

Response ID ANON-AQ93-9GTD-P

Submitted to **Raising the age of referral to the principal reporter**

Submitted on **2020-10-07 10:56:32**

Questionnaire

Please select which questionnaire you'd like to respond to:

Full consultation document and questionnaire

Questions

1 Do you agree that the maximum age of referral to the Reporter should be increased to 18?

Yes – All cases

Please provide reason(s) for your answer.:

We agree the maximum age of referral to the Reporter should be increased to 18 for a number of reasons.

Firstly, this change contributes and is in-keeping with a right's based approach to youth justice, the UNCRC's definition of a child, the original 'welfare ethos' of the Kilbrandon Report (1964) and Scotland's general policy direction to be more child-centered and holistic.

Secondly, as Scotland has a very complex policy and practice landscape meaning some 16 and 17 year olds are treated as children in some contexts, while some are not - we believe there should be consolidation so all young people are treated equally and none are left with a much reduced level of protection, guidance and support.

Thirdly, in terms of prevention from further criminal activity, the Inspectorate of Prosecution in Scotland's Thematic Report on the Prosecution of Young People, shows very high success rates where 16-17 year-olds are given opportunities to divert from crime. We therefore believe that this change in legislation has the potential to have significant positive implications for those aged 16 or 17 who come into conflict with the law (especially those with complex needs) and in turn, safer communities.

2 If the age of referral is increased to 18, are the existing grounds of referral to a Children's Hearing sufficient?

No

Please provide reason(s) for your answer.:

As the risks faced by 16-17 year olds will be different, other grounds of referral for this age range, for example 'at risk of homelessness' or 'at risk of exploitation' need to be considered.

3 What are your views on the potential implications, including resource, of increasing the age of referral to the Reporter for local authorities, Police and other service providers/organisations?

What are your views on the potential implications, including resource, of increasing the age of referral to the Reporter for local authorities, Police and other service providers/organisations?:

There will be more referrals so this will need financially resourced to avoid any slow down, back log and for increased staff time and changes to systems.

Training and support will be needed to fully brief all affected organisations about the new changes and why they are important.

To ensure the workforce are confident and competent in considering the different circumstances and issues affecting 16-17 year olds, they will also need to be fully briefed and trained in these differences. Training might include information on Trauma-Informed Practice, Adverse Childhood Experiences and research around the different stages of brain development.

There will likely be a 'new demand' on support services with greater numbers of young people being offered help and support.

4 What are your views on the potential implications, including resource, of increasing the age of referral to the Reporter for SCRA (the public body which operates the Reporter service)?

4. What are your views on the potential implications, including resource, of increasing the age of referral to the Reporter for SCRA (the public body which operates the Reporter service)?:

There will be more referrals so this will need financially resourced to avoid any slow down, back log and for increased staff time and changes to systems.

Training and support will be needed to fully brief those who work for the Reporter for SCRA about the new changes and why they are important.

To ensure the workforce are confident and competent in considering the different circumstances and issues affecting 16-17 year olds, they will also need to be fully briefed and trained in these differences. Training might include information on Trauma-Informed Practice, Adverse Childhood Experiences and research around the different stages of brain development.

We see a role for the Reporter for SCRA and Scottish Government to advocate for these changes and proactively support this change.

5 What are your views on the potential implications, including resource, of increasing the age of referral to the Reporter for Children's Hearings Scotland (the body which operates the national children's panel)?

5. What are your views on the potential implications, including resource, of increasing the age of referral to the Reporter for Children's Hearings Scotland (the body which operates the national children's panel)?:

There will be more referrals so this will need financially resourced to avoid any slow down, back log and for increased staff time and changes to systems.

Training and support will be needed to fully brief those who work for the Reporter for Children's Hearings Scotland about the new changes and why they are important.

To ensure the paid and voluntary workforce are confident and competent in considering the different circumstances and issues affecting 16-17 year olds, they will also need to be fully briefed and trained in these differences. Training might include information on Trauma-Informed Practice, Adverse Childhood Experiences and research around the different stages of brain development.

The Reporter for Children's Hearings Scotland will need to find ways to reassure the public and victims that they are equipped to deal with serious offences, to counteract possible accusations of 'soft justice' .

6 If the age of referral to the Reporter was increased, are amendments required to ensure sufficient access to information and support for victims harmed by children?

No

Please provide further details for your answer, including any extensions or amendments you would wish to see.:

As stated before, victims and the general public will need reassurance around how serious cases are dealt with.

General awareness raising of the importance and benefit of this legislative change will also be key in terms of moving public and community attitudes along with the policy and legal landscape.

As victims of 16-17 year old offenders may receive less information should these changes be made, it will be crucial to keep them informed, involved and supported to the best ability whilst continuing to to balance this with the rights of the young person.

7 If there are any further comments you would like to make, which have not been addressed in the questions above, please use the space below to provide more detail.

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Impact Assessments

Are there any data protection related issues that you feel could arise from the proposals set out in this paper?

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Information sharing protocols will need updated. We imagine the Information Commissioner's Office will be a good source of advice on this.

Are there any children's rights and wellbeing issues that you feel could arise from the proposals set out in this paper?

Are there any children's rights and wellbeing issues that you feel could arise from the proposals set out in this paper?:

If all agencies affected by the changes are not fully trained in working with this new age-range, they could be unintentionally discriminated against. We imagine the Children and Young People's Commissioner Scotland will be a good source of advice on this.

Are there any equality related issues that you feel could arise from the proposals set out in this paper?

Are there any equality related issues that you feel could arise from the proposals set out in this paper?:

If all agencies affected by the changes are not fully trained in working with this new age-range, they could be unintentionally discriminated against. We imagine the Human Rights and Equalities Commission will be a good source of advice on this.

About you

What is your name?

Name:

Dawn Exley

What is your email address?

Email:

dawn.exley@scsn.org.uk

Are you responding as an individual or an organisation?

Organisation

Membership organisation

If other, please specify:

What is your organisation?

Organisation:

Scottish Community Safety Network

Do you or your organisation work directly with children who are in the children's hearings or criminal justice system?

No

Please provide more details:

Do you or your organisation work directly with victims?

No

Please provide more details:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: