



Age of Criminal Responsibility (Scotland) Act 2019 (ACRA)

ACRA Operational Guidance for Social Work and Police

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1. PURPOSE

- 1.1. This Guidance contains information to support Police Scotland and Local Authorities in the application of their operational duties, under the Age of Criminal Responsibility (Scotland) Act 2019 (the Act).¹

2. INTRODUCTION

- 2.1 This Guidance should be read in conjunction with the following, published by Scottish Ministers.

- [Age of Criminal Responsibility \(Scotland\) Act 2019 – Statutory Guidance on Investigative Interviews](#)
- [Age of Criminal Responsibility Act \(Scotland\) Act 2019 – Statutory Guidance on the use of a Place of Safety](#)
- [Age of Criminal Responsibility \(Scotland\) 2019: list of places of safety - gov.scot \(www.gov.scot\)](#)
- [Age of Criminal Responsibility Act \(Scotland\) Act 2019 – Child Interview Rights Practitioner Code of Practice](#)

- 2.2 The Act raises the age of criminal responsibility to 12 years and provides new specific investigative powers for police investigating the **most serious cases** of harmful behaviour and new duties for Local Authorities.
- 2.3 The Act is underpinned by the key principles that a child **cannot be held criminally responsible** for harmful behaviour that amounts to a crime or offence which **occurred** when the **child was aged under 12. The child cannot be arrested or charged** with offences.
- 2.4 The use of language is important. References must relate to the child's behaviour, wellbeing and welfare needs, and risks and not to criminality.²
- 2.5 Part 4 of the Act relates to police powers in relation to the investigation of significant harm/harmful behaviour (serious physical or otherwise)³, by a child, which occurred whilst aged under 12.
- 2.6 This Guidance sets out the manner in which police and social work will collaborate to consider the use of investigatory powers under the Act as they relate to the child, whilst ensuring the child's wellbeing and welfare remain a primary consideration.
- 2.7 This Guidance defines the operational roles, responsibilities and processes that allow professionals to respond to situations where a constable reasonably believes that a child, whilst under the age of 12 years is responsible for causing or risking causing harm to another person.

¹ Link to the Age of Criminal Responsibility (Scotland) Act 2019: <https://www.legislation.gov.uk/asp/2019/7/contents/enacted> and [Explanatory Notes](#)

² Youth justice: Raising the age of criminal responsibility - gov.scot (www.gov.scot)

³ Refer to paragraph 4 relating to criteria and definitions

- 2.8 Serious incidents must be met with a compassionate, sensitive, proportionate and effective response, addressing the needs of children, families, victims and the wider community.
- 2.9 At any point where concerns are identified about actual or future significant harm to **any** child, the National Guidance for Child Protection in Scotland (2021)⁴ must be followed. If child protection (CP) concerns arise in relation to the child who is believed to have caused or risked causing serious harm to another person, the immediacy of risk of significant harm to the child involved will determine the prioritisation of next actions.

3. BACKGROUND

- 3.1 The intention of the Act is to protect children from the harmful effects of early criminalisation, while ensuring that children and their families receive the right support.
- 3.2 The rights of the child must be properly recognised, upheld and protected in line with the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC⁵ states that children who come into conflict with the law have a right to be treated fairly, with appropriate safeguards and in a manner consistent with the child's sense of dignity and worth (Article 40). Children also have the right to participate effectively in proceedings, have their views taken into account (Article 12) and to have their privacy respected (Article 16). It is crucial that the approach taken by all professionals takes account of the evolving capacities of the child (Article 5).
- 3.3 Getting it Right for Every Child⁶ (GIRFEC) emphasises the need to take a child centred approach, understanding the wellbeing of a child in their current situation, taking into consideration the wider influences on a child and their developmental needs. This Guidance is therefore relevant to all agencies and services that support children and families through effective and collaborative partnership working.
- 3.4 The intentions of the Act are compatible with Scotland's approach to welfare and the protection of children as represented within the ethos and principles of the Kilbrandon Report⁷, which informed the establishment of the Children's Hearing system in 1968. The Kilbrandon vision of a welfare approach for young people 'in trouble' or at risk, continues to ensure that the system considers and deals with the underlying issues in a child's life.

⁴ National Guidance for Child Protection in Scotland 2021 - gov.scot (www.gov.scot)

⁵ The UN Convention on the Rights of the Child provides further detail on upholding children's human rights in justice settings in [General Comment 24](#), including during police interviews. Additional guidance is provided in the [Council of Europe Guidelines on Child-Friendly Justice](#) and [Human rights: Children's rights - gov.scot](#) (www.gov.scot)

⁶ Getting it right for every child (GIRFEC): GIRFEC principles and values - gov.scot (www.gov.scot)

⁷ The KILBRANDON Report - gov.scot (www.gov.scot)

- 3.5 The aim of the Act also aligns with the intentions outlined in The Promise (Independent Care Review, 2020) which highlights the disproportionate criminalisation of care experienced children and young people.⁸
- 3.6 A child who has behaved in a manner that has caused or risked causing harm (serious physical or otherwise) to another person, may themselves have experienced childhood adversity and difficulties such as significant loss, abuse, neglect, trauma, or a disrupted home and school life. Negative early life experiences can leave some children extremely vulnerable to environmental pressures and this can, in turn, contribute to the emergence of forms of harmful behaviours in childhood.⁹
- 3.7 All investigative and planning activity triggered by a child's believed harmful behaviour (serious physical harm or otherwise) must have regard for the child's wellbeing as a primary consideration. Interventions must aim to protect children, reduce stigma and ensure better future life chances.
- 3.8 Police and social work are required to use professional judgement to establish whether using the investigative powers under the Act is necessary and proportionate.
- 3.9 Police and statutory services will take action to protect the safety and meet the needs of those involved in the situation, including the victim(s) and the community. Responding proportionately and effectively to the needs of a child who has caused or risked causing harm, does not diminish the rights of victims. They will still be the victim of a crime and entitled to have that crime fully investigated by the police and offered the support that is available to all victims of crime.
- 3.10 Close collaborative working between police, social work and core services is essential at all stages. This means that effective communication will be required at key points where decisions and arrangements are required to be made in relation to investigative interviews and associated processes. Children who are subject to the provisions of the Act may be known to social work, as well as health and education services, so a joint approach to planning is essential to ensure that the needs and wellbeing of the child are paramount considerations.
- 3.11 Discovering what happened in circumstances of serious harmful behaviour is significantly dependent upon trauma-informed¹⁰, child centred, rights respecting processes and practice. This includes communication and co-ordination with those who care for and have responsibilities towards the child and any other children who have been affected.

