

Children (Care and Justice) Bill: Accessible Summary

December 2022

Children (Care and Justice) Bill – Accessible version

We asked

- In 2022 the Scottish Government asked people for their views on the possible changes to the law about how we protect and support children in Scotland.
- You can [find out more](#) about what we asked and why it is important.

You said

- We received over 100 responses, some from children and young people.
- 243 survey responses were also received from the Scottish Youth Parliament.
- We are so grateful to everyone who responded.

We did

- We looked at all information and wrote a [full report](#) and an [accessible version](#).
- Different people wanted different changes. Children and young people's views helped to shape the information we gave to Scottish Ministers.
- Scottish Ministers have decided on a draft set of changes to the law (called a Bill). This Bill has been put into Parliament.



Bill aims

- To better protect and support children under 18, especially those who are in contact with the children's hearings system and criminal justice system, or are in care settings including those who are placed across borders.
- To help Scotland to Keep the Promise.
- Promote the children's rights in line with the United Nations Convention on the Rights of the Child (UNCRC).
- Change the laws which affect the lives and futures of children across Scotland.



Children's Hearing System

The children's hearings system is the care and justice system for children. Some children do not have all their needs met. They can face risks in their lives. This may have been going on a long time. It can be complicated.

Concerns about a child can be reported to the Children's Reporter. This is a professional who makes the decision about if a child needs to go to a children's hearing or not. The children's hearing is made up of 3 people. They are called the panel members. Panel members make decisions to support children.

If a child goes to a hearing, it will be decided if a compulsory supervision order is needed. This is a legal document which allows people, like a social worker, to help the child. This order can say a child has to do or not do certain things. This may be where they should live, who they can see, and where they can go.

The Bill will mean that:

- All children under 18 can have a children's hearing. This includes children at risk of abuse or harm due to the behaviour of other people and all children who are charged by the police.
- If a hearing makes an order this could ban the child from going to certain places or communicating with certain people.
- The order could include an electronic tag on the child if:
 - Their welfare is at risk, or they are likely to cause physical or psychological harm to another person.
 - If an order is ending, the children's hearing can ask the local authority to give the child help until they are 19.
 - People who have been harmed will be told by the Children's Reporter of their right to request information about what is happening.

Criminal Justice System

As the most serious cases will still go to the criminal justice system, there will be more safeguards available for children aged under 18.

Children who get in trouble with the law may be vulnerable and have had problems in their lives.

The criminal justice system is all of the organisations and professionals that deal with crime and the courts.

A court is the place where a decision is made about whether someone has committed a crime. There are different kinds of courts, they might have a Sheriff or a Judge.

The Bill will mean that:

- When a child is taken to a police station, they should always be visited by their parent, another adult or social worker. No child will be able to be interviewed without a lawyer. Before court children should be kept a more child-friendly place.
- More steps will be taken to protect children at court. The court will now need to think about how they can help the child to be involved in their case.
- Extra steps to protect the privacy of children in the criminal justice system, including victims and witnesses.
- The court will be able to ask the hearing for advice about what to do next when any child has been found guilty.
- Children will no longer be remanded or sentenced to Young Offenders Institutions - instead they would go to secure care.
- A child placed in secure care through court will get the same support as a "looked after" child. This might mean they can access more help when they leave.

Secure Care

Secure care is residential care for the purpose of depriving children of their liberty. Care, education and support are given to safeguard and promote the welfare of the children who stay there. It is an environment where children's rights are respected to make things better for them now and in the future.

There are lots of ways a child can be placed in secure care. This might involve the children's hearings system, police, criminal justice system or social work.

The Bill will mean that:

- A child could be placed in secure care if they:
 - Have gone missing before, and are likely to do so again and be at risk, or
 - Are likely to self-harm, or
 - Are likely to cause physical or psychological harm to another person, unless kept in secure care.
- Children who are in secure care through the justice system might be able to stay to a maximum age of 19.

Residential Care

Some children are placed in residential care in Scotland from other parts of the UK.

There have been concerns about this.

