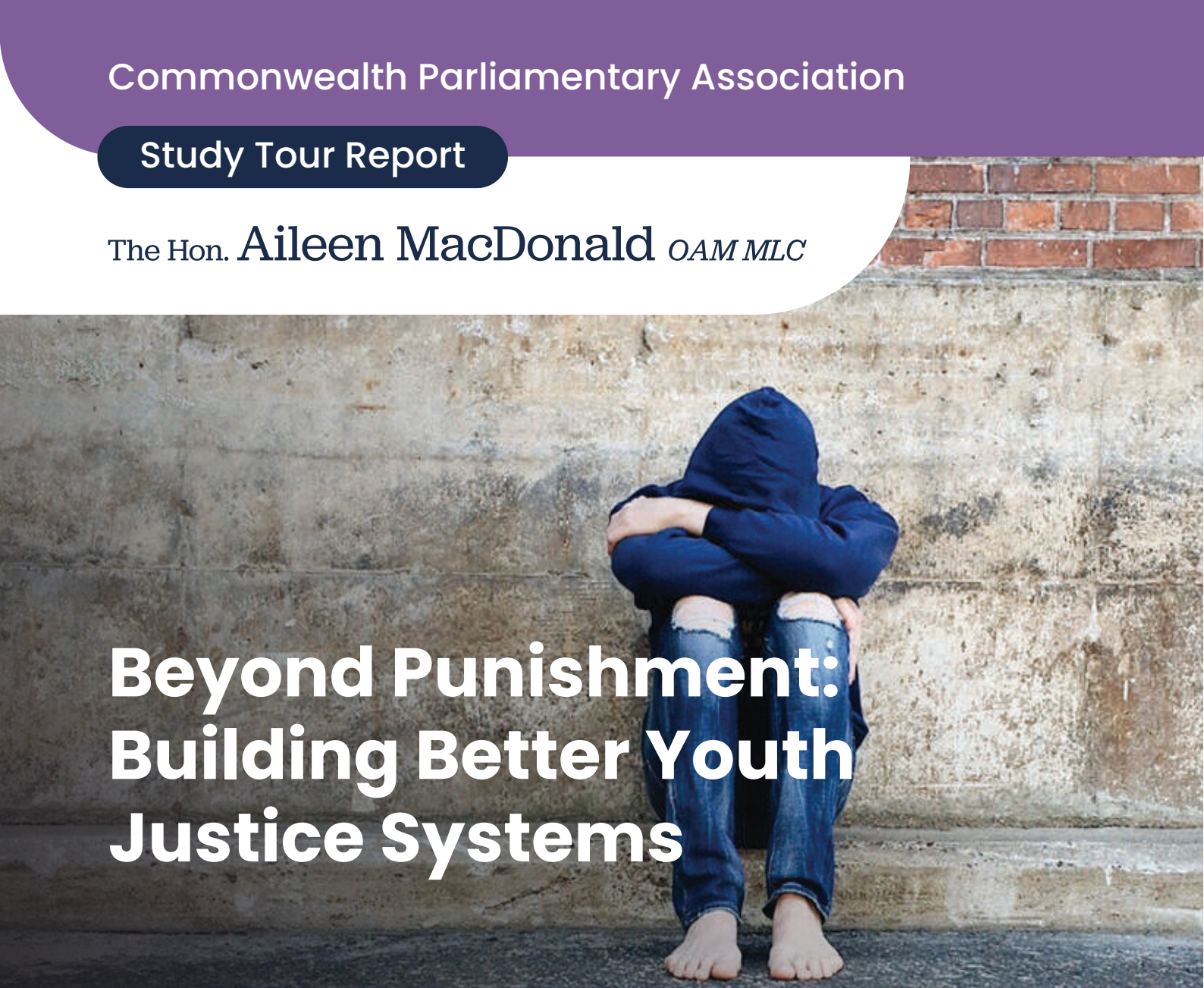


Study Tour Report

The Hon. **Aileen MacDonald** *OAM MLC*



Beyond Punishment: Building Better Youth Justice Systems

Why investing in rehabilitation delivers
safer communities, lower reoffending,
and better outcomes for children

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1. Executive Summary

I was appointed Shadow Minister for Youth Justice in May 2023. Since that time, I have observed that while New South Wales has increasingly referenced therapeutic approaches in its youth justice policy, the dominant lens remains one of justice and punishment. In many respects, public sentiment has shifted toward a belief that the only appropriate response to youth crime is a harsh one. This has led to a political and legislative environment where being "tough on crime" overrides being effective or evidence-based.

In both 2024 and 2025, the NSW Government introduced amendments to the Bail Act that made it harder for young people to be granted bail, particularly those who have reoffended. These changes, driven by public fear and media pressure, have further entrenched a punitive response. However, the evidence is clear: the more a young person interacts with the criminal justice system, the more likely they are to remain in it. In other words, we are criminalising our young people instead of diverting them.

If incarceration were effective, we would expect to see lower rates of youth offending. Instead, the opposite is true—young people are becoming more violent, and rates of reoffending are increasing. This tells us the current system is not working. We cannot arrest our way out of the problem.

If we are truly committed to community safety—both for the broader public and for young people themselves—we must do two things: intervene far earlier, where we know the gaps are, and adopt genuinely therapeutic responses when young people do come into contact with the system.

Most importantly, we must listen to young people and include them in decision-making about their futures.

What I have observed in both Spain and Scotland is that the human rights of children are embedded in law and practice. These jurisdictions do not simply talk about rights or therapeutic models; they codify them, ensuring they are upheld through every stage of the justice process. In both countries, responses are developmentally informed, individualised, and focused on rehabilitation and reintegration—not punishment for its own sake.

In NSW, we continue to treat a young person's offending as if it is separate from their trauma history. Yet most young people in custody have already experienced significant harm. Once they are labelled as perpetrators, their experiences as victims are often forgotten. We fail to see them as children first. We have already failed many of them long before they appear in court or are placed in custody.

This study tour has reinforced for me that if we want a youth justice system that works—one that reduces reoffending and makes our communities safer—we must confront uncomfortable truths about what isn't working now. Spain and Scotland have shown that alternatives are possible. These models are not perfect, but they are principled, evidence-informed, and committed to upholding the rights and dignity of children.



A handwritten signature in black ink that reads "Aileen MacDonald".

Aileen MacDonald OAM MLC
Shadow Minister for Youth Justice

2. Historical Drivers of System Design

The way a society responds to children in conflict with the law is shaped as much by its history as by its present-day policy choices. Spain, Scotland, and New South Wales share a commitment to public safety, but their youth justice systems were forged in different traditions—producing very different outcomes.

In **Spain**, youth justice grew from a civil law tradition in which judges have long been central to both welfare and criminal matters. Democratic reforms in the late 20th century, alongside European human rights obligations, embedded rehabilitation and social reintegration as legal priorities. This history explains why Spanish juvenile judges still take a hands-on role—visiting children in re-education centres every two months and adjusting sentences to support progress. The system was never designed to be purely punitive; it was built to heal.

In **Scotland**, the 1964 Kilbrandon Report fundamentally reshaped the youth justice landscape. It recognised that children who offend and those in need of care often share the same vulnerabilities, and recommended a single, welfare-based system to address both. This led to the creation of the Children's Hearings System, replacing most youth court cases with community-led panels focused on needs, not offences. Subsequent reforms, including The Promise and the incorporation of the UN Convention on the Rights of the Child, have further entrenched a rights-based, child-centred approach.

In **New South Wales**, the youth justice system evolved from a British common law model, emphasising adversarial proceedings, criminal responsibility, and deterrence. Welfare and justice were deliberately separated, creating silos between child protection and youth justice. Political narratives around “law and order” have reinforced punitive approaches, with far less integration of welfare principles into court processes. This historical divide helps explain why NSW's system remains heavily custodial, with limited judicial oversight of rehabilitation and reintegration.

To reform NSW youth justice, we must recognise that our challenges are not only operational—they are structural. Closing the gap between our current model and the child-centred systems of Spain and Scotland will require a cultural shift as much as a policy shift.