⁸ #KeepThePromise - The Promise

⁹ [The Report of the Advisory Group on the Minimum Age of Criminal Responsibility \(consult.gov.scot\)](#) and the Edinburgh study on Youth Transitions and Crime <http://www.esytc.ed.ac.uk/>

¹⁰ [The National Trauma Training Programme \(NTTP\) | NHS Education \(scot.nhs.uk\)](#)

4. CRITERIA AND CIRCUMSTANCES FOR USING POLICE POWERS TO QUESTION A CHILD

4.1 The Act **limits the power** of the police to question a child under 12 years of age to circumstances where a constable has reasonable grounds to suspect that the child¹¹:

- By behaving by behaving in a violent or dangerous way, has caused or risked causing **serious physical harm** to another person, or
- by behaving in a sexually violent or sexually coercive way, has caused or risked causing **harm** (in the case of sexual harm, whether physical or not) to another person.

4.2 Under these circumstances, the child may only be questioned by police¹² or participate in an investigative interview, in relation to the incident under investigation, if authorised by:

- Investigative Interview by Agreement – s.40(2)
- Child Interview Order (CIO) – s.44, granted by a Sheriff on application by the police
- In urgent cases where there is risk of loss of life – s.54

4.3 Investigative interviews under the Act are only for **the most serious cases** involving concerns about the behaviour of a child whilst under the age of 12 and, only when it is considered **necessary** to properly investigate the child's behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence). Where an investigative interview is required, the Act provides a distinct process for this to occur.

4.4 Police can continue to speak with child witnesses of such behaviour and with children suspected of less harmful behaviour, in an age appropriate way, without applying provisions in the Act. Constables should use professional judgement to establish whether using formal investigative powers within this legislation may be necessary and proportionate.¹³

4.5 ACRA s.39 – Limitations on Police Questioning of a Child

4.5.1 Section 39 of the Act creates a prohibition on interviewing a child about harmful behaviour (i.e., where it meets the criteria and is deemed to be an ACRA Incident by police) other than in accordance with the provisions within the Act i.e.

- interview by agreement or
- interview by means of a Child Interview Order,

¹¹ S39(1)

¹² The Act allows for the constable to cause a child to be questioned by another person.

¹³ the general ability of constables to engage with members of the public (including children aged under 12) will persist, subsection (2) of section 39 introduces a prohibition on police questioning of children aged under 12 except in specific circumstances

- 4.5.2 And also in certain circumstances, using the power in section 54, which permits urgent questioning, where there is a risk of loss of life if the child is not questioned immediately.
- 4.5.3 The Act has specific legal protections built in to **protect the rights of the child** who is under the age of criminal responsibility (ACR).¹⁴
- 4.5.4 The investigation of harmful behaviour by children under the age of criminal responsibility must take into consideration the **child's right to legal protections as well as victims' rights** and expectations and the duty of police to conduct an investigation into all reported crime.
- 4.5.5 The section 39 prohibition specifically refers to **questioning and investigative interviews. This also includes police / social work child protection (CP) Joint Investigative Interviews (JII). A JII is part of a police and social work investigation and therefore falls within the scope of section 39.**
- 4.5.6 The Act creates a legislative framework which **must** be complied with **when the child's harmful behaviour meets the threshold level**. This means that the child cannot be questioned by the police, or in a joint interview with the police and social work, about their harmful behaviour (whether for CP or otherwise), other than by means of the provisions within ACRA. It is also prohibited for the police to cause the child to be questioned by another person (e.g., police cannot ask social work to conduct an investigation to question the child about the harm and to provide that information back to the police).
- 4.5.7 Whilst a CP concern may become apparent as part of the ACRA investigation, IRD decision makers and SIOs must be clear that during any subsequent JII, the harmful behaviour cannot be discussed. If the ACRA Incident does arise during the JII (at the behest of the child for example), it must be carefully managed. It should be acknowledged but **not** explored further, much in the same way that JII practice manages criminal admissions made by a child during a JII.
- 4.5.8 A single agency investigation or interview led and conducted by social work, independent of the police, would **not** fall within the scope of s.39 and would allow social work to assess the child's wellbeing needs and undertake any risk assessment, and also for the child to receive necessary interventions and support. It would be expected that the harmful behaviour

¹⁴ Crime recording standards have remained unchanged. All reported harmful behaviour (whether or not it meets the threshold for an ACRA Incident) by children under the age of criminal responsibility (bearing in mind that a suspect's full identity or age might not be known at the time of reporting) that would previously have been referred to as a crime or offence, must still be recorded according to the Scottish Crime Recording Standards. Failure to comply with the provisions within the legislation regarding the questioning of a child about harmful behaviour would be **unlawful**. It may render any evidence obtained inadmissible - whether for any criminal proceedings (where there is an adult or older child who is charged with an offence arising out of the same circumstances, which pre-ACRA would have been a co-accused), or for SCRA related proceedings in respect of the child under the ACR. Additionally, the Chief Constable might be left open to legal action.

might need to be explored during engagement with a child (such as therapeutic, support or risk management work) and **s39 does not prevent this.**

4.6 Child Aged under 12 – No Powers under the Act

- 4.6.1 It is likely that the vast majority of cases where a child, **whilst aged under 12**, is believed to be responsible for harmful behaviour, will not meet the ACRA threshold for use of Police powers under the Act, for example, behaviour involving **theft, vandalism or minor assault**. In such circumstances, there are no formal Police powers to interview the child about their behaviour or the circumstances surrounding the incident.
- 4.6.2 The ability of police to engage with members of the public, including children under 12 will continue. Children under 12¹⁵ can be spoken to by police voluntarily, with agreement from their parent/carer, in relation to behaviour that does not meet the threshold for significant/serious harm.
- 4.6.3 This will be of particular relevance to those children who exhibit a pattern of behaviour that does not meet the threshold for using the legislative provisions but that is nevertheless of significant concern and may require a multi-agency response to risk assess and ensure their needs are addressed and appropriate supports are identified.

4.7 Definitions

- 4.7.1 The Act provides different thresholds of harm, dependent upon the type of behaviour exhibited. In order for the police powers under the Act to apply, where the **behaviour is violent or dangerous, this must result in serious physical harm** being caused or risked, and where it is **sexually violent or sexually coercive, then the harm can be physical, sexual or psychological in nature**.
- 4.7.2 **Harmful** behaviour causes **physical and/or psychological damage or injury** which results in suffering, and/or impairment to health and development. Harmful behaviour can be physical, psychological or sexual in nature.
- 4.7.3 The extent to which harm might be considered **serious** has been defined as harmful behaviour of a **violent or sexual nature** which is **life threatening and/or traumatic**, and from which **recovery**, whether **physical or psychological**, may reasonably be expected to be **difficult or impossible**.
- 4.7.4 It is a matter of **professional judgement**, based on the gathered evidence and context, as to whether the degree of harm is serious.

¹⁵ In relation to questioning by police, the change in the age of criminal responsibility places children aged 8 to 11 in the same position as children aged under 8.

