

DELIVERY GROUPS :

5.12.18

* PLACE OF SAFETY :
• ON FACE OF BILL
• PLACED AGAINST CEWS
• IMMEDIACY

* SEARCH :
• NO CHECKS

* FORENSICS :
• NO CHECKS

* INTERVIEW :
• WITH CO-OPERATION OF TION
• ONGOING DISCUSSIONS.

Organisation

Social Work Scotland

National Youth Justice Advisory Group

Who Cares? Scotland

Police Scotland

CYCJ

Includem

Victim Support Scotland

Children 1st

Community Justice Scotland

Disclosure Scotland

Together Scotland

MINIMUM AGE OF CRIMINAL RESPONSIBILITY – STAKEHOLDER GATHERING

THURSDAY 6 DECEMBER 2018, 13:30 – 16:00

COSLA CONFERENCE CENTRE

AGENDA

1. Welcome and update on the Bill's progress through Parliament – **[redacted]**
2. Implementation Groups: next steps and dates for next engagement
 - a) Victims – **[redacted]**
 - b) Police Powers - **[redacted]**
 - c) Disclosure – **[redacted]**
 - d) Guidance – **[redacted]**
3. Stage 1 report – update on response
4. UNCRC revised consultation
5. Advocacy
6. Questions/ issues raised from the floor
7. AOB

- **Update:** bill team leader provided an update on the parliamentary timetable of the bill as well as on non-government amendments lodged at stage 2.
- **Age of Criminal Responsibility:** questions were raised by representatives from the Centre for Youth and Criminal Justice about whether the Government was considering a higher age of criminal responsibility (ACR) of 14 or 16. Senior officials from Government responded by identifying a number of issues that would require to be examined thoroughly such as the jurisdiction of the Children's Hearings System, delayed reporting, the rights of victims, police powers etc when considering a higher age,. Discussion also centred around issues of disclosure and the links between the ACR bill and the forthcoming Protection of Vulnerable Groups (PVG) bill, the independence of the independent reviewer, the importance of ensuring meaningful public consultation and public confidence in systems.
- **Delivery Groups:** an update was given in relation to the work required to be taken forward by each of the delivery groups (victims, police powers, disclosure, and guidance) in response to the Equalities and Human Rights' Committee's stage 1 report on the bill and particularly around the need for public engagement. Discussion particularly focused around the importance of developing a public communications strategy and professional guidance for the bill.
- There was a discussion around the need to expand membership of the guidance group in the areas of education, mental health and social work.
- Discussion also centred around the format and structure and name of police interviews of children under the ACR, indicators of best practice, the need to ensure that there is disability support, and access to advocacy services across the country.
- It was discussed that there is likely to be overlap amongst the groups and therefore it would be useful to appoint a lead person who will be involved in all of the groups and can therefore ensure consistency. A request was made for advance notice to be given for all of the forthcoming meetings of the delivery groups.
- **Questions/ issues raised from the floor:** Questions were raised by stakeholders on the links between the PVG bill, the UN Convention on the Rights of the Child audit and the ACR bill. A representative from WhoCares? Scotland expressed their intention to work closely with the Scottish Government to engage with children on the implementation of the bill through the Youth Parliament and Children's Parliament and ensure that there is engagement with children who are at risk. Representatives from Police Scotland and Victim Support Scotland spoke about the importance of ensuring there is engagement with victims during implementation of the bill as well as when considering a higher ACR.

06/12/2018 Age of Criminal Responsibility - Stakeholder Event

06 December 2018
13:37

Summary Introduction - 64 Amendments requested by Alex Cole Hamilton these relate to age - replace 12 with 16 or 16 as a second option, place of safety, age of prosecution. There will be both internal and external amendments. All get lodged with the parliament. Amendments which stakeholders may find beneficial should be raised with the Government in the first instance to consider -they cannot directly make amendments themselves.

Need to use today to review the work and membership of the 4 implementation groups:

Victims- [redacted] updated. 2 meetings to date. Objectives and priorities are clear. Key objective is to clearly outline what information will be shared with victims. Next priority will be to consider the communication strategy with the public/community. Guidance on the victim information service, how this works with ACR and the CHS. Assurances regarding right to access compensation will be considered. Need to consider what is not in the Bill and what needs to be added or supported by guidance? The next group is likely to take place after stage 3 -February. [redacted], CYCJ suggested the opportunity to consider future proofing and joining groups re management of offenders, disclosure etc.

Police Powers - [redacted] provided update. Took over from [redacted]. Investigations group has been meeting in recent weeks to develop a shared agreement regarding what the provision should be and look like in practice. There are 4 separate police powers within the Bill -remove a child, search, forensics and interview. Will add presumption that a police station can only be used as a last resort and never a police station -what about police cells?

Disclosure - [redacted] from disclosure gave update. Had 2 meetings to date. Guidance for reviewer will include information on children who have been looked after, SLCN, disability etc. [redacted], CYCJ highlighted the need for guidance to support the role of the independent reviewer and to highlight the independence of the reviewer -should sit separate to government. Subtle skill set required for the role of the independent reviewer. Need to ensure individuals are equipped and supported to make representations.

Guidance - [redacted] gave update. Principles and Guidance need to be developed. Not enough representation from social work, education or mental health. Need to widen the membership - whether to attend in person or to provide an input. Keen to ensure the principles of child protection underpin the practice when working with children where the harm threshold is met. Child protection guidance review must consider ACR and create links. Updating CP guidance has much longer time line -this will be a complex piece of work and will need to consider various pieces of legislation which have been implemented or amended since the guidance was developed. IRD and Significant Harmful Behaviour Discussion/Interview -similar but different.

I suggested there needs to be a communication implementation group that doesn't just share information with the public but which also seeks feedback and views of the public. It was decided that this should be discussed further at the joint meeting with CYCJ next week.

Develop safeguards and measures to ensure that the most serious harmful behaviour can be responded to effectively. As age increases need to ensure we have answers to the same questions. UNCRC likely to recommend 14 as a minimum age. This will generate parliamentary discussion. Need to bear in mind what the public will want.

Advocacy -[redacted] gave update. Independent advocacy workers. Keen to be part of a non-criminalised process/interview. Important for children to have the right level of support but also ensuring they are child centred and don't make the process a mini criminal process. Child Interview Rights Practitioner and Advocate for CHS -similar but different.

[redacted], Who Cares? Scotland, asked a question regarding the Youth Delivery Group and how to progress this. [redacted] thinks unlikely to progress before stage 3. Needs to include young people who have been involved in the system.