3. Study Tour Scope and Objectives

Purpose

The study tour sought to gain firsthand insights into international best practices in youth justice. This aligned with my portfolio responsibilities as Shadow Minister for Youth Justice and my interest in identifying models that deliver better rehabilitation outcomes and community safety.

Objectives

1. Evaluate innovative Youth Justice models, including: – Scotland’s *Child First* and Children’s Hearing System. – Spain’s therapeutic and community-based *Diagrama model*.
2. Identify community-led approaches that foster youth rehabilitation and social inclusion.

Method

The tour involved site visits, formal roundtables, and targeted meetings with government officials, judiciary members, service providers, and academics. These engagements provided a comprehensive understanding of operational models, legislative frameworks, and cultural contexts driving reform in each jurisdiction.

Geographic Focus

- **Spain (2–8 July)** – Site visits to Diagrama youth justice centres in Ciudad Real and Murcia; meetings with civil servants, judges, and prosecutors.

- **Scotland (8–15 July)** – Edinburgh and Glasgow; engagements with the Scottish Children’s Reporter Administration (SCRA), the Scottish Violence Reduction Unit (VRU), Children and Young People’s Centre for Justice (CYCJ), and Kibble Education and Care Centre.
- **London (15–20 July)** – Parliamentary meetings and observation of UK parliamentary procedures relevant to youth justice policy.

Anticipated Outcomes

- Practical recommendations for reforming Youth Justice in NSW, with emphasis on therapeutic, rights-based, and community-centred approaches.
- Comparative learnings from legislative and community strategies to reduce reoffending and improve long-term outcomes for young people.
- Strengthened international stakeholder relationships to support ongoing policy exchange and reform efforts.

4. Methodology and Engagement Approach

INTRODUCTION: LET CHILDREN BE CHILDREN

“We are catching children too late... and by the time they enter the justice system, we have already failed them.”

— Anne Hollonds, National Children’s Commissioner, *Help Way Earlier* (2023)

In Australia today, too many children — especially those growing up in low socio-economic communities and in out-of-home care—are not being allowed to experience childhood as it should be: safe, supported, and full of possibility. Instead, they are increasingly entangled in systems that respond to need with punishment, and to trauma with detention.

This failure is not inevitable. It is the product of policy choices that have moved us away from a rights-based and human-centred approach to childhood. These choices reflect a worrying trend: an overreliance on punitive youth justice responses, despite mounting evidence that they do not work.

Children fall through the cracks of disconnected services—health, education, housing, child protection—and too often land in police cells or courtrooms. Rather than receiving support when they begin to disengage from school, experience violence or neglect, or show signs of distress, they are criminalised for behaviours that are the symptoms of unmet need. During my study tour of Spain and Scotland, I witnessed alternative models where the guiding ethos is not “what has this child done?” but “what does this child need?”. In Scotland, this was expressed clearly in one phrase used across their youth justice system: “Needs, not deeds.”

This concept—that we should respond to offending behaviour by addressing its underlying causes—stands in stark contrast to current practice in NSW. It invites us to reimagine a youth justice system that prioritises healing over punishment, education over incarceration, and community connection over criminalisation.

This report draws on international best practice and domestic evidence to make the case for urgent reform. It offers a blueprint for a youth justice system in NSW that supports—not criminalises—our most vulnerable children.

Let us not forget: every child is capable of thriving when the scaffolding of support is strong. The question is not whether change is possible, but whether we are willing to make it happen.

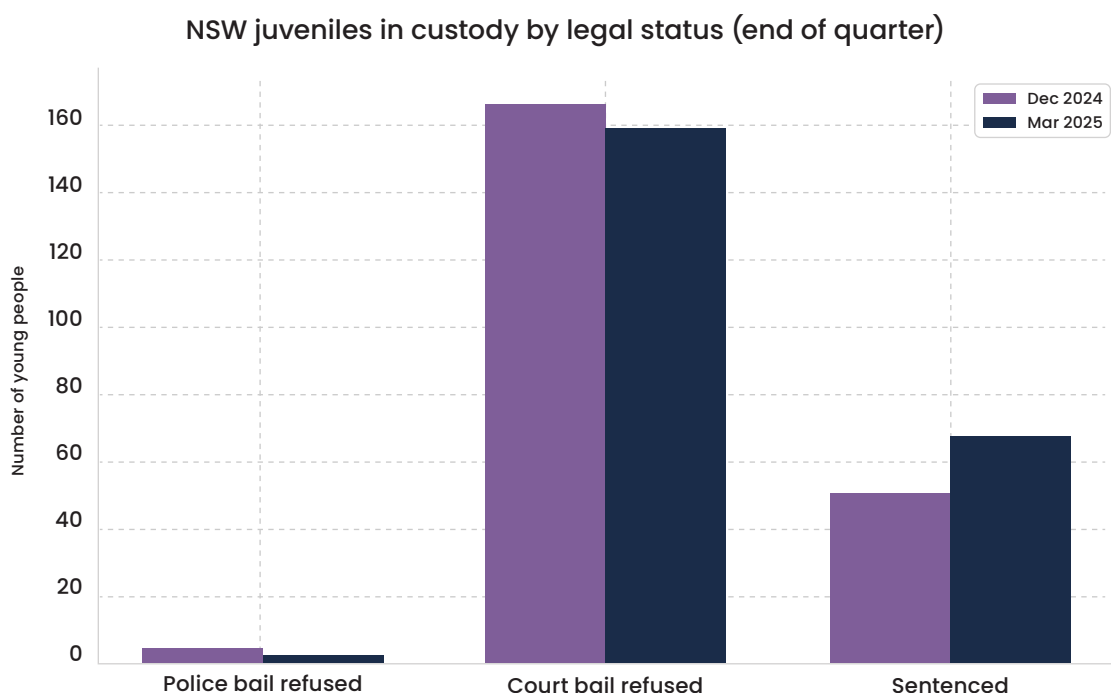
WHAT THE LATEST NSW YOUTH CUSTODY DATA SHOWS (AND WHY IT MATTERS)

Snapshot (end of March 2025). NSW had 229 children and young people in custody, up slightly from 222 at end-December 2024. Of these, 160 were on court-refused bail, 2 on police-refused bail, and 67 were sentenced—so roughly 7 in 10 children in custody were there on remand rather than sentence.

Who is over-represented. At end-March 2025 there were 134 Aboriginal boys and 5 Aboriginal girls in custody; using the profile totals that is about 60–61% of the juvenile custody cohort, again showing deep over-representation that reform must address.

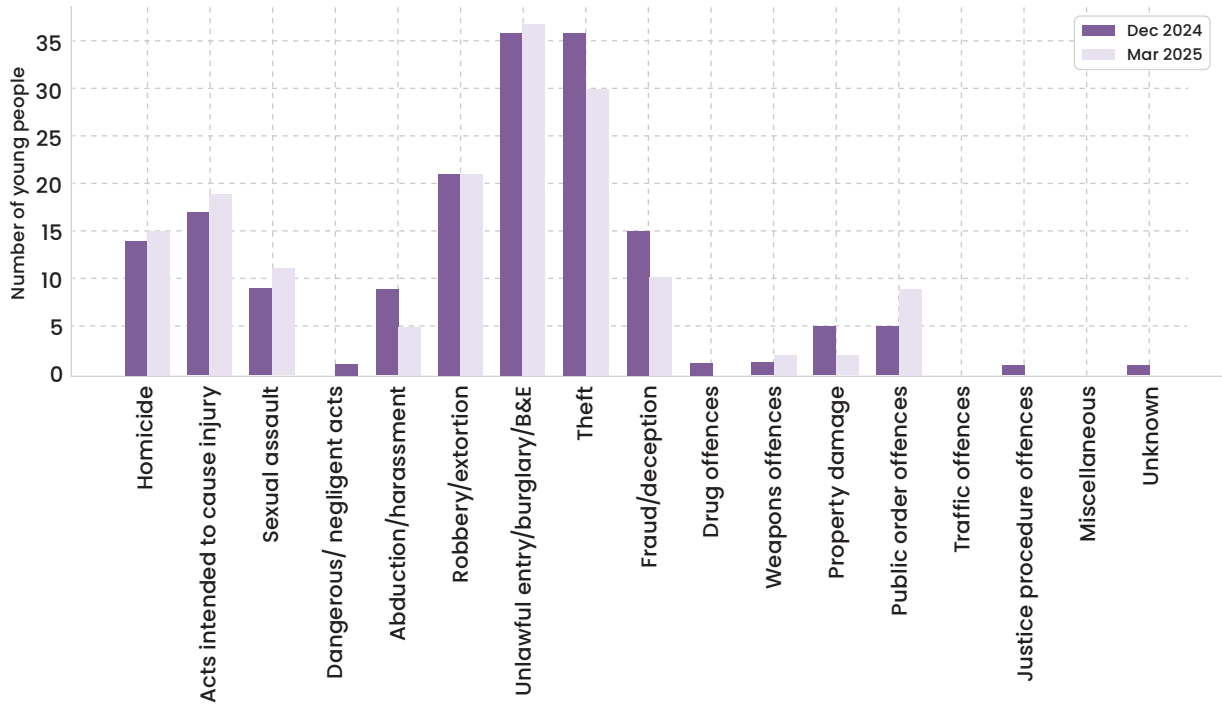
What are children in for?