- 4.7.5 **Violent or dangerous** behaviour must result in **serious physical harm**, whilst **sexual harm** can be **any** kind of harm, whether serious physical or otherwise (includes sexual and psychological harm). Therefore, in this document, where ‘**harm**’ or ‘**harmful behaviour**’ is referenced, it should be taken to mean ‘**serious physical harm or otherwise**’ within this context.
- 4.7.6 A single traumatic event may cause **serious harm**. Serious harm can also result from an accumulation of significant events, both acute and long-standing.
- 4.7.7 Where there is a non-recent report of serious harmful behaviour by a child aged under 12 (at the time of the behaviour), and the child is now aged 12 – 15 or 16/17 (if subject to a Compulsory Supervision Order), then the police powers of investigation under the Act can apply, but only if the behaviour occurred after the date of implementation of the Act (i.e., 17th December 2021). Refer to Appendix 1 – Definitions of a Child Under the Act.

4.8 Purpose of the ACRA Investigative Interview

- 4.8.1 An ACRA investigative interview must be **necessary** in order to properly investigate the child’s behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence).
- 4.8.2 The purpose of the ACRA investigative interview is to seek information from a child in relation to an incident which is the subject of a police investigation.
- 4.8.3 The Act defines an ‘Investigative interview’ as **a meeting or a series of meetings** planned by police in collaboration with the relevant local authority¹⁶ that is conducted:
- a) by a constable or an officer of a local authority or
 - b) jointly by a constable and an officer of the local authority¹⁷
- 4.8.4 Where an investigative interview is required, the Act sets out a prescriptive procedure for its conduct. It provides powers for the immediate response to and planned investigation of harmful behaviour (serious physical or otherwise) where it is believed that a child, whilst aged under 12;
- by behaving in a violent or dangerous way, has caused or risked causing *serious physical harm* to another person, or
 - by behaving in a *sexually violent or sexually coercive* way, has caused or risked causing *harm (whether physical or not)* to another person.
- 4.8.5 As well as meeting the **criteria**, additionally, consideration must be given to

¹⁶ “Relevant local authority in relation to a child” has the same meaning as in section 201, Children’s Hearing Act 2011 (i.e. the local authority in whose area the child predominantly resides or, if there is no such authority, the local authority with whose area the child has the closest connection).

¹⁷ s 39 (3)

- the **necessity** of an interview in relation to the police investigation;
- the **suitability** of conducting an interview with the child and,
- if this would be in the **child's best interests**

4.8.6 The primary purpose of the investigative interview is to **seek information from a child in relation to an incident which is the subject of a police investigation**. The interview must be necessary in order to properly investigate the child's behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence). The intention is to find out what has happened and identify needs in order to plan support.

4.8.7 Through this process, the wellbeing and welfare needs of the child will be identified, assessed and relevant supports identified and put in place.

4.8.8 In cases where there is a risk of loss of life and there is a need for *Urgent Questioning*, there will be limited or no opportunity for planning and the questioning will be undertaken solely by police. This will not take the form of an investigative interview¹⁸ but will be immediate action taken by police to elicit information from a child that is essential to the securing the safety of another person(s).¹⁹

Refer to Appendix 4 – Flowchart – Initial Response and Investigative Process.

5. **CIRCUMSTANCES WHERE AN ACRA INTER-AGENCY REFERRAL DISCUSSION (IRD) SHOULD BE CONVENED²⁰**

5.1 An ACRA IRD must be convened as soon as reasonably practicable where there are reasonable grounds to be believed that a child (whilst aged under 12) has caused or risked causing harm (serious physical or otherwise) to another person.

5.2 An ACRA IRD will coordinate decision-making and planning and will assess whether the provisions of the Act apply, if this has not already been established.

5.3 In practice, there is alignment with multi-agency IRD principles, approach and processes as outlined in the National Guidance for Child Protection in Scotland (2021), however there are some specific considerations and additional requirements for ACRA IRD.²¹

¹⁸ As defined in s 39(3)

¹⁹ See section 8 below

²⁰ See appendix 6

²¹ In some circumstances an ACRA and CP IRD can be held as one meeting if the relevant participants attend. ACRA and CP records must be maintained separately.

Refer to Appendix 5 – Flowchart - ACRA IRD and Investigative Interview Process.

- 5.4 The ACRA IRD is likely to be instigated by police and will be facilitated by the local designated IRD Detective Sergeant and a social worker (usually a Senior Social Worker/ Team Manager) in line with local processes. The Senior Investigating Officer (SIO) in the case is likely to also participate and an Interview Advisor may also be involved in the planning of an investigative interview.
- 5.5 Police have a duty to conduct a thorough investigation of the incident and must liaise with social work to undertake an assessment of risk, needs and protective measures that may be required for any child. Police will share information relating to the incident under investigation, including evidence gathered thus far (**where appropriate and proportionate**) and the facts that have been established.
- 5.6 The ACRA IRD will take cognisance of the ongoing police investigation into the incident, including ongoing police enquiries and how new information may influence decision making.
- 5.7 **During** the ACRA IRD, all available evidence (both inculpatory and exculpatory²²) should be shared (**where appropriate and proportionate**) and discussions should focus on whether the evidence is sufficient to establish the circumstances of the incident and who was responsible. Where these facts can be ascertained, then careful consideration must be given as to whether an interview is **necessary** for the investigation.
- 5.8 Due to the fluid nature of investigations, the initial ACRA IRD may not determine in the early stages that an ACRA investigative interview is necessary and may need to be reviewed as the police investigation progresses. It is likely that the Senior Investigating Officer will provide and input into or be present at the IRD. The assistance and input from a Police Interview Advisor may also be sought in the most serious cases.
- 5.9 The ACRA IRD should take place prior to any investigative procedures directly involving the child. This does not preclude the police from continuing with the investigation and securing evidence from other sources or the application of appropriately authorised ACRA urgent powers.
- 5.10 This exception applies where police need to question a child immediately where there is **a risk of loss of life**²³. Under these conditions a Sheriff's CIO must be applied for as soon as reasonably practicable, and an ACRA IRD should take place as soon as practicable thereafter. This could also

²² Inculpatory means evidence that shows or tends to show a person's involvement in an act, or evidence that can establish who was responsible. Exculpatory means evidence that exonerates or tends to exonerate a person who is believed to have been involved in an act.

