

**Scottish Government consultation –
“Changing Scotland’s Relationship with Alcohol: A Discussion Paper on
our Strategic Approach”**

Scottish Children’s Reporter Administration comments

Summary

The Scottish Children’s Reporter Administration (SCRA) is supportive of the Scottish Government’s drive to address alcohol misuse and welcomes the opportunity to comment on the discussion paper and to help inform the development of policy in this important area.

This response focuses primarily on the different routes by which children experiencing issues with alcohol may come to the attention of the Reporter and the Children’s Hearings System. It cites SCRA research in support of some of the proposals contained within the discussion paper.

Comment is provided on one of the specific policy areas where the Scottish Government has invited responses, ‘Information for parents’. SCRA has no specific comments to make on the other policy areas in Annex H of the discussion paper.

Children referred to the Children’s Reporter

Children are referred to the Children’s Reporter on non-offence or offence grounds. Alcohol plays a factor in the referrals of many children either by the children themselves and commonly alcohol misuse by their parents.

Non-offence referrals

Children may be referred to the Reporter under Section 52(2)(j) of the Children (Scotland) Act 1995, which provides that children may be referred where they have: “...misused alcohol or any drug “.

Children referred on this ground may be at risk and may require intervention to ensure their care and protection. 1,609 children were referred to the Reporter in 2006/07 on this ground. This is from a total of 44,629 children referred on non-offence grounds in that year.

However, for other children, concerns over substance misuse may be present in their backgrounds where the ground for referral relates to other issues. SCRA research on a sample of children showed that 10% of children referred (on any ground) had misused alcohol¹. For example, a child may be referred under section 52(2)(a) of the 1995 Act – “is beyond the control of a relevant

¹ SCRA (2004) *Social backgrounds of children referred to the Reporter: a pilot study.*

person”, but the Social Background Report provided to the Reporter by the Social Work Department may indicate that there are concerns about alcohol misuse in the child’s life even though they may not have formed the basis for the ground for referral. In these cases, the alcohol misuse is likely to be a factor in Reporter decision making about whether compulsory measures are needed to protect the child. It is also likely to be addressed by the Hearing even though it does not *prima facie* form one of the grounds for referral.

Alcohol misuse by parents is a feature in the lives of many children referred to the Reporter. SCRA research has shown that 39% of children referred to the Reporter (on any ground) have parents/carers who abuse alcohol¹.

Offence referrals

Some children may also be referred under section 52(2)(i) for offences where alcohol misuse either represents the *actus reus* of the offence, or is a contributory factor to instances of offending behaviour.

For example, in 2006/07, 133 children were referred for the offence of being drunk or incapable. However, it is clear that alcohol often plays a wider part in young people’s offending behaviour, and may be a contributory factor in offences such as breach of the peace or assault.

Paragraph 82 of the discussion paper refers to the importance of tackling offending by young people and makes the link to “Preventing Offending by Young People - A Framework for Action”, which recognises that offending can be linked to substance misuse.

This is borne out by SCRA research into the backgrounds of children referred to the Reporter for offending, including their alcohol use.

- For young people persistently offending in 2003, 51% had issues with alcohol misuse².
- For young people who had received Movement Restriction Conditions in the first year of the pilot of Intensive Support and Monitoring Services, 96% had misused alcohol³.
- For children and young people who had offended only once or twice (who are the majority of children referred to the Reporter on offence grounds), 23% of offences were committed when the child was under the influence of alcohol⁴.

Parents of children who offend often also have concerning alcohol misuse. For 24% of children who persistently offend, their parents abused alcohol².

² SCRA (2006) *On the right track. A study of children and young people in the fact track pilot.*

³ SCRA (2007) *Movement Restriction Conditions in the Children’s Hearings System.*

⁴ SCRA (2007) *Children referred to the Reporter with a low level of offending.*

On a technical note, this paragraph 82 of the discussion paper refers to “the Scottish Children’s Reporter Administration (Children’s Hearings)”. Although SCRA has a key role to play in the operation of the Hearings System, the current phrasing suggests that the two terms might be interchangeable. SCRA suggests that the sentence might be amended to read: “...the Scottish Children’s Reporter Administration (the body at the centre of the Children’s Hearings System)...”

Response to specific policy areas

Information for parents

“We will review current advice to parents and would welcome views on what particular information parents and carers would find helpful.”⁵

SCRA welcomes the intention expressed in paragraph 68 of the discussion paper to provide information for parents and is pleased to see a link made in paragraph 69 to other relevant Scottish Government policies such as those on Early Years and Early Intervention.

Paragraph 73 of the discussion paper rightly recognises the impact of parental alcohol misuse on children, which is often a major factor in the backgrounds of children referred to the Reporter. SCRA therefore suggests that information provided to parents about alcohol misuse could include content on the effect it might have on their children. In addition to providing information to parents, any information about alcohol provided to children and young people should include advice and guidance for those who may be concerned about alcohol misuse by a parent or carer.

13 August 2008

⁵ *Scottish Government Discussion Paper: Changing Scotland’s Relationship with alcohol, Annex H, (2008)*