On remand, the single biggest category at end-March was Unlawful entry/burglary (37; 22.8%), followed by Theft (30; 18.5%) and Robbery/extortion (21; 13.0%). Serious violent categories such as Homicide (15; 9.3%) and Acts intended to cause injury (19; 11.7%) were smaller shares of the remand group. This pattern indicates much remand flow is still driven by property and acquisitive offending.

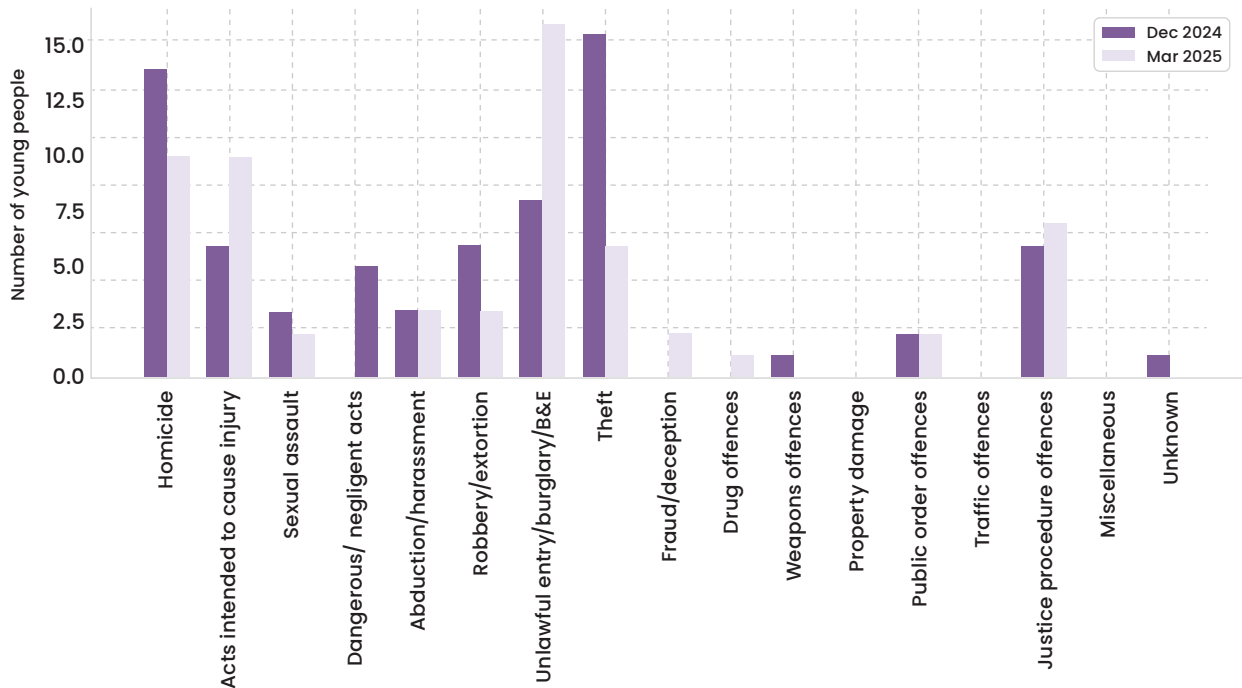


Among the sentenced cohort, Unlawful entry/burglary (16; 23.9%), Acts intended to cause injury (10; 14.9%), and Justice procedure offences (7; 10.4%) were prominent at end-March, suggesting custodial sentencing also concentrates among property and compliance-related offences rather than solely high-end violence.

Juvenile remand population by most serious offence (NSW)

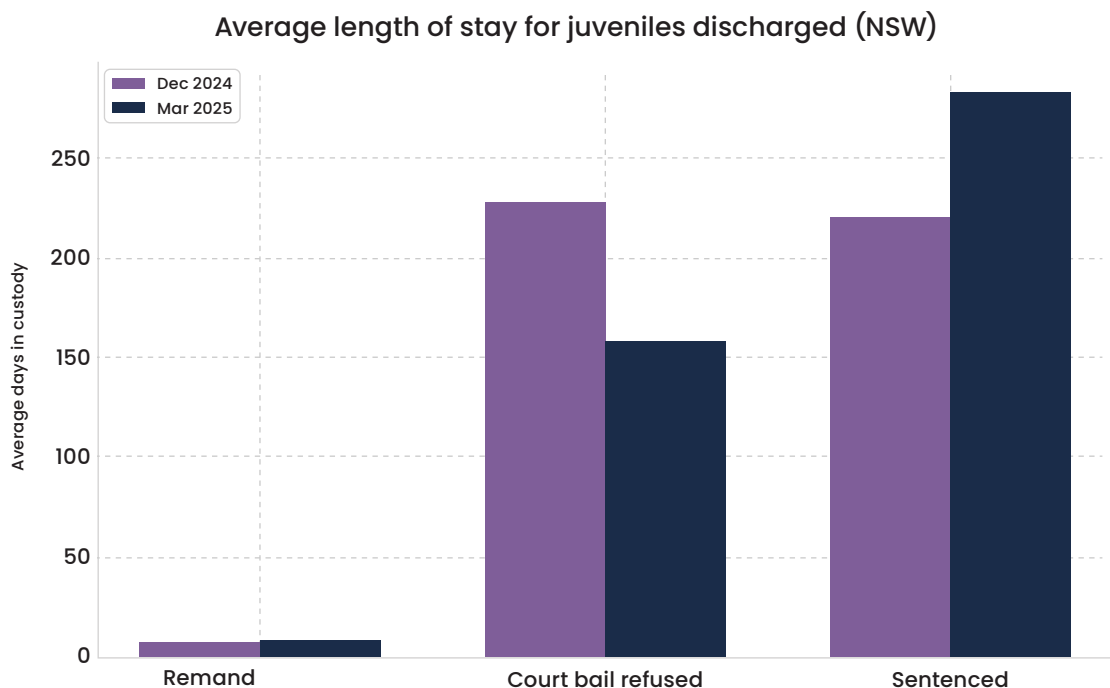


Juvenile remand population by most serious offence (NSW)



How long are children staying?

Average time in custody for those remanded and then sentenced rose from 219 days in Dec-2024 to 283 days in Mar-2025, while sentenced-only episodes fell from 228 to 158 days; remand-only episodes (no custodial sentence) averaged 9.0 days in Mar-2025. This mix points to long trajectories for the children who transition from remand to sentence, and very short stays for those ultimately not receiving a custodial penalty—highlighting the critical role of bail decisions in children’s lives and schooling.