²³ Refer to section 8 'Urgent questioning' requires authorisation from an officer of the rank of Superintendent or above and police must inform the Child Rights Interview Practitioner (ChIRP) about this authorisation as soon as reasonably practicable. The parent of the child must also be advised unless there is reasonable cause to suspect that this could exacerbate the risk of loss of life.

apply where forensic data and samples have been taken from the child under the authorisation of a Superintendent or above, in urgent cases.²⁴

- 5.11 At any stage during the ACRA IRD, where possible, the police should also relay any intentions to make an application for a Sheriff's Order for Search or Forensic Data and Samples and will provide the rationale for such an action. The legislation does not mandate for consultation with the local authority in respect of these particular Orders and there may be occasions when it has been necessary to apply for such an Order to secure evidence (forensic or otherwise) in advance of any ACRA IRD. Transparency across all actions is good practice and may result in the sharing of additional information that could influence subsequent decision making.
- 5.12 However, where a Sheriff's Order for Forensic Data and Samples is to be sought in respect of obtaining **intimate samples**, then an **ACRA IRD must take place**.
- 5.13 There may be occasions when emergency forensic samples need to be taken from the child. It is competent for police to act under these circumstances in the absence of an ACRA IRD having taken place. Police should always make every effort to seek the guidance of social work in relation to any actions taken directly involving the child and must always explain to the child what they are doing and why.
- 5.14 A collaborative approach is always good practice when seeking the agreement of the child and parent to conduct an investigative interview or if a CIO is sought. Police and social work must work together to plan for the investigative interview.
- 5.15 The exception to this might be where the decision at the ACRA IRD is that the investigative interview will be police only. Under these circumstances, planning may be undertaken by police, however best practice would always be joint planning for the investigative interview, regardless of whether or not it is single agency led.
- 5.16 The Act provides that **prior** to making an application for a Sheriff's CIO, police must consult with the local authority about the application and the provisional plan²⁵ and therefore an **ACRA IRD must take place** prior to making an application to a Sheriff for a CIO, unless it is impracticable to do so.
- 5.17 It is important that the child and family receive the right support during this process and the ongoing police investigation does not prevent social work from engaging with and supporting the family and undertaking any assessment as required. Prior to an investigative interview however any social work interaction with the child and family should not involve direct discussion about the incident that is subject of the police investigation.

²⁴ [Section 69 of the Act – Taking of Prints and Samples in urgent cases.](#)

²⁵ See proforma – appendix 7

- 5.18 Social work or other services may know the child and family and have existing relationships. This can provide helpful support and assistance with planning and engagement with the child and parent/ carer.

6. ACRA IRD PRINCIPLES, APPROACH AND PROCESS

- 6.1 The Act places specific responsibilities on the police and local authority in relation to a multi-agency approach to investigative interviews. This approach includes all stages in planning and action, including consideration of the need for an interview; and consideration of any interim safety planning needed to protect the child from significant harm.
- 6.2 Inter-agency referral discussions (IRDs) are established mechanisms that allow a multi-agency approach to all stages in planning and action, including consideration of the need for an interview; and consideration of any interim safety planning needed to protect the child from significant harm. Guidance on holding an IRD for ACR purposes is aligned with the principles and approach for child protection IRDs.
- 6.3 The ACRA IRD will decide whether the criteria for an ACRA investigative interview has been met, whether it is necessary and if it is in the best interests of the child. If an investigative interview is to be arranged the IRD will consider how this should be facilitated i.e., should agreement be sought from the child and parent or an application submitted to a Sheriff for a CIO.

Definition:

An **ACRA Inter-agency Referral Discussion (IRD)** is the beginning of the formal process of information sharing, risk and needs assessment, analysis and decision-making, following the reported concern about a child who;

- by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or
- by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person.

The principles and approach to the ACRA IRD are similar to those held under child protection procedures however, the purpose differs in that it will be held in response to concerns about serious harm by the child against another person and not harm caused to the child. An ACRA IRD should be considered at the **earliest opportunity**, however this does not diminish the need for police to seek early dialogue with social work.

An ACRA IRD may be a process rather than a single event.

This discussion may take place in person, or remotely, e.g., a virtual environment. Factors such as urgency, geography and local arrangements will determine how the ACRA IRD is facilitated.

Purpose:

An ACRA IRD is required to ensure a co-ordinated inter-agency response to concerning behaviour. The ACRA IRD will make decisions in relation to investigative interviews, the plan for an interview, if required, and whether agreement or CIO should be sought and consider relevant and necessary supports for the child and family, whilst ensuring the child's wellbeing and protection remain a primary consideration.

Instigation:

Police are likely to instigate an ACRA IRD, however other agencies can also make a request to convene an ACRA IRD where reports of serious harmful behaviour are made to other statutory agencies.

ACRA IRD Record:

A record of the ACRA IRD (refer to Appendix 6 – ACRA IRD Record) must be maintained, including the time and reason for convening the ACRA IRD, the information shared, actions taken and proposed actions (single or joint agency), discussions held, reasoned decisions (including consideration of options), any lack of consensus or dissent, and the manner in which lack of consensus has been escalated and resolved, (see section below). This record should be accurately maintained throughout the duration of the IRD and investigation.

The minutes from the ACRA IRD should be recorded in accordance with local established processes for IRDs. This is a multi-agency document and version control (in the absence of an e-IRD system) is imperative.

At all stages, agencies must follow their own service Guidance for the Recording and Retention of Information. The IRD discussion is recorded jointly and must be retained in the relevant files of participating agencies.

The needs and capacity of the child:

As far as can be ascertained from earliest inquiries, consideration is given not only to the child's age but to the child's development, including:

- linguistic abilities
- memory retrieval capacities
- suggestibility
- effects of stress and trauma

In all decisions and plans, the additional support needs for each child must be taken into account, including:

- health concerns
- emotional distress and wellbeing
- speech and language²⁶
- translation requirements
- risk of self-harm

²⁶ Local Health Board speech and language therapist services are available to provide guidance if required.

- risk of harm to others
- additional supports relating to disabilities and all protected characteristics
- racial and cultural context

Where a language interpreter is required, they should be someone who is independent of the child's family and community. The interpreter should also have an understanding of the child's cultural context as well as being able to speak the relevant language.

Core Professionals:

Practitioners in police, social work and health must participate in the IRD; and participation of other professionals, particularly those from education (including local authority education services, independent schools or Grant Aided Special Schools (GASS) or Early Learning and Child Care (ELC), should be considered based on their involvement with the child.

ACRA IRD participants should be sufficiently senior to assess and discuss available information and make decisions on behalf of their agencies. They will have access to agency guidance, training and supervision in relation to this role.

Police have lead responsibility for the investigation into the behaviour that has caused or may have risked causing serious harm to another person and can exercise other powers in the Act such as taking a child to a place of safety, search or the taking of forensic data and samples.

Social Work have lead responsibility for enquiries relating to children who are experiencing or are likely to experience significant harm and the assessment of the wellbeing needs and protection and any risk assessment in relation to a child. Consideration is also required of the protection and wellbeing of any other child who has been impacted by the circumstances being investigated.

A designated health professional can provide information that can inform the planning for the interview and any other health assessments and may follow up with any other relevant health needs.

Education is a critical source of contextual information about a child. They can provide relevant information about a child's needs and capacity. It is important to recognise existing relationships, for example, from school, as this can support the child and family as well as the investigation.

For the purposes of the ACRA IRD, relevant and proportionate information sharing between professionals relevant to the child is imperative. This includes the Named Person, Lead Professional or professionals in equivalent roles, and/or others who know the child well. This information will be useful for the planning of an interview.

Core agencies and relevant services consulted at the ACRA IRD stage will research the information systems available to them in order to share

necessary, proportionate and relevant information for the purpose of effective decision-making, risk assessment and planning to support the child.

The Children's Reporter will not be involved in any ACRA IRD. However, the police may contact the Children's Reporter²⁷ to discuss the case at any point in the investigation. This discussion may assist the police in determining whether there is a requirement for an investigative interview or use of any of the other police powers under the Act. Unlike the Procurator Fiscal, the Children's Reporter cannot direct the police investigation in any way.

