

Children aged 12 to 15 years involved in offending and referred to the Children's Reporter and Procurator Fiscal in Scotland



SCOTTISH
CHILDREN'S REPORTER
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Riaghaltas na h-Alba

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Executive summary

Background

For many children who come into conflict with the law, their lives can include varying degrees of adversity, negative experiences, trauma and loss, often underscored by adverse socioeconomic circumstances. These factors can have substantial and sustained consequences for their development, behaviour and future outcomes. How these factors can influence and impact on children who offend, therefore, requires further investigation, particularly in the context of the recent rise in the Age of Criminal Responsibility (ACR) in Scotland to 12 years and Scottish Ministers' duty to consider a future age of criminal responsibility.

This research was carried out to provide evidence on offending by children aged 12 to 15 years to inform the considerations of the Scottish Government's ACR Advisory Group on a future ACR in Scotland.

Aims

The overall aim of this research was to characterise the backgrounds and offending by children aged 12 to 15 years by addressing the following research questions:

- What are the trends in numbers of children referred for offending (by age and gender), and volume and gravity of offending over the past 5 years?
- To what extent are the lives of these children characterised by adversity and trauma?
- What factors are associated with or influence their harmful behaviours?
- What are the patterns of offending by this age group in terms of volume, gravity, and recidivism?
- Who are the victims of offending by children aged 12 to 15 years?
- What are the responses of statutory agencies to these children's behaviour

Methods

The research was based on a sample of 400 children's case files held by SCRA on its case management system (CMS). The sample comprised approximately 10% of all children referred on offence grounds to the Reporter and approximately 20% of those who were jointly reported to the Procurator Fiscal and the Reporter in 2018-19. The latter were over sampled, as were girls, so as to allow sufficient numbers of cases for analysis.

Data were extracted from the children's case files and covered four broad areas:

1. Child's background
2. Family background
3. First (or only) offence between 1st April to 30th September 2018; and

4. Twelve months after first (or only) offence between 1st April to 30th September 2018.¹

In addition to the above, a trends analysis was carried out for all children aged 12 to 15 years in Scotland referred to the Reporter for offending. This analysis examined trends over five years (2013-14 to 2018-19) on numbers of referrals, types of offences, and by the age and gender of children.

Key findings:

Trends analysis

- In 2018-19: 0.9% of children in the population aged 12 to 15 years were referred to the Reporter for offending. There were variations between areas. Highland and Dumfries & Galloway had the highest proportions of children referred – both 1.8% of child population.
- 74% of **standard offence referrals** to the Reporter² were for boys and 26% for girls with little change in this pattern over 5 years (2013-14 to 2018-19).
- The most commonly referred offences were assaults (28% of charges); threatening and abusive behaviour (19% of charges); vandalism (14% of charges); and theft (13% of charges).
- Reductions in alcohol/drug/substance offence referrals, housebreaking and vehicle offence referrals were indicated over the 5 year period (from 2013-14 to 2018-19).
- Children aged 12 years and over who commit the most serious offences can also be dealt with in the adult criminal justice system. Such serious cases are **jointly reported** by the police to the Procurator Fiscal and the Reporter.³ In 2018-19, 1,225 joint reports were made for children under 16 years.
- The number of children whose joint reports were referred by the Procurator Fiscal to the Reporter increased from 482 children in 2013-14 to 674 children in 2018-19, an increase of 28%. Conversely, for those whose joint reports were retained by the Procurator Fiscal, there was a decrease from 317 children in 2013-14 to 125 children in 2018-19, a reduction of 60%. These trends reflect the aim to divert children from the criminal justice system to the Children's Hearings System.

¹ The list of research variables are shown in Appendix 2

² **Standard offence referral** – Referral of a child to the Reporter under section 67(2) (j) 'the child has committed an offence' of the Children's Hearings (Scotland) Act 2011. This differs from a joint reported offence in that only the Reporter is involved.

³ **Jointly reported offences** - The Lord Advocate has issued guidelines to the Chief Constable regarding the reporting to Procurators Fiscal of offences alleged to have been committed by children. It is the responsibility of the police, following the Lord Advocate's Guidelines, to decide to whom an offence shall be reported. A case is "jointly reported", where it is reported by the police to the Procurator Fiscal and the Children's Reporter in terms of the Lord Advocate's Guidelines.

Children's backgrounds including adversity and trauma

For many of the 400 children in this study⁴, (79 girls, 321 boys), their lives were characterised by adversity, trauma, neglect, exposure to harmful behaviours by others, victimisation and exploitation (including criminal exploitation and sexual exploitation), often compounded by socioeconomic disadvantage. Findings indicated a number of areas of concern, including children's educational attainment and attendance; children's health and well-being, particularly for mental health, self-harming, substance misuse and bullying. A significant number of children experienced bereavement through the loss of a person(s) close to them. A number of children experienced harmful parental behaviour and witnessed significant traumatic events, including aggression and domestic violence in the home. These findings paint a disquieting picture highlighting the difficult life circumstances faced by many of these children.

- *Deprivation*: 63% (n=248) of children had home addresses in areas ranked within SIMD⁵ quintiles 1 and 2 which are areas classified as deprived.
- *Living circumstances*: the majority of children (65%, n=261) were living at home with their parent(s) and over a quarter (26%, n= 103) were in residential care (including secure accommodation). A higher proportion of girls were living in residential care compared to boys (21% of girls; 9% of boys).
- *Education*: there were concerns about educational attainment for 58% (n=233) of children. For 59% (n = 236) of children, there were concerns about their attendance at school. 41% (n=165) of children had been excluded from school at least once during their lives (32% of girls; 44% of boys).

Health and well-being

- *Disability*: 19% (n=75) of children were recorded as having a disability with social, emotional and behavioural disability being the most common type of disability for both boys and girls.
- *Learning difficulties*: almost a quarter of the children (23%) had a learning difficulty, with Attention Deficit Disorder (ADD) being the most common. Boys were twice as likely to have a learning difficulty than girls (13% girls; 26% boys).
- *Mental health*: 32% (n=129) of children were recorded as having mental health concerns (35% of girls; 31% of boys). Around a quarter (23%) of children were reported to have self-harmed, attempted suicide and/or displayed suicide ideation. Girls were twice as likely to have self-harmed, had suicide attempts and/or suicide ideation than boys (39% girls; 18% boys).

⁴ Full analyses on children's backgrounds, including adversity and trauma is in Chapter 3.

⁵ SIMD – Scottish Index of Multiple Deprivation is a relative measure of deprivation across 6,976 small areas (called data zones) (Scottish Government, 2020). If an area is identified as 'deprived' this can relate to people having a low income or it can mean mean fewer resources or opportunities within an area. The SIMD ranks data zones from most deprived (ranked 1) to least deprived (ranked 6,976). It is common to focus on data zones below a certain rank, e.g. the 5%, 10% or 20% most deprived data zones in Scotland (Scottish Government, 2020b). For this study, the ranking used is based on SIMD quintiles – i.e. the 20% most deprived datazones in Scotland. (see Chapter 3).

- *Substance misuse*: around half of the children (49%) had used drugs and 48% had used alcohol. Both drug and alcohol use became more prevalent as children got older.

Neglect, victimisation and traumatic events

- *Victims of parental neglect*: almost half of children (48%) were reported as being victims of parental neglect.
- *Victims of parental violence or aggression*: a quarter of children (25%) were victims, and for similar numbers of children, there was a history of parental violence and/or aggression towards the child.
- *Victims of bullying*: almost a quarter of children (24%; n=98) had been bullied.
- *Victims of sexually harmful behaviour and/or sexual abuse*: 14% (n=57) of children were victims. Girls were almost five times more likely to be reported as victims of sexually harmful behaviour and/or sexual abuse than boys (39% girls; 8% boys).
- *Victims of child criminal exploitation (CCE)*: 8% (n=30) of children were victims of CCE.
- *Victims of child sexual exploitation (CSE)*: 9% (n=37) of children were reported to be victims of CSE with girls more likely than boys to be victims (30% girls; 4% boys). However, this is likely to be an underestimate as CSE is not always recognised or reported, particularly for boys.⁶
- *Significant bereavement*: 28% (n=111) of children were recorded as having experienced the death of a person(s) close to them at some time in their lives.
- *Significant traumatic events*: 39% (n=146) of children had witnessed significant traumatic events, most commonly, exposure to aggression and domestic violence within their family.
- *Parental substance misuse*: 38% (n=151) of children had parents (mum, dad or both parents) who misused drugs and similar proportions (34%; n=135) had parents who misused alcohol.
- *Parental offending*: 40% (n=160) had parent(s) who had committed offences. Almost a fifth of children (18%; n=72) had a parent(s) who had served a custodial sentence.

⁶ Henderson, G., Kurlus, I., Parry, R., Baird, N., Dagon, D. & Kirkman, M. (2020). Sexual exploitation of children involved in the Children's Hearings System. Scottish Children's Reporter Administration. SCRA & Barnardo's Scotland <https://www.scra.gov.uk/wp-content/uploads/2020/10/CSE-research-report-published-October-2020.pdf>

History of service involvement

Information was collected about the types of services children had first come into contact with. These services are not universal services. These are services that have intervened in the lives of these children primarily due to concerns about the child. Some children had long-standing contact with services from a young age, often for many years. One fifth of children had service involvement **before** they were one year old.

- *Type of first service involvement*: for 40% (n=161) of children this was with the police. 30% (n=119) of children had their first service involvement with social work and for 9% (n=36) of children their first service involvement was referral to the Reporter.
- *Reason for service involvement*: 71% (n=283) of children had involvement with services due to child concerns **before** they were 12 years old. For 21% (n=83) of children, their first service involvement was **before** they were one year old. For another 10% (n=41) of children their first service involvement was when they were one year old.
- *Referral to the Reporter*: the majority of children (70%; n=280) were first referred to the Reporter for care and protection reasons with the most common first ground of referral lack of parental care. Of the 28% (n=113) of children who were first referred on offence grounds, for half of these children (51%, n=58), the index offence was their first referral.
- *Child protection register (CPR)*: 32% (n=126) of children had been placed on the CPR at least once. For nearly one third of these children this was before they were one year old. and for one fifth it was between the ages of 13 to 15 years.

Offending : Children with standard offence referrals to the Reporter

300 children in the sample had standard offence referrals to the Reporter⁷ - 59 girls and 241 boys.⁸

- *Location of offences*: over half of the index offences⁹ (52%) were committed in the community. The other index offences happened in: the child's residential or foster placement (16%); the child's own home (10%); school (10%); other (6%), someone else's or a relative's home (4%); or on public transport (2%).

⁷ **Standard offence referral** – Referral of a child to the Reporter under section 67(2) (j) 'the child has committed an offence' of the Children's Hearings (Scotland) Act 2011. This differs from a joint reported offence in that only the Reporter is involved. Further details on children with standard offence referrals to the Reporter can be found in Chapter 5.

⁸ Detailed analysis of standard offence referrals to the Children's Reporter can be found in Chapter 5.

⁹ **Index offence** refers to the first or only offence referred to the Reporter and/or the Procurator Fiscal during the period of 1st April to 30th September 2018. This referral is identified as the index offence for the purposes of the research. This time period was selected to allow cases to be followed for at least 12 months, after the date of the index offence. Further detail can be found in the Chapter 2.

- *Offences in different locations:* the types of offences often depended on the location. Community locations, and those in residential or foster care, included threatening or abusive behaviour, vandalism and assault. In schools, the most common offences were threatening or abusive behaviour, sexual offences and possession of an offensive weapon. In children's own homes, it was assault, threatening or abusive behaviour, and assaulting a police officer. The more serious offences tended to be in schools. Children living in residential placements were more likely to be referred for offences that happened where they were living, compared to children living at home.
- *Others involved in the index offence:* in 40% of cases (n=121) there were others involved in the offence with the child. Almost always this was other children/peers. However, 12% (n=15) also involved adults (those aged 18 years and above). 5% (n=16) of children were involved with family members in criminality.
- *Gravity of offences:*¹⁰ 63% (n=189) of offence referrals were low gravity with this pattern of gravity of offence being similar at all ages. 12% (n=37) of offences were high gravity.
- *Gravity of offences by location:* most high gravity offences happened in schools (22%, n=8) and in the community (57%, n=21). The majority of offences in schools were of moderate or high gravity (61%, n=19). In comparison, in all other types of location (except the very few offences on public transport), the majority of offences were of low gravity.
- *Offence as part of a pattern of behaviour:* for 74% (n=222) of children the offence was part of a pattern of offending and/or antisocial behaviour and this was known to the Reporter.¹¹
- *Interventions in place at, or before index offence referral:* most of the children (71%, n=213) had accepted or established grounds for referral *before* the index offence. For 60% of these children, these were on care and protection grounds. Over half (58%) had (or previously had) Interim Compulsory Supervision Orders (ICSOs) or Compulsory Supervision Orders (CSO). 30% (n=89) of children had been accommodated.
- *Reporter decision making on index offence referrals:* the most common decision made by Reporters on the standard offence referrals was **not** to arrange a Children's Hearing – this was 84% (n=251) of index offences. For 12% (n=37) of referrals, the Reporter decided to arrange a Hearing.

¹⁰ Gravity of the index offences was assessed using SCRA's Framework for Decision Making by Reporters (SCRA, 2015 and outlined in Appendix 3). Examples of the types of offences that are to be presumed to be of high, moderate or low gravity are as follows: **high gravity offences** – assault with a weapon, sexual offences involving coercive sexual behaviour, Road Traffic Act (RTA) offences, intentional fire-raising; **moderate gravity offences** – assault resulting in injury, assault on police officer, possession of drug other than cannabis; **low gravity offences** – theft by shoplifting, possession of cannabis, vandalism, breach of the peace, assault with no or minor injury.

¹¹ Not all children involved in offending, and not all offences, are referred to the Reporter in Scotland.

- *Timeframe for Reporter decision making:* from the date the child was referred to the Reporter for the index offence to the date of decision by the Reporter – 80% (n=234) of children had a decision within 50 working days.¹²
- *Interventions in the 12 months after index offence:* the majority of children continued to have some involvement with the Hearings System in the 12 months after the index offence, with 72% (n=217) of children having further referrals (offence and/or non-offence) to the Reporter.

Offending: Children with jointly reported offences to the Children's Reporter and Procurator Fiscal

100 children (20 girls and 80 boys) in the sample were jointly reported¹³ to the Reporter and Procurator Fiscal (PF). 57 jointly reported cases (42 boys and 15 girls) were dealt with by the Reporter. 43 jointly reported cases (38 boys and five girls) were dealt with by the Procurator Fiscal.

- *Age at time of jointly reported index offence:* most of the children (82%, n=82) were 14 or 15 years old at the time. Children dealt with by the Procurator Fiscal tended to be older. 60% (n=26) were 15 years old. 47% (n=27) referred onwards by the Procurator Fiscal to the Reporter were 15 years old.
- *Location of jointly reported index offences:* most jointly reported offences happened in the community (64%), followed by someone else's home (11%), residential or foster care (9%), child's own home (8%) and school (5%).
- *Others involved in offences:* in 63% of jointly reported cases there were others involved with the child in the offence. Almost always this was other children and/or peers (67%, n=42), but 21% (n=13) of offences also involved adults. Fifteen children were involved with family members in criminality and/or they were directly involved in the index offence.
- *Types of offences:* the most common charge types referred to the Reporter were vandalism (20%), sexual offences (19%) and assault (16%). Almost all charges related to housebreaking were dealt with by the Procurator Fiscal accounting for 21% (n=18) of charges dealt with by the Procurator Fiscal.

¹² Reporters work to the time interval standard T14 "the Reporter will make a decision about a referral within 50 working days of receipt" (SCRA, 2021).

¹³ **Jointly reported offences** - The Lord Advocate has issued guidelines to the Chief Constable regarding the reporting to Procurators Fiscal of offences alleged to have been committed by children. It is the responsibility of the police, following the Lord Advocate's Guidelines, to decide to whom an offence shall be reported. A case is "jointly reported", where it is reported by the police to the Procurator Fiscal and the Children's Reporter in terms of the Lord Advocate's Guidelines. Further details on children's offences jointly reported to the Reporter and the Procurator Fiscal can be found in Chapter 6.

- *Gravity of offences:*¹⁴ almost half (47%) of jointly reported cases were of high gravity in comparison with 12% (n=37) of standard offence referrals to the Reporter. More of those dealt with by the Procurator Fiscal were of high gravity (58%) compared to those referred by the Procurator Fiscal to the Reporter (39%). Proportionately more boys (51%, n=41) had committed high gravity offences than girls (30%, n=6).
- *Offence as part of a pattern of behaviour:* for 70% (n=30) of the children dealt with by the Procurator Fiscal, their index offence was part of a pattern of offending and/or antisocial behaviour. For 74% (n=42) of those referred by the Procurator Fiscal to the Reporter, their index offence was part of a pattern of offending and/or antisocial behaviour. However, for 30% (n=13) of those dealt with by the Procurator Fiscal, the index offence was an isolated incident and for 26% (n=15) of those referred by the Procurator Fiscal to the Reporter, their index offence was an isolated incident.
- *Interventions in place at, or before jointly reported index offence referral:* over half of the children (53%, n=53) already had accepted or established offence grounds at the time of the jointly reported index offence; 40% (n=40) had ICSOs¹⁵ or CSOs and 27% (n=27) were accommodated.
- *Decision making on joint reports:* for 55 children with joint reports where a decision was made by the **Reporter**, the Reporter decided to arrange a Hearing for 7 children (13%). There were only five children where the offence grounds went onto be accepted or established, with ICSO/CSOs being made or varied. For 51 children where the Procurator Fiscal made the decision on the joint reports, the **Procurator Fiscal** decided to retain fifteen (29%) for prosecution. Of these 15 cases, 11 children had appeared in court and for four, no court date had yet been set.¹⁶
- *Timeframes for decision making: Reporter:* of the 54 children¹⁷, where the Reporter made a decision, for 37 children (69%), this was within 50 working days. Timescales for Reporter decision making ranged from 0 to 179 working days. **Procurator Fiscal:** 43 joint reports were retained by the Procurator Fiscal. For 16 children (42%), the decision was made with 45 working days but for 22 children (58%), it took the Procurator Fiscal more than 45 working days to make a decision and timescales for decision making for these cases ranged from 47 to 322 working days.¹⁸

¹⁴ Gravity of the index offences was assessed using SCRA's Framework for Decision Making by Reporters (SCRA, 2015 and Appendix 3). Examples of the types of offences that are to be presumed to be of high, moderate or low gravity are as follows: **high gravity offences** – assault with a weapon, sexual offences involving coercive sexual behaviour, Road Traffic Act (RTA) offences, intentional fire-raising; **moderate gravity offences** – assault resulting in injury, assault on police officer, possession of drug other than cannabis; **low gravity offences** – theft by shoplifting, possession of cannabis, vandalism, breach of the peace, assault with no or minor injury

¹⁵ ICSOs – Interim Compulsory Supervision Order; CSO - Compulsory Supervision Order

¹⁶ Information received from COPFS as of October 2021 regarding decisions on cases.

¹⁷ Timeline data was unavailable for one child.

¹⁸ The decision making process of the Procurator Fiscal is different to that of the Reporter. The Procurator Fiscal may instruct further police enquiries, information requests from the police, and engage with the complainer. These process differences can impact on timeframes for decisions by the Procurator Fiscal. See Chapter 6 for further information on decision making.

- *Interventions after jointly reported index offence:* for only a small number of children did their offences result in statutory interventions from either the Reporter or the Procurator Fiscal. A hearing was arranged for 37 children (12%) with standard offence referrals; a Hearing was arranged for seven children (13%) with joint reports; and for fifteen children (29%) the Procurator Fiscal decided to commence prosecution.
- *Interventions in the 12 months after jointly reported index offence:* In the 12 months after the index offence, 13 children had received secure authorisations, four had bail conditions, three had been on remand, three had received custodial sentences, three had been subject to curfews, and two had Community Payback Orders. Most of the children continued to have some involvement in the Hearings System after the index offence, with 63% (n=63) having further referrals (offence and non-offence).

Serious offences

There were 45 children (11%) out of the total sample of 400 children whose index offences were of a serious violent or sexual nature. Almost all of the children who committed these serious offences were boys, and half of them (49%, n=22) were 15 years old at time of the offence. Most of these offence referrals (80%, n=36) were of a high gravity, and had aggravators (67%, n=30) most commonly 'offence against a child' and 'sexual.'¹⁹

- *Location of offences:* 42% (n=19) of these offences took place within the community, followed by school (20%, n=9), and the child's home (16%, n=7). Almost all of the children who committed these serious offences were boys, and half of them (49%, n=22) were 15 years old at time of the offence.
- *Decision making on serious offences:* most of these cases (78%, n=35) were jointly reported by the police to the Procurator Fiscal and Reporter. However, 22% (n=10) were standard offence referrals to the **Reporter**. The **Procurator Fiscal** decided to commence prosecution on 11 cases. For six cases, their decision was to refer to the Reporter. For over half (58%, n=26) of the total 45 children who had committed serious violent or sexual offences, the decision on the case was made by the **Reporter**.

Victims of offences by children

Offences committed by children aged 12 to 15 years can include victims. The main source of information on victims was obtained from the SPR2²⁰ Police reports.²¹

- *Numbers of offences with victims(s):* 53% (n=211) of offences included a victim(s).

¹⁹ Further analyses on serious offences can be found in Chapter 7.

²⁰ SPR2 – Standard Police Reports.

²¹ Further information on victims of offences by children can be found in Chapter 8.

- *Victim(s) known to the child:* the majority of victims were known to the child (67%, n=141). Victims were most commonly school pupils or peers, and were of a similar age to the child. Adult victims were most often family members or carers.
- *Location of offences with victim(s):* nearly half of the offences with victims happened in the community (47%, n=98). 17% (n=35) of offences where there was a victim(s) occurred in residential or foster care placements; 16% (n=34) in the child's own home, 11% (n=22) at school and 6% (n=13) in someone else's home.
- *Types of offences:* the most common offence charges (42%, n=149) related to assault, including assaults of police officers, assault to injury, assault to severe injury, and assault to severe injury and permanent impairment. The next most common charge type was threatening or abusive behaviour (18%, n=66). Sexual offences accounted for 13% of charges (n=48). Boys were more likely to have committed sexual crimes than girls (6% girls, 16% boys), and non-sexual crimes of violence (8% girls, 13% boys).
- *Gravity of offences:* of the 211 offences where there was a victim(s), 48% (n=100) were low gravity offences; 30% (n=64) were of moderate gravity; and 22% (n=47) were of high gravity. Boys were more likely to have committed high gravity offences against victims - 26% of boys compared to 11% of girls. 12 year olds were less likely to have committed high gravity offences with victims (12%) compared to between 21% to 23% of 13 to 15 year olds with offences where there was a victim(s).
- *Standard offence referrals to the Reporter and jointly reported offences where there was a victim(s):* there was little difference between standard index offences referred to the Reporter and those jointly referred to the Reporter and Procurator Fiscal if there was a victim(s). For standard offence referrals, 51% (n=154) had a victim(s). 56% (n=31) of jointly reported offences referred to the Reporter and 58% (n=26) of those dealt with by the Procurator Fiscal had a victim(s).

Implications and conclusions

As part of Scotland developing a more progressive, rights based approach to youth justice, building on the Kilbrandon principles, it is important to be reminded that one of the underlying principles of Kilbrandon, is that children who are in conflict with the law, often require care and protection. Children who offend may be viewed and stigmatised as 'bad children', rather than being viewed as victims themselves. Evidence presented in this report shows that children who offend have high degrees of adversity, poverty, ACEs,²² victimisation, neglect, abuse and long standing involvement with statutory services. In many cases, their childhoods are characterised by overwhelmingly negative circumstances and events. The Promise (2020), outlines that Scotland must aim for a higher ACR, to prevent the criminalisation of children, so as to be on a par with the most progressive global

²² ACEs – adverse childhood experiences

governments and as part of this, it calls for *all* children to be diverted from the criminal justice system. The implementation of the rise in the ACR to 12 years in December 2021 demonstrates this movement but it has been argued that this must go further. If Scotland wants to achieve its goal of being the best place for children to grow up, so that every child grows up loved, safe and respected, we must ask ourselves, if it right to respond to children who offend with measures that may ultimately serve as further punishment, when so many of their lives are already characterised by adversity and negative circumstances? The evidence presented in this report strengthens the argument that further raising the ACR is necessary and justified. The question is - how long will Scotland's children need to wait?

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Chapter 1: Introduction

1.1 Age of Criminal Responsibility (ACR) in Scotland

The Age of Criminal Responsibility (Scotland) Act 2019 (the 2019 Act) received Royal Assent on 11th June 2019 and was fully implemented on 17th December 2021. The purpose of the 2019 Act is to raise the ACR in Scotland from 8 to 12 years old²³ meaning that for a child under 12 years their conduct will not be considered an offence. This change in law brought the ACR in line with that of the age of criminal prosecution.²⁴ Instead, a child under 12 years engaged in harmful behaviour may be referred to the Children's Reporter on other grounds under section 67(2) of the Children's Hearings (Scotland) Act 2011 (the 2011 Act) (Scottish Government, 2016). A child under the ACR involved in harmful behaviour will continue to have their needs addressed without being treated as a criminal.

There is significant diversity worldwide with regards to juvenile justice systems and significant difficulties in establishing a minimal ACR (Weijers, 2016). There is widespread consensus that children below a certain age are too young to be held responsible for breaking the law and the variety of ACRs worldwide attests to a continuing debate within and between countries of what an advisable age should be. Cipriani (2016) demonstrated through international comparisons of over 200 countries that the median ACR is 12 years old, with European countries favouring 13 or 14 years old and Scandinavian countries tending to set their ACRs higher at 15 years old.

Table 1 below shows European Union Member States' (and the United Kingdom's) ages of criminal responsibility (Scottish Parliament, 2018).

Table 1: ACR in EU Member States

Member State	ACR	Member State	ACR
Austria	14	Latvia	14
Belgium	12	Lithuania	16
Bulgaria	14	Luxembourg	16
Croatia	14	Malta	14
Rep of Cyprus	14	Netherlands	12
Czech Republic	15	Northern Ireland	10
Denmark	15	Poland	15
England	10	Portugal	16
Estonia	14	Romania	14
Finland	15	Scotland*	12
France	13	Slovakia	14
Germany	14	Slovenia	14
Greece	14	Spain	14
Hungary	14	Sweden	15
Ireland	12	Wales	10
Italy	14		

* updated to reflect full implementation of ACR in Scotland to age 12 on 17.12.2021

²³ <http://www.parliament.scot/parliamentarybusiness/Bills/107986.aspx>

²⁴ The Criminal Justice and Licensing (Scotland) Act 2010

Historically, Scotland had the lowest ACR in Europe, set at age 8. The raising of the ACR to age 12 has been part of on-going reviews of the criminal justice system and the care system that have been underway for a number of years (Sutherland, 2016). In 2009, the Scottish Government initially proposed to increase the age of criminal prosecution to 12 years of age although stopped short of recommending that the age of criminal responsibility be raised from 8 years. In the intervening years, The Children and Young People (Scotland) Act 2014, enshrined the GIRFEC (Getting It Right For Every Child)²⁵ principles that underpin juvenile justice, and as such, the focus towards raising the ACR in Scotland was reignited. In 2015, the Scottish Government made a commitment to keep children out of the criminal justice system and vowed to review the ACR (Burnam & McVie, 2017). More recently, in 2019, the United Nations Committee on the Rights of the Child (UNCRC) revised their guidance recommending a minimum ACR of at least 14 years²⁶ and The Promise (2020) has called for a new approach to youth justice. As part of this, it calls for *all* children to be diverted from the criminal justice system and highlights that Scotland must aim for the ACR to be brought in line with the most progressive global Governments alongside efforts to prevent the criminalisation of children.

The implementation of the 2019 Act represents a significant change in legislation in Scotland and a substantial move in how to respond to harmful behaviours by children. Recently, the High Court of Justiciary in Scotland approved a new sentencing guideline developed by the Scottish Sentencing Council (2021) which seeks to reduce re-offending among young people and to regard rehabilitation as a primary consideration in sentencing young people. This guideline came into effect for all courts in Scotland on 26th January 2022.

These substantial changes form part of a shifting policy and legal landscape in Scotland relating to youth justice. With this rise in the ACR, Scotland has now moved from having the lowest ACR in Europe and the United Kingdom, to having the highest ACR in the United Kingdom. This momentum for increasing the ACR has recently been reignited in Northern Ireland, with renewed calls for an increase to the ACR there (Carr & McAlister, 2021).

1.2 Scotland's approach to child offending

One of the most radical changes made to legislation in Scotland (introduced by the Social Work (Scotland) Act 1968) was in response to concerns over youth justice. A committee was established in 1961, under Lord Kilbrandon, to investigate how society deals with vulnerable children and young people in Scotland. At that time, children and young people, whether they had committed an alleged offence, or were in need of care and protection, were dealt with by juvenile courts. In 1964, the committee reported that there were great similarities in the need for care of all children and young people appearing before the courts, regardless of their reason for being there (Kilbrandon Report, 1964). This report led to the creation of the Children's

²⁵ [Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/getting-it-right-for-every-child/girfec-2014/pages/1-1-introduction.aspx)

²⁶ UN Committee on the Rights of the Child (2019), General comment no. 24 on children's rights in the child justice system, para 22

Hearings System.²⁷ On 15 April 1971, Children's Hearings²⁸ took over from the courts and the Children's Hearings System continues to have most of the responsibility for dealing with children and young people under 16, and in some cases under 18, who commit offences or who are in need of care and protection. The significance of the Kilbrandon recommendations endures and underpins Scotland's current approach to youth justice, namely a welfare-based approach to children aged under 18 who are involved in offending behaviour – the Whole System Approach (WSA). The WSA was launched by the Scottish Government in 2011. The ethos of the WSA includes diverting children in conflict with the law from statutory measures, prosecution and custody, through early intervention and community alternatives (Vaswani et al., 2018). It is evidenced that early and repeated contact with justice agencies may be damaging to children in the longer-term and increase the likelihood of further offending (McAra & McVie, 2007). The WSA recognises that a multi-agency partnership, with a focus on education and skills, can deliver improved outcomes for children and provide a better way to incorporate children's development and maturity levels, if they are involved in offending²⁹.

One of the main grounds for the promotion of a higher ACR relates to scientific evidence regarding the intellectual and cognitive abilities of children, and gives consideration to how maturation and cognitive function can be impacted by a range of factors. These factors, including Adverse Childhood Experiences (ACEs), alcohol and substance use, traumatic brain injury, psychiatric and other neurodevelopment disorders can impact in myriad ways on typical childhood cognitive development (O'Rourke, et al., 2020), as well as having important relevance for statutory responses to offending behaviour by children.

1.3 Nature and extent of child offending in Scotland

Accurate data pertaining to the nature and extent of children's offending behaviour in Scotland, is in itself, not always clear cut (McAra & McVie, 2010; Murphy, 2021). This is partly due to no routine national surveys of offending by children. There is a reliance on routine administrative datasets, such as those compiled by Police Scotland, the Scottish Courts, the Scottish Prison Service, the Children's Hearings System, and the Scottish Children's Reporter Administration, to account for children's offending behaviour. These datasets can vary in the type of data routinely collected and are not necessarily comparable (McAra & McVie, 2016).

What is known is that the number of children in conflict with the law in Scotland has reduced over the last decade (YJIB, 2017). However, there is no current information on the number of individual children charged by the Police with crimes or offences (Murphy, 2021). National data about the categories of offending children are involved in, are not necessarily up to date, and the most recently published national Scottish figures date back to 2013 (Scottish Policing Performance Framework, 2013). These figures show that of the 43,117 offences detected by the Police in 2012-13 and committed by children and young people (aged 8 to 17 years inclusive), crimes of

²⁷ History of the system here <https://www.scra.gov.uk/about-scra/history/>

²⁸ Further information about the Children's Hearings System can be found here:

<https://www.chscotland.gov.uk/about-us/the-children-s-hearings-system/> and

<https://www.gov.scot/policies/child-protection/childrens-hearings>

²⁹ [Youth justice: Whole system approach to young offending - gov.scot \(www.gov.scot\)](https://www.gov.scot/policies/youth-justice/whole-system-approach-to-young-offending/)

dishonesty accounted for 16.2%, fire-raising, vandalism, etc. for 14.1% and other crimes for 12.7%. More serious crimes, such as violence and non-sexual crimes of violence, accounted for only 1.2% and sexual crimes for only 1.9% (Murphy, 2021). These figures concur with previous SCRA research evidence investigating children's offending behaviour (Gault, 2003), and more recently the types of offences by 8 to 11 year olds referred to the Reporter (Henderson, et al., 2016). Serious offending by children is rare - less than 5% of offences referred to the Reporter are for violent or sexual crimes (SCRA, 2019).

For children aged 12 years and more who offend, their harmful behaviours present a more complex picture requiring further exploration, particularly in light of the rise in the ACR. As part of this SCRA research into children aged 12 to 15 years involved in offending, a trends analysis was conducted in 2020 of children aged 12 to 15 years referred for offending (by age and gender), including the volume and gravity of children's offending over a 5 year period from 2013-14 to 2018-19 (see Appendix 1 for full Trends analysis).