Implications for Reform

- The high remand share and short remand-only stays support the case for earlier, child-centred bail support (education attendance, transport, housing stability, culturally safe services) —consistent with *Help at the right time* approaches and your argument that punitive default settings are not working for children.
- The offence mix (property-heavy) underlines the importance of diversion, restorative responses, and community-based supervision rather than custodial pathways for most young people.
- Addressing Aboriginal over-representation requires bail reform, strong kin- and community-led alternatives, and eliminating system-created breaches for children already in out-of-home care.

The Children's Commissioner's report *Help Way Earlier* argues that children's pathways into offending are overwhelmingly preventable when support is timely, relational and proportionate. The latest NSW data shows the youth custody system is dominated by remand, with most children held for property and compliance offences—exactly where early, non-punitive responses should apply. These patterns mirror the evidence from Scotland's *The Promise*—that allowing children to be children, keeping them connected to family, school and community, and narrowing exposure to criminalising processes produces better safety and wellbeing outcomes than detention-led responses. The charts that follow visualise where NSW policy can shift from punitive first responses to early, child-rights-centred support.

5. Key Findings — Spain

WHAT HAPPENS IN SPAIN: RE-EDUCATION, NOT RETRIBUTION

Spain operates under a re-educational model of youth justice that treats offending behaviour as a sign of unmet developmental, social, or emotional needs. The core premise is that children and young people should be supported to take responsibility for their actions in a way that restores their dignity and promotes reintegration, not in a way that entrenches stigma or future offending.

Key Features of Spain's Youth Justice System:

- **Minimum Age of Criminal Responsibility (MACR):** 14 years. Children younger than 14 fall under the care of social services, not the justice system.
- **Judicial Oversight:** Judges play an active, ongoing role in overseeing the rehabilitation of the child. They tailor sentences based not only on the offence, but also on the child's educational, psychological and social profile.
- **Sentencing Philosophy:** The aim is *rehabilitation, not retribution*. Sentences are individualised and progress is monitored closely. Custody is used sparingly, and only when essential for public safety or meaningful rehabilitation.
- **Not-for-Profit Delivery:** Services are operated by NGOs such as the **Diagrama Foundation**, rather than for-profit corporations. The goal is maximising benefit to the child, not shareholder returns.
- **Regionalisation:** Each autonomous community in Spain is responsible for the children in its area. This ensures children are placed close to home, improving family contact and long-term community reintegration.
- **Case Management In-House:** Health and care professionals embedded in centres handle case management. Social workers are not burdened with travel or external monitoring; instead, oversight is continuous and integrated.
- **Education as Core:** Children receive an average of 30 hours of formal education per week, plus vocational and personal development activities (such as sport, gardening, catering, or theatre).
- **Therapeutic Focus:** Services address cognitive, behavioural, and emotional development. Every staff member—from teacher to cook—is trained to support re-education throughout daily life.
- **Outcome-Focused:** Reintegration is key. Criminal records are erased at 18. Success is measured by reductions in recidivism, education engagement, and improved psychosocial wellbeing.

5.1 THE DIAGRAMA MODEL

What I Saw in Spain: Therapeutic Justice in Practice

During my study tour of Spain, I visited a series of youth justice and child protection facilities run by the **Fundación Diagrama**, a leading not-for-profit provider of therapeutic services

for children and young people in conflict with the law or in need of care and protection.

I also met with David McGuire (Executive Director), David Barreda (Educator), and Rafael Romero (Juvenile Court Judge for Murcia) as well as Centre Managers, Psychologists and Social Workers. The Diagrama model is built around rehabilitation, reintegration, and relationships.

The sites visited included:

- **La Cañada Centre** – Ciudad Real
- **La Zarza Centre** – Murcia Region
- **Villena (La Villa) Centre** – Alicante Province
- **Sangonera Children's Home** – Murcia Region (supporting unaccompanied minors and asylum-seeking children)



Villena (La Villa) Centre – Alicante Province

These centres are part of a national network of re-educational and therapeutic facilities for young people aged 14–17 who have come into contact with the criminal justice system.

The observations and practices outlined draw from all three centres, which follow the same core rehabilitative philosophy but serve different regional communities and profiles of young people.

These centres are part of a national network of re-educational and therapeutic facilities for young people aged 14–17 who have come into contact with the criminal justice system.



With Executive Director, David McGuire



*Sangonera Children's Home
– Murcia Region with the Manager*

Structure and Placement

Each Education Centre accommodates up to 60 young people, but they are divided into small living groups of six to eight, housed in separate units. The centres operate across three levels:

- Closed units
- Semi-closed units
- Open units

2.5 Current statistics on the therapeutic custody and recidivism

2.5.1. Most recent data for children in therapeutic custody

The most recent data for children in therapeutic custody, whether in closed, half-open, or open centres, are from 2023 (Tables 1 and 2). At that time there were 452 children in therapeutic custody.

Table 1: Number of children in therapeutic custody per year⁶⁷

Adopted Measures	2023	2022	2021	2020	2019	2018	2017	2016
Therapeutic custody in a closed, half-open, or open centre	452	456	408	383	507	468	422	438

Table 2: Number of children in 2023 by age⁶⁸

Adopted Measure	14 years old	15 years old	16 years old	17 years old
Therapeutic custody in a closed, half-open, or open centre	51	84	147	170



Villena (La Villa) Centre – Alicante Province
– with the Centre Manager

Placement within these units depends on the sentence handed down and the child's assessed needs. Upon entry, each young person begins in a closed unit for a comprehensive assessment period of up to 20 days. From there, they may be moved depending on ongoing assessment of their risk, progress, and needs. The principle is simple and profound: the child's safety, wellbeing, and development come first.

Culture of Care

What struck me most was the genuine culture of care. The adults supervising the children are not distant authority figures; they are nurturing, emotionally present, and physically affectionate when appropriate. Hugs are encouraged. Warmth is not seen as a risk—it's seen as a remedy.

Young people are treated with respect, spoken to with dignity, and shown what love and trust can look like. It is a therapeutic environment in the truest sense—one that models safe, consistent, caring relationships. I did not, for a moment, feel unsafe in the centres. I spoke with the young people, many of whom were inquisitive and respectful. If they wanted to offer a hug, they would ask. Their sense of agency and mutual respect was evident.

The Offences

Young people are placed in these centres for a variety of offences, ranging from theft, drug-related offences, and violent behaviour,



La Zarza Centre – Murcia Region
with the Manager, Technical Team and Rafael Romero (Juvenile Court Judge for Murcia) (far right)

through to more serious crimes such as armed robbery and assault. Importantly:

- Only children who commit serious or repeated offences are sentenced to detention.
- The maximum sentence for a 14–15-year-old is 5 years. For 16–17-year-olds, it's 8 years.
- Terror-related offences may extend this by 2 years.

Many of the young people in custody have complex life histories involving trauma, poverty, family breakdown, or exposure to violence. It is acknowledged that offending is often a response to unmet psychological, social, and emotional needs.

Infrastructure and Workforce

- Centres are purpose-built, modern, and therapeutic, with gardens, classrooms, vocational spaces, and counselling rooms.
- Security is discreet and relational rather than oppressive.

Staff are highly qualified: educators, care staff, psychologists and vocational trainers all hold degree-level qualifications.

5.2 ROLE OF THE JUDICIARY IN YOUTH REHABILITATION

A Judiciary That Walks With the Child

In Spain, the juvenile court judiciary plays a uniquely active role in each young person's

rehabilitation journey. Judges regularly visit the centres every two months, review the child's progress, and adjust their sentences if needed. This hands-on, child-focused approach ensures that court orders are dynamic and centred on rehabilitation. It begs the question: could our judiciary in NSW imagine taking such an involved role in a young person's future?

The judge is supported by a technical team, including psychologists, psychiatrists, nurses, doctors, and social workers—all of whom hold professional qualifications. This same model of multidisciplinary support exists within the Education Centres themselves.

Importantly, security staff are present but not dominant. They remain in the background—visible, but never the focus. The emphasis is not on control, but on connection.

