

Brief 4: Children and Young People in conflict with the law

Brief for third sector commissioned service

For the period 01 April 2027 to 31 March 2030

Introduction and Background

In recent years, legislative and policy changes have supported a shift in the approach to supporting young people who are in conflict with the law. It is recognised that they are children first who have often experienced trauma, adversity or have wider needs which require trauma informed and rights respecting support. This requires the provision of a wide range of support, to flexibly meet the individual needs of young people to help them understand the factors which led to this, reduce the risk of further offending and promote their wellbeing.

Within Fife, young people aged 12-15 years assessed as requiring support to address offending behaviour are diverted to the Youth Offender Management Group (YOMG). This is a multi-agency group who offer a range of support from early intervention to consideration of referrals to the Scottish Children's Reporters Administration (SCRA). During 2025-2026, 438 young people were discussed at YOMG with just over one third of young people diverted to third sector services for support. Whilst referral numbers have reduced over time, there remains an identified need for support for young people in conflict with the law at an early intervention and targeted level. In addition, forthcoming legislative changes will increase the age range of young people to be supported through this process to 18 years.

The Fife Joint Strategic Needs Assessment 2026 –29 highlights that the number of referrals to SCRA on offence grounds are often less than care and welfare concerns. However, this report also highlights a high level of mental health support needs for young people in Fife, a factor which can impact upon decision making, community inclusion and life opportunities. Of the total number of young people referred to SCRA on offending grounds in Fife, 61% did not require statutory measures, identifying the need for support at the earliest opportunity to reduce the likelihood of offending behaviour escalating.

This brief also aims to support young people aged 16-17 who are diverted from prosecution by the Procurator Fiscal. Diversion from prosecution is a formal alternative to prosecution in Scotland with the aim of individuals being offered an effective and

prompt intervention which can address the underlying causes of the alleged offending behaviour. In Fife, 134 young people aged 16-17 were diverted from prosecution in 2025-2026.

This brief will set out the model of support that will be commissioned to address these early intervention and targeted needs. The following key national and local policies inform this brief:

Whole Systems Approach

The Whole Systems Approach (WSA) was introduced in Scotland to provide a framework for addressing youth offending by prioritizing the needs of young people and diverting them from the justice system. It is underpinned by the Getting it Right for Every Child (GIRFEC) framework, which emphasizes the importance of early intervention and tailored support for children and young people. The key principles of this approach include a focus on early intervention, multi-agency collaboration, availability and development of community-based alternatives to secure care or custody and individualised support.

Children (Care and Justice) (Scotland) Act 2024

The Children (Care and Justice) (Scotland) Act 2024 is a significant piece of legislation that brings all young people under the age of 18 into the Children's Hearing system and strengthens the safeguards for children and young people involved in Court proceedings. Crucially for the purposes of this brief, the Act will enable young people aged 16-17 to be referred into the Youth Offender Management Group where appropriate, in place of being referred to the Procurator Fiscal. The Act will also enable young people aged 16-17 who have committed offences to be considered by the Scottish Children's Reporter Administration (SCRA).

National Guidance on Diversion from Prosecution in Scotland

Whilst it is anticipated that the number of young people referred to the Procurator Fiscal will reduce in line with the ongoing implementation of the Children (Care and Justice) (Scotland) Act 2024, it is recognised this may take time to embed and, in some circumstances, diversion from prosecution service will continue to be required. The national guidance provides an overview of diversion from prosecution in Scotland; the roles and responsibilities of each agency involved and reflects the recommendations from the inspectorates' joint review of Diversion from Prosecution.

Justice for Children and Young People – a rights respecting approach: vision and priorities

A rights respecting approach: vision and priorities conclude that Scotland would benefit from thinking about young people in conflict with the law from the perspective of rights. All young people are rights holders and these rights must be upheld in line with the United Nations Convention of the Rights of the Child (UNCRC).

The National Strategy for Community Justice

This sets out the national direction for community justice by building on the progress made to date. Within the national strategy, there are 4 national aims: optimise the use of diversion and intervention at the earliest opportunity, ensure that robust and high quality interventions and public protection arrangements are consistently available across Scotland, ensure that services are accessible and available to address the needs of individuals accused or convicted of an offence and strengthen the leadership, engagement and partnership working of local and national community justice partners.

