

Criminal Justice Committee
Wednesday 14 May 2025
14th Meeting, 2025 (Session 6)

Secure care places and young offenders

Background

1. On 29 April, the Committee received a letter from Natalie Don-Innes MSP, Minister for Children, Young People and The Promise, on the issue of secure care accommodation.
2. The letter provided an update on the Scottish Government's work to restore secure accommodation capacity in Scotland. This follows a period where there has been, in the government's words, "considerable strain on Scotland's available secure accommodation capacity."
3. The provision of sufficient numbers of secure care places for young people is critical to the delivery of the recent provision in the Children (Care and Justice) (Scotland) Act whereby no person under the age of 18 would be held in a young offenders' institution or prison, but would be kept in secure care.
4. This provision was supported by the Committee during the passage of the then Bill and was a recommendation made by this Committee's predecessor during an [inquiry into secure care and conditions in prison for young people](#). That inquiry followed on from the deaths in Scottish penal institutions of Katie Allan and William Lindsay (Brown) who took their own lives in separate incidents at Polmont Young Offenders' Institution.

Issues raised by the Minister

5. The Minister's letter raises several issues which the Committee may wish to take notice of, namely:
 - Following an inspection report, the pause on admissions to St Mary's Kenmure secure care centre which limited their secure accommodation capacity from their contracted 24 beds to 12, thereby reducing the capacity across the secure estate in Scotland by almost 20%;
 - the complexity of some individual children's needs which can require the use of multiple beds, and the associated staff, to care safely for a single child;
 - the increased duration of some placements as a result of the increased sentenced and remanded population; and
 - cross border placements.

6. The Minister's letter states that "efforts are being made to stabilise and restore capacity, availability of beds in secure accommodation remains fluid and can shift daily". These include:
- Efforts to lift the pause on admissions to St Mary's Kilmure and to return it to a "sustainable capacity";
 - The opening of a new 4-bed national contingency resource at Annan House, Rossie;
 - Appointment of a new social work lead officer;
 - Increased funding for secure care and a £2m contingency fund; and
 - Before the summer recess, the publication of the Scottish Government's response to the ['reimagining secure care' report](#), outlining the government's longer-term vision for secure care.

Matters raised previously by this Committee and its predecessor

7. In previous inquiries and scrutiny, justice committees have raised concerns around whether there are sufficient places in the secure estate in Scotland to fulfil the provision in recent legislation that no young person aged under 18 would be sent to prison.
8. The Committee's predecessor also [raised issues](#) around the contractual model that was being followed in Scotland to procure secure care places. This model operated on a cost recovery basis, where the cost of providing care was recouped via a placement fee charged for the service. Within the then contract, there was a break-even rate of 90% occupancy. This meant that where a provider's unit is below 90% occupied, their operating costs were not met. Conversely, where a provider is above 90% occupied, they generated additional income (surplus) above their operating costs.
9. As a result, when there was insufficient demand for places from Scotland, the secure care facilities would look to fill vacancies with cross-border placements. However, this came with a risk if demand levels in Scotland then changed.
10. In 2020, in response to the then Committee's report, the then Scottish Government said that "it is widely accepted that alternative approaches to funding secure care should be explored. [...] Scottish Government officials have had initial conversations with CoSLA and Scotland Excel to explore different funding options. This is a complex area of work with no quick or easy fix and resource implications."
11. In 2022, the Scottish Government said that "discussions are underway with Social Work Scotland, COSLA, Scottish Government and secure care centres to

explore different funding approaches to ensure that every child living in Scotland, who requires to be cared for in secure care, can be".¹

Action/recommendations

12. Members are asked to discuss the contents of the Minister's letter and decide what, if any follow-up action is required. Options include:

- Asking the Minister to keep the Committee informed of further developments and to also be alerted if demand for places outstrips current capacity. Note that the Minister's letter promises that an update will be provided to the Committee prior to summer recess;
- Asking for an update on the plans to reform the contractual model for the provision of secure care places in Scotland.

Clerks to the Committee
May 2025

¹ *Children's Care and Justice Bill - policy proposals: consultation*

Annexe A

Letter from the Scottish Government

29 April 2025

Dear Convener,

Scotland's Secure Accommodation Capacity – Update Following Ministerial Statement

Following my Ministerial Statement of 26 March, I am writing to provide a further update to the Committee on our continuing work to restore secure accommodation capacity in Scotland.