Technical Team Engagement

At each centre, young people are supported by an interdisciplinary "technical team", including:

- Psychologists
- Social workers
- Educators
- Healthcare professionals



At La Cañada Centre – Ciudad Real
with the Manager and In House Technical Team, together with David Barreda (Educator) with the Manager, Technical Team and Rafael Romero (Juvenile Court Judge for Murcia) (far right)

What sets Spain apart is the ongoing collaboration with families or caregivers. These teams work closely with families throughout the sentence, offering support, guidance, and preparation for reunification, when appropriate. This mirrors the Scottish approach and is based on the belief that successful reintegration must

Education and Personal Growth

Children receive:

- 30 hours of formal education per week
- Life skills training
- Opportunities for qualifications in trades, agriculture, or leisure
- Participation in personal growth programs, akin to the Duke of Edinburgh's Award

There is a strong emphasis on routine, responsibility, and rewards for good behaviour—helping children regain confidence and purpose.

Programs and Daily Life

Each young person's program is tailored to their individual needs. Daily routines include:

- Personal responsibility (clean rooms, hygiene, belongings)
- Shared responsibilities (preparing meals, gardening, cleaning)
- Creative and practical skills (woodwork, art, textiles)
- Education and sport

A positive reinforcement system is in place to reward constructive behaviour and engagement, reinforcing structure without harsh discipline. The aim is to keep young people active, curious, and connected—physically, socially, and emotionally.



La Cañada Centre – Ciudad Real

5.3 THROUGH-CARE AND OPEN SENTENCES

Throughcare: A Sentenced Plan, Not a Release Date

Spain and Scotland both emphasise throughcare—the continuous support of a child before, during, and after custody. In Spain, many young people serve open sentences, spending their days working or studying in the community and returning to the centre at night. This approach provides a stable transition and gives time to resolve practical issues like housing and employment. NSW's model, by contrast, often sees children released straight back into the environments they came from—without adequate preparation or support.

Trauma-Responsive Systems

In both Spain and Scotland, responses to youth justice were not merely trauma-informed but trauma-responsive. Care is structured to actively address the emotional and psychological needs of each child, recognising that trauma often lies beneath their behaviour. This proactive approach differs sharply from that of NSW, where the system continues to prioritise control and containment over understanding and healing.

Key Takeaways:

Spain's system is built around restoring relationships, addressing underlying trauma, and maintaining community ties.

- NSW remains too reliant on punitive, short-term custody, often far from family, and fails to support reintegration effectively.

- Throughcare and regionalised support in Spain contrasts starkly with NSW's over-centralised, disjointed model.
- Spain's minimum age of criminal responsibility (14) and emphasis on diversion reflects greater alignment with international human rights standards than NSW.

Comparison Summary: Spain vs New South Wales Youth Justice Systems

Feature	Spain	NSW
Judicial Philosophy	Re-educational and rehabilitative; judges oversee rehabilitation plans and progression	Punitive with increasing focus on compliance and risk; limited judicial oversight post-sentencing
Type of Providers	Not-for-profit or public only – by law	Public only (Youth Justice NSW); no private providers
Detention Centres	Therapeutic, regionalised centres focused on education, personal development and mental health	Secure facilities with some rehabilitative programs, but limited therapeutic integration
Case Management	Led by the service provider, with health and education professionals embedded	Fragmented – case management often sits with external services, not centre-based professionals
Location of Detention	Always within the child's own region to maintain family and community ties	Children can be placed far from home (especially regional children), affecting family contact and reintegration
Minimum Age of Criminal Responsibility (MACR)	14 years	10 years
Throughcare / Open Custody	Gradual reintegration: young people often work or study outside, returning to the centre at night	Limited transitional models – most leave custody abruptly without stable housing or wraparound support
Average Sentence Length	Often longer, allowing time to address trauma and behaviours in therapeutic ways	Many sentences too short to provide meaningful rehabilitation; high churn and use of remand
Role of Families	Families are engaged in planning and rehabilitation; regular communication with technical team	Engagement is inconsistent and often difficult due to distance and resource limitations
Workforce	Highly qualified multidisciplinary teams: educators, social workers, psychologists	Mixed workforce: includes youth officers, with fewer embedded clinical staff or educators
Costs	Lower than UK equivalents due to integrated services and community-based delivery	High cost: approximately \$2,700 per day per child , with poor reintegration outcomes

6. Key Findings — Scotland

SCOTLAND: A DISTINCTIVE APPROACH TO YOUTH JUSTICE

Scotland's youth justice system is globally recognised for its welfare-based and rights-focused approach. Rooted in the landmark Kilbrandon Report (1964), the Scottish model rejects punitive responses in favour of care, protection, and rehabilitation. It is a system that treats children as children first — not as offenders — and responds to their needs, not just their deeds.

The Kilbrandon philosophy holds that offending behaviour is often a symptom of underlying adversity, and therefore should be addressed through the same processes used for children in need of care and protection. This thinking underpins the Children's Hearings System, a non-adversarial tribunal that brings together the child, their family or carers, and trained community panel members to make decisions in the child's best interests. Judges and lawyers are replaced by laypeople, and the child's voice is central.

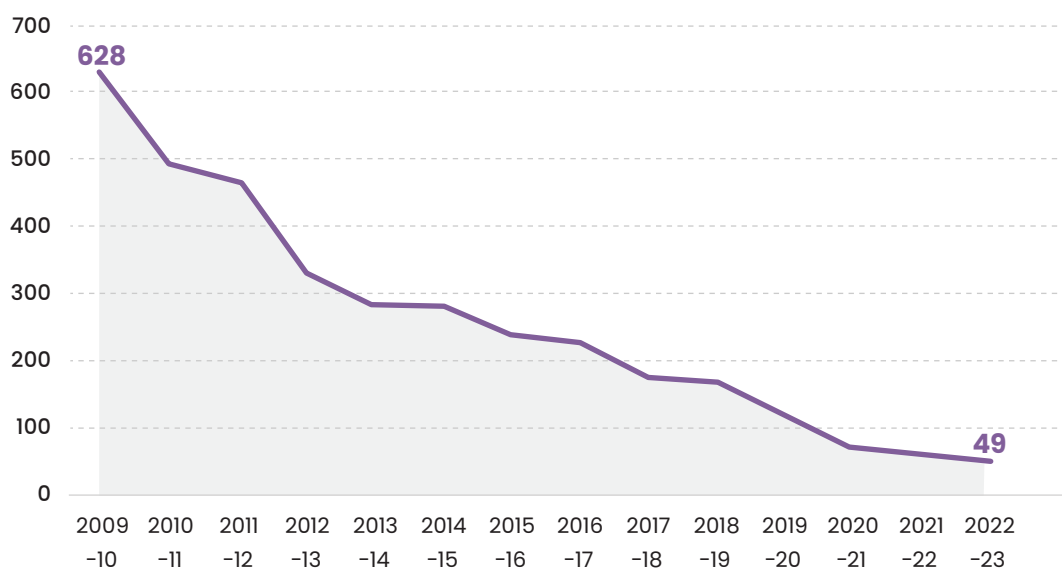
This system is complemented by the Whole System Approach (WSA), which coordinates early intervention, diversion from prosecution, and community-based support. It draws on partnerships across health, education, justice, and social work to reduce formal contact with the justice system and provide wraparound care.

In recent years, Scotland has doubled down on its commitment through The Promise — a blueprint born from the Independent Care Review, which sets out a national mission to radically reform the care system and ensure every child grows up feeling loved, safe, and respected. The Promise is not just a document; it is a binding obligation endorsed across government, intended to reshape practice, policy, and culture.

During my study tour, I saw these principles in action. I visited the Kibble Safe Centre, where security staff are replaced by social workers and psychologists embedded in each unit. I participated in a mock Hearing that included the young person and their caregiver, prioritising understanding, inclusion, and the child's broader context in shaping outcomes.

The Scottish model is not without challenges — delays in implementation and inconsistency in practice remain. But it provides a powerful demonstration of what it looks like when a country commits to the idea that children who make mistakes are still children, deserving of compassion, support, and a chance to do better.

