

Lessons from Scotland: Reducing Children's Involvement in Custody

This note summarises the key reflections from a roundtable held by the Centre for Justice Innovation (CJI) at the Ministry of Justice (MoJ) on 23 June 2026, with Fiona Duncan, Chair of [The Promise Scotland](#), and Ranauld McTaggart, Deputy Director of the Children and [Young People's Centre for Justice \(CYCJ\)](#). The session brought together representatives from the MoJ, the Youth Justice Board, the Youth Custody Service and CJI to explore Scotland's approach to reducing children's involvement in custody, including removing all children from Young Offender Institutions (YOIs), and the learning that may be relevant for England and Wales.

The central theme of the discussion was that custody reform alone has not driven Scotland's progress. Scotland's approach has been shaped by a wider shift in how the system understands and responds to children who offend: moving away from seeing children primarily through the lens of offending, risk and punishment and towards seeing them first as children with needs, rights, relationships and capacity for change. A key reflection from the discussion was that this kind of reform cannot sit with the MoJ alone. Scotland's experience suggests that reducing children's involvement in custody requires a wider children's agenda, with leadership and coordination across justice, children's social care, education, health, safeguarding and local government. For England and Wales, this suggests that reform may need to be centrally coordinated across government, potentially from No. 10 or the centre of government, rather than treated only as a departmental youth justice reform programme.

Key themes from the discussion

A wider children's framework

Scotland's approach was discussed as being rooted in a wider children's system, rather than a standalone youth justice response. The Scottish Children's Hearings System, [GIRFEC](#) and the [Whole System Approach](#) were all referenced as helping to frame youth justice as part of a broader welfare, care and protection system. The approach was considered relevant to England and Wales because youth justice reform can often sit separately from children's social care, education, health, safeguarding and local authority leadership. The discussion suggested that reducing children's involvement in custody is harder if people treat it only as a justice issue.

The Promise and changing the national conversation

[The Promise](#) and the [Independent Care Review](#) were central to the discussion. The Promise was described as helping create a shared national commitment to children, rooted in the voices of care-experienced children, families and the workforce.

The discussion highlighted the importance of shared language and a clear national narrative. In Scotland, The Promise helped frame reform as a commitment to children, rather than as a narrow justice reform programme. It moved away from defining the problem by establishing a solution-focused commitment and shared reference point across agencies, giving different parts of the system a common language and direction.

This was discussed as particularly relevant to England and Wales because an equivalent shift would need to reach beyond MoJ. A national narrative about children, prevention and reducing harm would need to be owned across government if it is to shape the decisions of police, courts, youth justice services, children's social care, education, health and local authorities.

Evidence, diversion and avoiding unnecessary criminalisation

Research evidence, including the [Edinburgh Study of Youth Transitions and Crime](#), was referenced as part of the evidence base that helped challenge assumptions about formal justice contact. The discussion reflected on how unnecessary criminalisation can deepen children's involvement in the system and make it harder to support desistance. A key point was that earlier support, diversion and care-based responses can be more effective than formal justice involvement in reducing future harm and improving outcomes for children, victims and communities.

This was linked to the wider attitudinal shift needed across agencies. If practitioners and decision-makers believe that formal justice contact is always the safest or strongest response, reform will be limited. Scotland's experience suggests that reducing custody depends on agencies having the confidence to intervene earlier, divert where appropriate, and see welfare-based responses to children who offend as part of public safety rather than separate from it.

Implementation before legislation

The discussion noted that Scotland's early progress did not depend on one piece of legislation or one new service. It was built through practice change, leadership and a shared direction across agencies. Legislation has since helped consolidate this direction of travel, including the [Children \(Care and Justice\) \(Scotland\) Act 2024](#), which ended the use of Young Offenders Institutions for children in Scotland.

This approach is, as discussed, also relevant to England and Wales, where reform may need to begin through practice, leadership, and shared expectations rather than waiting for a single legislative solution. A shift in culture across agencies can create the conditions for change before legislation is introduced.

This study also points to the importance of central coordination. If the aim is to change how multiple agencies understand and respond to children, youth custody policy alone cannot deliver reform. It would require a cross-government approach that aligns incentives, expectations and accountability across departments and local systems.

Public confidence, political leadership and serious harm

The discussion recognised that reducing children's use of custody can be politically difficult, particularly in cases of serious incidents, public concern or media pressure. Cross-party support was discussed as important in Scotland, particularly in relation to The Promise, but also difficult to build and maintain over time.

A recurring point was that reform needs to be explained as a way of reducing harm and improving outcomes, not as a softer response to offending. Any welfare-based approach must be able to speak clearly about accountability, public safety and victims.

The discussion also suggested that reform should not be overly reactive to hostile public or media opinion. Public confidence matters, but the system also needs the political confidence to stick to the evidence on what reduces harm. This means developing a clear narrative in advance, rather than allowing individual serious cases or hostile coverage to define the direction of reform.

The discussion also considered how a child-centred approach applies in cases involving serious harm, exploitation or radicalisation. The discussion reflected a view that child protection and public safety should not be treated as competing agendas. A child may present a serious risk while also having experienced significant harm.

Workforce and culture change

Workforce and culture change were discussed as central to reform. Changing policy or estate design alone is insufficient; practitioners need confidence, skills, support and leadership to work differently. The discussion highlighted the importance of shared language, multi-agency training,

local practice leadership, trauma-informed practice and specialist skills for working with children who have experienced harm, trauma or exploitation, specifically highlighting [GIRFEC](#).

This issue was linked to the wider point about attitudinal change. Reform depends on agencies and practitioners feeling able to work from a child-centred, welfare-based, evidence-informed starting point, including in difficult cases. Without that shift, new policy or legislation risks getting absorbed into existing ways of working.

Secure care and the future of custody

Scotland has now ended the use of Young Offender Institutions for children, with those requiring secure accommodation placed in secure care instead. The discussion explored both the strengths and challenges of this model, including commissioning, capacity, governance, financial incentives and cross-border placements from England and Wales. It also suggested that any reform of secure care or youth custody in England and Wales would need to look beyond the model of care itself, as decisions about secure care, children's social care, local authority funding, health, education and justice all shape whether children reach custody and what alternatives are available.

Overall reflections for England and Wales

The main message from the discussion was that reducing children's involvement in custody requires more than just reform of custody itself. It requires action earlier in the system, including prevention, diversion, welfare support, community alternatives and stronger links between youth justice and wider children's services.

Several lessons emerged:

- Reform needs to be framed as a children's issue, not only as a youth justice issue.
- Reducing custody depends on reducing the flow of children into custody.
- Reform requires leadership from across government, not MoJ alone, and may need coordination from No.10 or the centre of government.
- Political leadership and cross-party support are important, but reform also needs a clear public narrative about effectiveness, accountability and public safety.
- Reform should not be driven by reactive responses to individual serious cases or hostile media coverage.
- Workforce transformation is central, particularly in secure care and custody settings.
- Data and evidence need to support both national accountability and local learning.
- Reform needs shared language and shared ownership across agencies.
- Secure care reform must address governance, commissioning and financial incentives.
- Children and young people's voices should shape reform, with appropriate support and safeguards.

The discussion raised an important question for England and Wales: whether youth custody reform can form part of a wider shift towards a system for children, rather than a youth justice system that only becomes involved once other systems have failed.

If England and Wales are to learn from Scotland, the lesson is not simply to replicate individual programmes or legal changes. It is to consider how government can create the conditions for a wider shift in thinking across agencies so that prevention, diversion, care, accountability and public safety are treated as part of the same reform agenda.

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About the Centre for Justice Innovation

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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