The Education, Children and Young People Committee and the Criminal Justice Committees have shared interest in, and oversight of, matters related to children's welfare, youth justice and community safety. This update reflects developments that intersect both remits and highlights areas where continued collaboration will be critical.

Committee Members will recall that when the Children (Care and Justice) (Scotland) Bill passed in April last year, Parliament made a commitment to enshrine in law age-appropriate care and justice for vulnerable children across the country. That saw Scotland take a major step forward to keep The Promise by introducing a series of reforms last year. The Bill received Royal Assent in June, and particular provisions to end the detention of children under 18 in Young Offenders' Institutions were commenced in late August. The fact that Scotland no longer imprisons children is a significant achievement, made possible by the vital contributions of secure providers and our wider network of care and justice partners.

Whilst these reforms represent the right course of action, and were well prepared for, they have required a period of adjustment among the relevant agencies and services. During these early post commencement stages, it is essential that we maintain a collaborative and reflective learning approach, working closely with partners as the system embeds and settles.

Context – Secure Care Capacity

As Minister for Children, Young People and The Promise, I fully acknowledge and deeply value the vital role that secure care providers play in safeguarding our most vulnerable children.

There are 78 beds across Scotland's secure accommodation estate, provided by four independent charitable organisations. As I set out in my statement of 26 March, that provision should be sufficient to meet Scotland's needs. However, in recent months, there has been a considerable strain on Scotland's available secure accommodation capacity.

This comes as a result of a range of factors, including:

- i. the pause on admissions to St Mary's Kenmure which limited their secure accommodation capacity from their contracted 24 beds to 12 – reducing the capacity across the secure estate by almost 20% - and displacing demands to the other 3 providers over the period;
- ii. the complexity of some individual children's needs which can require the use of multiple beds, and the associated staff, to care safely for a single child;
- iii. the increased duration of some placements as a result of the increased sentenced and remanded population; and
- iv. cross border placements.

While efforts are being made to stabilise and restore capacity, availability of beds in secure accommodation remains fluid and can shift daily. This reinforces the importance of continued, coordinated, planning across services to ensure that children can access the care, protection and support they need in the right setting, at the right time.

St Mary's Kenmure

As I set out in my statement, St Mary's Kenmure was served an improvement notice by the Care Inspectorate, following its inspection in October. That triggered a pause on new admissions, whilst improvements were made.

That total pause on admissions was lifted by the Care Inspectorate on 18 December, but the maximum capacity at St Mary's was capped at 12. Following a further visit on 13 March 2025, the Care Inspectorate were satisfied that significant improvements had been made in a number of areas, and agreed to lift the Improvement Notice.

The centre is now redoubling its efforts to augment staff capacity across this spring to move towards a sustainable restored capacity as soon as safely possible. The recruitment and selection process to fill these specialist roles is well underway but, of course, will take time. I will update Parliament further on progress before summer recess, alongside our planned response to the 'reimagining secure care' report.

Secure Accommodation Contingency Planning

As I set out in my statement, our primary focus has been on stabilising and restoring capacity within secure accommodation. This is essential to ensure that children have continued access to the care and support they need to keep them, and others, safe, in environments that are best suited to their individual needs.

I want to assure the Committee that we are approaching this work with the requisite care and attention. Whilst significant planning and progress is underway, the options that have been considered, and the actions being developed, are complex. The adopted actions must be implemented in a way that upholds the highest standards of safety – not only for the children in secure accommodation, but also for the staff who provide this vital care, and communities.

For that reason, whilst we have been able to deliver some of the actions at pace, others will take time. Our focus is on getting this right – building contingency

arrangements that are robust, sustainable, and centred around our most vulnerable children.

National contingency resource – Annan House, Rossie

One important step has been to work closely with existing secure care providers to explore opportunities to repurpose existing spaces within their specialised facilities to create additional secure beds.

I am pleased to be able to confirm that the new 4-bed national contingency resource has now opened, following approval and registration actions taken by the Scottish Ministers and the Care Inspectorate respectively. Part of Rossie's specialised residential estate has been repurposed and upgraded, and specifically staffed, to offer this new secure care provision. This new service has been fully funded by the Scottish Government for the next 3 years. I am grateful to Rossie for their dedication and agility in helping identify a safe and practical solution – the resource is already open, and is now caring for children.

The Rossie contingency resource will play a vital role in supporting capacity restoration. This has been designed as a key contingency resource to help manage fluctuations in capacity, providing additional placement flexibility in times of high demand. It will help to ensure that we can respond quickly when the need for secure accommodation exceeds regular capacity.