Figure 1: Number of 16- and 17-year-old children in Scotland held in a Young Offender Institution per year⁹⁴



3.3.2. Number of children in Scotland placed in detention

According to data gathered under the work of the Independent Custody Visiting Scheme, there were 4,083 children placed in detention in Scotland between April 2023 and March 2024 (Figure 2).⁹⁵ This was a slight decrease from the 4,261 children held in 2022-23, and a slight increase from the 3,965 children held in 2021-22. Statistics for the period 2024-25 have not yet been published and are therefore not available to use for comparison.

Scotland – Youth Justice System and Key Engagements

Scotland has taken a profoundly different approach to youth justice—one that places the child at the centre and sees offending as a sign of unmet need rather than moral failing. This philosophy was first articulated in the 1964 Kilbrandon Report, which led to the establishment of the Children's Hearings System—a model that remains globally distinctive to this day.

Figure 2: Tables from the Independent Custody Visiting Scheme, April 2023 – March 2024

Table 6: Age of Children in Custody	
Age	Number of persons in custody
12	44
13	191
14	417
15	678
16	1229
17	1524

Table 7: Custody classification for those under 18						
2023–24	12	13	14	15	16	17
Not Officially Accused	9	46	113	189	212	297
Officially Accused	34	145	299	481	971	1142
Other	0	0	1	2	17	9
Transit	0	0	0	0	2	3
Court Review	0	0	0	0	0	2
S23 Detention	0	0	2	5	13	15
Warrant	0	0	0	0	11	51
Voluntary Attendant	1	0	2	1	3	5
Total	44	191	417	678	1229	1524

During my July 2025 study tour, I engaged with leading institutions and individuals delivering and shaping youth justice reform in Scotland:

The Promise Scotland

Fiona Duncan, Chief Executive

The Promise is a national mission to ensure that Scotland keeps its commitment to children in care and on the edges of care. I explored how its whole-of-government reform agenda is reshaping justice, education, health, and child protection systems to better respond to children's needs—rather than punish their behaviours.

Scottish Children's Reporter Administration (SCRA)

Alistair Hogg, Senior Officer

I participated in a **mock Children's Hearing**, a profoundly non-adversarial and inclusive process where the child and their family are central. It focused not on what the child had done, but on what the child needed. The model reflects a care-first philosophy, with decisions made through consensus, not conflict.



Children and Young People's Centre for Justice (CYCJ)

Professor Fiona Dyer, Director

Hosted at the Lord Hope Building, University of Strathclyde, the CYCJ leads Scotland's youth justice research and knowledge exchange.

We discussed the importance of early, evidence-informed interventions, trauma-responsive systems, and the need to avoid criminalising children.

Violence Reduction Unit (VRU)

Jimmy Paul, Director

Based on the principle that violence is preventable, not inevitable, the VRU treats violence as a public health issue. It addresses root causes—such as poverty, trauma, and exclusion—through upstream prevention, community capacity building, and strong interagency partnerships.

Kibble Secure Centre, Paisley

Sinclair Soutar, Chief Operating Officer

Kibble is one of Scotland's oldest and most progressive youth justice organisations. I visited their secure therapeutic facility, where I observed a trauma-responsive approach in action. The centre does not rely on physical security inside each unit—rather, social workers and psychologists are embedded in daily care, focusing on healing, development, and reintegration. Young people serve their sentences in open conditions wherever possible, including community-based programs where they work or study during the day and return to the centre in the evening—facilitating a supported transition.

Scottish Government – Youth Justice and Secure Accommodation Team

Liz Murdoch, Team Leader

Tom McNamara, Senior Official

I had the opportunity to meet with the Scottish Government's Youth Justice and Secure Accommodation Team,

who provided valuable insight into national policy settings and the Government's approach to embedding trauma-responsive practice, co-ordinated care, and reintegration planning. We also discussed the interface between policy and practice, including the Government's commitment to The Promise and whole-of-system reform.

6.1 CHILD FIRST AND CHILDREN'S HEARING SYSTEM

6.1 THE CHILDREN'S HEARINGS SYSTEM

- A single, holistic tribunal system deals with all children who need support — including those who offend, are in care, or are at risk.
- Children are referred by police, social services, schools or others to the Children's Reporter, who decides whether a hearing is needed.
- Hearings are not adversarial. They include the child, their family or carer, professionals (such as social workers), and trained lay panel members.
- The focus is entirely on understanding the child's needs and deciding what support they require, not on punishment

"I was struck by how the hearing centred the child's voice. Time was taken to understand what was happening in their life — not just what they had done. Their care giver or parent was present. Decisions were made collaboratively, not imposed."

6.2. SECURE CARE AT KIBBLE

- At Kibble Secure Centre, I observed that no security staff were stationed on the floor of the unit. Instead, the spaces were staffed by qualified social workers and psychologists.

- The physical environment was homely and therapeutic.
- Support focused on building trusted relationships, healing from trauma, and preparing for reintegration — not containment.
- The secure environment is used as a **last resort** and only when absolutely necessary to ensure the young person's safety or that of others.

This echoes the Spanish system, where children only enter detention for serious offences, and therapeutic throughcare guides their rehabilitation.



With Sinclair Soutar, COO, Kibble

6.3. VIOLENCE REDUCTION UNIT

In 2005, Glasgow was labelled the "murder capital of Europe." The Violence Reduction Unit (VRU), established by Strathclyde Police, responded with a radical shift: treating violence not simply as a crime, but as a public health crisis. During my roundtable with the VRU in Glasgow, I heard directly from former police officers, people with lived experience, social workers, and program coordinators.

They described a bold, upstream strategy—focused on prevention, early intervention, and long-term relationships. As the VRU’s own report notes, “violence is preventable, not inevitable,” and Scotland has since seen a dramatic drop in violent crime. The shift in narrative—toward understanding trauma, rebuilding trust, and investing in communities—has had transformative results.



The team at the Violence Reduction Unit – Scotland

6.4. CHILDREN AND YOUNG PEOPLE’S CENTRE FOR JUSTICE (CYCJ)

CYCJ July 2025 E-Bulletin

During my visit to the Children and Young People’s Centre for Justice (CYCJ) in Glasgow, I was warmly hosted by Professor Fiona Dyer and participated in a roundtable with members of her multidisciplinary team. The CYCJ is a leading force in youth justice reform in Scotland and operates under the powerful ethos of “collaborating for rights-respecting justice.” Their work brings together lived experience, research, and frontline practice to shape policies that improve outcomes for children in conflict with the law.

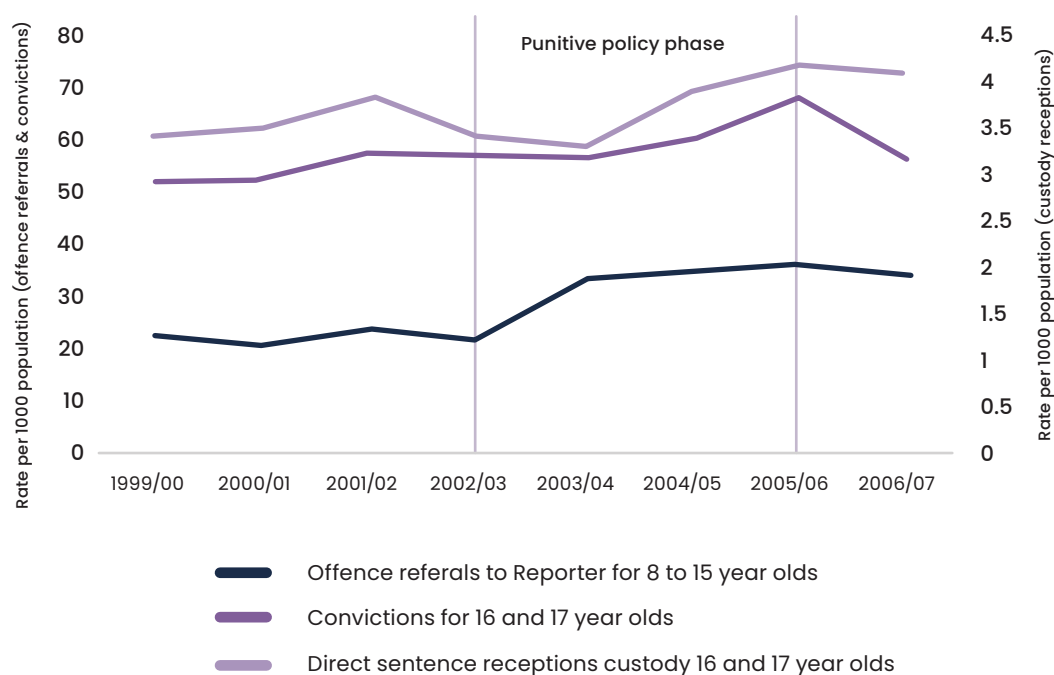
Their focus spans three pillars: amplifying young voices through participation and engagement, influencing practice and policy development, and undertaking rigorous research to deepen understanding and drive evidence-based reform.