More boys were referred to the Reporter for offending than girls. In 2018-19, 74% of standard offence referrals³⁰ to the Reporter were for boys and 26% for girls with little change observed in this pattern over the 5 year period. In 2018-19, the most commonly referred offences were assaults (including serious and assault to disfigurement) accounting for 28% of all charges; threatening and abusive behaviour (19% of all charges); vandalism (including malicious damage or mischief and reckless damage), with theft, including attempted theft, accounting for 13% of all charges. These offences were also the most common over the 5 year period (2013-14 to 2018-19). Gender differences were observed in offence types and by far the most common offence charge type for girls were assaults (38%, n=893). This is also one of the most common charge types for boys (25%, n=1,841) but at a smaller proportion compared to girls. Reductions in alcohol/drug/substance offences, housebreaking and vehicle offences were observed over the period 2013-14 to 2018-19.

Children aged 12 years and over who commit the most serious offences can also be dealt with in the adult criminal justice system. Raising the ACR above 12 years must also consider the involvement of the criminal justice system, as well as the Children's Hearings System, when dealing with the minority of children who present a risk of serious harm to others. Such serious cases are jointly reported by the police to the Procurator Fiscal and the Reporter.³¹ Following discussion with the Reporter, the Procurator Fiscal will decide whether to deal with the case, or refer it to the Reporter.

In 2018-19, 1,225 joint reports were made for children under 16 years, reflecting a change over time in how joint reports have been dealt with. Over the 5 year period (2013-14 to 2018-19), the number of children whose joint reports were referred by the Procurator Fiscal to the Reporter increased from 482 children in 2013-14 to 674 children in 2018-19 - an increase of 28%. In contrast, for those children whose joint reports were retained by the Procurator Fiscal, there was a downward trend from 317

³⁰ Standard offence referral – Referral of a child to the Reporter under section 67(2)(j) 'the child has committed an offence' of the Children's Hearings (Scotland) Act 2011. This differs from a joint reported offence in that only the Reporter is involved.

³¹ Lord Advocate's Guidelines to the Chief Constable on the reporting to Procurators Fiscal of offences alleged to have been committed by children: revised categories of offence which require to be jointly reported (2014).

children in 2013-14 to 125 children in 2018-19 - a reduction of 60% (see Appendix 1). This reflects the aim to divert children away from the criminal justice system and instead to the Children's Hearings System, resulting in fewer children's cases being dealt with by the Procurator Fiscal.

1.4 Links between children's backgrounds and harmful behaviour

Understanding and responding to children's offending requires careful consideration of the adversities and harms many children who offend have experienced (McAra & McVie, 2018). The concept of ACEs (Felitti, et al., 1998) is gaining traction within youth justice. The original study by Felitti et al. (1998) included seven different adverse circumstances in childhood, and the long-term relationships these circumstances could have, especially for negative health outcomes in later life. These original seven ACEs have been expanded with three further measures added³²- physical neglect, emotional neglect and parental separation.

There is strong evidence from different countries that the higher the number of ACEs scored, the greater the likelihood of negative health and social outcomes. Bellis, et al. (2014a; 2014) demonstrated that between 9% and 14% of adults in population studies in England and Wales reported four or more ACEs. There has not, as yet, been a similar population study for ACEs in Scotland (CYCJ, 2021), although ACEs have been included in the recent Scottish Health Survey in 2020 with just over one in seven adults reporting four or more ACEs (Scottish Government, 2020). However, the likelihood of adversity is hypothesised to be higher in Scotland compared to the rest of the UK due to the combination of Scotland's specific contextual and structural characteristics e.g. social, cultural and economic (Couper & Mackie, 2016; Smith, et al., 2016). A recent study by Marryat and colleagues published online using Growing up in Scotland (GUS) longitudinal data³³ illustrates that two-thirds of Scottish children have 1+ ACE by age 8, suggesting that many Scottish children are experiencing childhoods which are far from ideal.

Despite ACEs increasingly being used to inform policy development (Scottish Government, 2018), this approach has a number of limitations, particularly the lack of nuance and distinction between types of ACEs – each ACE is treated as equal, not to mention the myriad adversities not included as ACEs (Treanor, 2019). There are also limitations in measuring changes in concerns over time (Woods, et al., 2018). Moreover, the relationship between ACEs and poor outcomes is not necessarily causal, with the majority of individuals who experience ACEs in childhood not experiencing poor health outcomes, persistence in offending or violent behaviours, or ending up in prison, in later life (CYCJ, 2021). The strongest criticism of ACEs relates to the lack of consideration of the wider contextual and structural circumstances in which children and their families live, with the detrimental effects of poverty on the areas of life being attributed to ACEs (e.g. education, mental and

³² Original seven categories of adverse childhood experiences included psychological, physical, or sexual abuse; violence against mother; or living with household members who were substance abusers, mentally ill or suicidal, or ever imprisoned. Physical neglect, emotional neglect and parental separation have been added and expanded the categories to ten adverse childhood experiences.

³³ The Scottish ACE Study: exploring Adverse Childhood Experiences in Scotland
http://www.healthscotland.scot/media/2044/3_louise-marryat.pdf

physical health, family relationships; future life chances) being overlooked or absent (Taylor-Robinson, et al., 2018; Treanor, 2019; Ortiz et al, 2021).

Nonetheless, a higher number of ACEs has been shown to be indicative of an increased risk of poorer outcomes (CYCJ, 2021; Simkiss, 2019). In Scotland, research has shown that young people who offend have a much higher level of exposure to ACEs (Vaswani, 2018a). The relationship between exposure to ACEs and future violence also extends to being a victim of violence, an offender, or often both (CYCJ, 2021). Further significant experiences, such as bullying, exploitation, victimisation, being in care, and living in poverty, for example, are not included in the 10 ACEs. For instance, the number of children who have experienced bereavement in Scotland is high, with around half of all children having experienced the death of a close family member by the age of eight (Paul & Vaswani, 2020). Children in conflict with the law have higher rates of bereavement experiences in childhood with a greater likelihood of experiencing multiple and traumatic deaths (Vaswani, 2008; 2014; Dierkhising, et al., 2019; Finlay & Jones, 2000).

There is growing recognition too, that children who are involved in offending, particularly children who may be committing more serious and/or violent offences, are themselves vulnerable, have complex needs and suffer social adversity (Burnam & McVie; 2017; Nolan et al., 2018). This adversity can be compounded by the myriad negative effects of growing up in poverty. Growing up in adverse socioeconomic circumstances has been shown to be a risk factor for child abuse and neglect and can increase the likelihood of children being taken into care (Bennett, et al., 2022a; Bennett et al., 2022b; Walsh, et al., 2019; Bywaters et al., 2016;). Growing up in areas of multiple disadvantage has been linked to a greater likelihood of being referred to the Reporter on care and protection grounds, as well as being subject to compulsory measures (Hanson, 2006). Marryat and Frank (2019) found that ACEs were over 10 times more likely to occur in the poorest 20% of the population compared to the richest 20%. Rising child poverty rates have been linked to the UK Government's fiscal policy of austerity introduced in 2010 which resulted in substantive cuts and reforms to the welfare system. These changes and cuts have disproportionately affected deprived communities across the UK (Bennett, et al., 2020; Barr, et al., 2015). Poverty and material deprivation are linked to a wide variety of poorer outcomes, including offending, and children who live in poor households, or deprived neighbourhoods, are more likely to offend (Jahanshahi, et al., 2021). The number of Scottish children living in poverty was nearly one in four before the COVID pandemic struck in March 2020 (McKendrick, et al., 2021) with this figure set to rise (Dickie, 2021).

1.5 Background to the research

For many children who come into conflict with the law, their lives can include varying degrees of adversity, negative experiences, trauma and loss, often underscored by adverse socioeconomic circumstances. This plurality of factors can have substantial and sustained consequences for their development, behaviour and future outcomes. How these factors influence and impact on children who offend needs to be more fully and critically understood, particularly in the context of the recent rise in the ACR.

In 2018, the Scottish Government asked SCRA to carry out a study on children aged 12 to 15 years involved in offending, building on previous research undertaken by SCRA in 2016 (Henderson, et al., 2016). In August 2019, the Scottish Government's ACR Advisory Group confirmed that it wished SCRA to proceed with the research and the research commenced in 2020.

This study on 12 to 15 year olds is more extensive than the previous SCRA 2016 study that examined the types of offences by 8 to 11 year olds referred to the Reporter (Henderson, et al., 2016). This is due, in part, to reflect the higher numbers of children age 12 to 15 years involved in offending, and the greater complexity of the processes to respond to their behaviour.

This study includes detailed information extracted from 400 individual children's case files held by SCRA in its Case Management System (CMS) (see Chapter 3 for further details).

To ensure the inclusion of the most serious cases - the jointly reported cases dealt with by the Procurator Fiscal - data from the Crown Office and Procurator Fiscal Service (COPFS) were obtained to better understand the actions taken in such cases and the response of the criminal justice system to them. Due to the COVID-19 pandemic, SCRA researchers were unable to access COPFS data on-site from COPFS internal case recording systems, as proposed in the original research proposal. However, on-going collaboration with Procurator Fiscal staff from COPFS ensured that data on the most serious cases is included where this information was available.

1.6 Aims of the research

The aim of this research study was to characterise the backgrounds and offending by children aged 12 to 15 years old. The following research questions are addressed in the forthcoming chapters:

- What are the trends in numbers of children referred for offending (by age and gender), and the volume and gravity of offending over the past 5 years? (Appendix 1)
- To what extent are the lives of these children characterised by adversity and trauma? (Chapter 3)
- What factors are associated with, or influence, their harmful behaviours? (Chapter 3)
- What are the patterns of offending by this age group in terms of volume, gravity, and recidivism? (Chapters 5, 6, 7)
- Who are the victims of offending by children aged 12 to 15 years? (Chapter 8)
- What are the responses of statutory agencies to these children's behaviour (including decision making in the Children's Hearings System and the Criminal Justice system, interventions and service involvement) (Chapters 3, 4, 5 and 6).

Chapter 2: Methods

2.1 Research sample

400 cases of children referred for offending in 2018-19 were selected from SCRA's data warehouse and formed the final research sample. The sample comprised approximately 10% of all children referred on offence grounds to the Reporter and approximately 20% of those who were jointly reported to the Reporter and Procurator Fiscal in 2018-19.³⁴ The latter were over sampled (as around half of jointly reported cases are young people aged 16 and 17 years) to allow sufficient numbers of cases for decision making to be analysed for cases retained by the Reporter, and those retained by the Procurator Fiscal. Gendered differences in offending have been observed for some time and far fewer girls are referred to the Reporter for standard offences or jointly reported to the Reporter and Procurator Fiscal, as outlined in the Trends analysis (Appendix 1). To account for this, we made the decision to also oversample girls to allow sufficient numbers of cases for analysis, and these cases account for 20% of the total sample. Detailed information on the demographic characteristics of children in the sample is indicated below.

Reporter sample (n=300 cases)

After over sampling for girls, 300 cases were randomly selected from across Scotland on the basis of the first or only offence referral to the Reporter during the period of **1st April to 30th September 2018**. This referral was identified as the **index offence** for the purposes of this research. This time period was selected to allow cases to be followed for at least a year after the index offence.

In addition to the 300 cases referred to the Reporter, it was important to also include children whose cases had been jointly reported to the Reporter and the Procurator Fiscal.

Jointly reported to Reporter and Procurator Fiscal sample (n=100 cases)

Jointly reported cases comprised 100 separate cases in addition to the 300 cases stated above. Around a fifth of jointly reported cases were retained by the Procurator Fiscal. These cases were over sampled so that 50 cases retained by the Reporter and 50 retained by the Procurator Fiscal were included in the sample.³⁵ Additionally, girls were over sampled in the jointly reported sample. These cases were then randomly selected from across Scotland on the basis of being a first or only joint report during the same period e.g. **1st April to 30th September 2018**. This referral was identified as the **index offence** for the purposes of this research.

³⁴ In 2018-19: Numbers of children referred to the Reporter on s67(2)(j) of the 2011 Act 'has committed an offence' ground were: 12 year olds – 234; 13 year olds – 477; 14 year olds – 889; 15 year olds – 1141 and Jointly reported cases to the Procurator Fiscal (all ages) – 1,147

³⁵ Once the data had been analysed, 57 jointly reported cases (42 boys and 15 girls) were dealt with by the Reporter and 43 jointly reported cases (38 boys and five girls) were dealt with by the Procurator Fiscal.

2.2 Research variables

The research variables covered four areas:

1. Child's background ³⁶
2. Family background ³⁷
3. First (or only) offence between 1st April to 30th September 2018; and
4. Twelve months after first (or only) offence between 1st April to 30th September 2018.

The list of research variables are shown in Appendix 2. These include data variables collected from both SCRA and COPFS.

2.3 Data collection

Data collection involved a two stage process:

Trends analysis

Firstly, a trends analysis was completed to understand the numbers of children aged 12 to 15 years referred for offending to the Reporter (Appendix 1). This analysis was conducted in June and July 2020.

Data were produced from SCRA's Data Warehouse on all children aged 12 to 15 years referred to the Reporter for offending and those with joint reports. This analysis examined trends over five years (2013-14 to 2018-19) for numbers of referrals and types of offences, and age and gender of children who commit offences (Appendix 1).

Research sample: data collection and case analysis

Secondly, data were collected for the 400 children in the research sample. This stage involved extracting relevant information from case files held in SCRA's Case Management System (CMS). Case file information included e.g. Police reports (SPR2);³⁸ Social Work reports; Reporter's decisions including Hearing decisions, types of grounds for referral, correspondence and notes related to the child. Additionally, case files also included information from a variety of organisations, including Education and Health. The quantity and type of information varied across children's case files. In particular, for some children, the only information available was the Police SPR2 report, particularly for those children from outwith Scotland (n=12) whose case files contained little or no additional background information.

Each child's case was separately and closely examined by SCRA's research team using information held by SCRA in its CMS. This comprised the majority of the information collected for this research. Data collection was carried out between June

³⁶ Information on child and family backgrounds were obtained from SCRA's case files only.

³⁷ Information on child and family backgrounds were obtained from SCRA's case files only.

³⁸ Police SPR2 report is a Standard Prosecution Report – further information on Offending by Children, Standard Operating Procedure, Police Scotland at <https://www.scotland.police.uk/spa-media/leginagg/offending-by-children-sop.pdf>

2020 and April 2021. These data were collated in an Excel database designed for the purposes of data collection as a research database.

Information on jointly reported cases retained by the Procurator Fiscal including, type and description of offence (including modifiers), Procurator Fiscal marking decision, conviction, sentencing and whether any other subjects were involved in the offence (e.g. number, adult or child), were also included in the research database.

Data analysis was performed using Excel from May to November 2021.

2.4 Ethical considerations

Ethical approval

Ethical approval for the research was granted by SCRA's Research Ethics Committee on 23rd March 2020.

Confidentiality

Unique linkage identifiers for 400 cases in the sample were used for the purpose of data collection. No identifiers (names, dates of birth) were collected except the child's home address postcode at the time of the index offence for the explicit purpose of conducting analysis using the Scottish Index of Multiple Deprivation.³⁹

Numbers less than five are suppressed in reporting and indicated in tables as '<5' as per SCRA's statistical reporting⁴⁰ to ensure anonymity. However, there are occasions throughout this report that numbers less than 5 are reported in order to provide meaningful data.

Only SCRA researchers had access to information on the 400 children's case files held in CMS and further information provided by the COPFS.

Information on selected cases jointly reported to the Procurator Fiscal were discussed with COPFS in order to complete information gaps. The COPFS held information on these cases which was not recorded in SCRA's CMS. This was done for 22 cases and communication was between the lead researcher and the COPFS on secure IT systems. A COPFS representative was also a member of the Research Advisory Group (RAG) with detailed understanding of the research.

A Research Advisory Group (RAG) was appointed and provided oversight and advice on the research, on-going peer review of draft chapters of the research report, and contributed to its recommendations. The membership of the RAG is provided in the acknowledgements. All information shared with the RAG was aggregated and anonymised.

Security

SCRA is part of the Scottish Government's IT network which is a secure system. All data collected and analysed were held in a folder to which only the SCRA research team had access, and on encrypted devices. The researchers are all PVG Scheme

³⁹ Further detail on the SIMD analysis is highlighted in Chapter 3.

⁴⁰ SCRA's online statistical dashboard indicates numbers under five are omitted from the graphs and indicated in the table as '<5'. This is to ensure the anonymity of the data <http://www.scra.gov.uk/stats/>

members in respect of regulated work with children⁴¹ and have all been trained on Data Protection law.

2.5 Demographics of children in the research sample

Gender and age profile

In total, 400 children aged 12 to 15 years were included in this study - 79 girls and 321 boys. Table 2 indicates the number of children in the sample by age at the time of the index offence.

Table 2: Age and numbers of children in research sample

Age at Index Offence (years)	Numbers of children
12	39 (10%)
13	75 (19%)
14	117 (29%)
15	169 (42%)
Total	400

Ethnicity

Using the Census categories⁴² to report ethnicity, the majority of children are of White: English/Welsh/Scottish/Northern Irish/British ethnicity, accounting for 87% (n=347) of the sample. Five per cent (n=19) of children are White: Other White. Mixed: Other Mixed accounted for 3% (n=11) of children, with Other ethnic group: Any other ethnic group accounting for 2% (n=6). Ethnicity was not recorded for 17 children.

Local authority

The majority of local authority areas were represented, with five local authorities accounting for nearly half of children (49%). These included Glasgow City, 19% (n=77); South Lanarkshire, 9% (n=36); Highland, 8% (n=33); North Lanarkshire, 7% (n=27) and Edinburgh City, 6% (n=23).

Case studies (children's stories)

Case studies (real world examples) are used throughout this report to provide greater insight into the lives, circumstances and offending behaviour of children aged 12 to 15 years old. These eleven case studies are based on composites of actual cases in the research sample with certain details changed to ensure anonymity. The events, decisions and timescales described are real.

2.6 Limitations of this research

This research uses two main sources of information. Statistical information obtained from data produced from SCRA's Data Warehouse on all children aged 12 to 15 years referred to the Reporter for offending and those with joint reports to examine trends in offending over a five year period (2013-14 to 2018-19).

⁴¹ Section 52 of the Protection of Vulnerable Groups (Scotland) Act 2007

⁴² Census ethnicity categories : White: English/Welsh/Scottish/Northern Irish/British; White: Gypsy or Irish Traveller; White: Irish; White: Other White; Black/African/Caribbean/Black British: Other Black; Mixed: Other Mixed; Mixed: White and Black African; Other ethnic group: Any other ethnic group; Other ethnic group: Arab

The second type of information used in this research study, and by far the most extensive, was obtained from children's case file records held on SCRA's case management system (CMS). This information comprises secondary administrative data, gathered from a variety of sources. These data are not designed for research purposes, are not standardised, and can be messy and complex, requiring a high degree of data management to clean and organise the data into a meaningful dataset that can be used for research purposes (Connelly, et al., 2016). As such, the use of administrative data has both limitations and advantages.

SCRA case files, as stated previously, contain a variety of information from different sources, including from Social Work, the Police, Education, Health professionals, as well as decisions made by Reporters and legal measures. For example, for many children in the research sample their case files were extremely detailed with information gathered over many years, from a variety of source organisations, highlighting the extent and persistent nature of children's contact with multiple services. In contrast, some children's case files had little recorded information, particularly children who were accommodated in Scotland at the time of their offence (n=12) but whose childhoods have been lived outwith Scotland. In these cases, there was little to no information gathered as to their background, adversity and trauma experienced, patterns of offending, or on-going responses from statutory organisations.

Nixon et al., (2021) previously identified some of the challenges, including bias and data quality, associated with using non standardised secondary data for research purposes in work exploring the reporting and recording of disability information in case file data. As such, it is possible that this study may underestimate the level of adversity and trauma, as well as there being limitations in identifying all statutory responses and decision making for all children. Data quality frequently varied within and between children's case files. This is the case with regards to gaps in data, particularly identified in some of the jointly reported cases, as specific information could not be obtained from the COPFS.

The research sample included over-sampling girls who offend and over-sampling jointly reported offences. Over-sampling these groups to make up a larger share of the sample than would normally be present for children who offend aged 12 to 15 years was important, in order to shed light on these sub-groups, whose numbers are usually small. This over-sampling was done to ensure that there were sufficient numbers of girls and jointly reported cases to conduct meaningful analysis.

In a complex study such as this, with a large amount of information collected from a wide variety of sources, there will inevitably be differences in terminology and language used to describe circumstances and events.

For example, in this report we use the term 'social/emotional/behavioural disability' to reflect a category that frequently appears in social work reports concerned with social/emotional/behavioural aspects of a child's behaviour and conduct. There may be debate as to what this term includes as there is no current standard definition.

This is a limitation of secondary data collection. In previous work, Nixon et al. (2021) identified inconsistencies in definitions of disability and proposed a toolkit for measuring disability that broadens the scope, and includes definitions of disability

that can be undiagnosed but which can result in not being able to fully participate or equally function within society due to physical, mental, cognitive, socioemotional or neurological differences. In this study, we have used definitions routinely used in external reports. However, we are aware that definitions to describe circumstances and events may not be applied consistently across organisations.

The data collected in this study is not representative of all children who commit offences in Scotland. It concerns only those children who are referred to the Reporter, or are jointly reported to the Procurator Fiscal and the Reporter. As such, a further limitation is that the research is not generalisable to all children in Scotland who offend.

Jenna's story

This is a story about a girl with a history of neglect, parental drug and alcohol use and domestic violence who is now displaying aggressive and threatening behaviour in the community.

Jenna is a 16 year old girl who lives at home with her parents and her older brother. Jenna's parents have found it difficult to care for Jenna properly since she was young and Social work became involved with the family due to concerns about the conditions of the family home, domestic violence between the parents and aggressive behaviour towards Jenna. Jenna's parents have had problems with drug and alcohol use and Jenna's dad has had problems with his mental health. Jenna has witnessed domestic violence between her parents and Jenna has been a victim of aggressive behaviour by other family members.

Jenna was 7 years old when she was first referred to the Children's Reporter after her school became concerned after receiving reports of Jenna being neglected and treated aggressively by her Mum. The decision was taken not to arrange a Hearing at this time as compulsory measures were not needed.

Jenna was first referred to the Children's Reporter on offence grounds at the age of 15 for aggressive behaviour in the community. Since then, she has had a further 4 offence referrals for aggressive and threatening behaviour in the community. The Reporter decided to arrange a Children's Hearing at which a Compulsory Supervision Order (CSO) was made that Jenna lives at home.

At the time of her current offence, the Police stated that Jenna was under the influence of alcohol. Jenna has been frequently hanging around with older youths who have been providing her with alcohol, and her aggressive behaviour is getting worse.

Although Jenna is still living at home her behaviour is causing upset with frequent family disputes and aggressive outbursts, especially towards her Mum and brother, made worse when Jenna has been out and returns home under the influence of alcohol. Jenna has turned 16 and has now left school. Interventions with Social Work and Skills Development Scotland have been offered but Jenna's engagement has been sporadic.

Chapter 3: Children's backgrounds, including adversity and trauma

This chapter describes the backgrounds of the 400 children sampled in this research. It presents information on:

- Children's social backgrounds using the Scottish Index of Multiple Deprivation (SIMD) and their current living circumstances.
- Health and wellbeing - including disability and learning difficulties, mental and physical health conditions, and self-harming.
- Neglect and trauma experienced by the children - including parental neglect, bullying, being victims of sexual or criminal exploitation, witnessing traumatic events, and significant bereavement.
- Children's harmful behaviours towards others and children's exposure to harmful behaviours by others.

Most of these children's lives are characterised by adversity and trauma with many experiencing parental neglect, and victimisation in the forms of bullying and sexual and criminal exploitation. There is also evidence that adversity and trauma is, for some of these children further compounded by bereavement, including the loss of parents and siblings. Their experiences of traumatic events and adversity provides a particular context to their lives.

3.1 Children's socioeconomic circumstances using the Scottish Index of Multiple Deprivation (SIMD)

The SIMD is a relative measure of deprivation across 6,976 small areas (called data zones) (Scottish Government, 2020a). If an area is identified as 'deprived', this can relate to people having a low income but it can also mean fewer resources or opportunities within an area. The SIMD looks at the extent to which an area is deprived across seven domains: income, employment, education, health, access to services, crime and housing.

The SIMD ranks data zones from most deprived (ranked 1) to least deprived (ranked 6,976). Using the SIMD, it is common to focus on the data zones below a certain rank, for example, the 5%, 10%, 15% or 20% most deprived data zones in Scotland. Postcode and data zone look-up files are available which allow postcodes to be checked and ranked based on the 5%, 10%, 15% or 20% most deprived data zones in Scotland (Scottish Government, 2020b).

Data were collected on children's known home address postcodes at the time of the index offence. These postcodes were inputted into the SIMD Excel look up file that generated a ranking. For this research, the ranking used is based on SIMD quintiles (i.e. the 20% most deprived data zones in Scotland) (SIMD, 2020).

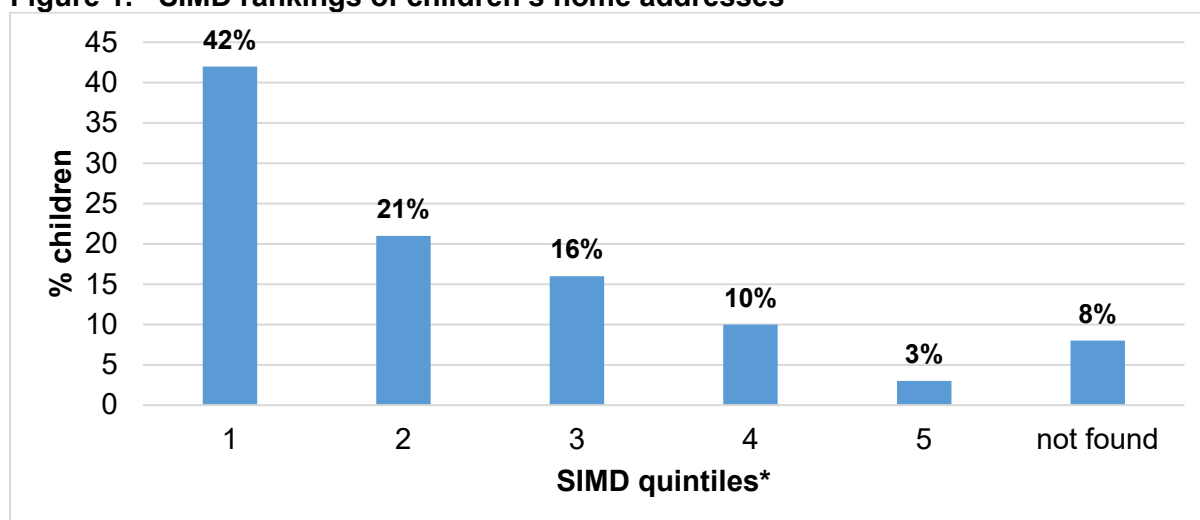
Postcode information was recorded for 92% (n=366) of children. For the remaining 8% of children (n=34) their postcode was 'not found' when the postcode was entered into the SIMD look up Excel file. This was due to either inaccurate postcodes being

recorded, missing information, or postcodes that were not located in Scotland. The SIMD will only generate a ranking if the postcode is known and within Scotland.

A number of children had postcode information and/or addresses indicating that they had home addresses outwith Scotland. Twelve children (3%) were from other parts of the UK or from Ireland and were living in Scotland at the time of the index offence. Seven of these children were accommodated in residential care settings.

Figure 1 shows the proportions of children whose home addresses were in areas identified using the SIMD quintiles, with 1 being the most deprived and 5 being the least deprived areas in Scotland.

Figure 1: SIMD rankings of children's home addresses



*SIMD quintiles - represents neighbourhoods which are aggregated from 6,976 data zones in Scotland from most deprived (ranked 1) to least deprived (ranked 6,976). SIMD 1 refers to neighbourhoods within the 20% most deprived with 5 being neighbourhoods within the 20% least deprived neighbourhoods in Scotland.

42% of children (n=166) had home addresses in areas ranked as within the 20% most deprived in Scotland (SIMD quintile 1). As the SIMD ranking is a measure of relative deprivation, 63% of all children in this study (n=248) have home addresses in areas ranked within SIMD quintiles 1 and 2 indicating that their home addresses are within areas classified as deprived.

By contrast, 3% of children (n=12) had home addresses in areas ranked within SIMD 5, with their home addresses located within the 20% most affluent areas in Scotland.

The complexity of multiple deprivation and its effects are highly relevant to this study. Research evidence has shown that an increase in likelihood of offending behaviour and violence can also exhibit spatial patterns linked to inequalities within and between neighbourhoods (McAra & McVie, 2015; Pacione, 1995).

3.2 Children's living circumstances at the time of the index offence

Table 3 shows the living circumstances of the children at the time of the index offence. At this time, the majority of children (65%, n=261) were living at home with their

parent(s) and over a quarter (26%, n=103) were in residential care (including secure accommodation).

Table 3: Children's living circumstances at time of the index offence

Type of living circumstance	Number of children
With parent(s)	261 (65%)
Kinship	27 (7%)
Foster carers	6 (1%)
Children's Unit	46 (12%)
Residential school	28 (7%)
Other residential placement	20 (5%)
Secure unit	9 (2%)
Totals	397*

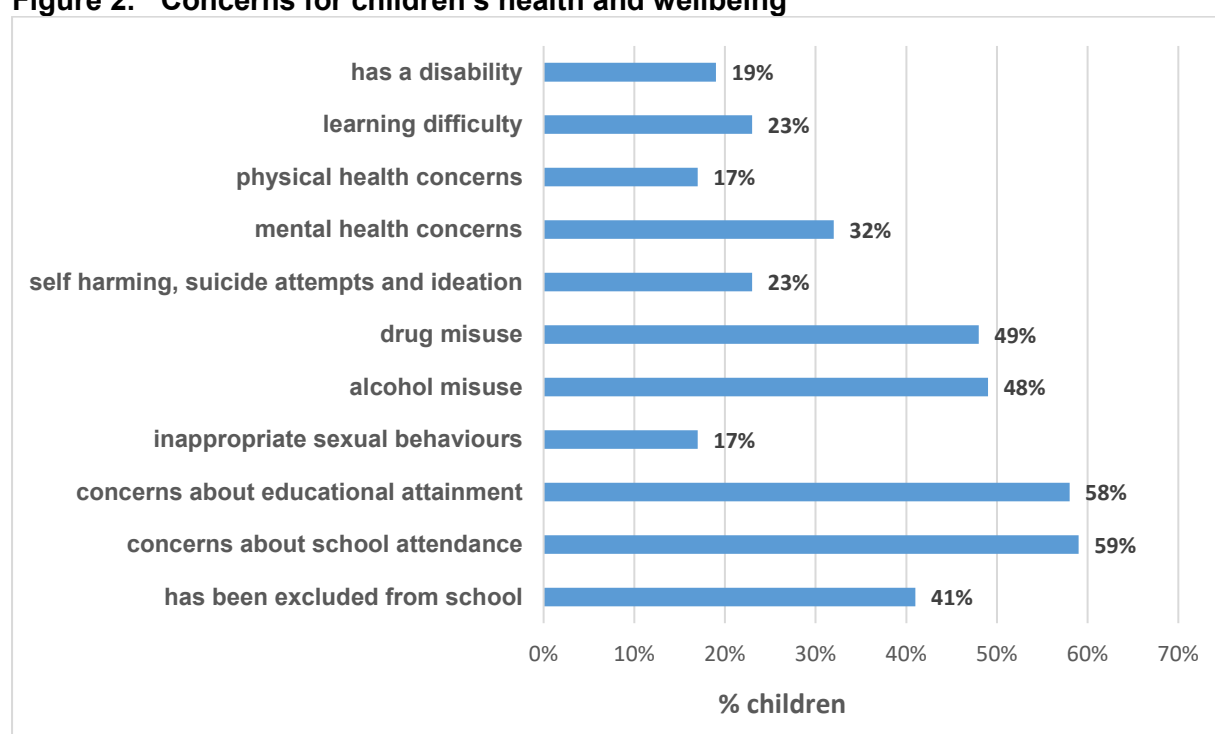
*Legal permanence (e.g. adoption/residence orders) and homelessness are not included in the total

3.3 Children's health and wellbeing

This section is about children's health and wellbeing and includes information on disability, learning difficulties, physical and mental health concerns, self-harming, substance use, inappropriate sexual behaviours and concerns about education engagement, attainment and exclusion.

The findings are summarised in Figure 2 and described in more detail below it.

Figure 2: Concerns for children's health and wellbeing



Disability

Almost a fifth of the children (19%, n=75) were recorded as having a disability. This is a higher proportion than that of all looked after children, 10% of whom are assessed as having a disability (Scottish Government, 2021).⁴³

Social, emotional and behavioural disability was the most common type of disability recorded for both boys (12%) and girls (10%) (Table 4).

Table 4: Types of disability (by gender)

Type of disability	Number of children		
	Girls	Boys	Total
Autistic spectrum disorder (ASD)	0	7 (2%)	7 (2%)
Learning disability	0	6 (2%)	6 (2%)
Social, emotional and behavioural disability	8 (10%)	38 (12%)	46 (12%)
Total children with a disability	12 (15%)	63 (20%)	75* (19%)
Total children	79	321	400

* Information is not presented on types of disabilities numbering less than 5 of each - hearing impairment; language and communication disorder; other chronic illness/disability; visual impairment and 'not assessed'.

Autistic Spectrum Disorder (ASD) was recorded for seven boys, and learning disability for another six boys. No girls were recorded as having these types of disability.