Dedicated Professional Lead - Social Work Scotland

As I confirmed in my statement, as well as boosting capacity directly, we are also supporting improved awareness and confidence among professionals working in Scotland's placing authorities by funding a dedicated professional lead at Social Work Scotland for the next 12 months.

This policy and practice adviser will work alongside officials in the Scottish Government. The post holder will enhance our partnership with local government and improve the coordination of relevant services across the country. This post should also enable us to accelerate our collective efforts to evolve Scotland's secure care provision, in line with the Promise.

The recruitment process for this post is now well underway and the advert is currently live, closing on 5 May. It is anticipated the selection process will conclude ahead of summer recess.

This represents meaningful collaboration between national and local government, ensuring that policy and service delivery are informed by those closest to the children we aim to support.

Early intervention and alternatives to secure care

Scotland's proven and successful rights-based approach to youth justice is underpinned by the principles of prevention and early intervention. The multi-agency whole system approach to preventing offending has been adopted across Scotland

since 2011. That approach has delivered steep and sustained reductions in Reporter referrals, court appearances and sentences to detention.

Wherever possible, children in conflict with the law should be supported via appropriate community-based supports. In practice, these interventions are often provided via a partnership of statutory and voluntary sector services. This is reflected in our investment in services and initiatives aimed at addressing the underlying causes of offending and supporting young people in the community, through funding streams such as Cashback for Communities and the Whole Family Wellbeing Fund.

As you know, secure accommodation should only ever be used when absolutely necessary. This is why we are also working closely with third sector partners to identify and develop high-intensity, wraparound services that offer credible, safe alternatives to the deprivation of liberty. These services will help improve outcomes, reduce reliance on secure care, and help deliver the ambitions of The Promise.

Further information about our medium to longer-term actions will form part of the work underway on the future of secure care, and will be included in our response to the 'reimagining secure care' report to be published ahead of summer recess.

The Government is also developing the National Secure Adolescent Inpatient Service for Scotland, known as "Foxgrove" commissioned by National Services Division. Foxgrove, due to open late 2025, will initially provide four beds for young people who require care in an inpatient setting with medium levels of security. These will be vital additions to children and young people's mental health services in Scotland, providing appropriate care and treatment in the right place at the right time.

The Scottish Government also funds the Interventions for Vulnerable Youth ('IVY') project, a national resource available to all local authorities. Based at Kibble in Paisley, this national service supports children who present with complex needs and high risk, violent behaviour, including those on the edge of secure. In the first three months of this year, January – March, the service has supported 93 children to overcome trauma, build resilience and reintegrate into their communities.

Refreshed guidance on community alternatives to the deprivation of liberty for children was published in March, focused on effective, child-centred approaches. This guidance highlights the importance of exploring alternatives that prioritise children's rights and welfare, ensuring that restrictive measures are only ever used when absolutely necessary.

Funding

We are backing our contingency plan with up to £2 million this year. In addition, we have committed up to £8.4 million over the next two years – in 2025-26 and 2026-27 – to support secure care placements for sentenced and remanded children. This is a significant further financial commitment to support the system and its sustainability.

The Future of Secure Care

The secure care contingency plan is the first step in a broader, more ambitious vision for the future of secure care in Scotland. Looking ahead, the Government remains

committed to developing a more resilient and responsive system of secure care provision, with a strong emphasis on capacity preservation and placement management. Before the summer recess, we will publish our response to the 'reimagining secure care' report, outlining our longer-term vision for secure care – one that continues to prioritise the safety and welfare of our most vulnerable children and is aligned with the principles of The Promise.

This forthcoming response will reaffirm the value of specialist provision, proposing a more holistic approach. This will include greater emphasis on prevention, improved alternatives to secure care, and stronger supports for transitions back into communities and families where it is safe and appropriate.

Whilst this letter provides an update on a range of contingency actions, additional medium-longer term measures are also progressing positively with partners. Discussions on these potential wider actions remain at a sensitive stage. Contractual and commercial considerations prevent wider reporting at this point, but an update will be provided to the Committee prior to summer recess, as part of our broader programme of work focused on the future of secure care.

I hope the foregoing information is helpful in offering clarity on the current status of secure accommodation capacity and the ongoing work to address these challenges.

Yours sincerely,

Natalie Don-Innes MSP
Minister for Children, Young People and The Promise