As a hub of knowledge exchange based at the University of Strathclyde and funded by the Scottish Government, the CYCJ is helping ensure that Scotland’s justice system reflects the rights, needs, and potential of every child.



With Fiona Dyer, Director and her Team – Children and Young People for Justice (CYCJ)

Figure 3: Trends in offence referrals, criminal convictions and receptions to detention during the 'punitive phase' of child justice in Scotland¹⁰⁰



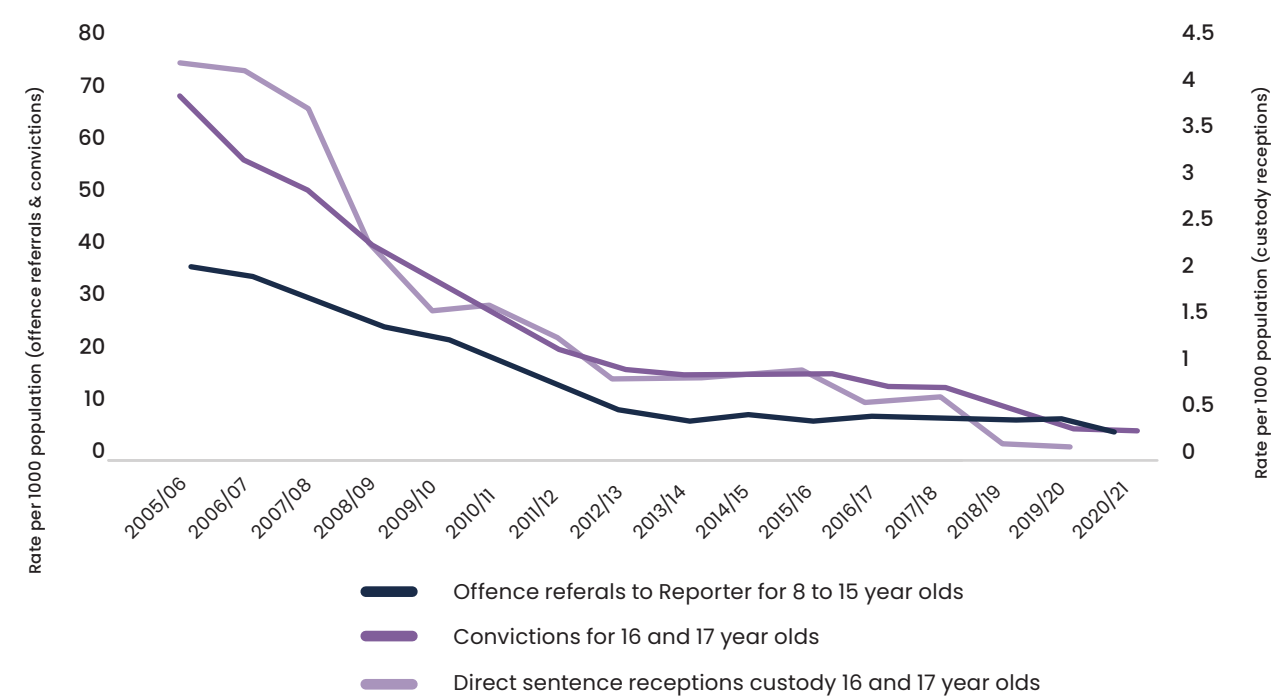
6.5 THE ROLE OF THE PROMISE

The Promise Scotland was established to implement the recommendations of the Independent Care Review, which asked one core question: *“What do children need?”*

- The Promise calls on all systems – justice, care, education, health – to treat children with love, not judgement.
- It insists that no child should be criminalised for being in care, and that services must work together to prevent young people from falling through gaps.
- “Children must be allowed to be children” – this ethos underpins the entire approach.



Figure 4: Trends in offence referrals, criminal convictions and receptions to detention following a return to the welfare-based approach¹⁰¹



Scotland vs NSW Youth Justice Comparison

Feature	Scotland	New South Wales
System Philosophy	Rooted in Kilbrandon Report (1964): ‘Needs, not deeds’ – focus on welfare & support	Justice-led: prioritises legal response and punishment over support
Legal Entry Point	Children’s Hearings System – combines welfare and justice under one process	Children enter system via police/arrest → courts → custody
Decision-Making	Lay panel members make decisions in inclusive, non-adversarial hearings	Judicially led, adversarial court system
Age Jurisdiction	Up to 18 (with flexibility to 21)	10–17 years old (minimum age of criminal responsibility: 10)
Government Oversight	Unified approach via The Promise Scotland and Scottish Government Youth Justice Team	Fragmented across departments – DJAG, DCJ, Youth Justice NSW
Secure Care Focus	Small-scale, trauma-responsive therapeutic environments (e.g. Kibble Centre)	Justice-oriented detention centres with variable trauma integration
Reintegration Approach	Open conditions where possible – gradual re-entry to community while still in care	Sudden transitions, often without housing or support continuity
Workforce	Social workers and psychologists embedded in units	Custodial officers in detention, casework often remote
Youth Offending Outcomes	Declining custody rates; strong focus on early intervention and diversion	Rising remand population; many children in custody for short, unsupported stays

Key Takeaways – The Scottish Youth Justice System

Rooted in Welfare, Not Punishment

Scotland's approach stems from the landmark *Kilbrandon Report* (1964), which proposed that children who offend are in need of care and protection, not punishment. This foundational belief underpins the *Children's Hearings System*, a unique non-adversarial model.

- **Children's Hearings System**

Children referred for offending behaviour or welfare concerns appear before a lay panel, not a judge. The focus is on understanding what support the child needs, rather than what punishment they deserve. Hearings involve the child, their family or carers, and professionals in a shared decision-making process.

- **Non-Adversarial and Inclusive**

Hearings are conversational, child-centred, and trauma-aware. I observed a mock Hearing which exemplified this model—time was taken to listen to the child, understand their context, and determine supports that promote safety and opportunity.

Secure Care is Therapeutic, Not Punitive

Secure care facilities, such as *Kibble*, are designed around healing. There are no guards on the unit floors. Instead, social workers and psychologists support daily routines. The environment is calm, structured, and built on relationships—not surveillance.

- **Transition Support through Open Sentencing**

Many young people on custodial orders spend their days working or studying in the community and return to the centre each night. This enables them to gradually rebuild their lives while maintaining a structured support base.

- **Cross-System Coordination**

Scotland's reforms are whole-of-government. *The Scottish Government's Youth Justice* and Secure Care Team, led by officials like **Liz Murdoch** and **Tom McNamara**, oversees a unified vision across justice, education, health and care. *The Promise Scotland*, led by **Fiona Duncan**, ensures accountability to the voices of care-experienced children.

- **Violence Prevention as Public Health**

The *Violence Reduction Unit* (VRU), under **Jimmy Paul**, treats violence like a disease—preventable through early intervention, mentoring, family support, and strong communities.

- **Knowledge-Driven Practice**

The *Children & Young People's Centre for Justice* (led by **Professor Fiona Dyer**) drives policy and practice with evidence, advocating diversion, restorative approaches, and a rights-based system.