Five children (1%) had an 'other chronic illness or disability'.

Of the 400 children in this research, only 274 had information recorded on whether or not they had a disability.

Learning difficulties

Information was collected on whether children had a learning difficulty and this was not recorded as being a disability. This commonly included conditions such as Attention Deficit Hyperactivity Disorder (ADHD) and dyslexia.

Almost a quarter (23%, n=93) of the children had a learning difficulty. Boys (26%, n=83) were twice as likely to have a learning difficulty than girls (13%, n=10).

Looking at the 93 children with learning difficulties, 50 children had ADHD or Attention Deficit Disorder (ADD) – this is 13% of children in the total sample and 54% of those with learning difficulties. Fourteen of the children with ADHD also had at least one other learning difficulty such as ASD, Foetal Alcohol Syndrome (FAS) or conduct disorders.

Dyslexia was the second most common type of learning difficulty being recorded for 17 children. This is 4% of children in the total sample and 18% of those with learning difficulties.

Twelve children had ASD. This is 3% of those in the total sample and 13% of those with learning difficulties.

⁴³ Of the 14,458 looked after children at 31st July 2020, 10% were assessed as having a disability, 69% as not having a disability, and for 21% this was not known (Scottish Government, 2021).

Other types of learning difficulties included global development delay, speech and language delay and/or communication difficulties, attachment disorders, and anxiety and mood disorders. Additional learning needs and/or additional support needs were also indicated. Additionally, a number of children had either undiagnosed but suspected learning difficulties, particularly ADHD or ASD.

Of the 400 children in this research, there were 263 children where information was recorded on whether they had a learning difficulty or not.

3.4 Health concerns

Physical health

Just under a fifth of children (17%, n=66) were reported as having physical health concerns with proportions being similar for both girls and boys (16% of girls, n=13; 17% of boys, n=53).

Mental health

A third (32%, n=129) of children were recorded as having mental health concerns - 35% of girls (n=28) and 31% of boys (n=101). The age profile of children with mental health concerns was similar across the sample affecting 33% of 12 year olds (n=13) and 35% of 15 year olds (n=59).

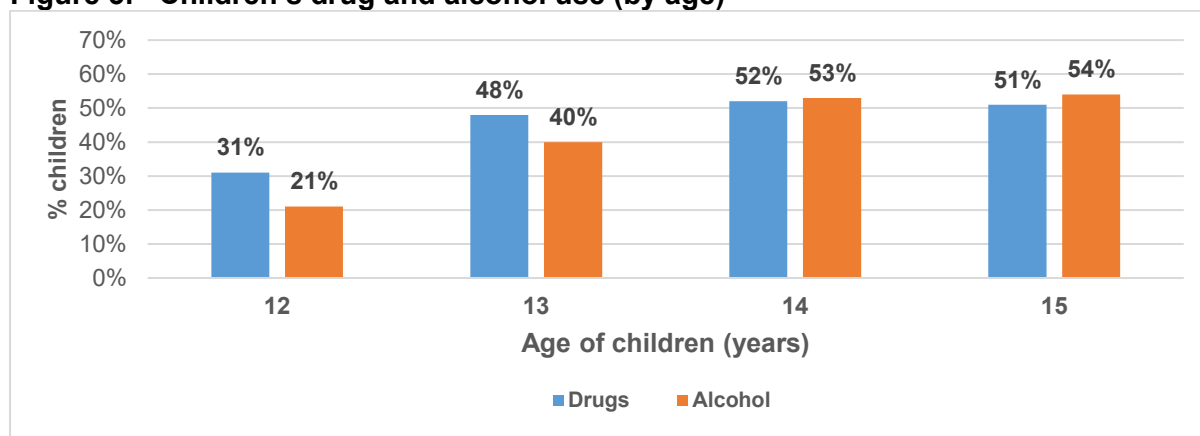
Self-harming, suicide attempts and ideation

Around a quarter of children (23%, n=90) were reported to have self-harmed, attempted suicide and/or displayed suicide ideation. Girls (39%, n=31) were twice as likely to have self-harmed, attempted suicide and/or contemplated suicide than boys (18%, n=59). This pattern for girls was evident at all ages between 12 and 15 years old.

Substance misuse

Around half of the children (49%, n=196) had used drugs (48% girls, n=38; 49% boys, n=158) and alcohol (48%, n=191; 58% girls, n=46; 45% boys, n=145). Fewer children were recorded as having used solvents (3%, n=11). Drug and alcohol use became more prevalent as children got older with the greatest increase being between the ages of 12 and 13 years (Figure 3).

Figure 3: Children's drug and alcohol use (by age)*



* Values for solvent abuse when split by age and gender were below 5, and are not presented here.

Inappropriate sexual behaviours

Just under a fifth of the children, 17% (n=68) had shown inappropriate sexual behaviours (16% girls, n=13; 17% boys, n=55). These included behaviours such as age inappropriate sexual language, pre-occupation with sex/sexual behaviours, asking people to take off clothes, public masturbation and/or engaging in sneaky sexual behaviour, etc. There was a reduction in this behaviour reported to be present with age - from 23% of children aged 12 years (n=9) to 12% of 15 year olds (n=21).

3.5 Engagement with education

Educational attainment

There were concerns about educational attainment for 58% (n=233) of children (63% girls, n=50; 57% boys, n=183). For girls these concerns were higher for 13 to 15 year olds (64%, n=7 to 80%, n=28) than 12 year olds. For boys these concerns were higher when they were aged 13 (69%, n=44) and 14 years (60%, n=55) than when they were 12. By 15 years old around half had concerns around education attainment.

School attendance

There were similar levels of children (59%, n=236) where there were concerns about their attendance at school (66% girls, n=52; 57% boys, n=184). The proportions of children where there were concerns about school attendance more than doubled between the ages of 12 years (26%, n=10) and 13 years (65%, n=49). The numbers of children not going to school remained high for those aged 14 years (61%, n=71) and 15 years old (63%, n=106). This overall trend was the same for boys and girls.

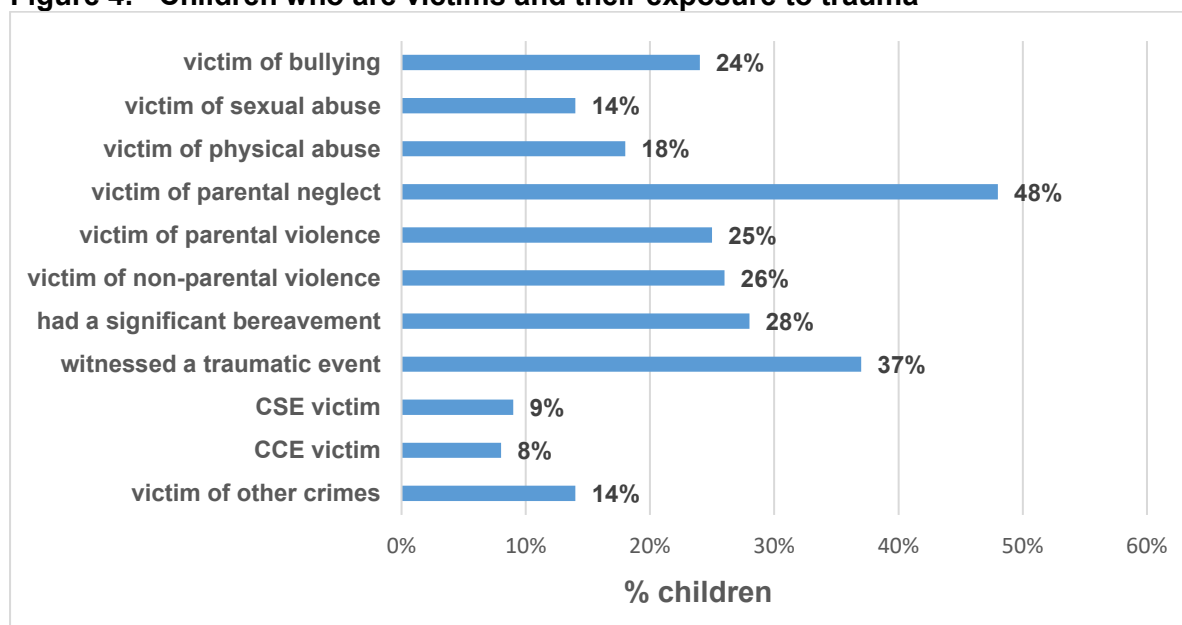
School exclusions

Two fifths of the children, 41% (n=165) had been excluded from school at least once during their lives (32% girls, n=25; 44% boys, n=140). The proportion of children with school exclusions doubled between the ages of 12 years (26%, n=10) and 13 years (56%, n=42). At the ages of 14 (41%, n=48) and 15 years (38%, n=65), similar levels of children had been excluded from school.

3.6 Abuse, neglect, trauma and significant events

This section is about the victimisation of children in the study including exploitation, trauma and neglect, witnessing traumatic events and significant bereavement. These findings are summarised in Figure 4 and described in more detail below.

Figure 4: Children who are victims and their exposure to trauma*



* CSE – Child sexual exploitation; CCE – Child criminal exploitation

Victims of bullying

Almost a quarter of children (24%, n=94) had been victims of bullying - this was 28% of girls (n=22), and 22% of boys (n=72).

Victims of sexually harmful behaviour and/or sexual abuse

Fourteen percent of the children (n=57) were identified as victims of sexually harmful behaviour and/or sexual abuse. This was similar across the ages of 12 to 15 years, with 13% (n=5) of 12 year olds and 12% (n=21) of those aged 15 years identified as victims. Just under a fifth of 14 year olds (17%, n=20) had been sexually abused. Girls (39%, n=31) were almost five times more likely to be identified as victims of sexually harmful behaviour and/or sexual abuse than boys (8%, n=26).

Victims of physically harmful behaviour or physical abuse

Almost a fifth of children (18%, n=71) were victims of physical abuse or harmful behaviour and this was apparent at all ages from 12 to 15 years. Similar proportions of girls and boys had suffered physical abuse - 18% of both girls (n=14) and boys (n=57).

Victims of parental neglect

Almost half of these children (48%, n=191) were reported as being victims of parental neglect. This was nearly three fifths of girls (56%, n=44) and almost half of boys (46%, n=147). This pattern was similar across ages 13 to 15 years. Two thirds (66%, n=21) of boys aged 12 years old had suffered parental neglect (Table 5).

Table 5: Children who are victims of parental neglect

Age (years)	Number of children		
	Girls	Boys	Total
12	<5	21 (66%)	*
13	7 (64%)	29 (45%)	36 (48%)
14	14 (54%)	41 (45%)	55 (47%)
15	19 (54%)	56 (42%)	75 (44%)
Total – neglect	44 (56%)	147 (46%)	191 (48%)
Total - children	79	321	400

*suppressed due to low numbers of girls

Victims of non-parental violence/aggression

A quarter (26%, n=105) were victims of this type of violence/aggression (23% girls, n=18; 27% boys, n=87). The likelihood of being a victim of non-parental violence increased with age from 15% of 12 year olds (n=6) to 29% of 15 year olds (n=49).

Victims of parental violence/aggression

A quarter (25%, n=100) were victims of this behaviour (24% girls, n=19; 25% boys, n=81). Children aged 15 years were less likely to be victims of parental violence (17%, n=28), than younger children (all over 30%).

Parent's history of violence/aggression towards child

Similar to children who were victims of parental violence (above) - in 24% of cases (n=95) there was a history of this (25% girls, n=20; 23% boys, n=75). For 36 children (9%), they were victims of violence by their mums. For another 39 children (10%), it was their dads. There were 20 children (5%) who had suffered violence from both of their parents.

3.7 Children who have experienced significant bereavement

In previous SCRA research (Henderson, et al., 2020), the proportion of children experiencing bereavement was high with 57% of boys and 54% of girls having experienced a significant bereavement. In this study, over a quarter of the children (28%, n=111) were recorded as having experienced the death of a person(s) close to them at some time in their lives such as parents, siblings or grandparents (Table 6). The proportions experiencing bereavement were the same for boys and girls (i.e. 28%).

Table 6: Types of significant bereavement

Type of relationship to child	Number of children
Mum	26 (6%)
Dad	43 (11%)
Sibling(s)	10 (2%)
Grandparent(s)	30 (8%)
Other*	20 (5%)
<i>Multiple bereavements</i>	13 (3%)
Total with bereavement	111 (28%)
Total children	400

*Includes other family members (e.g. cousins) and friends

The most common loss recorded was that of dads that affected 43 children (11%), followed by grandparents (8%, n=30), and mums (6%, n=26). Thirteen of the 111

children who had significant bereavement had multiple losses in their lives (Table 7). Some children had directly witnessed suicide attempts and deaths of those close to them.

3.8 Children who have witnessed a significant traumatic event(s)

Almost two fifths of children (37%, n=146) had witnessed such events 39% (n=31) of girls and 36% (n=115) of boys. Significant traumatic events were experienced by similar proportions of children of all ages between 12 and 15 years.

Types of significant traumatic events

Children were reported to have witnessed a variety of traumatic events. The following section gives examples of the types of events children in the research sample experienced.⁴⁴

By far the most common was exposure to aggression and domestic violence within their family - particularly violence perpetrated towards the child's mum either by the child's dad, or their mum's partner, or other male members of the family.

Violence, aggression and neglect from parents and other family members towards the children were commonplace. Examples from case files such as 'assaulted by mum, and mum's new partner'; 'domestic violence towards mum from step dad' and 'child injured during two incidents' were not unusual.

Siblings were also mentioned as being victims of domestic violence with these incidents also witnessed by the child.

Substance misuse within the home, witnessing substance misuse by parents, and their associates and/or strangers in the home, as well as witnessing drug raids and resistance to arrests by adults were common occurrences for many of these children. Several children were exposed to enduring substance misuse in the family home and behaviours associated with this, such as witnessing sexual intercourse, and being encouraged to take illegal substances.

Threats of violence and actual violence and aggression in multiple forms were recorded, including witnessing violent incidents and/or attacks in the home or between neighbours and/or acquaintances and/or other family members. These included witnessing murder or family members being violently assaulted.

Separation and loss, in its many forms, was also frequently reported including incarceration of parents, most often dad. Being made homeless, and/or frequent home moves also featured in some children's lives.

⁴⁴ This section on children witnessing traumatic events is presented using information that was collected qualitatively using free text inputs. Free text inputs refers to data collected in Excel using words to describe and provide more detailed information, rather than numbers. Information presented here is on the types of significant traumatic events that they experienced. This section provides example of the types of significant traumatic events experienced by some children. Not all significant traumatic events for all children who experienced them were detailed in individual case files.

Being a victim of sexual abuse or exploitation was stated for a number of girls who experienced significant traumatic events, although a number of boys also were victims of sexual abuse and/or witnessed sexual assaults of other family members.

3.9 Child exploitation

Victims of child criminal exploitation (CCE)

Eight per cent of children (n=30) were victims of CCE and included both boys and girls, 8% of boys (n= 26) and 5% of girls (n=4).

Victims of child sexual exploitation (CSE)

Nine per cent (n=37) of children were reported to be victims of CSE. This was 30% of girls (n=24) and 4% of boys (n=13). This is likely an underestimate as previous research has shown that CSE is not always recognised and reported, especially for boys (Henderson et al, 2020).

Victims of 'other' crimes

14% (n=54) of children were victims of crimes other than CCE and CSE. This was 16% of girls (n=13) and 13% of boys (n=41).

Further details of the types of 'other' crimes boys and girls were victims of were available in the case files of 53 of these children. The most common types of 'other' crime recorded were assaults, most frequently perpetrated by other children/peers, and domestic violence. These accounted for more than half of 'other' crime types.

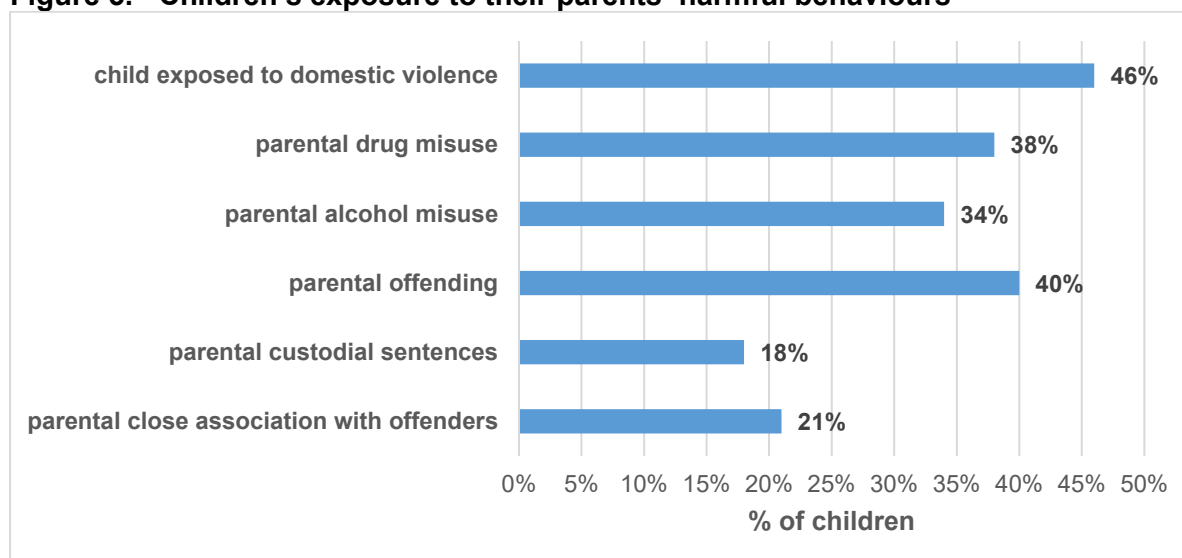
Drug related crimes were indicated and included incidents related to drug possession, drug dealing and drug running for older drug dealers, and involvement in drug related crime with family members. Aligned to these were references to potential grooming and involvement or links to organised crime although these were more infrequently reported than drug possession or drug dealing. Children were also encouraged to participate in criminal activities, such as shoplifting, vehicle theft, and vandalism, either by peers and/or family members.

Crimes of a sexual nature were experienced by around a quarter of children who were victims of 'other' crimes. These included rape, alleged rape, sexual assault or sexual activity with adults or with an older partner. There were also examples of crimes related to sexual exploitation, sexual abuse perpetrated by family members, and frequenting adults' houses for sex. There were also a few children who were reported to be victims of trafficking/modern slavery.

3.10 Children's exposure to harmful behaviours by their parents

This section is about the exposure of children to parental domestic violence, substance misuse and criminality. These findings are summarised in Figure 5 and described in more detail below.

Figure 5: Children's exposure to their parents' harmful behaviours



Exposure to parental domestic violence⁴⁵

Almost half of children (46%, n=182) had been exposed to parental domestic violence at some time in their lives. This was 48% of girls (n=38) and 45% of boys (n=144). Similar levels of exposure to domestic violence were present across all children's ages from 12 to 15 years.

Parental substance misuse⁴⁶

Over a third of children (38%, n=151) had parents (mum, dad or both parents) who misused drugs and similar proportions (34%, n=135) had parents who misused alcohol.

Similar proportions of boys and girls had mums, and both parents, who misused drugs. However, girls (15%, n=12) were almost twice as likely as boys (8%, n= 26) to have dads who misused drugs.

Nine percent of children had dads (n=35) who misused alcohol and the same percentage had mums (n=35) who did this. For 16% of children (n=65) both their parents misused alcohol.

⁴⁵ 'Exposure to parental domestic violence' included data collected on if in the children's case notes it was stated that there was domestic violence in the home, either witnessed by the child at any point, and/or stated in reports that domestic violence was known to have occurred at some point during the child's life. The impact of domestic violence on the child can impact in many ways, beyond direct exposure to violent incidents. However, for the purposes of this research, domestic violence was included if, at any point during the child's life, it was stated as having occurred in the children's case files.

⁴⁶ 'Parental substance misuse' included data collected on if in the children's case notes it was indicated that either parent had misused drugs, misused solvents and/or misused alcohol.

3.11 Parental criminality and associates

Parental offending

Two fifths of children (40%, n=160) had parent(s) who had committed offences (mum, dad or both parents). This was 9% (n=37) of children's mums, 20% (n=80) of their dads, and 11% (n=43) of both parents.

Offending type – mum

There were 73 cases with information on the types of offending by children's mums. These were drugs offences (36%, n=26), offences against a child (30%, n=22), domestic violence or abuse (22%, n=16), violence/assault (not against a child or domestic) (18%, n=13), and shoplifting (14%, n=10).

Offending type – dad

There were 104 cases with information on the types of offending by children's dads. These were domestic violence or abuse (49%, n=51), violence/assault (not against a child or domestic) (26%, n=27), drugs offences (25%, n=26), offences against a child (16%, n=17), and sexual offences (7%, n=7).

Parents – custodial sentences

Almost a fifth of children (18%, n=72) had a parent(s) who had served a custodial sentence. This proportion was similar for boys and girls and all ages from 12 to 15 years. The number of children who have dads who have served custodial sentences is over four times higher (14%, n=56) than those with a mum who has served a custodial sentence (3%, n=12).

Parents – close association with offenders

Over a fifth of children (21%, n=85) have a parent(s) who had a close association with offender(s). This was 22% of girls (n=17) and 21% of boys (n=68).

Children's mum's were more likely to be recorded as having associates involved in criminality - 13% of mum's (n=51), 4% of dads (n=14). For 5% (n=20) of children, it was both their parents who were recorded as having close associates involved in criminality.

Girls were more likely than boys to have both parents (8% vs 4%) with close associates who are offenders.

Therefore, while more dads had histories of offending or had served custodial sentences, more mums had close associations with offenders. This could be explained by more mums being the primary carer for the child and therefore more information being recorded about them and who they associate with (e.g. their partners), than dads, who may be more absent from the child's life.

3.12 Children's harmful behaviours

This section is about harmful behaviours of children towards others, including bullying, sexually harmful behaviour and violent and/or aggressive behaviour.

Bullying

Over a third (34%, n=137) of the children had bullied. This was 33% (n=26) of girls and 35% of boys (n=111).

Children aged 13 to 15 were recorded slightly more often as having bullied (33% to 38%) than 12 year olds (28%).

Displays sexually harmful behaviours

14% (n=54) of the children had displayed sexually harmful behaviours. These were behaviours that could be regarded as sexual offences but had not all resulted in the child being charged.

These children were almost all boys, with 16% of boys (n=50) being recorded as displaying sexually harmful behaviour. There was a decrease in this behaviour with age, reducing from 24% (n=18) of 13 year olds to 10% of 15 year olds (n=17).

History of violent or aggressive behaviour

Over a half of the children (57%, n=227) had histories of violent or aggressive behaviour (49% girls, n=39; 59% boys, n=188). This pattern was similar across the ages of 12 to 15 years.

Paul's story

This is a story about a boy with a history of neglect, significant bereavement and negative peer associations who it is now believed is being criminally exploited by adults in his local community.

Paul is 14 years old and lives at home with his dad and older brother and sister. His mum passed away a few years ago.

Paul has struggled at school and has low attendance levels as well as having been excluded from school on a couple of occasions. He was also found to be bullying other pupils in his year at school and has previously been involved in this type of behaviour at school.

The Children's Reporter received its first referral for Paul when he was aged five due to a lack of parental care. There were concerns around Paul and his siblings witnessing domestic violence within the home and their parents physically and emotionally neglecting them. A Hearing was held at this time and Paul was placed on a Compulsory Supervision Order (CSO) at home.

The situation at home deteriorated when Paul's mum passed away and he also began to offend. He also began to drink and use drugs with his friends. At age 13 his CSO was varied with a condition he stay in a children's unit but he returned home a few months ago.

Paul's first offence referral was for shoplifting when he was 13. He had received four offence referrals before his current offence which was of being in possession of heroin. He was out in the town centre with friends when he was stopped by the police and searched. The police believed that he was under the influence of drugs and alcohol when they searched him and they found him in possession of heroin. When arrested he did not engage with the police and did not appear to understand the seriousness of the offence.

Paul has been spending a lot of time with older adults in the community who are involved in criminality and it is believed he may be carrying the drugs for them.

The Reporter took two weeks to make a decision on the referral and decided not to arrange a Hearing as Paul was already subject to a CSO. It was felt that the correct measures were already in place to support Paul and his family.

Paul has continued to be involved in offending in the year following this offence, including further referrals for drug use. He is engaging with interventions that are in place including with his social worker and Skills Development Scotland and Paul is hoping to attend college next year.

Olivia's story

This story is about a girl with a history of involvement with services and the Children's Hearings System. She has had multiple placement moves having lived at home, in kinship care and currently in a children's unit. She has been involved in low level offending and is now believed to be the victim of child sexual exploitation.

Olivia is a 15 year old girl who lives in a children's unit. She has two brothers and a sister who are also in care, currently living in a different children's unit. The family has a long history of involvement with services which began when Olivia was a baby. Social work had concerns around a lack of care provided for the children by their mum.

The children were first referred to the Reporter due to this lack of parental care. The Reporter decided to arrange a Hearing and they were placed on a Compulsory Supervision Order, staying with their mum. Increasing concerns about neglect of the children and their living conditions led to them being removed from their mum's care. A Hearing was held at this time which varied Olivia's CSO and placed her in kinship care with her gran, along with her brothers and sister. This placement recently broke down and Olivia moved into a children's unit. Olivia had just turned 15 at this time.

The children continued to have some contact with their mum but she struggled with her mental health and substance use which made maintaining regular contact difficult. Olivia's mum became involved in offending and was given a custodial sentence for drug offences. There were also concerns around mum's association with other people who were involved in drug taking and offending behaviour.

Olivia has shown a lack of engagement with education and has regularly missed school and was excluded on a number of occasions. She has a history of aggressive and violent behaviour at school and she was found to be bullying another child in her class.

Olivia is believed to have been the victim of a sexual assault as a child and has a history of self-harm. She is currently seeing someone from Child and Adolescent Mental Health Services (CAMHS) due to her history of mental health issues.

At the time of the index offence Olivia was staying in a children's unit. She would regularly abscond from the unit and has been involved in a pattern of low level offending and anti-social behaviour. This has involved hanging around on the streets with her friends causing a nuisance to the local community, shouting and swearing, and small acts of vandalism. These offences have been committed both in the unit and outside in the community. Staff at the unit have also become concerned that during the periods when Olivia was away from the unit she may have been meeting up with an older boyfriend. She has been coming back to the unit with new clothes that she does not have the money to buy and has started spending a lot more time on her mobile but is not open with the staff about who

who she is in contact with.

The first offence Olivia was referred to the Reporter for was shoplifting when she was aged thirteen and since then she has had a further ten offence referrals for offences such as vandalism and assaults, including assaults of police officers. She is often under the influence of alcohol or drugs when she commits offences in the community. The staff at the unit think her friends are a negative influence on her as she will often offend alongside them.

The latest offence Olivia was referred for was threatening or abusive behaviour and assaulting a police officer. When police attended she appeared under the influence of alcohol and was with another 15 year old child who is known to the police. She showed no remorse and no emotion when charged.

The Reporter took 14 working days to make a decision on this referral and decided not to arrange a Hearing and to continue with the current measures in place. Olivia has continued to offend and the Reporter has also received a referral for her on care and protection grounds. Recently, she has begun to engage more in education and continues to work with her CAMHS worker and the staff at the children's unit.

Chapter 4: Children's histories with statutory services

This chapter looks at the cases of the 400 children to understand their involvement with statutory services and interventions up to the time of the index offence and highlights:

- Children's first service involvement, including the type of service and when this occurred.
- Statutory interventions, including child protection measures.
- First referral to the Reporter and the grounds for referral.
- Timeframes between their first service involvement and first referral to Reporter; ages at first service involvement and at index offence; and ages at first referral to Reporter and at the index offence.

4.1 First service involvement

Information was collected about the types of services children first had contact with. These services are not universal services, rather it is service involvement due to concerns about the child. Data were collected from children's files using free text inputs⁴⁷ of descriptions of the first service involvement and when in the child's life this occurred.

First type of service involvement recorded in SCRA's case files

The most common type of first service involvement was with the **police** – this was 40% of children (n=161), and includes the 40 children (10%) where the index offence was their first contact with services.

This involvement with the police was not necessarily offence related. For 47% (n=76) of children, it was concern for their care and/or safety. Examples of these included parental behaviours, such as parental neglect and wilful exposure, incidences of domestic violence, as well as alcohol and substance abuse by parents whilst the child was in their care. Examples to do with the child's behaviour, included anti-social behaviour, non-attendance or truancy from school, and the child being reported missing. There were also police concern reports that a child was in close proximity to a Schedule 1 offender. In other cases, it was parents raising concerns about finding it difficult to cope with their child's behaviour that resulted in the police becoming involved.

The second most frequent type of first service involvement was with **social work** – this was 30% (n=119) of children. For 16% of these children (n=19) this was from birth or before they were born.

Examples of social work involvement included concerns about the welfare of the child and child protection issues, such as lack of parental care. In some of these cases, the child was accommodated and/or placed on the Child Protection Register (CPR).

⁴⁷ Free text inputs refers to data collected in Excel using words to describe and provide more detailed information, rather than numbers.

Concerns about the child's welfare also included references to parent's alcohol and substance misuse and their ability to care for the child. In a number of instances, the child and their family had had previous involvement with social work, requiring intervention and support. Incidences of domestic violence within the home often resulted in both social work and police involvement. The child's behavioural issues and the challenges of coping with them within the family prompted parents to trigger social work involvement in some instances.

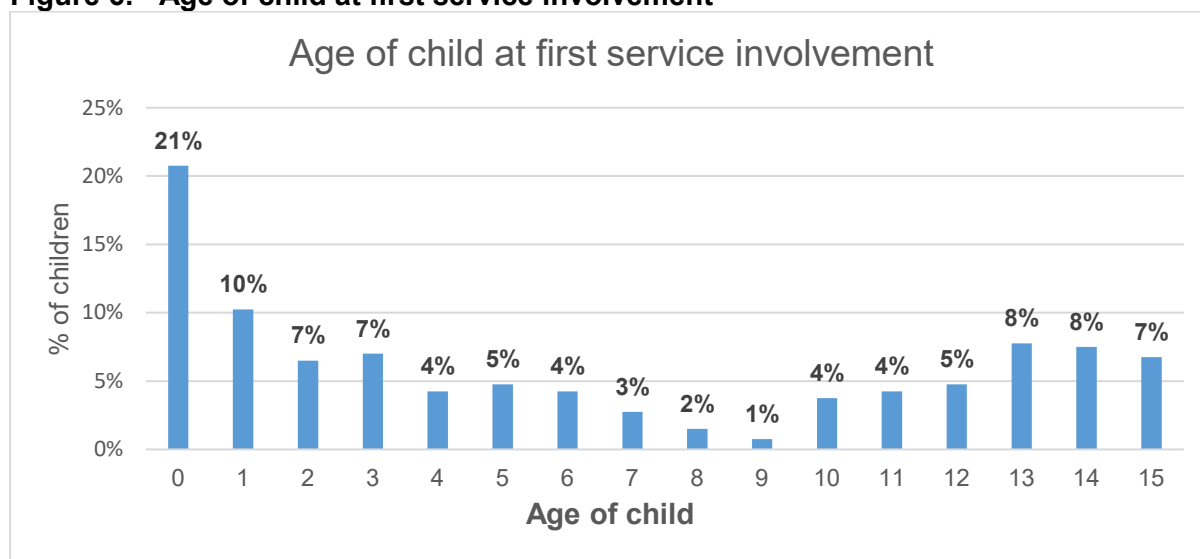
The third most frequent type of service involvement for 9% (n=36) of was due to having been referred to the **Reporter**.

The fourth was **education**. This related to 6% (n=23) of children. Examples included concerns about the child's failure to attend school, their behaviour within school, and/or their behaviour towards other children within school. Welfare concerns about lack of parental care and behavioural changes displayed by the child, as well as disclosures of family aggression towards the child, were further examples. These concerns resulted in the school either contacting social work and/or the police.

Age of child at first service involvement

Data were collected on how old the child was when they were first involved with services. Figure 6 shows the range of ages (in years) of children when they had their first service involvement.

Figure 6: Age of child at first service involvement



* '0' denotes first service involvement pre-birth, or at birth, or within the first 12 months of life.

For 21% (n=83) of children, their first service involvement was **before** they were one year old, and for 10% (n=41) it was when they were one year old.

At the opposite end of the age range, 28% of children (n=107) had their first service involvement between the ages of 12 to 15 years.

Overall, 71% of children (n=283) had involvement with services due to child concerns, before the age of 12 years old.

4.2 Child Protection Register and Statutory Interventions

Child Protection Register (CPR)

Almost a third of children (32%, n=126) had been placed on the CPR at least once. Of these 126 children, 30% (n=38) were placed on the CPR between birth and one year old. One fifth (21%, n=26) were placed on the CPR between the ages of 13 to 15 years.

Child Protection Order (CPO)

Seven percent of children (n=27) had a Child Protection Order (CPO) at some point in their lives. Just over a half of them (n=14) were aged 11 to 14 years when their CPO's were made.

First referral to the Reporter: types of grounds

Data were collected about the types of first referral grounds. These are those in s67(2) of the 2011 Act, and s52(2) of the Children (Scotland) Act 1995 (the 1995 Act) for children referred to the Reporter before 2013 (Appendix 4).

Grounds under s67(2) of the 2011 Act have been combined with their equivalents from s52(2) of the 1995 Act (Table 7).