The Child Interview Rights Practitioner (ChIRP) will not attend the IRD, however will attend relevant meetings and discussion in relation to the planning for an investigative interview and communication with the child and family/ carers (see ChIRP section below).

Timing:

Where there is reasonable belief a child has caused or has risked causing harm (serious physical or otherwise) to another person, then an ACRA IRD must be convened as soon as reasonably practicable.

The ACRA IRD process may begin **out-with core hours** in order to consider **protective measures** or **interim safety planning** for a child and/or any other person or where there is an **operational imperative** for Police to progress the investigation. For example, this might be where the incident takes place over the weekend and there are:

- **public safety considerations** due to the **seriousness** of the behaviour, **and**
- it is considered to be in the **best interests** of the child to proceed.

Whilst it might be **competent** to proceed in the **absence** of an ACRA IRD having taken place, this should be considered *exceptional* and good practice is always to seek to undertake an ACRA IRD prior to any investigative actions/use of police powers under the Act directly involving the child.

Any actions taken **must be necessary and justifiable**.

It is acknowledged that different IRD procedures exist across the country and whilst some areas may initiate an ACRA IRD out of hours, this might not be possible in others.

The expectation is, however, that where an ACRA IRD is deemed urgent and necessary, this will be facilitated wherever possible including out of hours and in exceptional circumstances.

At the commencement of the ACRA IRD, the police investigation is likely to be in the very early stages of evidence gathering and therefore it is possible that

²⁷ Children's Reporter will only be available during normal office hours. The child can only be referred to a Children's Hearing on non-offence grounds, in relation to which the standard of proof is the balance of probabilities and the civil rules of evidence apply. The principal ones being that no corroboration is required and hearsay evidence is admissible.

conclusive outcomes will not be reached at this stage. Information must be gathered and shared to support agreement about a co-ordinated response.

Specific circumstances:

Place of Safety²⁸

An ACRA IRD is likely to be held after place of safety (s.28) powers have been used by police as an emergency response to a concern about a child's harmful behaviour.

Where the child is to be taken to a place of safety, police will contact social work to establish the location of a suitable place where the child can be supported and cared for. This is an immediate and co-ordinated response between police and social work.

The Act requires that specific information is reported by police to Scottish Government in relation to the use of s.28 powers. A recording will be made on the ACRA IRD of the relevant details required for these purposes i.e., the nature of the location, the time spent in there.

Police must record the time the s.28 power has come into effect. When the child is in their care, social work must record the point where the power ends. This information must be shared at the ACRA IRD.

Urgent questioning²⁹

Where there has been urgent questioning of a child or the taking by police of forensic data and samples from a child under emergency authorisation, a retrospective ACRA IRD will be required. This should take place as soon as possible following the procedure.

Child protection

A primary consideration of the ACRA IRD will always be the protection and wellbeing of the child, notwithstanding the need to identify how best to support the police investigation. **Where immediate child protection considerations are identified, intervention must not be delayed.**

Where any child may have been abused or neglected and/or is suffering or is likely to suffer significant harm, a CP IRD must be convened as soon as reasonably practicable and child protection procedures followed. Co-ordinated information sharing and decision-making processes are critical to ensure investigative procedures safeguard and protect the child's wellbeing as a primary consideration.

An IRD may need to consider ACRA and CP issues taking into account to requirements for both processes.

²⁸ Refer to Place of Safety section 25 below

²⁹ Refer to Urgent Questioning section 7 below

It is important to note that, where a decision is made to have a Joint Investigative Interview (JII) in relation to child protection concerns about the child, this interview cannot focus or ask any questions about the behaviour that is being investigated under the Act. Any questions in relation to the behaviour must take place within the context and safeguards of an ACRA Investigative interview. See section 4: s39 – Limitations on Police Questioning of a Child.

When new information arises implying risk of significant harm, the child's safety and wellbeing will be the immediate and primary consideration. This includes consideration of the need for an interim safety plan.

Professionals need to address identified CP concerns and balance the need to investigate the behaviour under the Act. Pauses in or changes between processes need to be carefully considered including the impact of any such changes on a child and their ability to understand them.

If it is assessed that, for example, a CP investigation would not be prejudiced and that it was in the child's best interests to continue with the ACRA investigative interview, which can be safely concluded, then the ACRA interview might continue to its natural conclusion. However, if there is any doubt, the CP investigation will take precedence.

Each set of circumstances will need to be assessed on a case-by-case basis and will be subject to a number of variables.³⁰

Concerns in relation to other children may initiate CP procedures, including a CP IRD to ensure consideration of all children impacted by any serious harmful behaviour.

Child witness

There may be situations where a child, initially believed to have been responsible for an ACRA Incident, is subsequently established to be a **witness**. It would be appropriate to instigate CP procedures (if deemed necessary) and convene a CP IRD to discuss the best manner in which to capture the child's testimony that could then be used as Evidence in Chief in any criminal proceedings.³¹

Decisions and planning:

The ACRA IRD provides the foundations for the development of a strategic plan that will direct the next stage in joint or single agency decision making and planning.

Priority consideration will be given to (but is not limited to):

- the well-being needs and protection of the child – is there any concern about the immediate safety and wellbeing of the child (or any other child) and any action required?³²;
- background and information known about the child;

³⁰ Refer to Child Protection Concerns – during an ACRA investigative Interview - section 24 below

³¹ In line with the provisions under the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

³² Refer to National Guidance for Child Protection in Scotland 2020 for IRD considerations if there is a child protection concern

- any further information that might be required to inform decision making and who will be responsible for gathering this;
- whether the **criteria** for use of ACRA powers has been met;
- the **necessity** of an interview in relation to the police investigation;
- the **suitability** of conducting an interview with the child;
- if this would be in the **child's best interests**
- whether an investigative interview by agreement or by CIO will be sought;
- identifying a parent who can provide agreement³³;
- identifying interviewers from both agencies;
- planning for response and action should the child make a disclosure or there is a concern of a child protection nature during the interview;
- the safety and needs of the child/children involved – is a CP IRD required for any child?
- involvement of the Child Interview Rights Practitioner (ChIRP)³⁴;
- the role of a Supporter (where there is agreement to an investigative interview, the Supporter must be the parent who gave agreement). The identified interviewers must consider the 'appropriateness' of this parent and make any contingency plans as necessary³⁵;
- any other processes that other agencies might need to know about, in addition to joint evidence, for example, the requirement for forensic data and samples (intimate/non-intimate)³⁶;
- whether a single agency investigation and follow-up is preferred and if so, why?
- if no further investigation is required, what are the reasons for this?
- whether early referral to the Children's Reporter is required and who will make this referral?
- contingency plans where there is an appeal against a Sheriff's CIO or agreement is withdrawn.

All agencies involved must ensure that any decision taken to interview the child is *necessary and proportionate*.