7. Policy Implications

Reform Blueprint: A Therapeutic and Community-Led Model for NSW

Vision

To shift NSW from a punitive, disconnected youth justice system to a therapeutic, community-embedded, and child-centred model that delivers better outcomes for children, families, and communities.

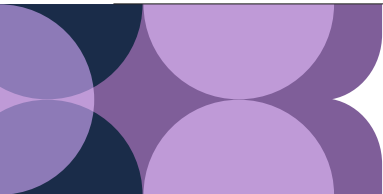
A. Foundations for Reform

This blueprint is grounded in:

- Children’s rights and needs (*UNCRC, Help Way Earlier, The Promise*).
- The principles of rehabilitation over punishment.

- An emphasis on early intervention, family support, and community reintegration.
- The dominant principle in both jurisdictions is clear: youth justice should focus on rehabilitation, not punishment. Children are not viewed as criminals but as young people with the capacity to change—when given the right support. This stands in contrast to current NSW practices, which continue to rely heavily on punitive measures that do little to address the underlying issues that bring children into contact with the law.

Principle	Description
Child First	Children must be seen as children. Their rights, trauma, and context must be central.
Local, Not Distant	Keep children in or near their communities to retain connection and support networks.
Decision-Making	Centres and responses must be trauma-responsive and focused on healing.
Family-Centred	Involve parents, caregivers, and communities in every step.
Throughcare	Provide seamless support before, during, and after custody.
Multidisciplinary Collaboration	Embed education, health, justice, and social work in planning and delivery.
Evidence-Led	Policy must be driven by data and outcomes, not assumptions or ideology.



8. Recommendations

Reform Pillars

1. Community-Based Early Intervention

- Invest in Family and Community Support Hubs in vulnerable areas.
- Embed youth workers, psychologists, and social workers in schools and community settings.
- Fund diversion programs and restorative justice models statewide.

2. End Harmful Remand Practices

- Reform bail laws to prevent children being held for lack of accommodation or supports.
- Establish 24/7 wraparound bail support teams, modelled on *Scotland's Whole System Approach*.

3. Redesign Youth Detention as a Therapeutic Campus

- Convert youth detention centres into therapeutic education and rehabilitation centres, modelled on Diagrama.
- Integrate:
 - On-site psychologists and trauma therapists
 - 30+ hours/week of formal and vocational education
 - Structured routines and earned responsibilities
- Develop open-custody reintegration pathways — “work by day, return at night” — to ease transition.

4. Invest in Throughcare & Housing

- Provide pre-release planning from day one.
- Expand transitional housing and employment placement schemes.

Fund case workers to support reintegration, with family involvement.

5. Expand Therapeutic Courts

- Pilot Youth Therapeutic Courts statewide — drawing on *Children's Hearings* in Scotland.
- Enable Judges to lead multidisciplinary case reviews and rehabilitation oversight.

6. Data, Outcomes and Accountability

- Publish real-time youth justice metrics, including remand, sentencing length, and reoffending.
- Establish an Independent Child Justice Board to oversee system-wide coordination.

9. Conclusion

Calls to Action: A Better Path Is Possible

“Help Way Earlier. Help the Whole Family. Help for as Long as it Takes.”

This reform blueprint is not radical. It is reasonable, evidence-based, and already underway in other parts of the world — and in our own backyard.

Tasmania is showing leadership with its therapeutic youth justice blueprint, investing in early intervention and multi-agency support despite having a smaller population base.

NSW cannot afford to fall further behind.

What We Need to Do Now

For Government:

- Legislate for a therapeutic, trauma-responsive youth justice system that centres children's rights and needs.
- Fund early intervention — not just talk about it. Invest in community-based services where they are needed most.
- End the warehousing of children on remand due to systemic failure (e.g. lack of housing or supports).
- Redirect a portion of custody costs (~\$2,700/day per child) to reinvest in prevention and throughcare.

For the Judiciary:

- Adopt flexible, therapeutic sentencing options in line with the child's context and development.
- Expand and champion therapeutic youth courts, modelled on Scotland's Children's Hearings System.

For Communities and Service Providers:

- Work in true partnership with children, families, and communities — not around them.
- Break down silos between health, education, child protection, and justice.
- Recognise children in custody are often victims first — of trauma, neglect, and systems that failed them.

For All of Us:

- Stop criminalising childhood. Treat trauma don't punish it.
- Challenge the rhetoric that locking up children keeps us safe — it doesn't.
- Believe that children can change, especially when we change how we treat them.

Feature	NSW	Spain (Diagrama)	Scotland
Age of Criminal Responsibility	10 years	14 years	12 years (moving to 14)
Centre Operators	Government (some adult facilities private)	Not-for-profit only	Government or charitable trusts
Staff Focus	Security, management	Educators, social workers	Social workers, psychologists
Youth Court System	Adversarial	Judicial oversight of rehab	Children's Hearings Panel
Family Involvement	Limited	Integral	Integral
Open Custody Transition	Rare	Common (work/study return model)	Supported transitions
Case Management	Government (some adult facilities private)	Not-for-profit only	Government or charitable trusts
Philosophy	Behaviour-focused, punitive	Rehabilitative, trauma-responsive	Needs-based, child-centred

Final Word

This report has demonstrated that a different way is not only possible – it is working. Spain and Scotland show how justice systems can protect community safety by healing rather than harming. As Anne Hollonds reminds us:

“We are responding to trauma with punishment. It’s ineffective, it’s inhumane, and it’s costly.” It is time to change course.

If we want safer communities, we must stop building bigger fences and start building stronger children.

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Glossary of Terms and Acronyms

BOCSAR – Bureau of Crime Statistics and Research (NSW): Provides data on crime and criminal justice in New South Wales.

CYCJ – Children and Young People’s Centre for Justice (Scotland): A national centre improving youth justice through research, policy, and practice.

Diagrama Foundation – A Spanish not-for-profit that operates youth re-education centres and social services, focusing on rehabilitation over punishment.

Family Group Conferencing – A restorative justice process that brings together the young person, family, and support networks to plan for the future.

Kilbrandon Report – A landmark 1964 Scottish report recommending a child welfare-based response to youth offending, leading to the Children’s Hearings System.

La Cañada, La Zarza, Sangonera, La Villa – Spanish youth justice centres operated by Diagrama, each focused on therapeutic rehabilitation.

NSW – New South Wales: A state in Australia where youth justice reform is being debated.

OHHC – Out-of-Home Care: Care provided to children and young people who are unable to live with their birth families.

SCRA – Scottish Children’s Reporter Administration: Manages referrals to Scotland’s Children’s Hearings System and supports children’s rights in justice proceedings.

Secure Centre – A locked, residential facility for young people requiring high levels of care, often used for those who have committed offences.

The Promise Scotland – A national body working to implement the findings of the Independent Care Review, ensuring children grow up loved, safe, and respected.

Throughcare – A transitional process for young people leaving detention or care, ensuring continuity of support into the community.

VRU – Violence Reduction Unit (Scotland): A pioneering initiative treating violence as a public health issue, aimed at prevention and early intervention.

Key Stakeholders and Meetings Referenced:

- **David McGuire**, Executive Director, Diagrama Foundation, based in UK
- **Rafael Romero**, Juvenile Court Judge, Murcia (Spain)
- **David Barreda**, Educator, Diagrama Foundation (Valencia, Spain)
- **Fiona Dyer**, Director, Children & Young People's Centre for Justice (Scotland)
- **Sinclair Soutar**, Chief Operating Officer, Kibble Education and Care Centre (Scotland)
- **Liz Murdoch**, Youth Justice & Secure Accommodation Team Leader, Scottish Government
- **Tom McNamara**, Youth Justice & Secure Accommodation, Scottish Government
- **Alistair Hogg**, Head of Practice & Policy, Scottish Children's Reporter Administration
- **Jimmy Paul**, Head, Scottish Violence Reduction Unit
- **Fiona Duncan**, Director, The Promise, Scotland



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