Table 7: First referral grounds

Referral grounds	Number of children
Lack of parental care (s67(2)(a) 2011 Act & s52(2)(c) 1995 Act)	124 (31%)
Child has committed an offence (s67(2)(j) 2011 Act & s52(2)(i) 1995 Act)*	113 (28%)
Child victim of a schedule 1 offence (s67(2)(b) 2011 Act & s52(2)(d) 1995 Act)	92 (23%)
Child's conduct had a serious adverse impact on the health, safety or development of themselves or another person (s67(2)(m) 2011 Act & s52(2)(b) 1995 Act)	35 (9%)
Child has failed to attend school (s67(2)(o) 2011 Act & s52(2)(h) 1995 Act)	7 (2%)
Child is or is likely to become a member of the same household as a schedule 1 offender (s67(2)(d) 2011 Act & s52(2)(f) 1995 Act)	7 (2%)
Child is beyond control of a relevant person (s67(2)(n) 2011 Act & s52(2)(a) 1995 Act)	8 (2%)
Total children**	386

*Includes index offence for children where this was their first referral

**Less than five children each were referred under s67(2)(c), s67(2)(e) and s67(2)(l) of the 2011 Act. There was no information available on seven children.

The majority of children (70%, n=280) were first referred to the Reporter for care and protection reasons. Of the 28% (n=113) of children who were first referred on offence grounds, for half of these children (51%, n=58) the index offence was their first referral to the Reporter.

The most common first ground of referral related to lack of parental care – this was almost a third of children (Table 7).

4.3 Timeframes

Timeframe between first service involvement and first referral to Reporter

The timeframe between the child's first service involvement and first referral to the Reporter ranged from less than one year up to 14 years (i.e. from 0 to 14 years) (Table 8).

Table 8: Timeframe between child's first service involvement and first referral to Reporter

1 st service involvement to 1 st referral to the Reporter (years)	Number of children
Under 1 year	251 (63%)
1 – <2 years	39 (10%)
2 – <3 years	22 (6%)
3 – >4 years	11 (3%)
4 – <5 years	9 (2%)
5 – <6 years	7 (2%)
6 – <7 years	5 (1%)
7 years +	22 (6%)
Total*	400

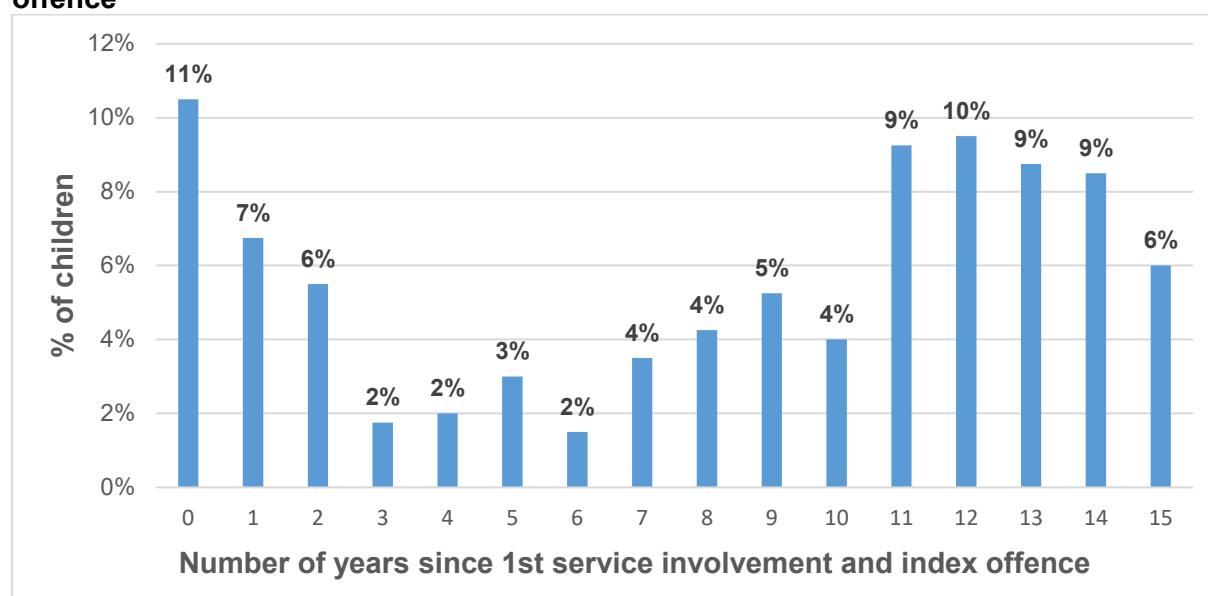
* The range from 1st service involvement is 0 to 14 years but due to low numbers from 7 to 14 years, the number of children have been included in the 7+ years' timeframe. There was no data available for 34 children.

Most children (63%; n=251) had been first referred to the Reporter within the first year of their involvement with services (Table 8).

Timeframe between child's ages at first service involvement and at index offence

The timeframe between the age of the child when first involved with services and their age at the index offence was calculated (Figure 7).

Figure 7: Timeframe (in years) between children's ages at first service and at index offence



There were 42 children (11%) where there was less than a year from their first service involvement to the index offence, this includes the 40 children whose first service involvement was the police referral at the index offence. In contrast, for 42% of

children (n=168) between 11 to 15 years had passed from their first service intervention to the index offence (Figure 7).

Timeframe between first referral to Reporter and index offence

The timeframe between first referral to the Reporter (on any grounds) and the index offence ranged from 0 to 15 years (Table 9).

Table 9: Timeframe between child's first referral to the Reporter (on any grounds) and index offence

1 st referral to the Reporter to index offence (years)	Number of children
Under 1 year	51 (13%)
1 – <2 years	26 (7%)
2 – <3 years	15 (4%)
3 – <4 years	7 (2%)
4 – <5 years	13 (3%)
5 – <6 years	10 (3%)
6 – <7 years	6 (2%)
7 – <8 years	13 (3%)
8 – <9 years	10 (3%)
9 – <10 years	24 (6%)
10 – <11 years	16 (4%)
11 – <12 years	27 (7%)
12 – <13 years	34 (9%)
13 – <14 years	32 (8%)
14 – <15 years	28 (7%)
15 years	16 (4%)
Total*	328

* Data was unavailable for 72 children.

Some children had long histories in the Hearings System before the index offence. 54% of children (n=216) were first referred to the Reporter over five years before the index offence, and 38% (n=153) had first been referred over 10 years before the index offence (Table 9).

Craig's story

This is a story about a boy who was initially referred to the Children's Reporter on care and protection grounds and later for offending which resulted in him being made subject to a Compulsory Supervision Order (CSO).

Craig is 14 years old and lives at home with his parents and two brothers. Social work became involved with the family due to domestic violence when Craig was a young child. Craig, and one of his brothers, were first referred to the Children's Reporter due to concerns around a lack of parental care, and the decision was taken not to arrange a Hearing at this time as compulsory measures were not needed. During Craig's childhood, there continued to be instances of domestic violence within the home, carried out by his dad.

Craig has struggled at school, often not attending, and has been excluded on a number of occasions. He has a history of violence and aggressive behaviour, some of which has taken place whilst at school. Craig has been returning home under the influence of drugs and takes these when he is out with his friends.

The Reporter had received three offence referrals prior to this current offence referral. The latest offences were where Craig had assaulted someone in the street and was charged with this and Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 due to his abusive and threatening behaviour. He was with a group of friends at the time, and the victims were another group of young people, who were unknown to Craig and his friends. When the police attended, Craig continued to act aggressively showing little respect for the police, or later for his mum, and showed no remorse for what he had done.

The Reporter carried out an investigation into the circumstances of the offence by asking for reports from the school around his attendance and behaviour and also looked at his home circumstances. It took 49 working days for the Reporter to gather all the information they needed to make a decision. They decided at this point, to arrange a Hearing for Craig, on the ground that he had committed offences. The Hearing took place a month after this decision was made and the Panel Members decided to make Craig subject to a home CSO.

Although Craig has been the subject of a further six offence referrals in the 12 months after he was placed on the CSO, including three which were jointly reported and referred to the Reporter, he is engaging with services. He is working with his Children and Families Social Worker and is also receiving support from Includem - a third sector organisation that supports young people and their families. He is still struggling with his school attendance and his behaviour at school when he does attend. The annual review of his CSO is due to take place soon.

Chapter 5: Children aged 12 to 15 years with standard offence referrals to the Children's Reporter

For most children referred for offending, this is a standard referral from the police to the Children's Reporter. Under section 61 of the 2011 Act, the Police must refer a child to the Reporter if the child is in need of protection, guidance, treatment or control and that it might be necessary for a Compulsory Supervision Order (CSO) to be made. This includes children who are victims of abuse and neglect, as well as children involved in offending. If the referral relates to a child's offending, the referral ground is section 67(2)(j) of the 2011 Act 'the child has committed an offence'.

The format of a standard offence referral from the police is the Standard Police Report (SPR2). This details the offences the child is charged with (and there can be more than one charge in an offence referral), the child's and parents' contact details, the circumstances of the offence, child and family backgrounds, and if there are victims and/or witnesses and who they are.

In 2018-19, there were 2,094 children with such standard offence referrals.

This chapter looks at 300 children who had standard offence referrals to the Reporter between 1st April and 30th September 2018, in particular:

- Types and seriousness of index offences.
- Patterns of offending.
- Decisions and interventions in response to the index offence.
- Timeframe for Reporter decision making on standard offence referrals.
- Offending and interventions in the 12 months after the index offence.

Of the 300 children - 59 are girls and 241 are boys.⁴⁸

At time of index offence referral - 36 children were 12 years old (12%), 60 were 13 years (20%), 88 were 14 years (29%) and 116 were 15 years (39%).

5.1 Circumstances around the index offence

Location

Over half of the index offences (52%, n=155) were committed in the community. The other index offences happened in the child's residential or foster placement (16%, n=47); the child's own home (10%, n=30); school (10%, n=31); other (6%, n=19), someone else's or a relative's home (4%, n=11); or public transport (2%, n=7).

Types of offences by location

The types of offending behaviour varied depending on the location of the offence (Figure 8).

⁴⁸ Girls are over-sampled for the purposes of this research. This is to provide sufficient numbers for meaningful analysis.

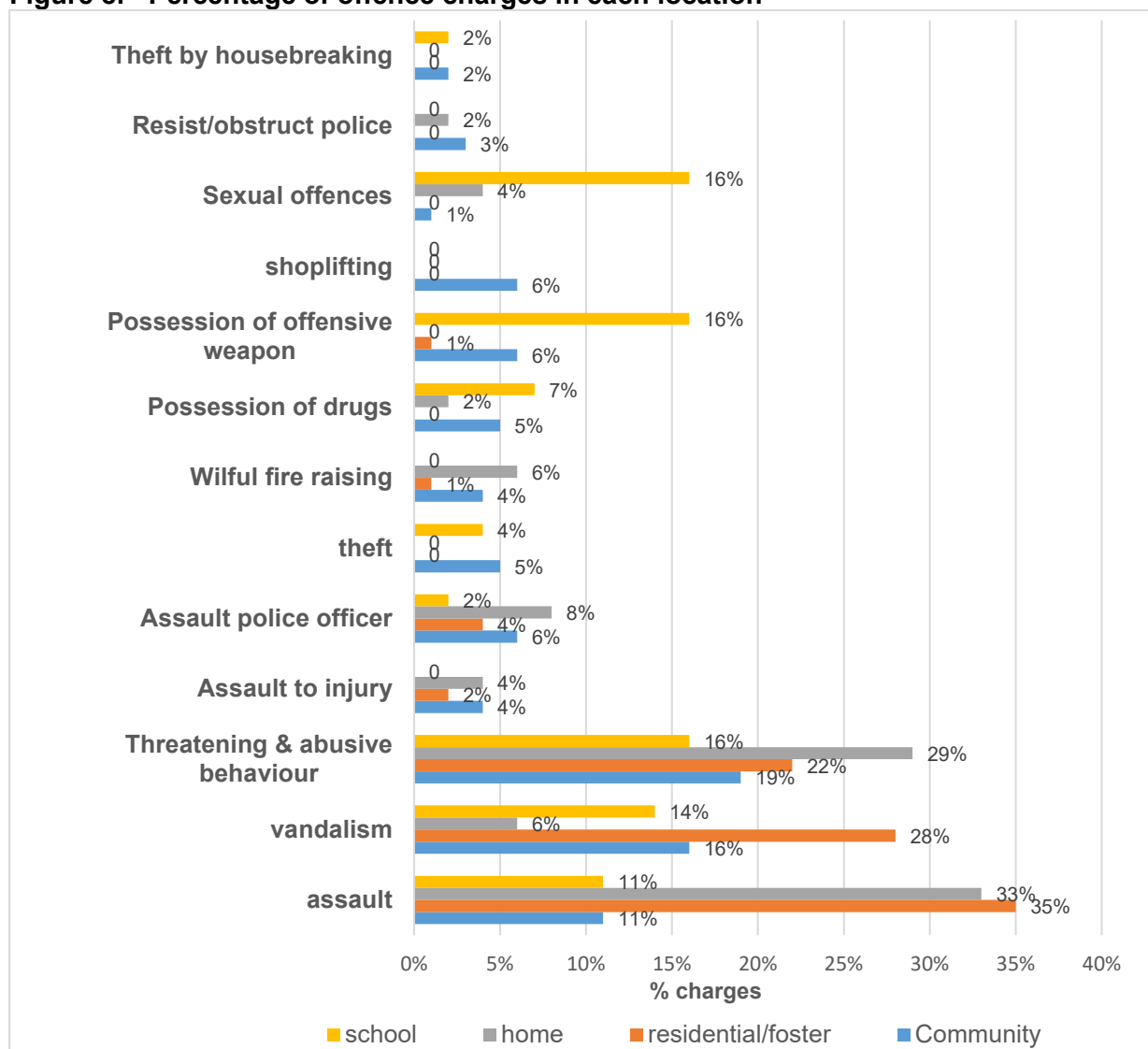
The most common types of charges in each location can be summarised as follows:

- Community and residential or foster care - threatening or abusive behaviour, vandalism and assault. Unsurprisingly, the only charges related to shoplifting happened in the community
- Schools - threatening or abusive behaviour, sexual offences and possession of an offensive weapon.
- Children's own homes - assault, threatening or abusive behaviour and assaulting a police officer.

Charges in residential or foster care were almost solely related to threatening or abusive behaviour, vandalism and assault. There were no charges in residential or foster care for sexual offences, theft, and possession of drugs.

For 56% (n=47) of the 84 children resident in residential or foster care at the time of the index offence, the offence happened in the place they were living. In comparison, for 15% (n=29) of the 192 children living at home with parent(s) the offence happened where they were living.

Figure 8: Percentage of offence charges in each location



Total charges: community – 245, residential/foster – 79, home – 49, school – 4

There were only nine offence referrals (3%) that were online or social media related.

Others involved in the offence

In 40% of cases (n=121) there were others involved in the index offence with the child. Almost always this was other children/peers (91%, n=110), but 15 offences (12%) also involved adults (those aged 18 years and above). Ten of these 15 offences involved adults and other children.

Sixteen children (5%) were involved with family members in criminality and/or they were directly involved in the index offence.

Factors affecting the child's behaviour

Information on whether the child was under the influence of any substances during the commission of the offence is recorded by the police within the SPR2 that forms the referral, where such information is available to the police. There were 128 children where the police had recorded in the SPR2 if they were, or were not, under the influence of **drugs**, and 139 who were, or were not, under the influence of **alcohol** at the time of the index offence. 12% (n=15) were under influence of **drugs** at time of the index offences and 19% (n=27) were under the influence of **alcohol**.

For 26 children (9%), the police had recorded in the SPR2 that their offending was linked to their behavioural or learning difficulties, or their mental health.

5.2 Offence charges

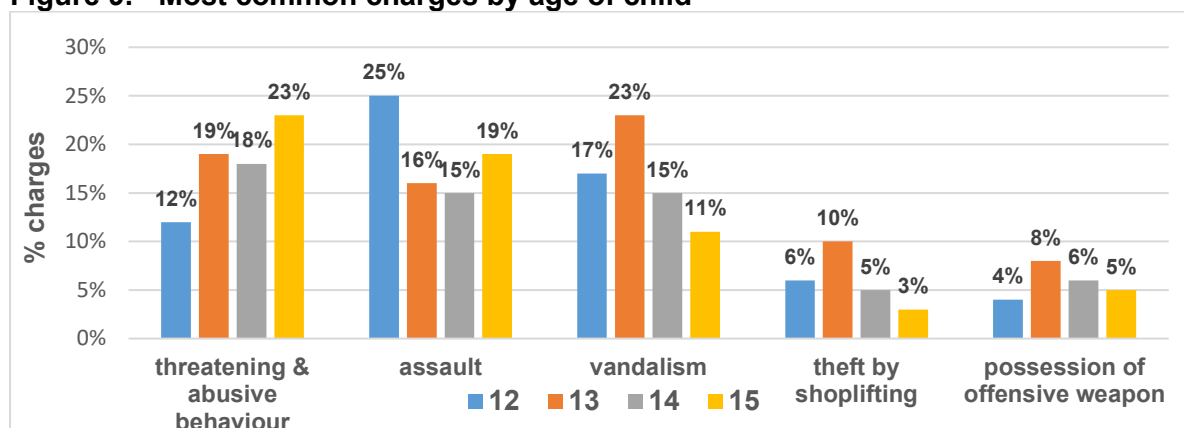
Numbers of charges in index offence referrals

The majority of children (71%, n=213) were reported for one charge in their index offence referral; 18% (n=55) were reported for two charges; 6% (n = 17) were reported for three charges; 3% (n = 8) were reported for four charges; and 2% (n = 7) were reported for five charges or more. There were a total of 463 charges in the 300 offence referrals.

Types of charges by child's age at time of offence referral

Threatening or abusive behaviour, assault, and vandalism were the most common charges reported for all ages (Figure 9 and Appendix 1). There were proportionately fewer vandalism charges for 15 year olds and fewer threatening or abusive behaviour charges for 12 year olds.

Figure 9: Most common charges by age of child



Types of offence charges by gender

Table 10 shows the charges at the index offence referral for girls and boys. The most common charges for girls were assault (23%) and threatening or abusive behaviour (22%). The most common charges for boys were assault (16%), vandalism (18%), and threatening or abusive behaviour (19%).

Table 10: Most common charges in index offences (5 or more charges - by gender)

Charge type	Number of charges	
	Boys	Girls
Threatening or abusive behaviour	68 (19%)	22 (22%)
Assault	60 (16%)	23 (23%)
Vandalism	64 (18%)	9 (9%)
Possession of offensive weapon	25 (7%)	<5
Theft by shoplifting	16 (4%)	9 (9%)
Assault police officer	15 (4%)	9 (9%)
Theft	16 (4%)	<5
Possession of drugs	15 (4%)	<5
Assault to injury	10 (3%)	<5
Wilful fire raising	12 (3%)	<5
Sexual assault	5 (1%)	<5
Resist/obstruct police officer	6 (2%)	<5
Send offensive message	<5	<5
Culpable & reckless conduct	6 (2%)	0
Theft by housebreaking	6 (2%)	0
Other*	37	6
Total charges	365	98

*Other (all total less than 5): fraud, destroy/damage property, RTA offences, attempt to pervert course of justice, cause distress/alarm racial, sexual assault on a young child, theft MV, intended theft curtilage, breach of the peace, obstruct emergency services, false alarm to emergency services, attempted theft, attempted possession of drugs, s3(1)(a) Explosive Substances Act, Railways Act disobey safety notice, trespass on railway, s6 SOSA, robbery, attempted housebreaking intent to steal, attempted robbery, rape, malicious mischief, assault severe injury.

5.3 Offence categories

The index offence referrals were categorised according to the crimes and offences used in the Recorded Crime in Scotland Bulletin Series (Table 11).⁴⁹ There were similarities between girls and boys in proportions of offence referrals in each category, with the most common being ‘miscellaneous crimes’ (45% of children). ‘Sexual crimes’ (3%) and ‘non-sexual crimes of violence’ (5%) were rare, and almost all related to referrals of boys.

Table 11: Index offence categories (by gender and all children)

Offence category**	Number of referrals/children		
	Boys	Girls	Total
Miscellaneous crimes	100 (41%)	34 (58%)	134 (45%)
Sexual crimes	*	<5	10 (3%)
Crimes of dishonesty	37 (15%)	9 (15%)	46 (15%)
Fire raising, vandalism, etc.	41 (17%)	6 (10%)	47 (16%)
Non-sexual crimes of violence	*	<5	16 (5%)
Other crimes	38 (16%)	6 (10%)	44 (15%)
Motor vehicle offences	<5	<5	<5
Totals	241	59	300

*Suppressed due to low numbers of girls

**Examples from Recorded Crimes in Scotland Bulletin of:

- miscellaneous crimes - common assault, breach of the peace;
- sexual crimes - rape, attempted rape, sexual assault;
- crimes of dishonesty - housebreaking, theft from motor vehicle, shoplifting;
- non-sexual crimes of violence - robbery, serious assault, attempted murder;
- other crimes - drugs offences, handling offensive weapon;
- motor vehicle offences - unlawful use of a motor vehicle, driving under the influence

5.4 Gravity and seriousness of index offences

Gravity of the index offences was assessed using SCRA’s Framework for Decision Making by Reporters (SCRA, 2015 and Appendix 3). This is used by Reporters as a starting point for assessing gravity taking into account other factors that may make an offence more serious (e.g. where the offence has a racial motivation, where the offence was directed at a vulnerable victim; or where the offence has a significant impact on the victim).

Examples of the types of offences that are to be presumed to be of high, moderate or low gravity are as follows:

- high gravity offences – assault with a weapon, sexual offences involving coercive sexual behaviour, Road Traffic Act (RTA) offences, intentional fire-raising;
- moderate gravity offences – assault resulting in injury, assault on police officer, possession of drug other than cannabis;
- low gravity offences – theft by shoplifting, possession of cannabis, vandalism, breach of the peace, assault with no or minor injury.

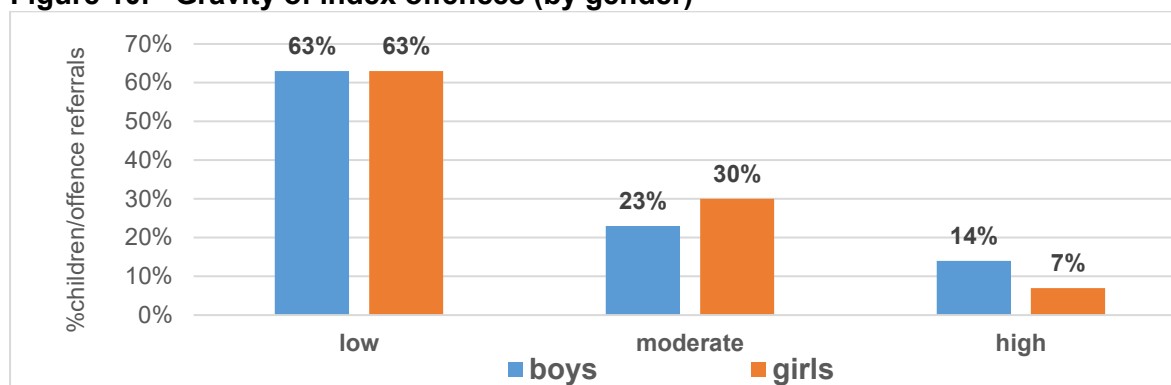
⁴⁹ [Recorded crime in Scotland: user guide - gov.scot \(www.gov.scot\)](https://www.gov.scot/user-guide)

Gravity was assessed based on that recorded by the Reporter and, where this was not recorded, the researcher's own assessment.

Gravity of offences by gender

In terms of the seriousness of the offence referrals, boys and girls were very similar. Most offence referrals were of low gravity (63%), and only 14% of boys and 7% of girls were referred to the Reporter for high gravity offences (Figure 10).

Figure 10: Gravity of index offences (by gender)



Gravity of offences by age

The pattern of gravity of offences was similar at all ages, with between 60% and 68% of offence referrals being of low gravity across all ages (Table 12).

Table 12: Gravity of index offences (by age)

Age at index offence (years)	Number of children/offence referrals			
	Low	Moderate	High	Total
12	23 (64%)	9 (25%)	4 (11%)	36
13	41 (68%)	12 (20%)	7 (12%)	60
14	53 (60%)	19 (22%)	16 (18%)	88
15	72 (62%)	34 (29%)	10 (9%)	116
Total	189 (63%)	74 (25%)	37 (12%)	300

Gravity of offences by location

Most high gravity offences happened in schools (22%, n=8) and in the community (57%, n=21). The majority of offences in schools were of moderate or high gravity (61%, n=19). In comparison, in all other types of location (except the very few offences on public transport), the majority of offences were of low gravity (Table 13).

Table 13: Gravity of index offences (by location)

Age at index offence (years)	Number of children/offence referrals			
	Low	Moderate	High	Total (100%)
Community	95 (61%)	39 (25%)	21 (14%)	155
Residential/foster care	35 (74%)	10 (21%)	<5	47
School	12 (39%)	11 (35%)	8 (26%)	31
Child's home	20 (67%)	9 (30%)	<5	30
Other	16 (84%)	<5	<5	19
Someone else's home	8 (73%)	<5	0	11
Public transport	<5	<5	<5	7
Total	189 (63%)	74 (25%)	37 (12%)	300

Serious violent and sexual offences

4% (n = 12) of offence referrals were classed as serious violent or sexual (e.g. assault to severe injury, sexual assault of a child, etc.). Almost all had been committed by boys.

Offences against a person/contact offence

Almost half of index referrals (n=146) were offences against a person or contact offence (e.g. assault, sexual assault, assault to injury, sending offensive message, etc.). 59% (n=35) of offences by girls were against a person or contact offence, and 46% (n=111).of those by boys.

Aggravators

The police will record in the SPR2 if the substantive offence was aggravated. An aggravator generally means that the offence is of a more serious nature. There were 45 index offence referrals with aggravators (15%). The most commonly recorded by the police in the SPR2 were 'offence against a child' (n=20), 'sexual' (n=11), 'racial' (n=7), and 'antisocial behaviour' (n=6).

5.5 Offence referrals before the index offence

For 74% (n =222) of children, the index offence was part of a pattern of offending and/or antisocial behaviour and this was known to the Reporter.⁵⁰

- 126 children (42%) had no previous offence referrals before the index offence.
- 174 children (58%) had at least one previous offence referral, with 36 of them (12%) having only one previous offence referral.
- 42 children (14%) had over 10 previous offence referrals. The maximum number of previous offence referrals was 69.

First offence referral and/or joint reports (excluding index offence)

The most common charges in the first offence referrals, for the 174 children with previous referrals, were similar to those of the index offences, with assault (21%) and threatening or abusive behaviour (19%) being the most common (Table 14).

Table 14: Most common first offences (excluding index offence)

Charge type	Number of charges*
Assault	45 (21%)
Threatening or abusive behaviour	42 (19%)
Vandalism	15 (7%)
Wilful fire raising	12 (6%)
Shoplifting	12 (6%)
Possession of offensive weapon	11 (5%)
Sexual assault of a child	10 (4%)
Theft	9 (4%)
Culpable & reckless conduct	7 (3%)
Racial harassment	7 (3%)
S52(2) Misuse of Drugs Act	5 (2%)
Assault to injury and Assault to severe injury	5 (2%)
Total charges*	218 (100%)
Total children	174

*where there are 5 or more charges **Remaining 48 charges, less than five of each: RTA offences, theft by housebreaking, s127 communications act, malicious mischief, assault police officer, sexual assault, attempt steal car, resisting arrest, s25 SOSA, theft OLP, intended theft curtilage, abduction, breach of the peace, s4 misuse drugs act, s37(4) SOSA, s90(2)(a) police & fire reform act, attempt to pervert course of justice, reset, attempted housebreaking with intent to steal.

⁵⁰ It is important to note that not all children involved in offending and not all offences are referred to the Reporter.

Child's age at first offence referral (including index offence for children with no previous referrals)

Table 15: Age at first offence referral

Age (years)	Number of children
8 and 9	17 (5%)
10	12 (4%)
11	21 (7%)
12	56 (19%)
13	74 (25%)
14	72 (24%)
15	48 (16%)
Total	300

Almost half of children (49%, n =146) were 13 or 14 years old when their first offence referrals were made (Table 15).

17% (n = 50) had first been referred to the Reporter for offending before they were 12 years old. These referrals were before the ACR was raised to 12 years. These children would not have received offence referrals today.

5.6 Decision making and interventions

Interventions in place at or before index offence referral

Most of the children (71%, n=213) had accepted or established grounds for referral before the index offence, and for 60% of children, these were care and protection grounds (Table 16). 58% (n=174) had (or previously had) Interim CSOs (ICSOs) or CSOs, and 30% (n=89) had been accommodated (Table 16).

Table 16: Interventions at or before index offence referral

Intervention	Number of children
Child is accommodated	89 (30%)
Child has or has had ICSO/CSO	174 (58%)
Child has or has had accepted/established grounds:	213 (71%)
Offence grounds (2011 Act s67(2)(j))	36 (12%)
Grounds related to child's behaviour (2011 Act s67(2)(k) to (o))	45 (15%)
Grounds related to care & protection (2011 Act s67(2)(a) to (i) and (p) to (q))	129 (43%)
Grounds not recorded	3
Total	300 children*

*Sum of children is greater than 300 due to multiple interventions per child

Seven of the 89 accommodated children (8%), were children from other UK countries placed in residential or secure care in Scotland.

Reporter decisions on index offence referrals

The most common decision made by Reporters on the index offence referrals was not to arrange a Children's Hearing. This was the decision in 84% (n=251) of index offences (Table 17).

Table 17: Reporter decisions on index offences

Reporter decision	Number of children/offence referrals
Not to arrange a Hearing	251 (84%)
Arrange Hearing	37 (12%)
Insufficient evidence	12 (4%)
Total	300

Compulsory measures following index offence

In 12% of referrals (n=37) the Reporter decided to arrange a Children's Hearing (Table 17).

Around half of the offence referrals that resulted in a Hearing, were of low gravity (49%, n=18), 32% (n = 12) were of moderate gravity, and 19% (n = 7) were of high gravity.

The most common charges in the offence referrals that resulted in a Children's Hearing were threatening or abusive behaviour (n=15), assault (n=12), possession of an offensive weapon (n=6), vandalism (n=5), and assault of a police officer (n=5). Other charges included (less than five of each) - false alarm to emergency services, assault to injury, sending offensive messages, theft, theft by housebreaking, possession of controlled drug, culpable & reckless conduct, shoplifting, robbery, intended theft from curtilage, resisting/obstructing police officer, sexual assault of a young child, and sexual assault.

Of the 37 children for whom the Reporter decided to arrange Hearings, 21 went onto have CSOs made and two had existing CSOs varied. There were 14 children for whom CSOs were not made, for 10 of them this was because the grounds were not accepted or established.

This means that as a consequence of the standard index offence referral, 8% (n=23) of children received compulsory measures.

The most common type of CSO made was at home with parent(s)/relevant person(s) accounting for 12 of the 21 CSOs. The other CSOs required that the child be accommodated. Information was missing for two children.

5.7 Timeframe for Reporter decision making on standard offence referrals

Data were collected on the timeframe (in working days) from the date the child was referred to the Reporter for the index offence to the date of decision by the Reporter. Reporters work to the time interval standard T14 - "the Reporter will make a decision about a referral within 50 working days of receipt" (SCRA, 2021).

Table 18 presents the timeframes for Reporter decision making for standard offence referrals set against the 50 working day timeframe. This information was available for 294 children.

Table 18: Timeframe for Reporter decision making on standard offence referrals

Reporter decision timeframe	Number of children
Within 50 working days	234 (80%)
50+ working days	60 (20%)
Total children	294*

*Timeline information was not available for 6 children.

For 20% of children (n= 60), the Reporter took longer than 50 working days to make a decision.

The timeframe for Reporter decision making ranged from 0 to 155 working days.

5.8 In the 12 months after the index offence

Standard offence referrals and joint reports

Of the 206 children (69%) with further offence referrals, 62% (n=127) only had standard offence referral(s) to the Reporter; 25% (n = 51) children had been both jointly reported and referred to the Reporter, and 13% (n = 27) had only been jointly reported and retained by the Procurator Fiscal.

Interventions

The majority of children continued to have some involvement with the Hearings System in the 12 months after the index offence. 72% (n=217) had further referrals (offence and/or non-offence) to the Reporter (Table 19).

Table 19: Hearings System involvement in the 12 months after the index offence

Intervention	No. children
ICSO/CSO made	64 (21%)
ICSO/CSO varied	72 (24%)
CSO terminated	22 (7%)
Secure authorisation	18 (6%)
Further referrals – all	217 (72%)
Offence grounds (2011 Act s67(2)(j))	206 (69%)
Grounds related to child's behaviour (2011 Act s67(2)(k) to (o))	82 (27%)
Grounds related to care & protection (2011 Act s67(2)(a) to (i) and (p) to (q))	25 (8%)
Child Protection Order made	<5
Total children	300*

*Sum of children is greater than 300 due to multiple interventions per child

There were eight children (3%) who were added to the CPR in the 12 months following the index offence referral.

There were also three children (1%) who had court imposed measures – either bail conditions imposed, placed in secure on remand, or a custodial sentence.

A third of the children (34%, n=103) were accommodated at some time in the 12 months following the index offence.