The final decision as regards whether an investigative interview with the child will be sought will remain with police, however decisions must be justifiable, necessary and proportionate.

It may be decided that an investigative interview is to be sought in order to **properly investigate the child's behaviour and the circumstances surrounding it, including whether a person other than the child has committed an offence.**

Essential considerations:

³³ Based on the criteria set out in section 8 below

³⁴ Refer to section 15 on 'ChIRP' below

³⁵ Refer to section 14 on 'Supporter' below

³⁶ s58 – Taking of Prints and Samples from certain children and s60 – Key Definitions. Intimate samples may only be taken upon the granting of a Sheriff's Order for Forensic Data and Samples. In an emergency, non-intimate samples may be taken from the child, however, a retrospective application for a Sheriff's Forensics Order must be submitted as soon as reasonably practicable.

- immediate support needed for the child or family;
- how the rights of the child will be upheld at all stages in the process;
- if any action is necessary to mitigate any potential impact on the child in terms of membership of any protected groups, for example, nationality, ethnicity, communication needs, including identifying the child's first language, translation needs, disability, etc;
- what information will and will not be shared with the child and family, with the understanding that information is not to be shared, if that could jeopardise a police investigation or place any child or other person at risk of harm;
- how and by whom information about the investigation can best be shared with the child, taking into account their capacity, maturity and communication needs;
- how and by whom information can best be shared with parent/carer
- how and by whom will written information be provided to the child and parent / carer;
- how and by whom relevant information will be shared with the ChIRP;
- feelings and views of the child about the investigation as it directly relates to the child;
- appropriate liaison with ChIRP to plan the interview and uphold the child's rights;
- appropriate liaison with any lead professional and named person (or professional in equivalent role);
- how the ACRA IRD decisions will be reviewed if significant new information arises;
- whether the case involves a report to Crown Office in respect of a person above the age of criminal responsibility to ensure any matters that may be sub-judice are not impinged;
- practical arrangements for the interview such as transport, location etc and how this information will be shared with ChIRP, child, family, supporter etc.

Refer to Appendix 10 – Summary of decision making in relation to children under 12

Closure:

An ACRA IRD is closed when a reasoned and evidenced inter-agency decision has been made and recorded. The decisions can include one or more of the following:

- Joint police and social work ACRA investigative interview;
- Single agency police ACRA investigative interview;
- A decision on whether a Sheriff's Order for Search or Forensic Data and Samples should be made/is required retrospectively;
- Instigation of child protection procedures and processes;
- Social work or other service (e.g., universal services, third sector) intervention and support, in line with local GIRFEC processes;
- Referral to the Children's Reporter;

- Reasoned decision to take no further immediate action (however police may share information in line with the national concern hub processes).

The decision to close the ACRA IRD could happen at any time due to further information becoming available during the investigation.

The ACRA IRD record will be subject to updates as actions are progressed or new information becomes available. All relevant partners should review the ACRA IRD at regular intervals of not more than 7 days (although the frequency is likely to be set according to local agreement), until closure is agreed.

An ACRA IRD can be reconvened if new information arises which could lead to a reconsideration of the required inter-agency response.

Lead Professional:

A lead professional, who will be from social work, is required to ensure co-ordination of assessment and next steps within a developing but coherent single child's plan³⁷ to address the needs of the child. They will provide a point of contact for parent / carers and professionals who may need support and/or to be sufficiently informed and understand the process. They may also signpost to additional advice and support. The ACRA IRD record should identify this person before closure. The point of contact should be communicated to the ChIRP.

Lack of Consensus:

If any agency involved in the ACRA IRD disagrees with the decision of another agency and where a compromise cannot be reached, consultation with senior managers from core agencies should take place in order to reach a decision. The points of disagreement and resolution must be recorded on the ACRA IRD record. There should be no delays in protective measures being instigated as a result of the disagreement. In such cases, the matter should be escalated as a matter of urgency.

In cases of lack of consensus, the local designated IRD Detective Sergeant will escalate the matter to the Divisional PPU Detective Inspector or Detective Chief Inspector or if out of hours, the on-call Detective Inspector, for further discussion and decision. For social work, concerns must be escalated to a senior manager (following local processes) as soon as possible to avoid any delay in decision making and planning.

Police may decide to seek to undertake a single agency investigative interview as part of the police investigation and any such course of action must be well documented and justified.

Quality assurance and review of IRDs:

Local areas should ensure that quality assurance systems are in place to support consistent standards; recognition of patterns in practice or context of

³⁷ Getting it right for every child (GIRFEC): Child's plan - gov.scot (www.gov.scot)

concerns; and to support improvement and organisational learning across all agencies. Quality assurance would usually be achieved through regular reviews of IRDs by senior representatives of core agencies.

A local process for secure electronic sharing of the IRD record between core agencies promotes effective and consistent practice; and makes review, quality assurance and analysis of trends feasible. Local areas will have processes in place to undertake quality assurance and review of practice.

Reports to relevant local strategic partnerships should consider integration of reporting on ACRA decision making and practice, in order to inform improvement through training, management and strategic improvements to systems and practice.

Local data on ACRA processes should be gathered including the number of ACRA IRD's and number of Investigative Interviews. This will be reported to Local Child Protection Committees as part of the Minimum Dataset.³⁸

Debrief:

Consideration should also be given to holding a debrief session with all practitioners, at the conclusion of the ACRA investigative interview, to ascertain any learning from the process that can inform future training and improvements. The debrief will involve police, and social work and where appropriate the ChIRP.

Outcome:

The child and parent/ carer must be informed as soon as possible about any further action that may be taken after the investigative interview. The ChIRP should also receive relevant information at this time to ensure that the child's rights are upheld respected at all time.

The child and parent/carer should be given appropriate contact information for police and/or social work so they can ask questions or raise issues after the completion of the interview.

7. POLICE QUESTIONING OF A CHILD IN URGENT CASES³⁹

- 7.1 Where a constable has reasonable grounds to believe that a child under 12 years of age, by behaving in a violent or dangerous way, has caused or risked causing serious **physical** harm to another person **and** there is a risk of loss of life if the child is not questioned immediately, the child can be questioned about their behaviour and the circumstances surrounding it. **Sexual, emotional and psychological** harm are not included for the purposes of this section.