Fife Justice Services Strategy

Fife Justice Services Strategy reflects the 4 priorities outlined in the National Strategy for Community Justice with the addition of a fifth priority to increase opportunity for service user involvement in the design, delivery and development of services.

Joint Strategic Needs Assessment

Fife's Joint Strategic Needs Assessment (JSNA) draws on data, literature, lived experience and strategic reflections to identify current outcomes, inequalities and systematic challenges. The assessment is organised around the SHANARRI indicators and aims to give every child and young person the best start in life. Three key themes have emerged strongly through the evidence:

- Strengthening mental health and emotional wellbeing support for children, young people and families.
- Building family resilience through early help and holistic whole family centred services.
- Improving early speech, language and communication to close gaps and support lifelong learning.

The connection between young people offending and emotional wellbeing is well documented. For many young people, their emotional wellbeing is exacerbated by trauma and adversity and they can often face challenges accessing support thus increasing the likelihood of further offending. To support young people to desist from further offending, it is imperative that their whole world is considered including advice and guidance to parents and carers to build family resilience.

Aims of the service

This brief is designed to support the delivery of early intervention and targeted support to children and young people aged 12-18 years old in conflict with the law. This expanded age range is in recognition of the proposed changes in the Children (Care and Justice) (Scotland) Act 2024 which enables young people aged 16 and 17 years old to be supported by the YOMG process or subject to diversion from prosecution from the Procurator Fiscal.

The aims of the service model are to:

- To undertake a comprehensive assessment of need and risk.
- To deliver a range of evidence-based interventions to children, young people aged 12-18 in conflict with the law.
- To deliver a restorative justice service as a priority means of addressing offending behaviour.
- To promote the physical and emotional wellbeing of children and young people.
- To connect children, young people and their families with their local communities.
- To provide advice and guidance to support families relevant to the young person's behaviour and safety planning.
- To support families to access whole family support where appropriate.
- To promote partnership working and be a key representative at the Youth Offender Management Group.

Who the service will support?

The service will support children and young people across Fife aged 12-18 years old in conflict with the law. Applicants are encouraged to describe how they would adapt their approach to meet the differing needs of this age range. The service should also provide support and guidance to families of the young people where it meets the needs of and supports positive change for the young person.

Referrals will be received from the Youth Offender Management Group, Procurator Fiscal and Social Work Services for young people who would benefit from early intervention and/or targeted support. This ensures alignment with the wider context of supports available for children ensuring a timely, robust and targeted package of support.

Applicants are encouraged to consider how they will manage demand for services, a young person's journey through the service and ways to maximise the opportunities and availability for young people and families across Fife.

Model of Support

In consideration of internal provision, the data available and to ensure young people have access to responsive and appropriate levels of support at times when they need this, commissioned services are required to support young people aged 12-18 in conflict with the law at an early intervention and/or targeted level. The service model should be strongly aligned to the GIRFEC and Whole Systems Approach Model.

Critical features of this service model include but are not limited to:

- To provide evidence-based methods of addressing offending behaviour by young people within their local communities including demonstrating an understanding of a young person's experiences, helping them understand their experiences and the impact this has on their decision making.
- Give victims of crime a voice within the justice process and enable them to be involved in the resolution via Restorative Justice as a priority model of intervention.
- To implement a range of age-appropriate engagement and communication methods tailored to individual needs, for young people to have choice in how this may be delivered and to evidence persistence to promote re-engagement when required.
- Support young people to understand the factors which led to their behaviour, the impact and consequences of this and how to manage difficult situations before they happen. Young people have emphasised the importance of asking questions.
- Understand the whole young person by providing welfare support, connecting to and feeling included within the local community and working towards a positive destination. Young people have highlighted the importance of having 'something to lose'.
- Provide advice and guidance to families to support the positive change of a young person and support to access whole family support services where required.
- To provide the service on days and times that meet the needs of young people and their families demonstrating an ability to provide provision during evenings, weekends and holidays. Young people are clear; support is most needed during these times.

Values and approaches underpinning the proposed service:

- person-centred
- family centred
- respectful
- promoting equality

- inclusive
- participative
- empowering and rights focused

The voice of lived experience has been central to the design of this brief, and in their application, organisations should evidence how they will gather feedback and develop their model with those they support.