Living circumstances

Twelve months after the index offence, 53% (n= 159) of the children were living with their parent(s) (Table 20).

Table 20: Where children were living 12 months after the index offence

Where children were living	Number of children
With their parent(s)	159 (53%)
Residential care or school	66 (22%)
Kinship care	18 (6%)
Secure accommodation	11 (4%)
Foster carers	6 (2%)
Independent living	5 (2%)
No information	35 (12%)
Total children	300

Nathan's story

This story is about a boy with multiple offence referrals whose behaviour is linked to his disability, and who may be a victim of criminal exploitation. Nathan currently has a CSO with a condition that he resides in a children's unit.

Nathan is 15 years old and has a long history of being in care, having first been placed with foster carers when he was 5 years old. Since then he has experienced multiple moves between foster carers, family members and latterly children's units. Whilst in his parents' care, Nathan often witnessed domestic violence, was physically abused and neglected. All his siblings are in care, in separate placements, so Nathan rarely sees them.

Nathan has been diagnosed as having a social, emotional and behavioural disability. His behaviour can be aggressive and is often directed towards staff in the children's unit. This has escalated since his dad's recent death.

He was first referred to the Reporter for offending when he was 13 years old. Since then there have been over 30 offence referrals mostly for assaults, shoplifting and threatening or abusive behaviour. He does not go to school, and won't engage with any of the education alternatives offered. His key worker is concerned that Nathan has become involved in an older peer group who are known to the police for substance misuse and antisocial behaviour, and that he is being influenced by them.

Nathan is seen with an unknown adult male in a supermarket, who disappears when Nathan is caught stealing a bottle of vodka. Nathan is charged with theft by shoplifting, and a week later, the police refer him to the Reporter for this offence. Three weeks later, the Reporter decides not to arrange a Hearing, as current measures are in place and the Reporter is satisfied that Nathan's needs and behaviour will be addressed satisfactorily under his current CSO.

In the six months following the shoplifting charge, Nathan's behaviour continues to be hostile and aggressive to staff and other residents in the children's unit. As a consequence, there are a further 15 offence referrals mainly for assaults, vandalism and threatening or abusive behaviour. There are also referrals about concerns for Nathan's safety as he has begun to go missing overnight. The Reporter decides to arrange a Hearing, and Nathan's CSO is varied to a children's unit in another town. Following the move to his new accommodation, there is a reduction in Nathan's offending but he still refuses to go to school.

Michael's story

This is a story about a case involving a serious offence, where Michael was in possession of a knife and was referred to the Reporter. It describes the history of parental abuse and neglect he suffered before beginning to offend, and the decision making of the Reporter not to arrange a Hearing after this latest offence.

Michael is 14 years old and lives at home with his parents, his older brother and younger sister. Michael's parents have struggled to care for him properly since he was a baby. He was first referred to the Children's Reporter because of concerns he was being physically abused and neglected by his parents and was placed on the Child Protection Register at this time. His brother and sister are also known to the Reporter, but have never been referred on offence grounds.

Michael's parents have had problems with drug use and his mum also has problems with her mental health. Both parents have been violent towards Michael. He has also witnessed numerous incidents of domestic violence between his parents. Some of these have resulted in Michael's dad being charged and he has spent time in prison because of this. Michael has also witnessed violence outside of the family home, including an incident where his mother was seriously assaulted in front of him.

Michael has struggled at school. He doesn't attend regularly and he has been excluded a number of times. He has a history of violent and aggressive behaviour. Although Michael lives with his parents at the moment, he spent time in care when he was younger, staying with his gran for a time and with foster carers.

Michael became involved in offending behaviour when he was still at primary school and received his first offence referral to the Reporter at the age of 11. Before the index offence, he had been referred eight times on offence grounds. This was initially for theft but has now included assaults and breaches of the peace.

He was recently found to be in possession of a knife by the police and charged with possession of an offensive weapon. The police referred Michael to the Reporter for this offence. This offence was part of a pattern of behaviour which had deteriorated when he moved to high school and was particularly bad over the school holidays. The Reporter took 60 working days to make a decision on this referral after looking into the circumstances of the offence and also Michael's home circumstances. They decided not to arrange a Hearing and instead to refer to the local authority as Michael appeared willing to engage with support on a voluntary basis. In the year following this offence, the Reporter received a further three offence referrals for Michael for further assaults and threatening behaviour. One of these offences was jointly reported and the Procurator Fiscal decided to refer it to the Reporter.

Michael still lives with his parents and his brother and sister. He has now left school, and is engaged with the Princes Trust and hopes to join the Army. He has been spending a lot of time training in the gym so he can pass his fitness test. This has been an important focus for him.

Chapter 6: Children aged 12 to 15 years with offences jointly reported to the Children's Reporter and the Procurator Fiscal

Serious offending by children is rare - less than 5% of offences referred to the Reporter are for violent or sexual crimes. Children aged 12 years and over who commit the most serious offences can also be dealt with in the criminal justice system.⁵¹ Such serious cases are jointly reported by the police to the Procurator Fiscal and the Reporter. The Lord Advocate's guidelines set out the types of cases that should be jointly reported:⁵²

“Offences which require by law to be prosecuted on indictment or which are so serious as normally to give rise to solemn proceedings on the instructions of the Lord Advocate in the public interest.”

Or

“Offences alleged to have been committed by children aged 15 years or over which in the event of conviction oblige or permit a court to order disqualification from driving.”

There is a presumption that jointly reported cases for children under 16 years are dealt with by the Reporter. Criminal proceedings should only be taken where there are compelling reasons in the public interest to do so and only on the instructions of the Lord Advocate or Crown Counsel.⁵³ Following a discussion with the Reporter, the Procurator Fiscal will decide whether to deal with the case, or if it should be referred to the Reporter.

There have been very few studies on decision making on jointly reported cases. A study by McDairmid and Donnelly (2018), based on interviews with Procurators Fiscal and Reporters, concluded that ‘for both, decisions on jointly reported cases are individualised and holistic, taking account of information both on the offence committed and the child’s situation with the Hearings System. Decision-making is grounded in the Agreement between COPFS and SCRA⁵⁴ and reflects a culture of treating children as children and referring them to the Hearings System wherever possible’.

In 2018-19, 674 children who had joint reports were referred to the Reporter and 125 were dealt with by the Procurator Fiscal (SCRA, 2019).

⁵¹ Section 42(1) of the Criminal Procedure (Scotland) Act 1995 states that "No child under the age of 16 years shall be prosecuted for any offence except on the instructions of the Lord Advocate, or at his instance; and no court other than the High Court and the sheriff court shall have jurisdiction over a child under the age of 16 years for an offence.

⁵² Lord Advocate (Lord Advocate's Guidelines to the Chief Constable on the reporting to Procurators Fiscal of offences alleged to have been committed by children: revised categories of offence which require to be jointly reported (2014).

http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Lord_Advocates_Guidelines/Lord%20Advocates%20Guidelines%20offences%20committed%20by%20children.pdf

⁵³ [Inspectorate of Prosecution in Scotland: Thematic Report on the Prosecution of Young People \(www.gov.scot\)](http://www.gov.scot/Inspectorate_of_Prosecution_in_Scotland:_Thematic_Report_on_the_Prosecution_of_Young_People)

⁵⁴ Agreement in relation to the cases of children jointly reported to the Procurator Fiscal and Children's Reporter (2015)

http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Protocols_and_Memorandum_of_Understanding/Decision%20making%20in%20cases%20of%20children%20jointly%20reported%20to%20the%20Procurator%20Fiscal%20and%20Childrens%20Reporter%20-%20Jan%202016.pdf

6.1 Children's cases

This part of the research looks at 100 children (80 boys and 20 girls) who were jointly reported to the Reporter and Procurator Fiscal between 1st April and 30th September 2018 and includes:

- Their involvement in the Hearings System.
- Offending history.
- The index offence that was jointly reported.
- Decisions and interventions.
- Timeframe for decision making for jointly reported referrals – by Reporter and Procurator Fiscal.
- Their offending in the 12 months after the index offence.

It is important to note that jointly reported cases were over-sampled for the purposes of this research (particularly for girls) and are not representative of all children who commit offences. This over-sampling was done to ensure that there were sufficient numbers of jointly reported cases for meaningful analysis.

To Reporter

Total of 57 cases - 42 boys and 15 girls.

These are 49 jointly reported cases referred to the Reporter. There were an additional eight cases which the Procurator Fiscal had originally decided to deal with and then later decided to refer to the Reporter. These were cases, that although initially dealt with by the Procurator Fiscal, the appropriate outcome in the public interest was that they were finally referred to the Reporter. The index offences for these eight cases were almost all sexual crimes, committed by boys.

To Procurator Fiscal

Total of 43 cases - 38 boys and five girls.

There were originally 51 cases in this sample. However, the eight children later referred by the Procurator Fiscal to the Reporter were removed and are included in the jointly reported to Reporter cases, as the Reporter made decisions on these cases (see above). There is one case where the child was over 16 years and not on a CSO and should not have been jointly reported. However, this child went on to be remitted by the Sheriff court to a Children's Hearing and so has been included in this sample.

Ages of children at time of jointly reported index offence

Most of the children (n=82) were 14 or 15 years old at the time of the jointly reported index offence, 15 of them were 13 years and three were 12 years old (Table 21).

Children dealt with by the Procurator Fiscal tended to be older. 60% (n=26) were 15 years old compared with 47% (n=27) jointly referred to the Reporter (Table 21), compared with 39% (n=116) of 15 year olds with standard offence referrals.

Table 21: Ages of children at time of jointly reported index offence

Age (years)	Number of children/joint reports		
	To Reporter	To Procurator Fiscal	All
12	3 (5%)	0	3
13	9 (16%)	6 (14%)	15
14	18 (32%)	11 (26%)	29
15	27 (47%)	26 (60%)	53
Total	57	43	100

6.2 Circumstances around the jointly reported index offence

Location

Most jointly reported offences happened in the community (64%), followed by someone else's home (11%), residential or foster care (9%), child's own home (8%) and school (5%). There were none on public transport.

Others involved in the offence

In 63% of jointly reported cases there were others involved in the index offence with the child. Almost always this was other children/peers (67%, n=42); but 13 offences (21%) also involved adults (and eight of these offences involved adults and other children).

Fifteen children (15%) were involved with family members in criminality and/or they were directly involved in the index offence.

Factors affecting the child's behaviour

For 11% (n=11) of children, the police recorded in the SPR2 that their offending was linked to their behavioural or learning difficulties, or their mental health.

Of the 100 jointly reported children, the police had recorded in the SPR2 for 30 children if they were or were not under the influence of drugs, and for 40 children, if they were or were not under the influence of alcohol. Where it was recorded in the police SPR2 reports, 13% of these 30 children were under the influence of **drugs** and 42% of these 40 children were under the influence of **alcohol** at time of the index offence.

6.3 Jointly reported index offences

Numbers and types of offences

To Reporter - 34 children (60%) had only one charge in their joint report. 40% (n=23) of children had more than one charge. The maximum number of charges was 14 and these were all for vandalism.

To Procurator Fiscal – 56% (n=24) of children had only one charge in their joint report. 44% (n=19) had more than one charge. The maximum number was 20 charges and these mostly related to acquisitive crimes (e.g. theft by housebreaking, theft, etc.)

Offence charges

The most common charges in joint reports are shown in Table 22. The most common charge types referred to the Reporter were vandalism (20%), sexual offences (19%) and assault. Almost all charges related to housebreaking were dealt with by the Procurator Fiscal (accounting for 21% of charges dealt with by the Procurator Fiscal).

Table 22: Most common charges in index offences (five or more charges)

Charge type	Number of charges		
	To Reporter	To Procurator Fiscal	All
Vandalism	21 (20%)	7 (8%)	28
Assault	17 (16%)	7 (8%)	24
Threatening or abusive behaviour	9 (9%)	<5	*
Theft by housebreaking	0	11 (13%)	11
Rape	7 (7%)	3 (3%)	10
Housebreaking with intent to steal	<5	7 (8%)	*
Assault to injury	<5	<5	7
Sexual assault	6 (6%)	<5	*
Theft by shoplifting	5 (5%)	<5	*
Sexual assault of a young child	6 (6%)	0	6
Theft	<5	<5	5
Total charges	105	86	191**
Total children	57	43	100

*suppressed due to low numbers

**Remaining 66 charges, less than 5 of each: sexual assault by penetration, rape of a young child, communicating indecently, causing a young child to take part in sexual activity, sexual assault of a young child by penetration, older children engaging in sexual conduct with each other, mobbing/rioting, possession of prohibited weapon, possession of offensive weapon, MV OLP with intent to steal, s20(2) Firearms Act, intent to commit theft, driving with no license, driving with no insurance, police assault, possession of controlled drug, attempted possession of controlled drug, wilful fire raising, obstructing police, OLP MV, obstructing emergency worker, attempted housebreaking with intent to steal, robbery, distribute indecent images of children; assault to severe injury; assault to severe injury and impairment; assault to severe injury and permanent disfigurement; attempted murder; s2, s7(6), s47(1), s87(1), s143(1)+(3) RTA; attempt drive take away RTA; OLP MV and theft; intent to steal; racial harassment; breach of bail; breach of the peace; resisting arrest; s4(3), s5(2), s5(1) misuse of drugs act; possession of controlled drug; theft MV; antisocial behaviour.

Offence categories

The joint reports were categorised according to the crimes and offences used in the Recorded Crime in Scotland Bulletin Series (Table 23).⁵⁵

Table 23: Joint report offence categories

Offence category**	Number of children/joint reports		
	To Reporter	To Procurator Fiscal	All
Miscellaneous crimes	20 (35%)	9 (21%)	29
Sexual crimes	13 (23%)	6 (14%)	19
Crimes of dishonesty	10 (18%)	9 (21%)	19
Non-sexual crimes of violence	<5	10 (23%)	*
Fire raising, vandalism, etc.	6 (10%)	<5	*
Other crimes	<5	<5	7
Motor vehicle offences	<5	<5	<5
Totals	57	43	100

*suppressed due to low numbers

**Examples from Recorded Crimes in Scotland Bulletin of:

- miscellaneous crimes - common assault, breach of the peace;
- sexual crimes - rape, attempted rape, sexual assault;
- crimes of dishonesty -housebreaking, theft from motor vehicle, shoplifting;
- non-sexual crimes of violence - robbery, serious assault, attempted murder;
- other crimes -drugs offences, handing offensive weapon;
- motor vehicle offences - unlawful use of a motor vehicle, driving under the influence

6.4 Gravity and seriousness of jointly reported offences

The gravity of the jointly reported index offences was assessed using SCRA's Framework for Decision Making by Reporters (2015). 47% of jointly reported cases were of high gravity. In comparison, 12% (n=37) of standard offence referrals to the Reporter were of high gravity. More of those dealt with by the Procurator Fiscal were of high gravity (58%, n=25) than those referred to the Reporter (39%, n=22) (Table 24).

Table 24: Gravity of joint reports

Offence gravity*	Number of children/joint reports		
	To Reporter	To Procurator Fiscal	All
Low	27 (47%)	9 (21%)	36
Moderate	8 (14%)	9 (21%)	17
High	22 (39%)	25 (58%)	47
Total	57	43	100

*Examples of:

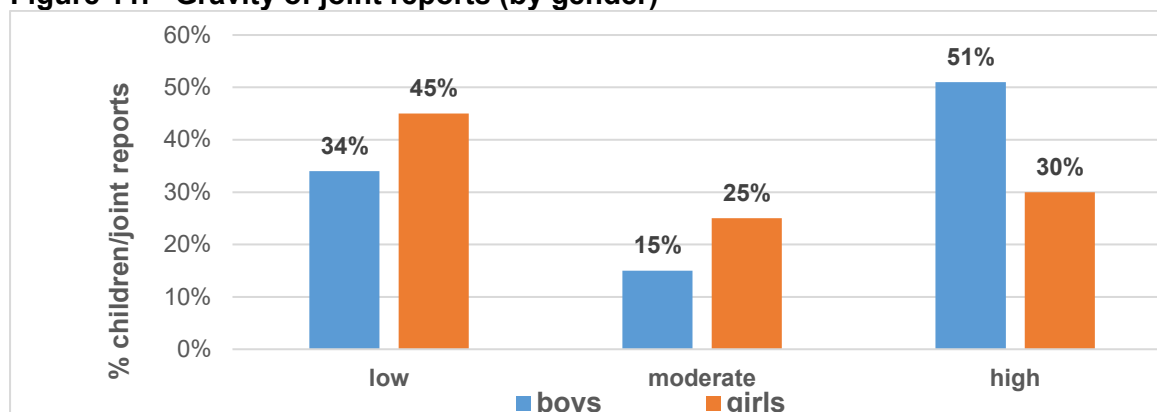
- high gravity offences – assault with a weapon, sexual offences involving coercive sexual behaviour, RTA offences, intentional fire-raising;
- moderate gravity offences – assault resulting in injury, assault on police officer, possession of drug other than cannabis;
- low gravity offences – theft by shoplifting, possession of cannabis, vandalism, breach of the peace, assault with no or minor injury.

⁵⁵ [Recorded crime in Scotland: user guide - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/recorded-crime-in-scotland/user-guide/pages/1-to-3.aspx)

Gravity of joint reports by gender

Proportionately more boys (51%, n=41) had committed high gravity offences than girls (30%, n=6). The majority of jointly reported offences by girls were of low or moderate gravity (60%, n=14) (Figure 11).

Figure 11: Gravity of joint reports (by gender)



Gravity of joint reports by age

It is difficult to discern a pattern of the gravity of jointly reported offences by age, partly due to the low numbers of 12 and 13 year olds. For 15 year olds, 55% (n=29) of jointly reported offences were of high gravity (Table 25).

Table 25: Gravity of joint reports (by age)

Age at index offence (years)	Number of children/joint reports			
	Low	Moderate	High	Total
12	0	0	3 (100%)	3
13	6 (40%)	2 (13%)	7 (47%)	15
14	10 (34%)	11 (38%)	8 (28%)	29
15	20 (38%)	4 (8%)	29 (55%)	53
Total	36	17	47	100

Aggravators

There were 26 index offences where the police had recorded aggravators in the SPR2 forms. 10 were cases referred to the Reporter and 16 were cases dealt with by the Procurator Fiscal. The most common aggravators in jointly reported cases were 'offence against a child' (69%, n=18) and 'sexual' (58%, n=15).

Offences against a person/contact offence

To Reporter – 58% (n=33) of index offences were offences against a person/contact offence.

To Procurator Fiscal - 53% (n=23) of index offences were offences against a person/contact offence.

6.5 Previous offence referrals and joint reports

For 70% (n = 30) of the children dealt with by the Procurator Fiscal, the index offence was part of an established pattern of offending and/or antisocial behaviour. Similarly, for 74% (n = 42) of children referred to the Reporter, the index offence was part of a

pattern of such behaviour. However, for 30% (n=13) of children dealt with by the Procurator Fiscal and 26% (n=15) of those referred to the Reporter, the index offence was an isolated incident.

Children with no prior offence referrals or joint reports

To Reporter - For 20 children (35%) the index offence was their first offence referred to the Reporter. For nine of these children, the index offence was a sexual crime.

To Procurator Fiscal - For 11 children (26%), the index offence was the first offence known to the Reporter. Four of these children had committed sexual offences and three Road Traffic Act offences.

Children with previous offence referrals or joint reports

To Reporter - 65% of children (n=37) had at least one offence referral to Reporter before the index offence; 23% (n=13) had more than 10 previous offence referrals, with the maximum being 43.

To Procurator Fiscal - 74% of children (n=32) had at least one offence referral before the index offence; 40% (n=17) had more than 10 previous offence referrals with the maximum number exceeding 130.

First offence referrals or joint reports

The most common types of first offence referrals to the Reporter were assault (22% of first charges), threatening or abusive behaviour (13%) and vandalism (11%).

Nineteen children (19%) had first been referred to the Reporter for offending before they were 12 years old (i.e. before the ACR was raised to 12 years). Over half of children (53%) were 14 or 15 years old at the time of their first offence referral. This pattern was similar for children with jointly reported cases dealt with by the Reporter and by the Procurator Fiscal.

6.6 Decision making and interventions

Interventions at time of index offence

Over half of the children (53%) already had accepted or established offence grounds at the time of the jointly reported index offence; 40% had ICSOs or CSOs and 27% were accommodated (Table 26).

Table 26: Interventions at or before joint report

At time of jointly reported index offence:	Number of children		
	To Reporter	To PF	All
Child accommodated	15 (26%)	12 (28%)	27
Child has CSO/ICSO	21 (37%)	19 (44%)	40
Child has accepted established grounds - all	30 (53%)	23 (53%)	53
Offence grounds (2011 Act s67(2)(j))	6 (10%)	9 (21%)	15
Grounds related to child's behaviour (2011 Act s67(2)(k) to (o))	13 (23%)	10 (23%)	23
Grounds related to care & protection (2011 Act s67(2)(a) to (i) and (p) to (q))	12 (21%)	5 (12%)	17
Total children*	57	43	100

*Sum of children is greater than total due to multiple interventions per child

Reporter decisions on joint reports

For the 55 children with joint reports, where a decision was made by the Reporter,* the Reporter decided to arrange a Hearing in relation to seven (13%) of the index offences. For five children (9%), the offence grounds went on to be accepted or established, with ICSO/CSOs being made for three of these children and existing CSOs being varied for the other two (Table 27).

Table 27: Reporter decisions on joint reports

Reporter decision	Number of children/joint reports
Not to arrange a Hearing	45 (82%)
Arrange Hearing	7 (13%)
Insufficient evidence	3 (5%)
Total	55*

*Information was unavailable for two children

Procurator Fiscal decisions on joint reports

Some information on Procurators Fiscal decisions was recorded in SCRA's case files, and the COPFS provided information on some cases that were not already held by SCRA (Table 28). It is important to note that the decision making process of the Procurator Fiscal is different to that of the Reporter. The Procurator Fiscal may instruct further police enquiries, request information from the Police, and engage with the complainer.

Table 28: Procurator Fiscal decisions on joint reports

Procurator Fiscal decision	Number of children/joint reports
To retain - prosecution	15 (29%)
Refer to Reporter*	8 (16%)
Insufficient evidence – no further proceedings	13 (25%)
No further action	9 (18%)
No information available to SCRA	6 (12%)
Total	51

*Also included in jointly reported cases dealt with by the Reporter

There were 15 cases where the Procurator Fiscal decided to commence prosecution:

- Six of these cases were to proceed as solemn proceedings and two as summary (this information was not available for seven cases).
- Ten cases were to be heard in Sheriff Courts and two in the High Court (this information was not available for three cases).
- Eleven children had appeared in court. For four, no court date has been set yet (at time of writing in October 2021 - i.e. more than two years from the dates of the index offences), or court had been cancelled.
- Six of these children had pled guilty (no information on five)
- Four children had been sentenced, one had their sentence deferred and two children were not sentenced (no information on four). The two children who were not sentenced, were remitted by the courts to Children's Hearings. In both cases, CSOs were made or varied.
- Two children received custodial sentences and two received Community Payback Orders.
- Courts requested advice from Children's Hearings for six children (five - Sheriff courts, one - High court). The Hearings' advice for three children was that the

court should deal with the children, and for the other three children, that they should be remitted to Hearings. Two children were remitted to Hearings (see above).

6.7 Timeframes for decision making on joint reports

Data were collected on the timeframe from the receipt of the index offence to the decision date by the Procurator Fiscal. Timeframe information was obtained from COPFS as SCRA does not hold complete information on children whose cases were dealt with by the Procurator Fiscal.

Timeframes for Procurator Fiscal decision making – joint reports

There is an agreement between SCRA and COPFS to ensure “timely, appropriate and proportionate” action in relation to children who offend.⁵⁶ In this agreement, the Procurator Fiscal is to make an initial decision following discussion of the case with the Children’s Reporter. This decision should be made within **10 working days** of the case being jointly reported to the Procurator Fiscal and Reporter.⁵⁷ This is a different process to Reporter decision making for standard offence referrals. When a case is jointly reported, the Procurator Fiscal should discuss with the Reporter where the case might best sit, but the Procurator Fiscal also needs to assure themselves that there is sufficient evidence of an offence at the outset.

Further timescales for Procurator Fiscal decision making relate to exceptional cases where a final decision as to how to proceed remains outstanding **45 working days** after the case is reported. In this instance, progress in the investigation should be reviewed by the Procurator Fiscal and monitored.

SCRA maintains regular communication with COPFS regarding jointly reported cases where a decision has yet to be notified to SCRA by COPFS. This communication is updated weekly in a spreadsheet report by SCRA on delayed jointly reported cases, and SCRA contacts COPFS when cases without a decision approach **30 working days**. In light of this timescale, the timescales for decision making outlined in Table 29 includes this 30 working day timescale.

There were 43 joint reports that the Procurator Fiscal decided to retain. Of these cases, the Procurator Fiscal decided to refer five to the Reporter.⁵⁸ Where information was available, the Procurator Fiscal took between 45 to 71 working days to refer these cases to the Reporter. It should be noted that there is no timeframe in the agreement between SCRA and COPFS on the Procurator Fiscal’s decision on whether to prosecute or make another decision such as to refer to the Reporter.

⁵⁶ Decision making in cases of children jointly reported to the Procurator Fiscal and Children’s Reporter, 2019. <http://sgsharepoint16/sites/connect/pr/Practice%20Document%20Library/Decision%20making%20in%20cases%20of%20children%20jointly%20reported%20to%20the%20Procurator%20Fiscal%20and%20Children%E2%80%99s%20Reporter.pdf>

⁵⁷ An initial decision in these circumstances is the decision regarding whether: The child will be referred to the Children’s Reporter in relation to the offence.; The Procurator Fiscal will prosecute without reporting the case to Crown Counsel; The Procurator Fiscal will report the case to Crown Counsel; The Procurator Fiscal will decide to obtain witness statements or more information from the police before making a decision to refer the case to the Children’s Reporter, prosecute the case or report the case to Crown Counsel.

⁵⁸ Information on timeframes for the Procurator Fiscal referring these cases back to the Reporter was only available for 3 out of the 5 children.

There were 38 children where information was available on the timeframe between the date of receipt of the joint report and the decision date by the Procurator Fiscal. This ranged from 0 to 322 working days (Table 29).

Table 29: Timeframes of Procurator Fiscal decision making (working days)

Procurator Fiscal decision timeframe	Number of children/joint reports
Within 10 working days	7 (18%)
11 - 30 working days	6 (16%)
31 – 45 working days	3 (8%)
46 + working days	22 (58%)
Total children*	38*

* No information was available for five children.

For over a half of children (58%, n=22), the Procurator Fiscal took more than 45 working days to make a decision, with timescales for these cases ranging from 47 to 322 working days. It is not clear if these 22 cases were considered 'exceptional' by COPFS to account for the protracted timeframes to final decision.

Timeframes of Reporter decision making – joint reports

Data were collected from the date the joint report was first received by the Reporter, to the date of decision by the Reporter in working days.

Using the time interval standard set out in Chapter 5 (SCRA, 2021), Table 31 presents the timeframe for Reporter decision making for jointly reported cases set against the 50 working day timeframe. It should be noted that at the time the joint report is first received by the Reporter no investigation can be carried out by the Reporter until the Procurator Fiscal decides to refer it to the Reporter. During this time, the Procurator Fiscal may be carrying out their own investigations while making the decision on who will deal with the case.

Information was available for 54 children on the number of working days from initial receipt of joint report to Reporter decision (Table 30).

Table 30: Timeframe for Reporter decision making on joint reports

Reporter decision timeframe	Number of children/joint reports
Within 50 working days	37 (69%)
50+ working days	17 (31%)
Total children	54*

*Timeline information was not available for one child

Reporters made the decision within 50 working days for 69% (n=37) of children. It took longer than 50 working days for Reporter decisions on 31% (n=17) of children jointly reported.

The timeframe for Reporter decision making on joint reports ranged from 0 to 179 working days.

6.8 Further offence referrals and joint reports in the 12 months after the jointly reported index offence

To Reporter - Twelve children (21%) had five or more offence referrals or joint reports in the 12 months after the index offence. Seven of them also had five or more offence referrals prior to the index offence. For all 12 children, the index offence was part of a pattern of offending and/or antisocial behaviour.

To Procurator Fiscal - Thirteen children (30%) had five or more offence referrals or joint reports in the 12 months after the index offence. All of these children had multiple offence referrals before the index offence, and nine of them had more than 30 previous offence referrals.

For all of these 25 children, their offending can be seen as an entrenched pattern of behaviour over a number of years.

6.9 Interventions in the 12 months after the jointly reported index offence

Living circumstances

Around a half of children (53%) were living with their parents 12 months after the jointly reported index offence. Of the remaining 47 children - 17 were in residential care, nine were in secure care, five were with kinship carers, two were living independently, one was with foster carers and one was homeless (no information available for 12 children).

Interventions

Over the 12 months after the index offence, thirteen children had received secure authorisations, four had bail conditions, three had been on remand, three had received custodial sentences, three had been subject to curfews, and two had Community Payback Orders.

Most of the children continued to have some involvement in the Hearings System after the index offence, with 63% (n=63) having further referrals (offence and non-offence) (Table 31).

Table 31: Involvement in the Hearings System in the 12 months after the jointly reported index offence

Intervention	Number of children		
	To Reporter	To Procurator Fiscal	All
ICSO/CSO made	8 (13%)	4 (9%)	12
ICSO/CSO varied	13 (23%)	12 (28%)	25
CSO terminated	7 (12%)	6 (14%)	13
Further referrals - all	36 (63%)	27 (63%)	63
Offence grounds (2011 Act s67(2)(j))	34 (62%)	27 (63%)	61
Grounds related to child's behaviour (2011 Act s67(2)(k) to (o))	20 (35%)	13 (30%)	33
Grounds related to care & protection (2011 Act s67(2)(a) to (i) and (p) to (q))	9 (16%)	0	9
Total children*	57	43	100

*Sum of children is greater than total due to multiple interventions per child

Louise's story

This is a story about a girl whose only involvement with the Children's Reporter is a single offence referral.

Louise is 14 years old and lives with her parents. Prior to this incident she wasn't known to the Reporter. She had never been in trouble with the police before and didn't have a history of violent behaviour before committing this assault.

She had been having some problems at school and had been accused of bullying another child in her class. She had also been excluded from school for a short time. This behaviour followed the death of a close family member and Louise had been struggling to cope with this loss.

The assault took place in the local area and the victim was a child that Louise knew from school. There were some claims that the victim had instigated the assault and there had been name calling taking place between the children. When the police spoke to Louise she initially denied carrying out the assault, but later admitted it to her mum and was remorseful about her behaviour.

Louise's mum was upset that she had behaved in this way and was very supportive of the police and concerned about what had made her daughter behave like this. The Reporter took some time looking into the circumstances of the incident and what else was going on in Louise's life, and around two months later made the decision not to arrange a Hearing, and to refer on to the local authority to offer support to Louise.

Louise's behaviour has since improved at school and there have been no further referrals received for her.

Ryan's story

This is a story about a child who committed a medium gravity offence that was jointly reported to the Reporter and the Procurator Fiscal with the decision to refer the case to the Reporter.

Ryan is 15 years old and lives at home with his mum and his older brother and sister. His dad passed away when he was younger.

Ryan has struggled at school, has low attendance levels and has been excluded a number of times.

He has a history of aggressive behaviour and first became involved with services due to the school's concerns about his behaviour when he was still at primary school. There have also been some concerns around his mum neglecting him and his siblings when he was younger. As Ryan has got older he has begun to drink and take drugs with his friends and he has a history of committing offences and being involved in anti-social behaviour with this group of young people.

Ryan was out at the weekend with his friends and the police were called after they were involved in a disturbance with another group of young people. The police jointly reported Ryan to the Reporter and the Procurator Fiscal. Nine weeks after the offence took place, the Procurator Fiscal decided to refer the case to the Reporter.

The Reporter began their investigation including asking for a report from Ryan's school. Seven weeks later the Reporter made the decision not to arrange a Hearing as it was considered that the required support for Ryan and his family was already in place.

Ryan has continued to be involved in offending. He is working with SACRO and he now has a more positive outlook and he is thinking about his future and what he could do at college.

Chapter 7: Serious offences

This chapter is about the children whose index offence was either a serious violent offence or was a sexual offence under the Sexual Offences (Scotland) Act 2008 (see Table 32 for types of offences).

There were 45 children out of the 400 in the sample (11%) whose index offences were of a serious violent or a sexual nature. Most of these offence referrals or joint reports (80%, n=36) were of a high gravity, and had aggravators (67%, n=30) most commonly 'offence against a child' and 'sexual'.

The majority of these index offences took place within the community (42%, n=19), followed by school (20%, n=9) and the child's home (16%, n=7).

7.1 Children who committed serious violent or sexual offences

Almost all of the children are boys, and half of them (49%, n=22) were 15 years old at the time of the offence.

Types of offence charges

There were 80 charges across these 45 offence referrals or joint reports, however, most contained only one charge (62%, n=28).

Sexual offence charges were the sole types of charge in 62% (n=28) of index offence referrals or joint reports, and 36% (n=16) related only to violent crimes (such as assault to severe injury, robbery). The most common charges are shown in Table 32.

