

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

Whole Systems Approach (WSA) and Early and Effective Intervention (EEI)

The Scottish Government's Whole Systems Approach to addressing youth offending is focused on the needs of young people involved in offending behaviour, and what supports they require in order for them to move on from this behaviour.

The approach is in line with the Getting it Right for Every Child (GIRFEC) framework and support for children should be put in place early. This early and effective intervention (EEI) is managed within local authorities, supported by a framework of core elements, updated in 2019.

There is a focus on interventions in relation to offending which are based within the community and the approach seeks to divert young people from prosecution through the criminal justice system. This focus is in line with the welfare ethos and approach of the Children's Hearing System and SCRA support it fully.

Age of criminal responsibility

Once it is implemented, the Age of Criminal Responsibility (Scotland) Act will mean that no child under the age of 12 can commit an offence. This does not mean that behaviour which causes concern, poses a risk to a child or another person or is dangerous, will go unchallenged – such behaviour will continue to come to the attention of authorities and will require intervention, and on occasion statutory intervention through the Children's Hearings System.

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 2019/20, 1,228 young people were jointly reported. The presumption in these cases is that the child will be dealt with by the Children's Hearings System, rather than the Criminal Justice System.

Statistics

In 2019/20, 2,840 children and young people were referred to the Reporter on offence grounds. The most common ages for children and young people to be referred on offence grounds are 14 and 15. 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 2019/20 by police crime grouping:

Police offence code group	Count
Non-sexual crimes of violence	226
Sexual crimes	479
Crimes of dishonesty	1,953
Fire-raising, vandalism etc	1,769
Other crimes	1,461
Miscellaneous offences	6,370
Motor vehicle offences	299
Total alleged offences	12,557

Research and Data

SCRA's research team looked closely at the group of 8-11 year olds referred on offence grounds in their 2016 research report 'Background and outcomes for children aged 8-11 years old'. Amongst the children aged 8-11 offending behaviour was 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.



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