

## Youth Offending

### **Focused on children and young people most at risk, SCRA's fundamental purpose is to:**

- Make effective decisions about a need to refer a child/young person to a Children's Hearing
- Prepare for and participate in court proceedings where Statement of Grounds or Hearings findings are appealed, and ensure the wellbeing of children and young people – particularly vulnerable witnesses – are protected throughout the court process
- Support Panel Members (though we are not involved in making Hearing decisions) and ensure fair process in Hearings
- Enable children, young people and families to participate in Hearings
- Disseminate information and data to influence and inform the wider Children's Services community
- Provide premises for Hearings to take place
- Work collaboratively with partners to support and facilitate the Getting It Right For Every Child (GIRFEC) agenda

## Background and context

Preventing Offending by Young People – A Framework for Action was published by the Scottish Government in June 2008. The framework outlines a shared vision of what should be done by national and local agencies working with children and young people who offend, or are at risk of offending, to prevent, divert, manage and change that behaviour.

Recent years have seen the development of the Whole Systems Approach, which involves putting in place planning, assessment and decision making processes for young people who offend, diverting them where possible from statutory measures, prosecution and custody through early intervention and robust community alternatives. In line with the Getting it Right for Every Child (GIRFEC) approach, the intent is to ensure that children and young people receive the right help at the right time. SCRA is fully supportive of the Scottish Government's approach to tackle youth offending.

## Age of criminal responsibility

The Criminal Justice and Licensing (Scotland) Act 2010 provides that no child under the age of 12 can be prosecuted, instead their offending behaviour will be dealt with in the Children's Hearings System. Many of these children also come to the attention of the Reporter due to concerns about their welfare and the Hearings System is able to ensure they get the most appropriate form of intervention and support, while addressing concerning behaviour.

SCRA is fully supportive of the recommendation of the Scottish Government's Advisory Group, to raise the age of criminal responsibility from 8 to 12. Legislation to achieve this is expected in 2018.

## Jointly reported cases

The Lord Advocate's Guidelines direct the police when cases involving young people aged 12 and over need to be reported both to the Procurator Fiscal and to the Reporter. Where a case is jointly reported, the Procurator Fiscal will make a decision on the most appropriate route for dealing with the offence. Various factors will be taken into account in reaching this decision - the seriousness of the offence, the young persons' current situation and an assessment of the evidence required to support the alleged offence. In 2017/18, 1,191 young people were jointly reported.

## Research and Data

In 2017/18, 3,060 children and young people were referred to the Reporter on offence grounds. Children and young people can currently be referred to the Reporter on offence grounds from the age of 8 years. The most common ages for children and young people to be referred are 14 and 15 years.

SCRA's report into the backgrounds of children aged 8-11 who commit offences makes clear that among this age group, offending behaviour is rare and serious offending even rarer. Most children who committed an offence only did so once and only a minority required compulsory measures of intervention. Further, it was apparent that many children who committed offences experienced a range of additional vulnerabilities including 25% who had previously been victims of physical and/or sexual abuse.

## Offence types

Some of the most common offence types referred to the Reporter are for Assault, Vandalism and Threatening or Abusive behaviour.

### Number of alleged offences in 2017/18, by police crime grouping

Police offence code group	Count
Non-sexual crimes of violence	215
Sexual crimes	422
Crimes of dishonesty	2,837
Fire-raising, vandalism etc	2,337
Other crimes	1,355
Miscellaneous offences	7,134
Motor vehicle offences	315
Total alleged offences	14,615



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