Table 32: Serious violent or sexual offence charges in index offences

Offence charge type	Number of charges
Sexual assault	14
Rape	11
Sexual assault on a young child under 13	8
Assault	7
Assault to injury or Assault to severe injury	7
Sexual assault by penetration	5
Other sexual offence charges	12
Other violent offence charges*	12
Other charges**	4
Total charges	80
Total index offence referrals or joint reports/children	45

*Other violent offence charges, less than five of each – assault to severe injury and impairment, attempted murder, robbery, threatening or abusive behaviour, possession of an offensive weapon

**Other charges, less than 5 of each – theft motor vehicle, Road Traffic Act offences, breach of the peace

Was the index offence an isolated incident or part of a pattern of offending?

Most of the index offences (60%, n=27) were part of a pattern of offending behaviour by the child, and 40% (n=18) were isolated incidents.

Of the 27 cases where the offences were part of a pattern of behaviour, 56% (n=15) of these related to sexual crimes and 37% (n=10) to violent crimes.

7.2 Decision making on serious offences

Most of these cases (78%, n=35) were jointly reported by the police to the Procurator Fiscal and Reporter. 22% (n = 10) were standard offence referrals by the police to the Reporter.

For 25 of the 35 joint reports (71%), the Procurator Fiscal decided to deal with the case. The remaining 10 were referred by the Procurator Fiscal to the Reporter.

Procurator Fiscal decisions

The Procurator Fiscal decided to commence prosecution on 11 cases (44%).

For six cases, their decision was to refer to the Reporter, and for a further six their decisions were either insufficient evidence, or no action. There was no information on the remaining two cases.

Reporter decisions

Twenty-six offences had decisions made by the Reporter. This was made up of 10 which were standard offence referrals, 10 which were jointly reported and referred to the Reporter, and six which were jointly reported and retained by the Procurator Fiscal and subsequently referred to the Reporter.

This represents 58% of the total 45 children who had committed serious violent or sexual offences ultimately being dealt with by the Reporter – 26 in total. The Reporter decided to arrange Hearings for five of these cases. For five, their decision was that there was insufficient evidence, and for the remaining 16, the Reporter decided not to arrange a Hearing.

Connor's story

This is a story of a boy charged with a serious offence that was jointly reported and was dealt with by the Procurator Fiscal.

Connor is 15 years old and lives with his parents and younger sister. Prior to the incident described below, his family were not known to the police and Connor had no referrals to the Children's Reporter.

Connor has ADHD and has difficulties regulating his emotions and behaviour. He has been bullied in school because of this and struggles to make friends. His parents worry about his mental health as Connor often feels low and doesn't want to go to school.

Just before the Christmas holidays, Connor is excited to be invited to a party at the home of one of his classmates. He gets very drunk at the party and has sex with Alice, a girl from his class, who is also intoxicated. Some of the other children at the party take photos of Connor and Alice engaging in a sexual act.

The photos are posted on social media and are seen by Alice's mother who reports Connor to the police. Alice tells her mother and the police that she was so drunk she didn't know what was happening. She is distraught about what happened at the party and that everybody has seen the photos.

The police charge Connor with rape. Connor is devastated. He thought that Alice consented. He denies the charge. His parents believe his version of events. Connor and his parents fully co-operate with the police.

The police submit a joint report to the Reporter and Procurator Fiscal. The police continue their investigation. After six months, the Procurator Fiscal decides to deal with the case.

Because of the rape charge, Connor is suspended from school. He is afraid to go out in the community because his charge is widely known. He stays at home, and his family continue to support and believe him. But he remains upset and anxious about what could happen to him.

Alice finds it difficult to go back to school but does, despite being victimised by her peers about the photos. She feels she can't trust any of her former friends, and becomes scared to go out. Her family are angry about how long it's taking the police and Procurator Fiscal to progress with the case.

After another five months, the Procurator Fiscal decides that there is insufficient evidence to proceed. Connor and his family are delighted with this outcome. Alice is very upset and feels that no-one believed her. She had planned to continue her schooling but leaves as she cannot face everyone knowing about her. Connor has also left school having missed most of S4 (age 15 to 16 years) and being unable to sit his exams.

Chapter 8: Children aged 12 to 15 years with offences where there was a victim

This chapter is about the victims of offences committed by children aged 12 to 15 years old. It reports on:

- Numbers and types of offences with victims.
- Ages of victims.
- If the victim was known to the child.
- Types of relationships between the child and victim.
- Location of offences.
- Gravity of offences involving victims.

Information on victims was mainly obtained from the Standard Police Reports (SPR2) that formed the index offence referrals.

8.1 Number of offences with a victim

By gender of child who committed the index offence

Just over half (n=211) of index offences were recorded by the police to have a victim. 60% (n = 47) of offences committed by girls had a victim(s). For boys, there was a victim(s) in 51% (n = 164) of offences (Table 33).

Table 33: Numbers of victims – by gender of child who committed index offence

Was there a victim?	Number of children/index offences		
	Girls	Boys	All
Victim	47 (60%)	164 (51%)	211 (53%)
No victim	31 (40%)	156 (49%)	187 (47%)
Total	78	320	398*

*No information was available for 2 index offences on if there was a victim or not

By age of child who committed the index offence

Offences committed by 12 year old children were more likely to have a victim than those committed by older children. 64% of offences by 12 year olds had a victim compared to between 51% and 54% of offences by older children (Table 34).

Table 34: Numbers of victims – by age of child who committed index offence

Child's age (years)	Number of children/index offences		
	Victim	No victim	All
12	25 (64%)	14 (36%)	39
13	38 (51%)	37 (49%)	75
14	58 (50%)	58 (50%)	116
15	90 (54%)	78 (46%)	168
Total	211 (53%)	187	398*

*No information was available for two index offences on if there was a victim or not

Numbers of victims of each index offence

Of the offences that had a victim(s), 88% (n=185) of referrals included information about the number of victims of that offence. For most offences with victim(s) there

was one victim (78%, n=145); 14% (n=26) involved two victims; and 8% (n=14) had three or more victims.

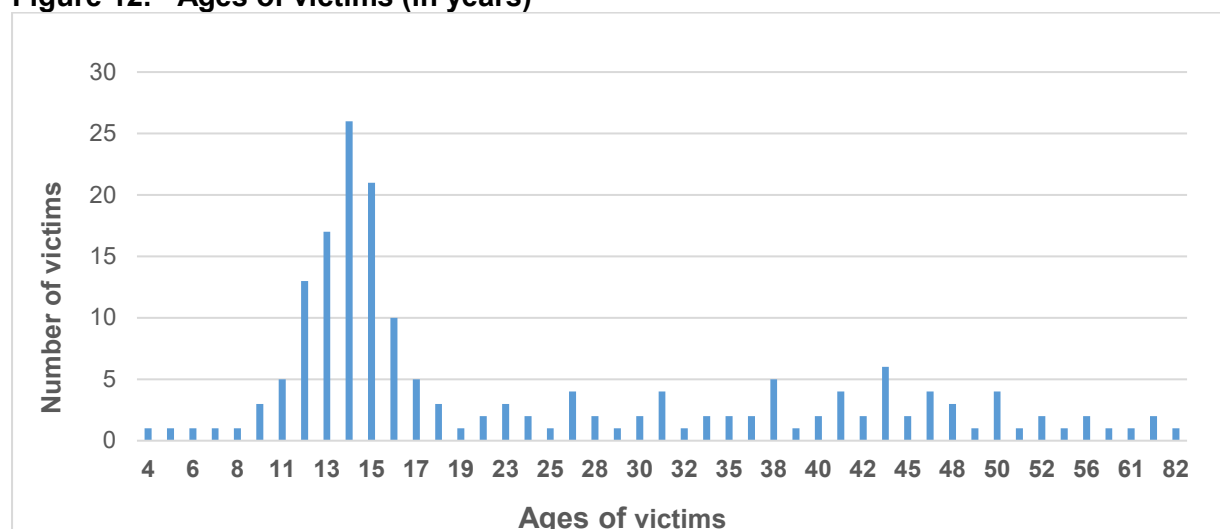
8.2 Victims of index offences

Ages of victims

There were 182 referrals where information was recorded about victims' ages. Victims were aged between four and 82 years of age at the time of the index offence.

53% (n=97) of victims were between the ages of 11 and 17 years with the most common age of victim(s) being 14 years old (Figure 12).

Figure 12: Ages of victims (in years)



Was the victim known to the child?

Two thirds of victim(s) were known to the child who committed the offence (67%, n=141).

Relationship between child and victim known to them

Relationship information was available for 96% (n=135) of the victims who were known to the child (Table 35). Most victims were known to the child.

Table 35: Relationship between victim and child who committed index offence

Type of relationship with victim	Number of children
School pupil	40 (30%)
Close personal relationship (family member, friend, boy/girlfriend)	32 (24%)
Neighbour or acquaintance from local community	31 (23%)
Residential placement staff member	31 (23%)
Child in same residential placement	9 (7%)
Total**	135*

*Less than 1% of victims were support workers or social workers

**The sum is greater than the total as some offences had more than one victim

Victims not known to the child

For 33% (n=70) of offences, the victim was either not known to the child or this was not recorded. Information was available on victims of 29 of these offences – these were either police officers (n=15) or 'other' victims (n=14). Victims categorised as

'other' included NHS staff who were treating the child, passengers in a station waiting room, householders, or children and adults in the community.

Did victims have physical disabilities, learning disabilities and/or additional support needs, or mental health issues?

It was not possible to answer this question as this information was rarely recorded in reports.

8.3 Location of offences

Nearly half (47%, n=98) of offences with victims happened in the community. Other locations where there were victims were:

- Residential or foster care placements – 17% (n=35)
- Child's own home – 16% (n=34)
- School - 11% (n=22)
- Somebody else's home - 6% (n=13), these offences were all committed by boys.
- Public transport and 'other' locations - 3% (n= 9), offences on public transport were all by boys.

8.4 Profile of offences with victims

Offence charges where there was a victim

The most common charges (42%, n=149) related to assault, including assaults of police officers, assault to injury, assault to severe injury, and assault to severe injury and permanent impairment. The next most common charge type was threatening or abusive behaviour (18%, n=66). Sexual offences accounted for 13% of charges (n=48) (Table 36).

Table 36: Offence charges where there was a victim (5 or more charges)

Offence charge type	No. charges
Assault	101 (28%)
Threatening or abusive behaviour	66 (18%)
Assault to injury	21 (6%)
Assault police officer	20 (6%)
Vandalism	19 (5%)
Sexual assault	16 (4%)
Rape	10 (3%)
Possession of offensive weapon	8 (2%)
Sexual assault of a young child	8 (2%)
Send offensive message	7 (2%)
Theft by housebreaking	5 (1%)
Robbery	5 (1%)
Total charges	357*
Total children	211

*Less than 5 charges: sexual assault by penetration, older children engaging in sexual conduct with each other, sexual assault on a young child by penetration, causing a young child to participate in sexual activity, rape of a young child, communicate indecently, shoplifting, distribute indecent photographs of children, intended theft curtilage, resist police officers in execution of their duty, breach of bail, theft of motor vehicle, culpable & reckless conduct, attempted robbery, false alarm to emergency services, attempt to pervert course of justice, cause distress/alarm racial, destruction of property, fraud, theft, obstruct emergency worker, attempted murder, assault to severe injury, assault to severe injury and permanent impairment

Categories of offence

Index offence referrals were categorised according to those used in the Recorded Crime in Scotland Bulletin.⁵⁹ These categories are:

- miscellaneous crimes
- sexual crimes
- motor vehicle offences
- non-sexual crimes of violence
- crimes of dishonesty
- fire raising, vandalism, etc.;

The majority of offences were categorised as miscellaneous crimes, accounting for 62% (n =129) of offences with victims, for example, threatening or abusive behaviour and assault.

Sexual crimes made up 15% (n=29) of offence referrals with victims.

Non-sexual crimes of violence (e.g. culpable and reckless conduct, assault to injury) were 12% (n=25).

Crimes of dishonesty (e.g. shoplifting, housebreaking) and other crimes (e.g. possession of drugs, possession of an offensive weapon) both comprised 5% (n=11) of referrals.

Fire-raising/vandalism etc. accounted for 2% (n=6) of offences.

By gender of child who committed the offence

There were differences between boys and girls on offence categories. Girls were more likely to have offences with victims in the miscellaneous crimes category (74%, n=35) than boys (57%, n=94).

Boys were more likely to have committed sexual crimes (16%, n=26) than girls (6%, n=<5), and non-sexual crimes of violence – 13% of boys (n=21) and 8% (n=<5) of girls.

By age of child who committed the offence

There was little difference in the categories of offences across the ages of 12 to 15 years. Miscellaneous crimes accounted for 64% of offences by 12 year olds and 65% of those aged 15 years.

Gravity of offences where there was a victim

Gravity of index offences was assessed using SCRA's Framework for Decision Making by Reporters (2015) (see Appendix 3).

Of the 211 index offences with victims, 48% (n=100) were low gravity offences; 30% (n= 64) were of moderate gravity; and 22% (n=47) were of high gravity (Table 37).

⁵⁹ Recorded crime in Scotland: user guide - gov.scot (www.gov.scot)

Boys were more likely to have committed high gravity offences against victims – this was 26% of boys (n=42) compared to 11% of girls (n=5). Girls were more likely to have committed moderate gravity offences against victims – this was 40% of girls (n=19) compared to 27% of boys (n=45) (Table 37).

Table 37: Gravity of offences with victims by gender of child who committed the offence

Child's gender	Number of offences/children			
	Low gravity	Moderate gravity	High gravity	Total
Girls	23 (49%)	19 (40%)	5 (11%)	47
Boys	77 (50%)	45 (27%)	42 (26%)	164
Total	100 (48%)	64 (30%)	47 (22%)	211

The main difference by age of the child who committed the offence and if there was a victim, was that 12 year olds were less likely to have committed high gravity offences (12%) compared to between 21% to 23% of 13 to 15 year olds (Table 38).

Table 38: Gravity of offences with victims by age of child who committed the offence

Child's age (years)	Number of offences/children			
	Low gravity	Moderate gravity	High gravity	Total
12	13 (52%)	9 (36%)	3 (12%)	25
13	22 (58%)	8 (21%)	8 (21%)	38
14	24 (41%)	19 (33%)	15 (26%)	58
15	41 (46%)	28 (31%)	21 (23%)	90
Total	100 (48%)	64 (30%)	47 (22%)	211

Serious violent or sexual offences

There were **45 index offences with victims (21%)** where the offence was of a serious violent or sexual nature (e.g. sexual assault, rape, robbery, assault to severe injury, attempted murder). Almost all these offences had been committed by boys (93%, n=42) (see also Chapter 7).

Standard offence referrals to the Reporter and jointly reported offences

There was little difference between standard index offences referred to the Reporter and those jointly referred to the Reporter and Procurator Fiscal on if there was a victim.

For standard offence referrals, 51% (n=154) had victims. In comparison, 56% (n=31) of jointly reported offences referred to the Reporter and 58% (n=26) of those dealt with by the Procurator Fiscal had victims.

Sharon's story

This is a story about a girl whose offence involved a victim. The victim was a peer of the child referred to the Reporter.

Sharon is 14 years old and lives with her parents and her little brother.

Sharon has never been in trouble with the police before and she wasn't known to the Children's Reporter before she committed this offence.

The police were called on a Saturday night to a fight involving a group of young people in the local community. The group included Sharon and the victim, who knew each other as they are both in the same year at High School. Sharon was remorseful when spoken to by the police about the incident, but also said that she did not start the fight.

The police charge Sharon with assault and make a referral to the Reporter.

The Reporter looked into the circumstances of the offence and if there was anything else going on in Sharon's life. Four weeks later the Reporter decided not to arrange a Hearing as there was no need for compulsory measures. Sharon has not been in trouble with the police again.

Aaron's story

This is a story about a boy with a history of neglect and being a victim of domestic abuse. He began to offend after being placed with a foster family and was then moved to a children's unit. He is now engaging well with staff in the unit and with other services, and although he is still offending the level has reduced.

Aaron is 14 years old and is currently living in a children's unit. He has two brothers and a sister who are also in care.

Aaron and his brothers and sister were neglected by their parents. Their father would regularly use drugs, and all the children witnessed and were victims of domestic violence, within their home. Aaron's first involvement with services began as a result of this domestic violence and neglect, and this was the basis of his first referral to the Children's Reporter. There were a number of concerns around the conditions of the family home and Aaron was placed on the Child Protection Register and was made subject to a Compulsory Supervision Order when he was a toddler.

Conditions did not improve in the family, despite a number of years of service involvement, and Aaron was removed from the family home and placed with foster carers when he was 12 years old. It was about this time that Aaron began to receive offence referrals. He also started to drink with his friends and later also take drugs. He struggled to deal with his emotions and manage his behaviour and would often lash out and be violent and aggressive towards those around him.

He has been involved in a pattern of offending behaviour since then, including antisocial behaviour and breaches of the peace. These have been committed in the community and also in the children's unit that he was moved to from his foster carers. His latest offence was shoplifting that the Reporter investigated. A month later the Reporter decided not to arrange a Hearing and instead to continue with the current measures that were in place.

In the year following this offence, the Reporter has received another two offence referrals but Aaron's offending behaviour has reduced. He is now engaging with education and other services provided within the children's unit including with residential staff, an educational psychologist and with CAMHS. Staff at the unit have noticed that over this period he has made a lot of progress and is maturing and growing in confidence.

Chapter 9: Discussion and conclusions

This chapter summarises the main findings of the research, and highlights implications for policy and practice, and areas for future research.

This research study of children aged 12 to 15 years involved in offending and referred to the Children's Reporter or the Crown Office and Procurator Fiscal Service (COPFS) in Scotland has highlighted important findings, and contributes to broader understandings of children's offending, including responses to, and decisions made, by both the Children's Reporter and the criminal justice system through the COPFS.

9.1 Children's backgrounds including adversity and trauma

Through the careful analyses of 400 children's case files held by the Scottish Children's Reporter Administration, detailed information was collected on the wider context of these children's lives, including their backgrounds, family and social circumstances and offending behaviour.

Of significance, and reinforcing previous SCRA evidence (Henderson et al., 2016; Rogon, et al., 2019), is that for the majority of children in this study, their lives are tainted by neglect, trauma and abuse, victimisation, harmful behaviours, often compounded by socioeconomic disadvantage. The extent of the documented adversities experienced by children in this study, are substantial and shocking.

We have shown that socioeconomic circumstances are poor for many children with deprivation being common for nearly two thirds of all children who had home addresses in areas classified as deprived, indicated by the SIMD (quintiles 1 & 2). The link between deprivation and poorer outcomes, for a variety of measures that can negatively impact on children's life chances, has been well established (e.g. Wickham, et al., 2016; McAra & McVie, 2016; NHS Health Scotland, 2018). These can include health, social, emotional and cognitive development, behaviour and education outcomes. Growing up in adverse socioeconomic circumstances is highlighted as a risk factor for child abuse and neglect. Recent evidence suggests this can increase the likelihood of children being taken into care (Bennett, et al., 2022a; Bennett et al., 2022b; Walsh, et al., 2019). Within this study, over a quarter of children (n=103) at the time of the index offence, were living in residential care (including secure accommodation).

An important finding in this study, was the proportion of children with recorded educational concerns. For over half of all children (n=233), there were concerns about their educational attainment and similar numbers of children where there were concerns about their school attendance (59%; n=236). Two fifths of children had been excluded from school at least once, with a higher proportion of boys excluded compared to girls (32%, n=25 girls; 44%, n=140 boys). This raises a number of questions and requires further examination and explanation. For instance, why were these children not attending school? Were these children persistent non-attenders and had they been identified as such? Were schools (un)able to implement and respond to these children's behaviours appropriately? Our data shows that concerns about children's school attendance more than doubled between the ages of 12 years and 13 years, remaining high for those aged 14 and 15 years. Similarly, school exclusions doubled between the ages of 12 years and 13 years. Moreover, a high

number of children had attendance concerns. This begs the following questions: where were these children and what were they doing, and who were they with when they ought to have been at school? And do these absences from school influence children's offending behaviour?

Exposure to neglect, domestic violence and parental alcohol and substance misuse was common for children in this study. Almost half of all children (n=191) had been victims of parental neglect. Witnessing traumatic events, either within the household, or beyond, was also not uncommon. The frequency of children being exposed to parental domestic violence was high with almost half (n=182) of children experiencing this at some point in their lives. A quarter of children (n=100) were themselves victims of parental violence and/or aggression. The types of victimisation children in this study experienced was multiple. Violence and aggression towards children by parents and other adults was experienced by a similar number of children (n=100). For some children, their parents had histories of aggression and violence towards them and for some children, over a long period of time. Having parents who misused drugs was reported for over a third of children (n=151) and children whose parents misused alcohol showed similar proportions (n=135). Having parents who offended, or who had close associations with offenders, was reported for two fifths of children (n=160) and one fifth of children (n=72) respectively. These circumstances and experiences formed the backdrop to many of these children's lives, exposing them to negative adult conduct, including offending behaviour, potentially normalising such actions. Stetekee, et al., (2021) outlined that children who are exposed to violence regularly in their homes can suffer significant physical, mental, and emotional harm. The effects can endure and continue well into adulthood with both direct and indirect exposure to violence and maltreatment within the family increasing the risk of subsequent violent behaviour. This can lead to a "cycle of violence" with children potentially reproducing the behaviour of their parents.

Being a victim of sexually harmful behaviour and/or abuse was experienced by 14% (n=57) of children, with girls being almost five times more likely to be identified as victims of sexually harmful behaviour and/or sexual abuse than boys. 9% of children (n=37) were reported to be victims of child sexual exploitation (CSE). 8% (n=30) of children were victims of child criminal exploitation (CCE). It is likely that for particular types of victimisation, for example CSE, that these figures, due to inconsistencies in reporting, under-estimate the true scale and extent of the issue (Henderson, et al., 2020; Kirkman, 2021). This can also be assumed to apply to CCE figures. A true understanding of the numbers of children being criminally exploited is likely to be much higher. Our findings show that there was evidence of children being coerced into criminal activities by peers but also by family members. Further detailed exploration of the extent, influence and impact of CSE and CCE on children who offend, is required.

Given the levels of adversity, trauma, neglect and victimisation recorded for children in this study, health, well-being and behavioural concerns were evident, across a number of domains. Children who are exposed to multiple risks, including adversity, social disadvantage and cognitive problems are more likely to develop behavioural issues (Department of Education, 2015). Just under a fifth of children (n=75) in this study were recorded as having a disability with social, emotional and behavioural issues being the most common type of disability for both boys and girls. This figure

is concerning and requires further exploration, as it is a higher proportion than that of all looked after children in Scotland, 10% of whom are assessed as having a disability (Scottish Government, 2021). Data was also collected on whether children had a learning difficulty, not recorded as being a disability. Almost a quarter of children in this study (n=93) had a learning difficulty. The Scottish Government's Pupil Census⁶⁰ makes the distinction between disability and additional support needs. Recent data for 2019-2020 states that 3% of Scotland's school pupils had an assessed/declared disability and 32% had an additional support need. Data collected from children's case files in this study, shows that there can be differences in terminology and inconsistencies in definitions used when using secondary data for research purposes (Nixon et al., 2021). In particular, information in relation to disability and learning difficulties (see Chapter 3) was not always available in children's case files. Indeed, there was no disability data for 32% (n=126) of children. Similarly, for learning disabilities, where 34% (n=137) of children had no information recorded on whether they had a learning difficulty. Additionally, the numbers of children with poor educational attainment and attendance issues outlined above raises the question of whether children's needs have been met, and if interventions to support them have appropriate?

Aligned to this is a concerning finding, that one third of the children in this study (n=129) had recorded mental health concerns, with around a quarter of children (n=90) having self-harmed, attempted suicide and/or displayed suicide ideation. This was twice as likely for girls than boys. A quarter of children (n=94) were victims of bullying. Around half of the children (n=196) had used drugs and alcohol with the numbers using both increasing as children got older. Children also demonstrated negative behaviours towards others and these included bullying, sexually harmful behaviour and violent and/or aggressive behaviour. Over a third of the children had bullied others (n=137) and over a half (n=227) had histories of violent or aggressive behaviour. Fifty four children were recorded as displaying sexually harmful behaviours. These children were almost all boys.

It is possible that some of these findings under-estimate the extent of the concerns in children's lives which specifically relates to the use of secondary data for research purposes (see Chapter 2). For example, for twelve children in this study, there was little to no information available on their backgrounds, family circumstances, experiences of adversity and trauma, patterns of offending, or responses from statutory organisations. These twelve children were from other parts of the UK or Ireland. All were living in Scotland at the time of the index offence. Seven of these children were accommodated in residential care settings, yet we could find no further information about what then happened to these children. Improving and ensuring consistent information is collected is required to complete data gaps, especially in light of the overwhelming evidence indicating that children who are exposed to multiple risks, including adversity and social disadvantage may be more likely to develop behavioural issues, be more vulnerable to mental health concerns and substance use disorders (Sheffler, et al., 2020). Rogon, et al., (2019) emphasised that children who are involved in offending often have the highest wellbeing concerns, not only related to their own behaviour, but also in how they are cared for and treated by others.

⁶⁰ <https://www.gov.scot/publications/summary-statistics-schools-scotland-2020/documents/>

Another finding of interest related to children's experiences of loss. In this study, over a quarter of children (n=111) had experienced bereavement and the loss of close family members, and there were examples of children experiencing multiple losses. 11% (n=43) of children had lost their dad; 8% (n=30) had lost their grandparents and 6% (n=26) of children had lost their mum. Childhood loss and bereavement has also been found to be high in the general population and a recent study by Public Health Scotland (CEYRIS) found that 21% of children had experienced the death of close family or friends (for any reason) since the start of the pandemic. It is likely, due to inconsistencies in reporting, that data on bereavement in our study, is under-reported. Nevertheless, this finding reinforces previous research evidence showing that children in conflict with the law have high rates of bereavement experiences in childhood, and of experiencing multiple and traumatic deaths (Vaswani, 2008; 2014; Dierkhising, et al., 2019; Finlay & Jones, 2000). Further exploration of the impact of bereavement on children who offend, and how this loss can interact and intersect with other ACEs, is required.

Improvements to data not routinely collected and/or under-reported, as highlighted in Chapter 1 and Chapter 2, is required, in order to more fully understand statutory responses to children's needs and behaviour and further develop appropriate and timely interventions for children impacted by trauma and adverse experiences.

9.2 Statutory interventions

One of the main aims of this study was to focus on the circumstances of these children's lives as a means of better understanding, not only their offending behaviour, but the statutory responses to it. Given the adverse circumstances recorded for many children in this study, the majority of children had involvement with statutory agencies, such as Social Work and the Police. Indeed, nearly three quarters (n=283) of children in this study had involvement with services due to child concerns *before* the age of 12 years old.

Evidence of long standing involvement with statutory agencies, often for their own care and protection, paints a disquieting picture of the extent of the adverse circumstances experienced by many of these children. They had often long histories in the Children's Hearings System, some repeatedly, *before* the index offence, and were, therefore, no stranger to statutory interventions. What is important in a study such as this, is to ascertain if the interventions to protect and improve children's lives were implemented in a timely and effective manner. Of prime importance, however, is a reminder that the children in this study are, indeed, children. For many of these children, involvement with statutory services was long-standing and enduring because the children themselves had complex social, welfare and protection needs. Understanding the level and extent of statutory involvement for these children can help us to re-examine whether the interventions improved children's lives but also to challenge societal attitudes about children who offend who are often assumed to be 'bad children'. What is important to foreground, using the evidence presented in this study, is that many of the children are themselves victims.

9.3 Offending

This study has provided further evidence of the types, number, pattern and gravity of offending for children age 12 to 15 years. For the majority of children in this study, their offences were mostly minor, low level offences. This finding reinforces previous SCRA evidence highlighting similar low level offending behaviour by younger children (Henderson et al., 2016).

Victims of children's offending

It is important to highlight that offences by children can include victims. There is little information available on the victims of children's offending and this study has revealed that there were victims in just over half of all offences. Of those victims, the majority were known to the child and most were of similar age to the child. Adult victims were most often family members or carers. School pupils/peers were the most common relationship type victim group, followed by close personal relationships, such as family members, friends or boy/girlfriends. However, when the offence took place in residential units, and where there were victims, residential placement staff members and other children in the same residential placement were victims in a third of offences that included a victim. Further research on the victims of children's offending is needed particularly to explore the impact on victims of children's offending, as well as victim's experiences of the different systems that deal with children's offending.

Dealing with children's offending differs depending on living circumstances

For over half of the 84 children resident in residential or foster care at the time of the index offence, the offence happened in the place they were living. In comparison, for less than one fifth of the 192 children living at home with parent(s), did the offence happen where they were living. This finding raises questions about how residential and foster care placements respond to children's behaviour. How many of these referrals are due to criminalisation of children in residential care units? Is it common for circumstances to become enflamed and quickly escalate and are the Police routinely called? It appears that dealing with children's behaviour differs in contrasting living situations and the same type of behaviour may be dealt with differently in other circumstances, e.g. children living at home.

The Promise (2020) has highlighted the importance of having a caring, relational and trauma-informed response to children's challenging behaviour, to stop the criminalisation of care experienced children through prioritising their rights and needs. Recognition of the need to have a supported workforce who are trauma informed and who can respond appropriately towards looked after children is paramount, but the workforce must also have all the necessary support to ensure that this happens when confronted with children's challenging behaviours. Is this happening?

Standard offence referrals to the Reporter: types of offences, decisions and interventions

Of the 300 offences referred to the Reporter only (standard offences), the most common types of offences were assault and threatening or abusive behaviour. The most common location of where the index offence took place was in the community, with the child's residential or foster placement being the second most common location. The type of offences committed differed depending on the location. Schools

were the location for threatening or abusive behaviour, sexual offences and possession of an offensive weapon. Threatening and abusive behaviour, vandalism and assault occurred most frequently in the community and residential or foster care. There were no charges in residential or foster care for sexual offences, theft, and possession of drugs.

The most common decision by the Reporter dealing with a standard offence referral was to **not arrange a Hearing**. This means that as a consequence of the standard index offence referral – less than one tenth of children (n=23) received compulsory measures. However, in the 12 months after the Index offence, the majority of children continued to have some involvement with the Hearings System either due to offence and/or non offence referrals.

Offences jointly reported to the Reporter and Procurator Fiscal: types of offences, decisions and interventions

For a small number of children, the gravity of their offences were of a serious nature, and resulted in them having contact with the adult criminal justice system, through the COPFS. This study included 100 such cases to examine more serious offending by children and the statutory responses to them – 43 of these joint reports were dealt with by the Procurator Fiscal and 57 were referred by the Procurator Fiscal to the Reporter.

For children with offences jointly reported to the Reporter and Procurator Fiscal, over half of the children (n=53) already had accepted or established offence grounds at the time of the jointly reported index offence; two fifths (n=40) had ICSO's or CSO's and just over a quarter (n=27) were accommodated.

Almost half of jointly reported offences were of high gravity in comparison to just over one fifth of standard offence referrals to the Reporter. More of the jointly reported offences dealt with by the Procurator Fiscal were of high gravity than those referred by the Procurator Fiscal to the Reporter. For over two thirds of children whose jointly reported offences were dealt with by the Procurator Fiscal, the index offence was part of an established pattern of offending and/or antisocial behaviour. However, for the remaining children, the index offence was an isolated incident.

The most common jointly reported offence charges dealt with by the Procurator Fiscal were housebreaking offences, vandalism and assault. Almost all charges related to housebreaking were dealt with by the Procurator Fiscal and the most common charges referred by the Procurator Fiscal to the Reporter were vandalism, sexual offences and assault.

The Procurator Fiscal decided to proceed with prosecution on 11 cases, and for those referred by the Procurator Fiscal to the Reporter, for seven cases, the decision was to arrange a Hearing. **This means that for less than one fifth of children (n=15) with joint reports there were statutory proceedings.** Most of the children with joint reports continued to have some involvement in the Hearings System after the index offence, with just under two thirds (n=63) having further referrals (offence and non-offence).

9.4 Processes and timescales for decision making on offences by the Reporter and Procurator Fiscal

There are differences in the process in how offences committed by children are dealt with depending on the seriousness of the offence. The process for standard offence referrals to the Reporter is arguably simpler and only involves children being dealt with in the Hearings System. For the more serious offences, children can be jointly reported by the Police, to both the Procurator Fiscal and Reporter. As such, the processes can be more complex and involve both the Children's Hearings System and the criminal justice system. The nature of the offences themselves can dictate how cases are dealt with and can impact on how decisions are made. This difference in complexity is reflected in the timescales for decision making.

Standard offence referrals

Reporters work to the time interval standard TI4 which states that "the Reporter will make a decision about a referral within 50 working days of receipt" (SCRA, 2021). For children who had standard offence referrals to the Reporter, the majority (n=234) had a Reporter decision made within 50 days. The timeframe for Reporter decision making ranged from 0 to 155 working days.

Joint reports to the Reporter and the Procurator Fiscal

There is an agreement between SCRA and COPFS in relation to children who offend. In this agreement, the Procurator Fiscal has different processes and timescales compared to SCRA. Firstly, an initial decision follows discussion of the case between COPFS and the Children's Reporter - this decision should be made within 10 working days of the case being jointly reported. When a case is jointly reported, the Procurator Fiscal should discuss with the Reporter where the case might best sit, but the Procurator Fiscal also needs to assure themselves that there is sufficient evidence of an offence at the outset. SCRA maintains communication with COPFS about jointly reported cases. Where a decision on who will deal with the case has yet to be notified to SCRA by COPFS, SCRA contacts COPFS when cases without a decision approach 30 working days. Further timescales for Procurator Fiscal decision making relate to exceptional cases where a final decision as to how to proceed remains outstanding 45 working days after the case is reported. In this instance, progress in the investigation should be reviewed by the Procurator Fiscal and monitored.

