significant risk of harm in the community were safer when they lived in the close support service. • Young people benefitted from nurturing and secure relationships with staff. • The staff and managers made a concerted effort to protect young people from criminalisation. • If young people chose to do so, they were fully involved in their care and support” Key Messages, Care Inspectorate, December 2022

The recent Care Inspectorate review of the Secure Care Pathway and Standards found that sadly, too many young people still experience a “cliff edge” after secure care, where they are moved on too quickly and/or to living and learning settings where there is no continuity of relational, education, health and wellbeing support. We believe that the strengths of this Bridging Model and our [Staying connected](#) service can be further developed in response to aspects of MRC and community justice provisions in the Bill.

We would like to again invite you and any of the Committee Members to visit the GSC and hear directly from our young people and workforce in relation to the content of this letter and the progress of the Bill.

In particular we would like to share a film recording which is a compilation of statements and reflections from young people about their lives before, and during secure care, and their hopes and ambitions for the future.

With very best wishes,

Roisin McGoldrick
Chair of the Board of Directors

Alison Gough
Director of Services