³⁸ [Minimum Dataset for Child Protection Committees \(celcis.org\)](http://Minimum Dataset for Child Protection Committees (celcis.org))

³⁹ s 54

- 7.2 This questioning must be authorised by the relevant senior officer (Superintendent⁴⁰ or above) who must be satisfied that:
- there are reasonable grounds to suspect that the child, while under 12 years of age by behaving in a violent or dangerous way, has caused or risked causing physical harm to another person;
 - questioning of the child is necessary to properly investigate the child's behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence), **and**
 - it is not practicable to apply for a Sheriff's CIO authorising an investigative interview of the child because there is a risk of loss of life if the child is not questioned immediately.
- 7.3 The relevant senior officer must consider the **nature and seriousness** of the child's behaviour and if questioning of the child is appropriate given the child's circumstances (including age and matters relating to the behaviour).
- 7.4 Police must explain to the child that they are to be questioned in these circumstances and that they have the right not to answer questions.
- 7.5 Where practicable, police must inform the child's parent that the child will be questioned in these urgent circumstances, except where it is reasonably believed that informing a parent would exacerbate the risk of loss of life.
- 7.6 Police are also responsible for contacting a ChIRP who will be advised of this authorisation.
- 7.7 An application for a Sheriff's CIO must be made as soon as practicable after the authorisation for emergency questioning is granted.
- 7.8 An ACRA IRD should take place as soon as possible thereafter.
- 8. INVESTIGATIVE INTERVIEW BY AGREEMENT⁴¹**
- 8.1 The purpose of an investigative interview is to seek information from a child in relation to an incident which is the subject of a police investigation.
- 8.2 It is preferable to hold an interview by agreement where possible. This is likely to reduce the time-lag between the incident taking place and the child being afforded the opportunity to speak about the circumstances surrounding it.
- 8.3 The following criteria must be met with, in order to seek an investigative interview with a child who it is believed that (whilst aged under 12);

⁴⁰ Unlike the authorisation needed to obtain physical data and samples urgently from the child, it is **not** a requirement under this section that the relevant senior officer granting authorisation has had no previous involvement in the case.

⁴¹ s 40

- by behaving in a **violent or dangerous** way, has caused or risked causing **serious physical harm** to another person, **or**
- by behaving in a **sexually violent or sexually coercive** way, has caused or risked causing **harm (whether physical or not)** to another person

and the constable must consider that an investigative interview of the child is necessary to properly investigate the child's behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence).

8.4 Consideration must be given to:

- the **necessity** of an interview in relation to the police investigation;
- the **suitability** of conducting an interview with the child and,
- if this would be in the **child's best interests**.

8.5 The **child and a parent** of the child must provide agreement to the investigative interview about the **behaviour to which the investigation relates**. It is the responsibility of police to seek agreement and provide the relevant written information to the child and parent. In practice this is likely to be supported by social work. Discussion should also take place with the ChIRP to coordinate communication and engagement with the child.

For the purposes of this section⁴² a parent of the child means a person who

- is aged **18 or over**,
- has **parental responsibilities** (within the meaning of the Children (Scotland) Act 1995) in relation to the child, **and**
- is **related** to the child or with whom the **child lives**.

A person who is 'related' to the child includes reference to a person who:

- is married to or in a civil partnership with a person who is related to the child, e.g., step-parent/partner of parent
- is a blood relative of the child, e.g., grandparents, aunts, uncle, siblings, cousins, etc. This does not include step-siblings unless related by blood to the child.

A person who meets these criteria can agree to an investigative interview.

It is essential that the ACRA IRD considers the application of the qualifying criteria and the legal status of the child and parent.

8.6 Prior to seeking agreement to conduct an interview, an ACRA IRD should have taken place where the following should be discussed and recorded;

- who is responsible for seeking agreement;
- who needs to agree;

⁴² s40 (7) and s40 (8)

- who can agree (both in terms of fitting the criteria of parent and ensuring capacity to agree);
 - any concerns about the suitability of the parent to provide agreement. If so, this would mean an order needs to be considered;
 - what information⁴³ needs to be provided to the child and parent to inform their decision to agree and in what format the information needs to be presented;
 - if there is any other information, in addition to that included on the *Child Information Leaflet – Interview by Agreement*⁴⁴ that is available and should be provided to inform the child and parent’s decision, and how will that be communicated;
 - the parent and child’s understanding of the information contained in the leaflet;
 - what additional support may be required to assist with their engagement and understanding;
 - what the *potential* outcomes from the interview are, for example, no further action required, referral to partner agencies, other supports/interventions;
 - who and how the agreement will be sought (most likely in person or by telephone);
 - how understanding will be verified;
 - how any potential scenarios will be responded to (for example, requests to consult someone, time to consider etc.);
 - contingency planning, should the child or parent withdraw their agreement.
- 8.7 When considering whether it is appropriate to seek parental agreement to an interview police and social work should review all available information, including that held by themselves and other agencies.
- 8.8 In some cases, there can be complex family situations and dynamics that will require careful consideration. This may be particularly important when a parent has retained parental rights and responsibilities but the child resides out-with their care and/ or where they have no active relationship or contact with the child. These issues should be discussed during the ACRA IRD process.⁴⁵
- 8.9 The parent who has given agreement must act as the Supporter⁴⁶ for the child during an interview by Agreement.
- 8.10 Where the child has been questioned under urgent circumstances⁴⁷, then an application for a Sheriff’s CIO must be made as soon as reasonably practicable, regardless of whether the child still requires to be interviewed. If the child does need to be interviewed, it is not permissible to conduct an investigative interview by Agreement under these circumstances.

⁴³ s41 of the Act covers what is required to be notified.

⁴⁴ See leaflet – appendix 2 Section 41 places the duty on a constable to provide a notice in writing explaining the information. Another professional communicating information to the child would be following authorisation of a constable.

⁴⁵ Consideration must be given to circumstances where those with parental rights may have different views on the agreement and the impact on the child of complex family relationships and dynamics.

⁴⁶ s 50(6)(a) – the child’s supporter must be the parent who has given agreement under section 40 1(c)(ii), to the interview being conducted. See Supporter section 14 below.

⁴⁷ s54 of the Act 2019 – Questioning of Child in Urgent circumstances – risk of loss of life

9. WITHDRAWAL OF AGREEMENT

- 9.1 An investigative interview authorised by agreement is no longer authorised if a child or parent withdraws their agreement. Both the child and parent must agree to the interview.
- The child and parent can choose to withdraw agreement at any time.
 - If the child and/or parent withdraws agreement and police still wish to interview the child, then they must apply for a Sheriff's CIO.
 - The agreement of the child or parent is treated as withdrawn if the child or parent fails to comply in a material respect with the interview plans drawn up.
 - Agreement is not to be treated as withdrawn if the child exercises their right to not say anything during the interview or refuses to answer any particular question(s).
- 9.2 In agreeing to the interview, the child and parent must be clear that they have the right to withdraw their agreement at any time and how they can exercise this right. They should also be provided with an explanation of how police and social work may proceed should agreement be withdrawn; this may include applying for a Sheriff's CIO.
- 9.3 A child can exercise their right to not answer questions (some or all) in the interview. This will not be taken as them withdrawing their agreement to the interview.
- 9.4 Where an interview is continued over multiple meetings, the child and parent should be reminded at each meeting, of their right to withdraw agreement should they wish to do so. Those conducting the interview should be satisfied during the interview that the child and parent remain agreeable to the interview continuing.
- 9.5 Where agreement to the interview is withdrawn by either the child or parent, the interview must stop.
- 9.6 This will be explained to the child and parent by the interviewers and they should be informed that further considerations will be made as to the need for the interview to continue on a future occasion and if so, how this can happen. A child or parent who withdraws their agreement to interview can subsequently agree to an interview continuing. This agreement must be freely made.
- 9.7 Where agreement is withdrawn, this should be fed back to the ACRA IRD and thereafter the ACRA IRD process should consider:
- the need to safeguard and promote the child's wellbeing;
 - the need to interview the child further (based on the criteria and justification for the need to interview the child at all and their best interests);
 - whether the person withdrawing agreement is likely to change their mind;