In this study, the Procurator Fiscal decided to retain 43 joint reports. Of these cases, the Procurator Fiscal decided to refer five to the Reporter. Where information was available, it took between 45 to 71 working days to refer these cases to the Reporter. There is no timeframe in the agreement between SCRA and COPFS on the Procurator Fiscal's decision on whether to prosecute or make another decision such as to refer to the Reporter.

There were 38 children where information was available on the timeframe between the date of receipt of the joint report and the decision date by the Procurator Fiscal – this ranged from 0 to 322 working days. For over half of the children (n=22), it took the Procurator Fiscal more than 45 working days to make a decision. For these

children, the timescale for decision making by the Procurator Fiscal ranged from 47 to 322 working days.

Reporters made the decision on joint reports as per the time interval standard TI4 stated above, within 50 working days of referral receipt, for over two thirds of children (n=37). It took longer than 50 working days for Reporter decisions on the remaining third of children (n=17) who were jointly reported. The timeframe for Reporter decision making on joint reports ranged from 0 to 179 working days.

9.5 Conclusions

The Scottish Government has ambitious plans for Scotland's children, advocating for Scotland to be the best place to grow up, ensuring that every child grows up loved, safe and respected, so that children reach their full potential. Numerous strategies and policies feed into these plans, including the Independent Care Review (2017)⁶¹ demonstrating the First Minister's commitment to Scotland's most vulnerable children in particular, setting out how to give them the childhood they deserve. The introduction of The Promise (2020) contributes further to this effort with a call for all children who offend to be diverted from the criminal justice system. Children involved in offending need protection and care, and the criminalisation of children can result in stigma and negativity towards the child. This is to be avoided. There is also a focus where intervention is required, that it should be implemented early, be minimal and be as de-stigmatising as possible. Decisions made by professionals should be centred on the child's best interest (The Promise, 2020, p40).

In Scotland, the intention is to keep children out of the adult criminal justice system, through diversion, or through being dealt with by the Children's Hearings System, and although there is a downward trend in fewer children's cases being dealt with by the Procurator Fiscal (see Chapter 1), this study has highlighted that when children do get drawn into the adult criminal justice system, such as in Connor's case,⁶² the processes for navigating these systems and the timeframe for decisions to be made, can be protracted, and have unintended negative consequences, for both the child and their family, and also for their victim. For only a small number of children in this study did their offences result in statutory interventions. This shows that policies to divert children who offend from statutory systems, are having an effect. The numbers of children jointly reported for offending, and dealt with by COPFS is reducing. An important question to ask is, with the recent rise in the ACR to 12 years, and with more children being dealt with by the Reporter, plus on-going changes to the Hearings System that will include raising the age of referral to the Reporter to include all under 18s on care, protection or offence grounds (Scottish Government, 2020), is there a purpose in continuing to refer or jointly report children for offending?

Sutherland (2020) has stated that reforms to law and practice contributes to the Scottish Government's goal of making Scotland 'the best place in the world to grow up.' However, as evidenced in this study, the combination of poverty, ACEs, victimisation, neglect, abuse and long standing involvement with statutory services,

⁶¹ In October 2016, the First Minister made a commitment to figure out how Scotland could love its most vulnerable children and give them the childhood they deserve. She commissioned the Independent Care Review from February 2017 to February 2020.

⁶² Connor's story is on p84

suggests that more concerted efforts are required to ensure that children involved in offending in Scotland have the essential ingredients needed for a good childhood – one which provides them with what they need and deserve. For children in this study, there is compelling evidence that many are lacking these fundamental ingredients, by some distance. Children who offend, may be viewed and stigmatised as ‘bad children,’ rather than being viewed as victims themselves. The evidence presented here demonstrates that in many cases, these children have had childhoods characterised by negative circumstances and adverse events. By continuing to respond to children who offend with statutory measures that may not be appropriate or effective, are these measures ultimately serving as further punishment, when these children’s lives are already characterised by high degrees of adversity and negative circumstances? Paying attention to features of what constitutes a good childhood necessitates looking beyond children’s offending behaviour, to the wider contexts of children’s lives, as well as to when interventions can be implemented most successfully. Statutory services must provide timely and effective community based early interventions. For the children in this study, many had long-standing contact with statutory services before the index offence, often for care and protection reasons, and many continued to have contact with services in the 12 months after, for care and protection reasons, in addition to offending. For those children whose offences were more serious and dealt with by the adult criminal justice system, over half had interventions in place, such as accepted or established grounds, with just under a third being accommodated.

It has been argued by Haines, et al., (2021), that the criminal justice system remains ill-equipped to address the broader contexts of children’s lives and in fact, could potentially be a further source of harm. They argue that offending cannot be effectively dealt with unless these critical and fundamental aspects of children’s lives are attended to first. 63% (n=248) of children in this study had home addresses in Scotland’s most deprived neighbourhoods. With recent changes to economic and welfare systems, increases in child poverty are likely to worsen (Bennett, et al., 2020; Dickie, 2021), and so too is the risk of children being looked after (Bennett, et al., 2022b). For those experiencing deprivation, the impact of COVID-19, and a cost of living crisis deteriorating by the day, circumstances, for many of the most vulnerable, are rapidly declining. These challenging circumstances can negatively combine with other associated adverse circumstances which can increase levels of child abuse and neglect (Walsh, et al., 2019). To date, UK research on child abuse and neglect has been criticised for having a lack of joined up thinking and action linking poverty, child abuse and neglect (Bywaters et al., 2016; Gupta, 2017).

This study has shown high levels of child neglect and abuse and ACEs, as well as high levels of deprivation. It is of prime importance to recognise the fundamental role of poverty within the ACEs experience. Indeed, the former chief constable of Merseyside police, Andy Cooke, said in a frank interview with the Guardian in 2021, that if he was given £5bn to cut crime that he’d “put a billion into law enforcement and the rest into reducing poverty and increasing opportunity.” His belief was that reducing inequality and deprivation should be the priority. The needs of children living in poverty and affected by ACEs merits much closer scrutiny and urgent action, particularly for Scotland’s most vulnerable children, including those children who offend. If Scotland wants to achieve its goal of being the best place to grow up so that every child grows up loved, safe and respected, providing a childhood that children deserve ought to be the urgent priority.

The evidence presented in this study shows that children's offending behaviour must be contextualised to their care and protection needs, as children. As part of Scotland developing a more progressive, rights based approach to youth justice, building on the Kilbrandon principles, it is important to be reminded that one of the underlying principles of Kilbrandon is that children who offend require care and protection. There is strong support in The Promise and from the Children and Young People's Commissioner in Scotland, that Scotland must aim for a higher ACR, so as to be on a par with the most progressive global governments. The implementation of the rise in the ACR to 12 years old in December 2021 demonstrates this movement but it has been argued that this must go further. The evidence presented in this study strengthens the argument that a further raising of the ACR is necessary and justified. The question is - how long will Scotland's children need to wait?

9.6 Reflections and future research

The contrast in timescales for decision making between the Crown Office and Procurator Fiscal Service (COPFS) and the Children's Reporter for jointly reported offences requires further exploration. Being able to collect evidence on the impacts of long timeframes for decision making for children, their families, and their victims, could provide important evidence for both the Children's Hearings System and COPFS, to ascertain whether these processes demonstrate appropriate responses to children's needs, when they are in conflict with the law. Finding accurate data of the nature and extent of children's offending in Scotland, and the numbers of children being dealt with by the adult criminal justice system, is not always easy (McAra & McVie, 2016; CYCJ, 2021). As such, gaps in available data requires attention and improvement, particularly data on the number of children being dealt with by the adult criminal justice system. The ability to gather evidence on the consequences of offending for children, their families and victims, and on being dealt with by the adult criminal justice system, is simultaneously required.

The Trends analysis (Appendix 1) was conducted during 2020. Its scope was limited to the previous 5 year period (2013-14 to 2018-2019). This time period was before the Covid-19 pandemic and as such does not take into account what impact the pandemic had on offending trends for children age 12-15 years in Scotland. Conducting a trends analysis for a more recent time period, i.e. up to and including 2021, is recommended, but is beyond the scope of this current study. However, this could provide useful future information to compare trends in offending, before, during and after the pandemic. Additionally, the new ACR legislation was enacted in December 2021. Further analyses to take into account this change on offending by children aged 12- 15 years is recommended.

The evidence in this study contributes to untangling some of the data available and critical engagement in understanding the impacts of statutory processes on children who offend. Although the data collected was extensive, it is also partial due to the limitations of using secondary data. The variation in statutory recorded information on children who offend was substantial. For example, there was frustration when information was not being routinely recorded, such as whether or not children had a disability, or learning difficulty and the lack of further contextual information about the reasons for poor educational attainment, attendance and exclusions. For the sub-set

of children from outwith Scotland with little or no information recorded on their backgrounds, there was no possibility of finding out what subsequently happened to them. Under-reporting of data has been mentioned in Chapter 2. If there was standardised recording of information, it is likely that the evidence presented here would be available for more children, making our findings even more detailed and compelling.

This lack of standardised recording across statutory services and the reliance on secondary administrative data makes a study such as this challenging. The ability to locate and extract relevant data from an array of forms, involved members of SCRA's Information and Research Team staff accessing, scrutinising and collecting relevant data from children's case files via SCRA's case management system. Over 120 individual data variables were collected per child, involving close reading of case files, over a 6 month period. For some children, their case files were extensive, going back to before their birth, including their involvement with multiple statutory services and associated interventions. For others - a far more modest number - their files were all but empty (e.g. those children from outwith Scotland). Locating the relevant information and recording the information in the research database, often meant reading substantial parts of the children's case files, if not all of the file, to find the crucial piece of information. It is important to state, that having access to these children's case files which hold extremely sensitive and confidential information, is both a privilege, and a burden. The sheer volume of information, and the extent of the adversities and harms experienced by many of these children, repeated across various reports and forms, was deeply affecting, often upsetting, and traumatic. There were very few 'good news' stories.

Important evidence gaps and potential avenues for future research have been identified throughout this chapter. Implications for policy and practice includes, amongst others, how serious offences are dealt with, the need for better understanding of systems processes and procedures, particularly COPFS processes for children who offend, and what the future implications for the Children's Hearings System will be in dealing with greater numbers of older children (16 and 17 years olds) who offend, particularly in light of the levels of adversity, trauma and disadvantage that many children face. Further research is now required to foreground children's offending through the lenses of poverty, ACEs experiences, and the wider structural and contextual factors that continue to impact on many children's fundamental right to a good and decent childhood in Scotland.

References

- Barr, B., Kinderman, P., Whitehead, M. (2015). Trends in mental health inequalities in England during a period of recession, austerity and welfare reform 2004 to 2013. *Soc Sci Med* 147:324–31.
- Bennett, D. L., Mason, K. E., Schlüter, D. K., Wickham, S., Lai, E. T., Alexiou, A., & Taylor-Robinson, D. (2020). Trends in inequalities in Children Looked After in England between 2004 and 2019: a local area ecological analysis. *BMJ open*, 10(11), e041774.
- Bennett, DL., Schlüter, DK., Melis, G., Bywaters, P., Barr, B., Wickham, S., Taylor-Robinson, DC. (2022a). Child poverty and children entering care: A natural experiment using longitudinal area-Level data in England, 2015-2020. <http://dx.doi.org/10.2139/ssrn.3972210>
- Bennett, D. L., Schlüter, D. K., Melis, G., Bywaters, P., Alexiou, A., Barr, B., & Taylor-Robinson, D. (2022b). Child poverty and children entering care in England, 2015–20: a longitudinal ecological study at the local area level. *The Lancet Public Health*, 7(6), e496-e503.
- Bellis, M., Hughes, K., Leckenby, N., Jones, L., Baban, A., Kachaeva, M., Ulukol, B. (2014a). Adverse childhood experiences and associations with health-harming behaviours in young adults: surveys in eight eastern European countries. *Bulletin of the World Health Organization*, 92(9), 641-655.
- Bellis, M., Hughes, K., Leckenby, N., Perkins, C., & Lowey, H. (2014). National household survey of adverse childhood experiences and their relationship with resilience to health-harming behaviors in England. *BMC medicine*, 12(1),72
- Burnam, M & McVie, S. Scotland, chapter 8, in Decker, SH & Marteache, N (eds.) (2017). *International Handbook of Juvenile Justice*. Doi 10.1007/978-3-319-45090-2_18
- Bywaters, P., Bunting, L., Davidson, G., Hanratty, J., Mason, W., McCartan, C., & Steils, N. (2016). *The relationship between poverty, child abuse and neglect: An evidence review*. UK: Joseph Rowntree Foundation.
- Carr, N. & McAlister, S. (2021) *Tracing the review. Developments in youth justice in Northern Ireland 2011-2021*. Belfast: Include Youth, NIACRO, Children's Law Centre and VOYPIC.
- Cipriani, D. (2016). *Children's rights and the minimum age of criminal responsibility: a global perspective*. Routledge.
- Connelly, R., Playford, C.J., Gayle, V. & Dibben, C. (2016) The role of administrative data in the big data revolution in social science research. *Social Science Research*. 59, 1–12. <https://doi.org/10.1016/j.ssresearch.2016.04.015>

Couper, S., & Mackie, P. (2016). 'Polishing the Diamonds': Addressing adverse childhood experiences in Scotland. Scottish Public Health Network (ScotPHN) https://www.basw.co.uk/system/files/resources/basw_91944-2_0.pdf

Children and Young People's Centre for Justice. CYCJ. (2021). A guide to youth justice in Scotland: policy, practice and legislation. Section 14: Trauma and Adversity. June 2021 <https://www.cycj.org.uk/wp-content/uploads/2021/06/Section-14.pdf>

Department of Education. (2015). Mental health and behaviour in schools. Departmental advice for school staff. London: Department for Education. www.gov.uk/government/publications

Dickie, J. (2020). Learning from Scotland? Ending child poverty for good. <https://cpag.org.uk/sites/default/files/files/policypost/2020-Vision-ending-child-poverty-for-good.pdf>

Dierkhising, C. B., Sanchez, J. A., & Gutierrez, L. (2019). "It Changed My Life": Traumatic loss, behavioral health, and turning points among gang-involved and justice involved youth. *Journal of Interpersonal Violence*, Advance Online Publication. doi:10.1177/0886260519847779

Felitti, V. J., Anda, R. F., Nordenberg, D., & Williamson, D. F. (1998). Adverse childhood experiences and health outcomes in adults: The Ace study. *Journal of Family and Consumer Sciences*, 90(3), 31.

Finlay, I. G., & Jones, N. K. (2000). Unresolved grief in young offenders in prison. *The British Journal of General Practice*, 50(456), 569.

Gault, I (2003). Study on Youth Offending in Glasgow. Scottish Children's Reporter Administration. SCRA. Available on request from: inforequest@scra.gov.uk

Hanson, L. (2006). Child Deprivation and Compulsory Measures: Exploring the links in Edinburgh. Scottish Children's Reporter Administration. SCRA. Available on request from: inforequest@scra.gov.uk

Henderson, G., Kurlus, I., & McNiven, G. (2016). Backgrounds and outcomes for children age 8-11 years old who have been referred for offending. Scottish Children's Reporter Administration. SCRA. <https://www.scra.gov.uk/wp-content/uploads/2016/03/Backgrounds-and-outcomes-for-children-aged-8-11-years-old-who-have-been-referred-for-offending.pdf>

Henderson, G., Kurlus, I., Parry, R., Baird, N., Dagon, D. & Kirkman, M. (2020). Sexual exploitation of children involved in the Children's Hearings System. Scottish Children's Reporter Administration. SCRA & Barnardo's Scotland <https://www.scra.gov.uk/wp-content/uploads/2020/10/CSE-research-report-published-October-2020.pdf>

Jahanshahi, B., Murray, K., & McVie, S. (2021). Aces, places and inequality: Understanding the effects of adverse childhood experiences and poverty on offending in childhood. *The British Journal of Criminology*.

Kilbrandon Report (1964). Children and Young Persons Scotland. Report by the Committee appointed by the Secretary of State for Scotland. Scottish Home & Health Department. Scottish Education Department. Her Majesty's Stationery Office.

Kirkman, G. (2021). Working with Children and Young People Who Have Displayed Harmful Sexual Behaviour, Stuart Allardyce and Peter Yates.

Marryat, L., & Frank, J. (2019). Factors associated with adverse childhood experiences in Scottish children: a prospective cohort study. *BMJ paediatrics open*, 3(1).

McAra, L., & McVie, S. (2007). Youth justice? The impact of system contact on patterns of desistance from offending. *European journal of criminology*, 4(3), 315-345.

McAra, L., & McVie, S. (2010). Youth crime and justice in Scotland. In H. Croall, G. Mooney, & M. Munro (Eds.), *Criminal justice in Scotland*. Oxon: Willan Publishing.

McAra, L. & McVie, S. (2015). The Reproduction of Poverty. *Scottish Justice Matters Poverty, Inequality & Justice*. http://scottishjusticematters.com/wp-content/uploads/Pages-from-SJM_3-3_November2015-The-Reproduction-of-Poverty.pdf

McAra, L., & McVie, S. (2016). Understanding youth violence: The mediating effects of gender, poverty and vulnerability. *Journal of Criminal Justice*, 45, 71-77.

McAra, L., & McVie, S. (2018). Transformations in youth crime and justice across Europe. *Juvenile Justice in Europe: Past, Present and Future*.

McDairmid, C. & Donnelly, M. (2018). The public interest and the child's best interests: jointly reported children in Scotland. Briefing paper. University of Strathclyde. Unpublished.

McKendrick, J. H., Dickie, J., McHardy, F., O'Hagan, A., Sinclair, S., & Treanor, M. C. (2021). *Poverty in Scotland 2021: Towards a 2030 Without Poverty*.

Murphy, C. (2021). Children in conflict with the law: An intervention planning approach. Children and Young People's Centre for Justice. CYCJ. <http://www.cycj.org.uk/wp-content/uploads/2021/06/Children-in-conflict-with-the-law-An-intervention-planning-approach-June-2021.pdf>

NHS Health Scotland. 2018. Child Poverty in Scotland: health impact and health inequalities. <http://www.healthscotland.scot/media/2186/child-poverty-impact-inequalities-2018.pdf>

Nixon, C., McGarrol, S., Henderson, G & Kurlus, I. (2021). Development and Piloting of a Children's Disability Toolkit. Scottish Children's Reporters Administration. SCRA. <https://www.scra.gov.uk/wp-content/uploads/2021/09/SCRA-Disability-Toolkit-Report-2021.pdf>

Nolan, D., Dyer, F., & Vaswani, N. (2018). 'Just a wee boy not cut out for prison': Policy and reality in children and young people's journeys through justice in Scotland. *Criminology & Criminal Justice*, 18(5), 533-547.

Ortiz, R. (2021). Contextualizing Adverse Childhood Experiences—Intersections With Structural Adversity and Imperatives for Future Research. *JAMA Network Open*, 4(10), e2130950-e2130950.

O'Rourke, S., Whalley, H., Janes, S., MacSweeney, N., Skrenes, A., Crowson, S., & Schwannauer, M. (2020). The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts. <https://www.scottishsentencingcouncil.org.uk/media/2044/20200219-ssc-cognitive-maturity-literature-review.pdf>

Pacione, M (1995): The Geography of Multiple Deprivation in Scotland. *Applied geography*, 15(2) 115 – 133.

Paul, S., & Vaswani, N. (2020). The prevalence of childhood bereavement in Scotland and its relationship with disadvantage: the significance of a public health approach to death, dying and bereavement. *Palliative Care and Social Practice*, 14, 2632352420975043. doi:10.1177/2632352420975043

Rogon P., Henderson, G & Kurlus, I. (2019). Report 2. Wellbeing outcomes for children and young people. Home Compulsory Supervision Orders - effectiveness of decision making and outcomes. Scottish Children's Reporter Administration.

Sheffler, J. L., Stanley, I., & Sachs-Ericsson, N. (2020). ACEs and mental health outcomes. In *Adverse childhood experiences* (pp. 47-69). Academic Press.

Scottish Children's Reporter Administration (2015). Practice Direction 6. Framework for Decision Making by Reporters. Section C. Gravity of offences committed by a child. p29.

Scottish Children's Reporter Administration (2019). Statistical Analysis 2018/19. <https://www.scra.gov.uk/wp-content/uploads/2019/10/SCRA-full-statistical-analysis-2018-19.pdf>

Scottish Children's Reporter Administration (2021). Statistical Analysis 2020/21: Performance - Time taken to progress referrals through the Children's Hearings System, p26. <https://www.scra.gov.uk/wp-content/uploads/2021/09/SCRA-Full-Statistical-Analysis-2020-21.pdf>

Scottish Government (2016). Report of the Advisory Group on the Minimum Age of Criminal Responsibility. <https://www.gov.scot/Resource/0049/00497071.pdf>

Scottish Government (2018). Adverse Childhood Experiences (ACEs) Factsheet. Available from: <https://www.gov.scot/publications/adverse-childhood-experiences/>

Scottish Government. Scottish Index of Multiple Deprivation (2020a): introduction <https://www.gov.scot/publications/scottish-index-multiple-deprivation-2020/>

Scottish Government. Scottish Index of Multiple Deprivation (2020b) v2 postcode lookup file <https://www.gov.scot/publications/scottish-index-of-multiple-deprivation-2020v2-postcode-look-up/>

Scottish Index of Multiple Deprivation. (2020): Collection of documents relating to the Scottish Index of Multiple Deprivation - a tool for identifying areas with relatively high levels of deprivation <https://www.gov.scot/collections/scottish-index-of-multiple-deprivation-2020/>

Scottish Government (2020). Scottish Health Survey 2019 - volume 1: main report. <https://www.gov.scot/publications/scottish-health-survey-2019-volume-1-main-report/documents/>

Scottish Government (2020). Pupil Census. Schools in Scotland - summary statistics. <https://www.gov.scot/publications/summary-statistics-schools-scotland-2020/pages/8/>

Scottish Government (2021). Children's Social Work Statistics 2019-20. Children's social work statistics: 2019 to 2020 - gov.scot (www.gov.scot)

Scottish Parliament (2018). Age of Criminal Responsibility (Scotland) Bill. Policy Memorandum. <https://www.parliament.scot/-/media/files/legislation/bills/previous-bills/age-of-criminal-responsibility-scotland-bill/introduced/policy-memorandum-age-of-criminal-responsibility-scotland-bill.pdf>

Scottish Policing Performance Framework (2013). Annual Report 2012-2013. <https://www.webarchive.org.uk/wayback/archive/20150219050932/http://www.gov.scot/Publications/2013/11/6914/downloads#res437520>

Scottish Sentencing Council (2021). Sentencing Young People. Sentencing Guideline. [sentencing-young-people-guideline-for-publication.pdf](#) (scottishsentencingcouncil.org.uk)

Simkiss, D. (2019). The needs of looked after children from an adverse childhood experience perspective. *Paediatrics and child health*, 29(1), 25-33.

Smith, M., Williamson, A. E., Walsh, D., & McCartney, G. (2016). Is there a link between childhood adversity, attachment style and Scotland's excess mortality? Evidence, challenges and potential research. *BMC Public Health*, 16(1), 655. doi:10.1186/s12889-016-3201-z Smith, et al., 2016

Steketee, M., Aussems, C., & Marshall, I. H. (2021). Exploring the impact of child maltreatment and interparental violence on violent delinquency in an international sample. *Journal of interpersonal violence*, 36(13-14), NP7319-NP7349.

Sutherland, E. E. (2016). Raising the Minimum Age of Criminal Responsibility in Scotland: Law Reform at Last. *N. Ir. Legal Q.*, 67, 387.

The Promise (2020). Youth Justice. [The Promise Youth justice Briefing Autumn 2020.pdf](#)

Taylor-Robinson, D. C., Straatmann, V. S., & Whitehead, M. (2018). Adverse childhood experiences or adverse childhood socioeconomic conditions? The Lancet Public Health, 3(6), e262-e263.

Treanor, M. (2019) ACEs – repackaging old problems in shiny new (Emperor's) clothes. Blogpost. <https://blogs.ed.ac.uk/crfrresilience/2019/08/01/repackaging-old-problems/>

UN Convention of the Rights of the Child. (2019). A summary. https://downloads.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf?_ga=2.247110284.949154223.1639752855-101395313.1639752855

Vaswani, N. (2008). Persistent Offender Profile: Focus on Bereavement. CJSW Briefing Paper 13: August 2008,.

Vaswani, N. (2014). The Ripples of Death: Exploring the Bereavement Experiences and Mental Health of Young Men in Custody. The Howard Journal of Criminal Justice, 53(4), 341-359. doi:10.1111/hojo.1206

Vaswani, N. (2018a). Adverse Childhood Experiences in children at high risk of harm to others: A gendered perspective. Glasgow: Centre for Youth and Criminal Justice Retrieved from <http://www.cycj.org.uk/resource/adverse-childhood-experiences-inchildren-at-high-risk-of-harm-to-others-a-gendered-perspective>

Vaswani, N., Dyer, F. & Lightowler, C. (2018). What is Youth Justice? Reflections on the 1968 Act. Social Work Scotland. <https://socialworkscotland.org/wp-content/uploads/2018/12/SWS-Youth-Justice-.pdf>

Walsh D, McCartney G, Smith M, Armour G. (2019). Relationship between childhood socioeconomic position and adverse childhood experiences (ACEs): a systematic review. J Epidemiol Community Health. 73 (12):1087-1093. doi:10.1136/jech-2019-212738

Weijers, I. (2016). The minimum age of criminal responsibility in continental Europe has a solid rational base. N. Ir. Legal Q., 67, 301.

Wickham, S., Anwar, E., Barr, B., Law, C., & Taylor-Robinson, D. (2016). Poverty and child health in the UK: using evidence for action. Archives of disease in childhood, 101(8), 759-766.

Woods, R., Henderson, G., Kurlus, I., Proudfoot, P., Hobbs, N., & Lamb, D. (2018). Complexity in the lives of looked after children and their families in Scotland: 2003 to 2016. Scottish Children's Reporter Administration. <http://www.scra.gov.uk/wp-content/uploads/2018/03/Complexity-in-the-lives-of-looked-after-children-and-their-families.pdf>

Youth Justice Improvement Board. YJIB. (2017). Children and young people in custody in Scotland: Looking behind the data.
https://strathprints.strath.ac.uk/68073/1/CYCJ_2017_children_and_young_people_in_custody_in_scotland.pdf

Glossary of terms

Child Criminal Exploitation (CCE) - is child abuse where children and young people are manipulated and coerced into committing crimes (NSPCC definition)

Child Protection Order (CPO) - The most commonly used legal measure to protect a child in an emergency situation is a CPO made by the Sheriff. The making of a CPO requires removal a child from (usually) his or her parents, it also determines whether that child should have contact with their parents and what that contact should be, and if the whereabouts of the child should be disclosed to their parents.

Child Protection Register (CPR) - All local authorities are responsible for maintaining a central register, known as the CPR, of all children – including unborn children – who are the subject of an inter-agency Child Protection Plan. It has no legal status but provides an administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan.

Child Sexual Exploitation (CSE) - is a form of child sexual abuse in which a person(s), of any age takes advantage of a power imbalance to force or entice a child into engaging in sexual activity in return for something received by the child and/or those perpetrating or facilitating the abuse. As with other forms of child sexual abuse, the presence of perceived consent does not undermine the abusive nature of the act (Scotland's CSE definition).

Children's Hearing - is a tribunal and is made up of three Children's Panel Members who are volunteers from the local community. Children's Hearings make decisions in the best interest of the child to help and protect them. The most common legal measure made by Hearings is a Compulsory Supervision Order (CSO).

Children's Hearings System - aims to provide a safety net for vulnerable children, and to work with partner agencies who deliver tailored solutions which meet the needs of the individuals involved and help to build stronger families and safer communities. In Scotland, children who face serious problems in their lives can sometimes be referred to a Children's Hearing. Some of these problems include; not attending school, getting into trouble with the police, or being abused and/or neglected at home by the people who look after them.

Children's Reporter - is the first contact that a child and family will have with the Children's Hearings System. Children are referred to the Reporter if it is considered that they may need compulsory measures of supervision. The Reporter investigates each referral and then makes a decision as to whether the child should be referred to a Children's Hearing.

Children's Reporter decisions - The Reporter examines the child's background, taking into account their family circumstances and any previous behaviour or offences.

Following the investigation, the Reporter can make one of a number of decisions, including referring the child to a Hearing. Where there is no requirement for

compulsory measures of supervision, children can be dealt with by a variety of options, including: restorative justice, voluntary measures such as tailored programmes to tackle their behaviour. For offence referrals, the Hearings System operates on the same evidential standard as the criminal justice system (beyond reasonable doubt) therefore, if there is insufficient evidence, the matter cannot be taken further by the Reporter.

Complaint – In summary criminal proceedings the document setting out the offence an individual is alleged to have committed.

Compulsory Supervision Order (CSO) – Made by a Children’s Hearing under section 91(3)(a) or section 119(3) of the Children’s Hearings (Scotland) Act 2011. It specifies which local authority requires to implement the Order. It will also contain one or more measures. These measures may regulate where the child is to reside, what contact is to take place with parents or other family members, or a range of other measures.

Criminal Justice System - Scotland’s criminal justice system consists of a number of interdependent processes, based on a complex combination of common law, statute and guidance, which must be complied with at each stage of the system. The system is underpinned by a set of fundamental principles relating to fairness, a respect for human rights, independence of decision making and separation of powers between the State and judicial processes. Decisions on whether a criminal case should go to court, whether an accused is guilty and, if so, what punishment he or she should receive are up to the individual Procurators Fiscal, members of the judiciary (such as Sheriffs), and juries concerned. It is an accused’s right to plead innocent or guilty, and to change their plea at any time (Audit Scotland).

Criminal Remit - in certain circumstances a young person prosecuted for an offence(s) in a criminal court, and who has pled or been found guilty, can be legally regarded as a child and have their case dealt with by a Children’s Hearing:

1. If a young person is subject to a CSO they are legally a child for the purposes of the Hearings System, and the Sheriff **must** (a Judge in the High Court **may**) request the advice of a Children’s Hearing before disposing of their case. If the Sheriff (or Judge) considers it appropriate the young person’s case can be remitted to a Children’s Hearing for disposal.
2. Young people who are not subject to CSOs and are under 17 years and 6 months can be remitted by the criminal court to a Children’s Hearing for advice on how the court should dispose of the case. Following receipt of that advice the court can remit the young person’s case to a Children’s Hearing for disposal.

Crown Office & Procurator Fiscal Service (COPFS) - is part of the Scottish Government, with responsibility for:

- the prosecution of crime (including decisions on whether criminal prosecution is appropriate in individual cases)
- the investigation of sudden or suspicious deaths
- the investigation of complaints against the police involving allegations of criminal conduct

The COPFS is the only public prosecution authority in Scotland.

Grounds of referral to the Children's Reporter - The reasons for the referral to the Reporter as listed in section 67(2) of the Children's Hearings (Scotland) Act 2011 (previously in section 52(2) of the Children (Scotland) Act 1995).

High court - High Court of Justiciary - is Scotland's supreme criminal court. It hears the most serious criminal cases, such as murder and rape. A single judge hears cases with a jury of 15 people.

Indictment - In solemn criminal proceedings the document setting out the offence an individual is alleged to have committed.

Joint reports - The Lord Advocate has issued guidelines to the Chief Constable regarding the reporting to Procurators Fiscal of offences alleged to have been committed by children. It is the responsibility of the police, following the Lord Advocate's Guidelines, to decide to whom an offence shall be reported. A case is "jointly reported", where it is reported by the police to the Procurator Fiscal and the Children's Reporter in terms of the Lord Advocate's Guidelines.

Lord Advocate - is the senior Scottish Law Officer. They are head of the systems for the prosecution of crime and investigation of deaths in Scotland; and exercises those functions independently of any other person.

Police charge - When a person is charged with a crime, a formal allegation (a statement not yet proven) of an offence is made.

Procurator Fiscal - Are legally qualified civil servants who receive reports about crimes from the police and others and then decide what action to take in the public interest, including whether to prosecute someone. They also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers. They are employed by the COPFS.

Schedule 1 offence – An offence listed in Schedule 1 of the Criminal Procedure (Scotland) Act 1995. This is a list of offences against children, including violent offences, sexual offences and neglect and abandonment.

Scottish Children's Reporter Administration (SCRA) - was formed under the Local Government (Scotland) Act 1994 and became fully operational on 1st April 1996. Its main responsibilities now set out in the Children's Hearings (Scotland) Act 2011:

- To facilitate the work of Children's Reporters
- To deploy and manage staff to carry out that work
- To provide suitable accommodation for Children's Hearings.

Sheriff court - The majority of civil and criminal cases in Scotland are dealt with in the Sheriff Courts. Criminal cases are heard by a Sheriff and a jury (solemn procedure), but can be heard by a Sheriff alone (summary procedure).

Secure authorisation - The Children's Hearings (Scotland) Act 2011 enables a Children's Hearing or a court, to include a secure accommodation authorisation in various types of Orders. The conditions for making a secure authorisation are:

- that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk,
- that the child is likely to engage in self-harming conduct,
- that the child is likely to cause injury to another person.

Solemn procedure - for serious offences, these cases are heard by a Sheriff and a jury or by the High Court.