The service is expected to be delivered across all localities in Fife. Through their application, services should clearly outline how they will support young people across Fife, taking into account the different challenges within each of the seven localities.

Outcomes

A key aim of this brief is to ensure that children, young people and their families have access to and receive support at times in which they need it. To ensure the delivery of consistent and timely intervention across Fife, services will be expected to report meaningful engagement within two weeks of a referral being made.

Key outcomes required include but not limited to are:

- Reduction in level of risk and harm to others and self.
- Opportunity for all persons harmed to be involved within the reparatory process via Restorative Justice.
- Improvement in child and young person's emotional health and wellbeing.
- Improvement in familial, peer and professional relationships.
- Improvement in child, young person and family's access and inclusion within wider community resources.

Partnership Working and Collaboration

Partnership working is key to the success of supporting families and promoting positive outcomes. Applicants should detail how the service will work effectively with others either in a formal collaboration or in partnership. Young people have been clear they want to feel part of their community and be supported to work towards their goals. Similarly, families have advised that they struggle to navigate a cluttered landscape and require support to understand and access community-based resources. Therefore, whilst the brief focuses on young people in conflict with the law, applicants should evidence how they aim to support a range of needs drawing on the support and expertise of partner agencies where required.

As Fife is a large local authority, it is possible that more than one provider may bid together to deliver this brief in a partnership approach. In this instance, applications should outline how these services will work closely together to ensure a consistent and co-ordinated delivery model.

To support consistent delivery and development, services will be expected to engage in regular networking meetings led by the local authority, to share information around local need and delivery, and contribute towards strategic development and planning.

Scale and Budget

The budget for this brief is £243,000. Based on current levels of commissioning (2024-2027) services will be expected to provide support to a minimum of 243 young people and their families where appropriate.

Continuity of Care

The service provider will be expected to provide consistency of staffing both in levels and personnel for children, young people and families, particularly through periods of absence, sickness and holidays. The service will share their organisation's comprehensive recruitment, induction and workforce development programme for staff members of this service. This should evidence capacity building with the staff team to use effective evidenced based interventions for the specified groups.

Risk Management

For each service user, identify all situations which involve elements of risk to themselves or others, and evidence the planned response which attempts to reduce and control the risk/s.

To manage risks effectively the service must have policies and procedures on the following:

- Operational policy reflecting equalities legislation
- Staff absence and management policy
- Recruitment policies and procedures
- Procedure for lone working and working in service users' homes
- Use of volunteers
- Risk assessment and management
- Dealing with accidents and incidents
- Responding to distress related behaviours
- Protection of vulnerable groups including both an Adult and Child Protection Policy
- Confidentiality Policy
- Training and staff development
- Job description and details of duties
- References and enhanced disclosure check for staff
- Procedures for the supervision, appraisal and disciplinary of staff

- Whistleblowing policy

Recording & Monitoring

The service must have a record management system in place compliant with GDPR guidelines with a workforce who are knowledgeable and competent to record accurately in respect to direct contact and reports for all groups.

Information regarding the overall service provided may be requested by Fife Council at any time for example, how many hours have been worked, the type of contact that took place, the work involved, changes to service plans/interventions, complaints, successful/unsuccessful outcomes and the reasons for these.

Records kept should ensure that information on the outcomes for the service can be collected for evaluation and analytical purposes.

A Monitoring Meeting will be held every quarter and a report submitted to the meeting by the service.

The grant will be monitored via Fife Councils Monitoring and Evaluation Framework, a Link Officer will be appointed to work closely with the service. The Link Worker will be supported by the Social Work Service Monitoring Officer.

Complaints

For each quarterly Monitoring Meeting the service provider must provide a report detailing the following information:

- The number of complaints the service provider has had during the previous quarter, by type of complaint
- The number of complaints in respect of service provision funded by Fife Council
- The outcome of the service providers investigation
- The number of complaints which were upheld and details on complainants who were satisfied/unsatisfied with the outcome
- General changes to the service providers policies and procedures as a result of complaints and progress with implementing any changes
- The service provider will be required to co-operate in any investigation of a complaint as requested by Fife Council and to remedy any concerns that Fife Council has regarding the provision of the service.