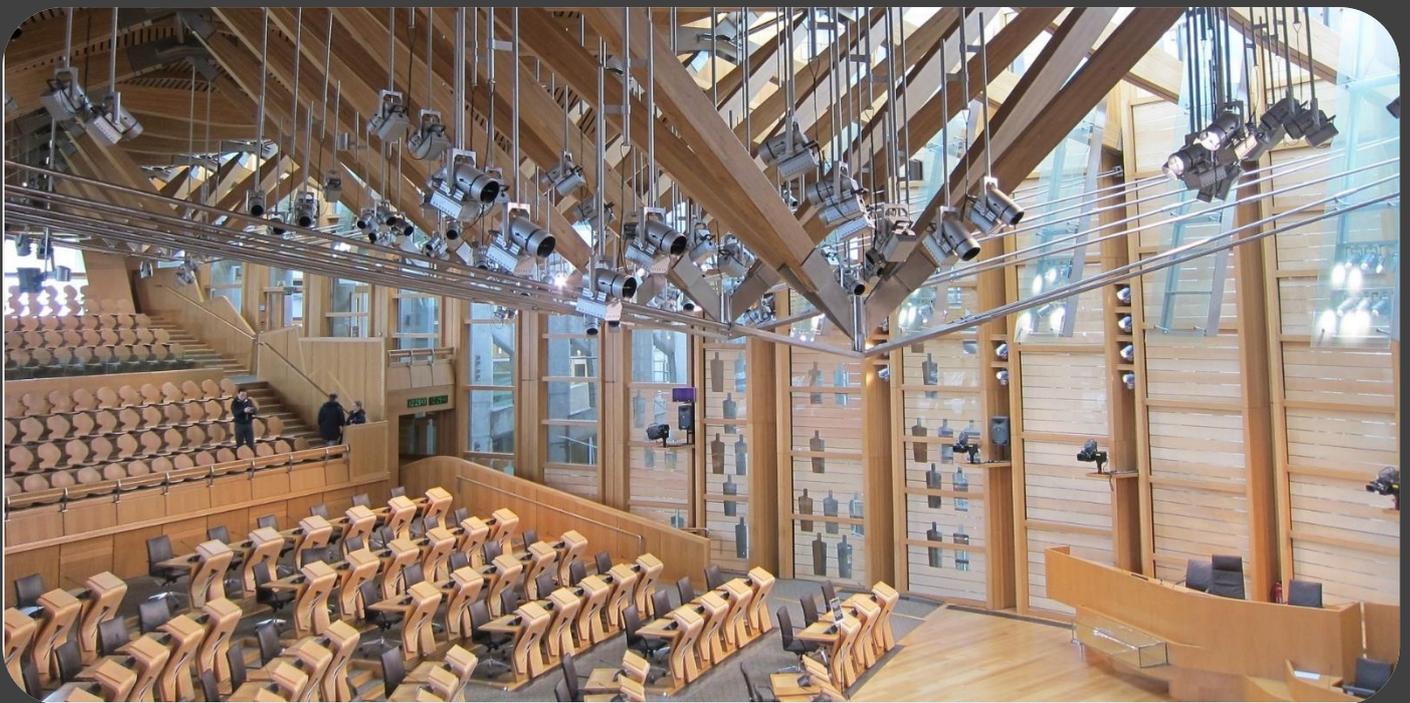
Children can be far away from their homes, families and friends. We want fewer children to be placed from other parts of the UK in Scotland. This should only happen in exceptions when it is in the best interests of the child. We want to make sure there is more protection for children who are placed in care in Scotland from elsewhere in the UK.

The Bill will mean that:

- There will be tighter rules to get permission to open a residential children's house in Scotland. They will be inspected and monitored more closely.
- More will be done to make sure children placed in Scotland are well looked after.

What happens next?

- This Bill will be discussed in the Scottish Parliament, which makes the laws in Scotland.
- People will be asked to share their views on the Bill.
- Sometimes people in the parliament don't agree with all of the changes and so there is often lots of debate and changes made to the Bill before they are agreed.
- Children and young people can do this and might be able to attend Parliament to give evidence.
- The team working on the law would also be happy for you to get in touch or to try and meet with you and any groups. You can contact them at: CC&JBill@gov.scot.
- You can read more about what Bills are and how laws are made on the [Scottish Parliament website](#).





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