Standard offence referral – Referral of a child to the Reporter under section 67(2)(j) 'the child has committed an offence' of the Children's Hearings (Scotland) Act 2011. This differs from a jointly reported offence in that only the Reporter is involved.

Summary procedure – for less serious offences, cases are heard by a Sheriff alone.

List of Appendices

Appendix 1: Trends analysis of children age 12-15 years old with offence referrals (by age, gender and local authority) referred for offending to the Reporter from 2013-4 to 2018 -19.

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Appendix 1: Trends analysis of children aged 12 to 15 years old with standard offence referrals, and joint reports to the Procurator Fiscal and Reporter

Data are presented on trends of children in Scotland (aged from 12 to 15 years) referred to the Children's Reporter for offending⁶³ and those who were jointly reported to the Reporter and Procurator Fiscal⁶⁴ between 2013-14 and 2018-19. These data were produced from SCRA's Data Warehouse.

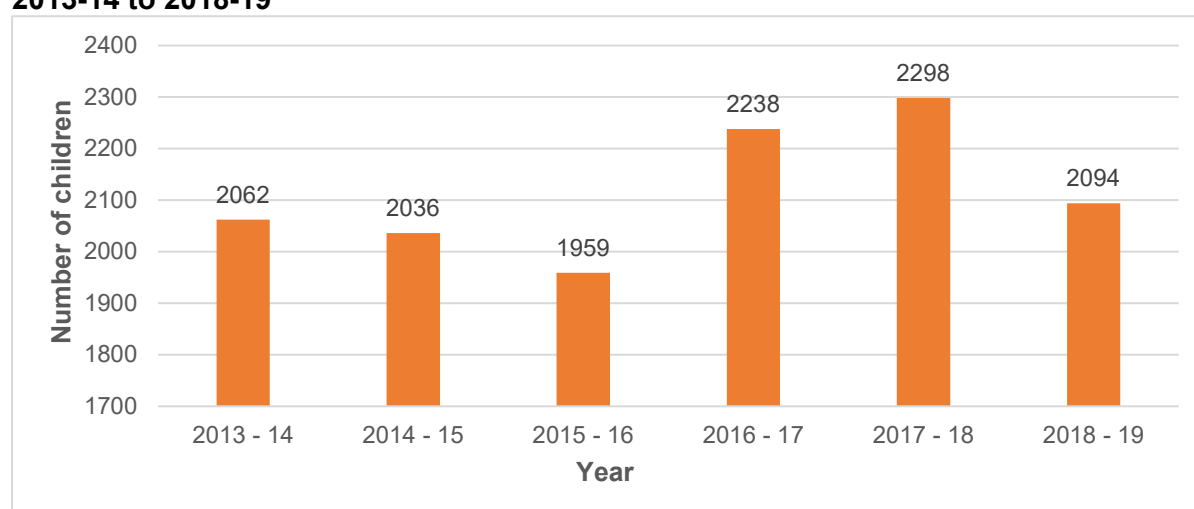
This trends analysis was carried out in June and July 2020 as part of the planning for the research on offending by children aged 12 to 15 years that comprises the main body of this report.

Standard offence referrals to the Reporter for children aged 12 to 15 years

Numbers of children

The numbers of children aged 12 to 15 years referred to the Reporter for offending shows a variable pattern from 2013-14 to 2018-19 (Figure 1). Numbers referred for offending were highest in 2016-17 (2,238 children) and 2017-18 (2,298 children). The numbers in 2018-19 (2,094 children) were comparable to those in 2013-14 (2,062 children).

Figure 1: Numbers of children with standard offence referrals to the Reporter from 2013-14 to 2018-19



Children, offence referrals and charges

Each offence referral may contain one or more charges, and some children may have more than one offence referral in any year. The data in Figure 1 counts each child individually, no matter if they have multiple referrals or not. For example, in 2018-19, the 2,094 children accounted for 5,638 offence referrals (i.e. an average of 2.7 offence referrals per child) and 9,727 charges (i.e. an average of 4.6 charges per child and 1.7 charges per referral) (Table 3).

⁶³ Standard offence referrals are those offences that are referred to the Reporter only.

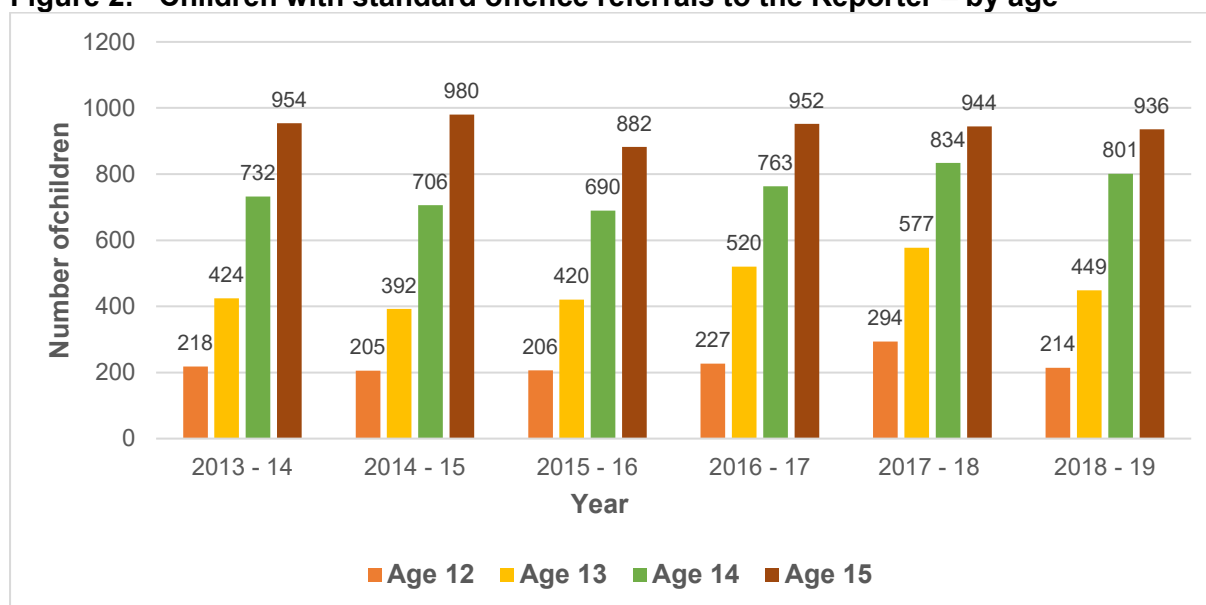
⁶⁴ Joint reports are offences that are reported to both the Reporter and the Procurator Fiscal following the Lord Advocate's Guidelines – Section 42(1) of the Criminal Procedure (Scotland) Act 1995.

In comparison, in 2013-14, the 2,062 children accounted for 5,193 offence referrals (average of 2.5 referrals per child) and 9,002 charges (average of 4.4 charges per child and 1.7 per referral).

Ages of children

For standard offence referrals the majority of children were aged 14 and 15 years, and this trend has remained relatively constant over time (Figure 2). In 2018-19, 45% of offence referrals were for 15 year olds (n=936) and 38% were for those aged 14 years (n=801). In the same year, 214 children aged 12 years old accounted for 9% of children referred for offending (n=214) and those aged 13 years for 18% (n=449).

Figure 2: Children with standard offence referrals to the Reporter – by age



Types of offence charges

The most common charges in standard offence referrals for 12 to 15 year olds in 2018-19 were in the groupings of:

- Assaults (inc. serious and assault to disfigurement) – 28% of charges
- Threatening and abusive behaviour – 19% of charges
- Vandalism (inc. malicious damage or mischief and reckless damage) – 14% of charges
- Theft (inc. attempted theft and reset) – 13% of charges

These were also the most common types of charges referred to the Reporter over the six year period from 2013-19 (Table 1).

Table 1: Types of charges in standard offence referrals to the Reporter for children aged 12 to 15 years

Types of charge groupings	Number of charges					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Alcohol/drug/substance	329 (4%)	346 (4%)	264 (4%)	287 (3%)	299 (3%)	207 (2%)
Assault/serious assault/assault to disfigurement	2,088 (23%)	1,961 (25%)	2,000 (27%)	2,466 (27%)	2,817 (26%)	2,734 (28%)
Breach of the peace/culpable and reckless conduct	412 (4%)	275 (3%)	250 (3%)	226 (2%)	262 (2%)	223 (2%)
Vandalism/malicious damage/malicious mischief/reckless damage	1,407 (16%)	1,114 (14%)	1,047 (14%)	1,590 (17%)	1,549 (14%)	1,410 (14%)
Threatening and abusive behaviour	1,502 (17%)	1,452 (18%)	1,490 (20%)	1,776 (19%)	2,078 (19%)	1,862 (19%)
Fire-raising/fireworks	127 (1%)	121 (2%)	156 (2%)	161 (2%)	201 (2%)	180 (2%)
Theft/attempted theft/reset	882 (10%)	547 (7%)	857 (11%)	639 (7%)	1,755 (16%)	1,227 (13%)
Housebreaking/shoplifting/fraud/robbery	686 (8%)	881 (11%)	254 (3%)	786 (8%)	460 (4%)	473 (5%)
Sexual offence/rape/indecent communications	126 (1%)	137 (2%)	166 (2%)	201 (2%)	232 (2%)	241 (2%)
Vehicle (olm vehicle with intent/RTA)	416 (5%)	137 (2%)	215 (3%)	176 (2%)	155 (1%)	129 (1%)
Weapon	174 (2%)	223 (3%)	207 (3%)	216 (2%)	329 (3%)	330 (3%)
Others	854 (9%)	708 (9%)	590 (8%)	701 (8%)	818 (7%)	727 (7%)
Total charges	9,002	7,894	7,496	9,224	10,952	9,727

Gender differences

More boys were referred for offending than girls. Of the children with standard offence referrals in 2018-19, 1,540 are boys (74%) and 554 are girls (26%). There has been little change in this pattern over time - in 2013-14, 75% of children with standard offence referrals are boys (n=1,549) and 25% are girls (n=509).

The most common types of charges by gender in 2018-19 are shown in Table 2. By far the most common offence charge type for girls was assaults (38%, n=893). This is also one of the most common charge type for boys (25%, n=1,841) but at a smaller proportion of charges compared to girls.

Table 2: Types of offence charges by gender for children with standard offence referrals in 2018-19

Types of charge groupings	Number of charges	
	Female	Male
Alcohol/drug/substance	26 (1%)	181 (2%)
Assault/serious assault/assault to disfigurement	893 (38%)	1,841 (25%)
Breach of the peace/culpable and reckless conduct	29 (1%)	194 (3%)
Vandalism/malicious damage/malicious mischief/reckless damage	231 (10%)	1,179 (16%)
Threatening and abusive behaviour	491 (21%)	1,371 (19%)
Fire-raising/fireworks	39 (2%)	141 (2%)
Theft/attempted theft/reset	284 (12%)	943 (13%)
Housebreaking/shoplifting/fraud/robbery	58 (2%)	415 (6%)
Sexual offence/rape/indecent communications	21 (1%)	220 (3%)
Vehicle (olm vehicle with intent/RTA)	17 (1%)	112 (2%)
Weapon	34 (1%)	296 (4%)
Others	218 (9%)	509 (7%)
Total charges	2,340	7,387

By local authority area

Across Scotland in 2018-19, 0.9% of children in the population aged 12 to 15 years were referred to the Reporter for offending. There were variations between areas. Highland and Dumfries & Galloway had the highest proportions of children referred – both 1.8% of child population (Table 3).

Table 3: Standard offence referrals to the Reporter for 12 to 15 year olds in 2018-19 - by local authority area

Local authority area	Number of children referred	Number of referrals	Number of charges	Number of all children in population aged 12 - 15 years*	% children referred in population
Aberdeen City	56	180	315	8,161	0.7%
Aberdeenshire	60	111	199	12,451	0.5%
Angus	55	121	206	5,016	1.1%
Argyll & Bute	18	29	40	3,451	0.5%
Clackmannanshire	27	61	82	2,346	1.2%
Dumfries & Galloway	118	203	356	6,415	1.8%
Dundee	57	132	207	5,785	1.0%
East Ayrshire	42	90	164	5,272	0.8%
East Dunbartonshire	27	43	64	5,035	0.5%
East Lothian	27	69	129	5,113	0.5%
East Renfrewshire	17	30	44	5,379	0.3%
Edinburgh, City of	115	333	589	18,848	0.6%
Eilean Siar	13	16	19	1,173	1.1%
Falkirk	82	163	306	7,334	1.1%
Fife	77	183	354	16,581	0.5%
Glasgow	318	1,281	2,261	22,779	1.4%
Highland	190	385	657	10,541	1.8%
Inverclyde	40	61	100	3,352	1.2%
Midlothian	30	129	218	4,183	0.7%
Moray	22	38	54	4,446	0.5%
North Ayrshire	64	146	277	6,124	1.0%
North Lanarkshire	157	472	763	16,502	1.0%
Orkney	10	12	18	1,003	1.0%
Perth & Kinross	28	55	103	6,518	0.4%
Renfrewshire	54	191	347	7,782	0.7%
Scottish Borders	40	65	113	4,980	0.8%
Shetland	18	26	41	1,108	1.6%
South Ayrshire	53	116	207	4,714	1.1%
South Lanarkshire	124	375	653	14,126	0.9%
Stirling	33	60	99	4,297	0.8%
West Dunbartonshire	55	269	423	3,991	1.4%
West Lothian	80	193	319	9,329	0.9%
Scotland	2,094	5,638	9,727	234,135	0.9%

*From mid-year estimates for 2020 obtained from: [Population Estimates Time Series Data | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/population-estimates-time-series-data)

Joint reports to the Reporter and Procurator Fiscal

Offences can be jointly reported to the Reporter and Procurator Fiscal and depending on a number of factors, the offence will either be retained by the Procurator Fiscal or referred by the Procurator Fiscal to the Reporter. The decision regarding the jointly reported case is for the Procurator Fiscal, however, such a decision shall not be taken until the case has been discussed with the Reporter.

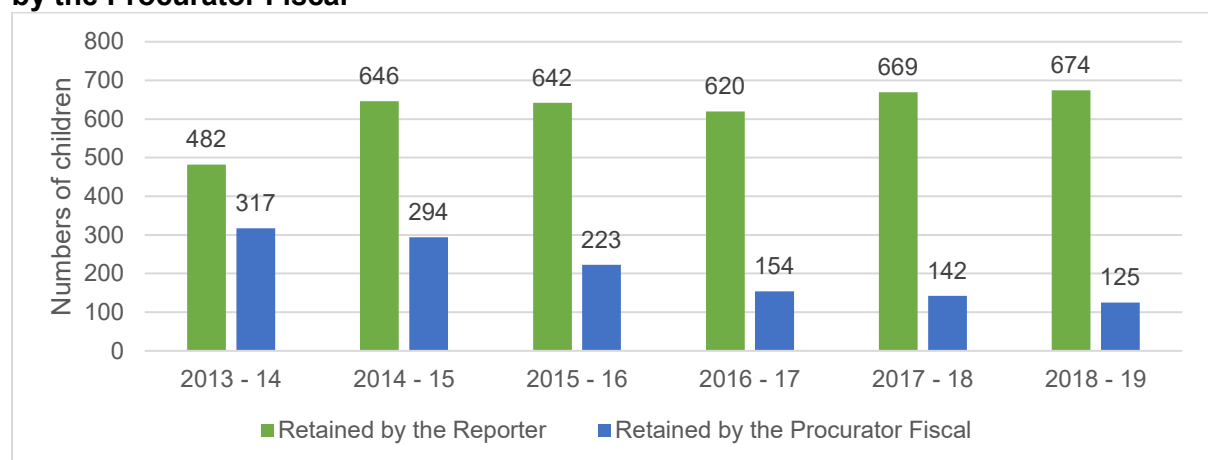
A minority of children who commit offences are jointly reported to the Procurator Fiscal and Reporter – in 2013-14 there were 737 children aged 12 to 15 years with joint reports, and in 2018-19 there were 754 such children. In terms of numbers of joint reports for these children, there were a total of 1,082 joint reports in 2013-14 and 1,225 in 2018-19 (i.e. some children had more than one joint report).

There has been a change over time in how joint reports have been dealt with. In 2013-14, 59% of joint reports (n=635) were retained by the Procurator Fiscal and 41% (n=447) were referred by the Procurator Fiscal to the Reporter. In contrast in 2018-19, the Procurator Fiscal retained only 17% of joint reports (n=210) and referred 83% to the Reporter (n=1,015).

Figure 3 shows this trend in the numbers of joint reports being retained by the Procurator Fiscal in terms of numbers of children. The number of children whose joint reports were referred by the Procurator Fiscal to the Reporter increased from 482 children in 2013-14 to 674 children in 2018-19, an increase of 28%.

In contrast, for those children whose joint reports were retained by the Procurator Fiscal, there was a downward trend from 317 children in 2013-14 to 125 children in 2018-19. A reduction of 60%.

Figure 3: Numbers of children with joint reports – referred to the Reporter or retained by the Procurator Fiscal



Ages of children

The majority of children who are jointly reported are aged 15 years – this was 60% of joint reports (n=730) in 2018-19. For those retained by the Fiscal, 76% of joint reports (n=160) were for 15 year olds; and for those referred to the Reporter, 56% (n=570) were for 15 year olds (Table 4). This pattern has remained constant over time - in 2013-14, 77% of joint reports were retained by the Procurator Fiscal (n=346) were for 15 year olds and 51% (n=326) of those referred to the Reporter were for 15 year olds.

Table 4: Children jointly reported to the Procurator Fiscal and Reporter in 2018-19 - by child's age

Age of child (years)	Number of children		Number of joint reports	
	To Reporter	To Procurator Fiscal	To Reporter	To Procurator Fiscal
12	27	2	30	3
13	72	6	96	10
14	224	29	319	37
15	378	91	570	160
Total	674*	125*	1,015	210

* the total number children with joint reports was 737, some children had joint reports both retained by Procurator Fiscal and referred to the Reporter

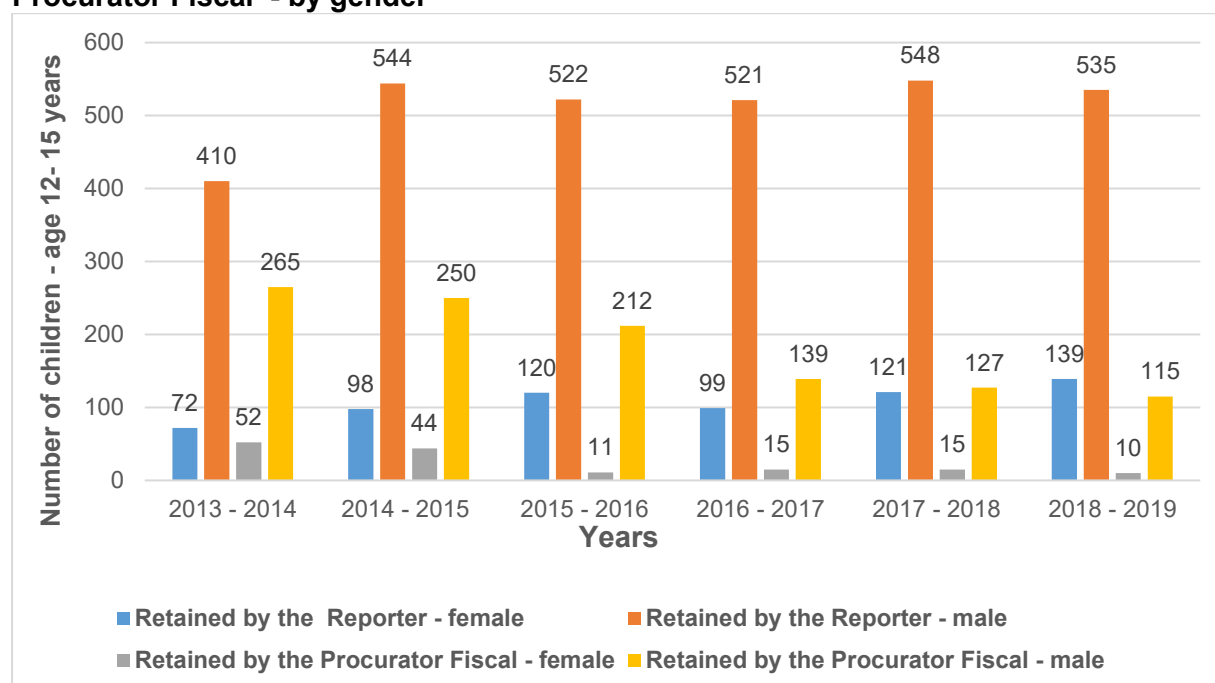
Gender differences

There were few females whose joint reports were retained by the Procurator Fiscal in 2018-19 – in that year the Procurator Fiscal dealt with 10 females with joint reports and 115 males. Of children with joint reports referred by the Procurator Fiscal to the Reporter that year, 139 are female and 535 are male (Figure 4).

In terms of numbers of joint reports, of the 211 for females 8% (n=16) were retained by the Procurator Fiscal in 2018-19; and of the 1,014 joint reports for males 19% (n=194) were retained by the Procurator Fiscal.

In comparison, in 2013-14 – 59% (n=387) of the 939 joint reports for males were retained by the Procurator Fiscal and 42% (n=60) of the 143 for females.

Figure 4: Children with joint reports referred to the Reporter or retained by the Procurator Fiscal - by gender



Types of offences in joint reports referred to the Reporter

Information on the types of offences in joint reports retained by the Procurator Fiscal was not available in the SCRA data warehouse. The data presented below are only

on the types of offence charges in joint reports referred by the Procurator Fiscal to the Reporter.

Table 5: Types of offence charges for children with joint reports referred to the Reporter in 2018-19 - by gender

Types of charge groupings	Number of charges		
	Female	Male	Total
Alcohol/drug/substance	12 (4%)	62 (4%)	74 (4%)
Assault/serious assault/assault to disfigurement	94 (29%)	294 (17%)	388 (19%)
Breach of the peace/culpable and reckless conduct	13 (4%)	35 (2%)	48 (2%)
Vandalism/malicious damage/malicious mischief/reckless damage	14 (4%)	113 (7%)	127 (6%)
Threatening and abusive behaviour	36 (11%)	200 (12%)	236 (12%)
Fire-raising/fireworks	9 (3%)	16 (1%)	25 (1%)
Theft/attempted theft/reset	40 (12%)	215 (13%)	255 (13%)
Housebreaking/shoplifting/fraud/robbery	44 (13%)	218 (13%)	262 (13%)
Sexual offence/rape/indecent communications	7 (2%)	197 (12%)	204 (10%)
Vehicle (olm vehicle with intent/RTA)	16 (5%)	119 (7%)	135 (7%)
Weapon	22 (7%)	96 (6%)	118 (6%)
Others	23 (7%)	146 (9%)	169 (8%)
Total charges	328	1,698	2,026

The most common types of charges jointly reported and referred to the Reporter were for assaults (19%, n=388). There were differences by gender, with 28% of charges for females (n=94) being for assaults and 17% of those for males (n=294).

The next most common jointly reported charge types for males and females were for thefts including attempted theft and reset (13%, n=255) and housebreaking, shoplifting, fraud or robbery (13%, n=262).

Almost all jointly reported sexual offence charges were for males (i.e. 197 of 204 such charges) (Table 5).

By local authority area

Across Scotland in 2018-19, 0.3% of children aged 12 to 15 years had joint reports referred to the Reporter by the Procurator Fiscal, and 0.05% had joint reports retained by the Procurator Fiscal. There was some variation between local authority areas, with West Dunbartonshire (0.8% to Reporter, 0.2% to Procurator Fiscal) and Glasgow (0.6% to Reporter, 0.1% to Procurator Fiscal) having the highest proportions of children with joint reports (Table 6).

Table 6: Numbers of children aged 12 to 15 years with joint reports in 2018-19 - by local authority area

Local authority area	Referred to Reporter		Retained by Procurator Fiscal	
	Number of children	% population aged 12-15 years*	Number of children	% population aged 12-15 years*
Aberdeen City	30	0.4%	9	0.1%
Aberdeenshire	42	0.3%	5	0.04%
Angus	<5	-	<5	-
Argyll & Bute	17	0.5%	<5	-
Clackmannanshire	<5	-	<5	-
Dumfries & Galloway	25	0.4%	<5	-
Dundee	25	0.4%	5	0.08%
East Ayrshire	9	0.2%	<5	-
East Dunbartonshire	8	0.2%	<5	-
East Lothian	11	0.2%	<5	-
East Renfrewshire	<5	-	<5	-
Edinburgh, City of	57	0.3%	10	0.05%
Eilean Siar	<5	-	<5	-
Falkirk	17	0.2%	<5	-
Fife	34	0.2%	6	0.04%
Glasgow	136	0.6%	31	0.1%
Highland	45	0.4%	5	0.04%
Inverclyde	<5	-	<5	-
Midlothian	9	0.2%	<5	-
Moray	16	0.4%	<5	-
North Ayrshire	14	0.2%	<5	-
North Lanarkshire	37	0.2%	8	0.05%
Orkney	<5	-	<5	-
Perth & Kinross	5	0.08%	<5	-
Renfrewshire	15	0.2%	<5	-
Scottish Borders	6	0.1%	<5	-
Shetland	<5	-	<5	-
South Ayrshire	19	0.4%	<5	-
South Lanarkshire	29	0.2%	10	0.2%
Stirling	<5	-	<5	-
West Dunbartonshire	31	0.8%	7	0.2%
West Lothian	20	0.2%	<5	-
Scotland	674	0.3%	125	0.05%

*Numbers of children aged 12 to 15 years in each area are shown in Table 3.

Custody joint reports

A very small number of children are jointly reported from being held in custody. Their numbers have decreased from 44 children in 2013-14 to 20 children in 2018-19. The majority of these children's cases are retained by the Procurator Fiscal – this was 26 children (60%) in 2013-14 and 13 children (65%) in 2018-19.

Criminal Advice and Remit Children's Hearings

A child prosecuted for an offence(s) in a criminal court, and who has pled or been found guilty, can have their case dealt with by a Children's Hearing:

- If a child has a CSO, the Sheriff must (a Judge in the High Court may) request the advice of a Hearing before disposing of their case. If the Sheriff (or Judge) considers it appropriate the child's case can be remitted to a Hearing for disposal.
- Children who do not have CSOs and are under 17 years and 6 months can be remitted by the criminal court to a Hearing for advice on how the court should dispose of the case. Following receipt of that advice the court can remit the child's case to a Hearing for disposal.

It is very rare for children aged 12 to 15 years to have criminal advice Hearings or be remitted by courts to Hearings. In 2013-14 there were eight children with criminal advice Hearings, and in 2018-19 there were 12 such children. Less than five children were remitted to Hearings in both 2014-15 and 2018-19.

Appendix 2: List of research variables

Child's background

Gender
Age at referral (index offence)
Ethnicity
Disability
Learning difficulty
SIMD (home address postcode)
Health concerns – physical
Health concerns – mental
Health concerns – self harming
Educational concerns – attainment
Educational concerns - attendance
Has child ever been excluded from school?
Drug use (inc. legal highs)
Alcohol use
Solvent use
Bullying – perpetrator
Bullying – victim
Peer group – negative/ positive
Sexually harmful behaviour – perpetrator
Sexually harmful behaviour – victim
Victim of parental violence/aggression
Victim of violence/aggression - others
Child's history of violent/ aggressive behaviour
Significant bereavement
Evidence of criminal exploitation
Evidence of sexual exploitation

Child – statutory interventions history

CPR - ever
CPO - ever
First service involvement – type
First service involvement - description
First service involvement – date
First referral to Reporter – type
First referral to Reporter – date
First referral to the Reporter – decision
Number of previous offence referrals to the Reporter
First offence referral to the Reporter – type
First offence referral to the Reporter – date
First offence referral to the Reporter – decision
Age at 1st offence referral
child ever accommodated
First Children's Hearing – date/ no Hearing
First Children's Hearing - decision
child first accommodated – date, not accommodated
child first accommodated – type
child first accommodated – legal basis

SR/CSO made – date/ no CSO
SR/CSO – type
1st established/accepted grounds – date/ no accepted/established grounds
1st established/accepted grounds – type
Established/accepted offence grounds – date of 1st, number and types, or no
accepted/established offence grounds

Family background

Parents
Parents – LAAC as children - mother, father, both, none
Drug use - mother, father, both, none
Alcohol use - mother, father, both, none
Domestic violence
History of violence/aggression - mother, father, both
Offending – description – types and patterns - mother, father, both
Custodial sentences - mother, father, both
Physical health problems - mother, father, both, none
Mental health problems - mother, father, both, none
Learning difficulties - mother, father, both, none
Concerns about housing/home conditions
Close associations with offenders - mother, father, both, none

The 1st or only offence 1st April to 30th September 2018 (Reporter sample)

Date of offence
Type of offence
Description of offence
Is the offence of a serious violent or sexual nature (use CJL(S)A definitions)
Gravity of offence (Framework for decision making by Reporters)
Child's age at offence
Date referred to the Reporter
Date of Reporter decision
Reporter decision
Offence grounds – accepted/established?
CSO made as result of offence?
If yes – CSO date and type
Is child on CSO at time of offence?
CSO varied as result of offence
If yes –date and variation
Is there a victim(s)
Age of victim(s)
Were other children involved in the offending incident (as perpetrators)?
Were any adults involved in the offending incident (as perpetrators)?
Location of offence
Was child under influence of alcohol at time of offence?
Was child under influence of drugs at time of offence?
Child's view on offence – description
Parents view on offence – description
Is child accommodated at time of offence?
What agencies are involved with child at time of offence?

Retained by Reporter – Reporter decision

Offence grounds – accepted/established?

CSO made as result of offence

If yes – CSO date and type

Is child already on CSO at time of offence?

CSO varied as result of offence

If yes – variation

12 months on from 1st or only offence – (time frame – 1st October 2018 – 30th September 2019)

Are there further offence referrals: Numbers, types and gravity

Reporter decisions on above

Any jointly reported offences

Procurator Fiscal decisions on the above

Any accepted/established offence grounds

Any convictions

Any remittals from court

Are there non-offence referrals: Number and types

Reporter decisions on above

Accepted/established non-offence grounds: Numbers and types

CSO made –type

CSO varied –type(s)

CSO terminated

Is CSO linked to offence or non-offence referrals or both?

Secure authorisation

Custodial sentence

Other sentence

CPOs

CPR registrations

Child accommodated? – type/description

If previously accommodated has child been returned home

Where is child living?

Any changes in child's offending behaviour – description

Any changes in child's drug use

Any changes in child's alcohol use

Any changes in child's mental health

Any changes in child's physical health

Is child engaging with education

Is child engaging with training/further education

Is child in employment

Has child engaged with interventions

Has child's family engaged with interventions/supported child?

What agencies are involved with child?

Peer group – positive/negative

Appendix 3: Gravity of offences (from Framework for Decision Making by Reporters – SCRA, 2015)

High gravity – examples
Assault with weapon (whether or not injury caused)
Theft of motor vehicle/s 178 (1) (a) of Road Traffic Act 1998
Sexual offences involving coercive sexual behaviour
Misuse of Drugs Act 1971 - supply of drugs
Intentional fire raising
Robbery
Road Traffic Act 1988 offences - driving with no insurance, licence etc.
Possession of knife or offensive weapon
Moderate gravity – examples
Assault resulting in injury, or assault on police officer
Theft by housebreaking
Misuse of Drugs Act 1971 - possession of drug other than cannabis
Racially aggravated behaviour (section 50A (1) (b) and (5) of Criminal Law (Consolidation) (Scotland) Act 1995
Low gravity – examples
Theft by opening lockfast place (from vehicle)
Theft, including shoplifting
Drinking alcohol in a public place (contrary to local byelaws)
Vandalism
Breach of the peace
Assault with no or minor injury caused
Misuse of Drugs Act 1971 - possession of cannabis

Appendix 4: Grounds for referral

Section 67 grounds⁶⁵

- (a) the child is likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to a lack of parental care,
- (b) a schedule 1 offence has been committed in respect of the child,
- (c) the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence,
- (d) the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed,
- (e) the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that –
 - (i) the child has been abused or harmed, or
 - (ii) the child's health, safety or development will be seriously adversely affected,
- (f) the child has, or is likely to have, a close connection with a person who has carried out domestic abuse,
- (g) the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4, or 5 of the Sexual Offences (Scotland) Act 2009 (asp 9),
- (h) the child is being provided with accommodation by a local authority under section 25 of the 1995 Act and any special measures are needed to support the child,
- (i) a permanence order is in force in respect of the child and special measures are needed to support the child,
- (j) the child has committed an offence,
- (k) the child has misused alcohol,
- (l) the child has misused a drug (whether or not a controlled drug),
- (m) the child's conduct has had, or is likely to have, a serious adverse effect on the health safety or development of the child or another person,
- (n) the child is beyond the control of a relevant person,
- (o) the child has failed without reasonable excuse to attend regularly at school,
- (p) the child –
 - (i) has been, is being, or is likely to be, subjected to physical, emotional or other pressure to enter into a civil partnership, or
 - (ii) is, or is likely to become, a member of the same household as such a child.
- (q) the child –
 - (i) has been, is being or is likely to be forced into a marriage (that expression being construed in accordance with section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (asp 15) or,
 - (ii) is, or is likely to become, a member of the same household as such a child.

⁶⁵ Section 67(2) of the Children's Hearings (Scotland) Act 2011

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