

Child and Adolescent Mental Health

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

Children and young people experiencing a mental health problem might be referred to the Reporter on a number of different grounds. In some cases, the mental health issue may form part of the Statement of Grounds, in others it may emerge as part of the Reporter's investigation into the child/young person's background and circumstances.

The Reporter's decision on whether a child/young person requires compulsory measures of supervision will be taken based on a "whole child" approach, including consideration of the child's mental wellbeing.

A Children's Hearing can require the child/young person to attend specific local services (including CAMHS) as a condition of a Compulsory Supervision Order. It is then the legal responsibility of the relevant local authority to ensure that the Hearing's decision is implemented. However, it is important to understand that the Hearing cannot impose an obligation on the child/or the young person to accept medical treatment. Where consent is an issue, intervention can only be achieved through the relevant mental health legislation.

Research

SCRA research demonstrates the prevalence of mental health issues among those children/young people referred to the Reporter relative to the wider child population, as well as higher rates among those children/young people demonstrating more serious and concerning behaviour. For example, 13% of children/young people referred to the Reporter had an identified mental health problem. This compares with a figure of 10% for the general child population in Scotland.



Further research looked into those children/young people who were given a Movement Restriction Condition (MRC) by a Children’s Hearing under the terms of the Antisocial Behaviour legislation. The research found that 25% of those children and young people given an MRC by a Children’s Hearing had identified mental health issues, mostly related to self harm¹.

Another report looked at “high risk” children, who are defined as “children who had caused serious harm to another person or were considered to be at risk of doing so².” 41% of the children sampled had concerns over their mental health recorded in their case files.

While it would be dangerous to assume a direct causal link between challenging/offending behaviour and mental health issues, it is clear that the groups above are likely to be in particular need of help and support.

SCRA’s 2016 report into the backgrounds of children aged 8-11 who commit offences found that where the referral incident was part of a pattern of behaviour, 43% of children had an identified mental health concern.

Other Risk Factors

SCRA research³ suggests that 33% of children/young people referred to the Reporter had experienced physical, emotional or sexual abuse, while 43% had experienced domestic abuse. Research shows that these experiences are likely to increase the risk of developing a mental health condition.

Children/young people living in deprivation are also considered to be at greater risk of developing mental health issues⁴, and are also more likely to be referred to the Reporter. An SCRA study⁵ into the links between deprivation and Supervision Requirements in Edinburgh found that areas with the highest levels of multiple deprivation also had the highest numbers of children/young people with Supervision Requirements.

Policy and legislation

The Scottish Government’s 10 year [mental health strategy](#) (2017 – 2027) is focused on prevention and early intervention and access to effective treatment and support. The Age of Criminal Responsibility (Scotland) Act 2019 makes clear in section 77 that additional reports may be required by a Children’s Hearing in order for them to make a decision – in part this section arose out of a need to accept that both adversity and mental health conditions can affect a child or young person’s behaviour and that decision makers need to take this into account when they are considering the circumstances of a case.

1. *Movement Restriction Conditions in the Children’s Hearings System (SCRA 2007)*
2. *Children who Present a Risk of Serious Harm (SCRA 2008)*
3. *Social Background Study (SCRA 2004)*
4. *“What happened when they were grown up?”- Joseph Rowntree Foundation (1997)*
5. *Child Deprivation and Compulsory Measures: Exploring the Links in Edinburgh (SCRA*



Ensuring positive futures for children
and young people in Scotland

www.scra.gov.uk
September 2020