- whether an application for a Sheriff's CIO is necessary and justified.
- 9.8 The parent who has given agreement must act as the Supporter⁴⁸ for the child during an interview by agreement.
- 9.9 If those conducting the interview consider that the parent who has given agreement to the interview is not an appropriate person to act as Supporter⁴⁹, that parent's agreement is treated as withdrawn. Under such circumstances, although it would be permissible to seek the agreement of another parent, it may be more appropriate for an application for a Sheriff's CIO to be made, so that the interview may proceed at a later time.
- 9.10 The ACRA IRD should consider contingency plans for these circumstances, taking into account the potential impact on the child and the parent / carer and family.
- 9.11 Police have the power to apply for a Sheriff's CIO at any time during the investigation. This power is not solely dependent upon withdrawal of agreement.
- 10. INFORMATION TO BE PROVIDED - INVESTIGATIVE INTERVIEW BY AGREEMENT ⁵⁰**
- 10.1 Following agreement to an investigative interview, police⁵¹ must provide written information to the child and parent (who has given agreement) and ChIRP. This will be in the form of a standard *Child Information Leaflet – Interview by Agreement* (see Appendix 2 – *Child Information Leaflets*). It may be provided in hard copy, transmitted electronically or shared by any other competent means.
- 10.2 This leaflet should be explained to the child in clear and simple terms, in a manner which is age appropriate and takes account of the child's level of understanding and communication needs. This will advise them of their rights and what will happen next as a result of their agreement, including the right to change their mind and withdraw agreement. The police have a responsibility to ensure this information is given to and explained to the child, however in practice, social work may be best placed to support this conversation. **This will be considered at the ACRA IRD on a case-by-case basis.**
- 10.3 Where there is any doubt as to understanding of that agreement, further consideration should be given to providing additional information and assistance, or whether authorisation needs to be sought by way of a Sheriff's CIO.

⁴⁸ s50(6)(a) – the child's supporter must be the parent who has given agreement under s40 1(c)(ii), to the interview being conducted.

⁴⁹ Refer to section on 'Supporter' below

⁵⁰ s 41

⁵¹ S41(1)

- 10.4 This information should be given to the child as soon as possible, prior to the start of the interview. Any delays experienced in delivering this notice should be fully documented within the associated police investigations Policy Log and ACRA IRD record. It might be preferable for the identified police and social work interviewers to deliver this leaflet, to allow initial engagement and rapport building. Both will be able to support the child's understanding of the information provided, which **must** be explained in a manner that is **appropriate** to the child's **age** and **maturity**.
- 10.5 Where it is an interview by Agreement, then the parent who has given agreement must also be provided with a copy of this additional information.
- 11. INVESTIGATIVE INTERVIEW BY CHILD INTERVIEW ORDER (Sheriff's CIO)⁵²**
- 11.1 A Sheriff's CIO authorises an investigative interview of the child to whose behaviour the application relates. The following criteria must be met with, in order to seek to make an application for a Sheriff's CIO in relation to a child who it is believed that (whilst aged under 12);
- by behaving in a violent or dangerous way, has caused or risked causing *serious physical harm* to another person, or
 - by behaving in a sexually violent or sexually coercive way, has caused or risked causing *harm (whether physical or not)* to another person.
- 11.2 Consideration must be given to:
- the necessity of an interview in relation to the police investigation;
 - the suitability of conducting an interview with the child and, if this would be in the child's best interests;
 - and to the primary purpose of the interview, which is:
 - to seek information from a child in relation to an incident which is the subject of a police investigation.
- 11.3 When considering the use of an investigative interview under a Sheriff's CIO, wherever possible an ACRA IRD must take place in advance.
- 11.4 In the first instance an interview by agreement should be considered, however there may be circumstances where a Sheriff's CIO is required.
- 11.5 In any consideration of the need for a Sheriff's CIO and in making the application, there are specific responsibilities on the police to apply for an order and where practicable, to consult with social work, so that a multi-agency approach is taken.

⁵² s 42

- 11.6 A Sheriff's CIO may be applied for where a decision has been made that an interview is required and the circumstances meet the threshold for harmful behaviour, **and**
- agreement is not provided; **or**
 - agreement provided is subsequently withdrawn; **or**
 - where a child has been questioned under urgent circumstances and an order is required; **or**
 - where in the particular circumstances, a decision has been made that an investigative interview is required, however there is no option to seek this by agreement, for example, where there is no parent, (as defined in section 9.3) to provide agreement ⁵³(for example where the local authority has parental responsibilities).
- 11.7 The police have the power to apply for a Sheriff's CIO at any time during the investigation. This power is not dependent on withdrawal of an agreement.
- 11.8 At the ACRA IRD, police and social work will identify what measures are required in advance of making the application. Police will also identify if there is a need to ask for directions to be included in the Order and specify this in their application.⁵⁴
- 11.9 In any directions requested, due regard must be given to the need to safeguard and promote the child's wellbeing.
- 11.10 Where it is not reasonably practical for police to consult with social work prior to submitting an application for a Sheriff's CIO, this should be discussed at a retrospective ACRA IRD and the reasons recorded in the ACRA IRD record.
- 11.11 The **Provisional Plan**⁵⁵ (refer to Appendix 7 – Provisional Plan) for the interview, that must accompany the application for the Sheriff's CIO, should be completed with the assistance of the specified police and social work interviewers (identified during the ACRA IRD). This will inform the **Plan for the interview** (that will be drafted at a later stage, if the Sheriff's CIO is authorised – refer to Appendix 8). The Provisional Plan may include the following details, as discussed at the ACRA IRD (where appropriate)
- Date, venue, interviewers, any other persons who will be present (where known).
 - Contingency plans (where known).
 - How the welfare and wellbeing needs of the child will be met during the interview (taking into account age, maturity, additional support needs and vulnerabilities).

⁵³ Social work should consider the legal status of the child and legal advice may be sought in some cases to ensure that the person giving agreement has parental responsibilities as defined in s40

⁵⁴ s 44

⁵⁵ See appendix 5 - Provisional Plan template

- 11.12 An Order specifies the period of time within which the interview can be conducted, up to a maximum of 7 days. The time for any period given begins on the day after the Order is made, or a later date if specified in the Order, albeit the Order will be live immediately. Provisional planning should reflect this restrictive framework.
- 11.13 It is the responsibility of the police to notify social work, as soon as reasonably practicable, upon receipt of notification that an Order has been granted or of an intention to appeal against any decision on an Order. The police and local authority have a duty to comply with any directions in an Order.
- 11.14 Once an Order has been granted, the child and parent must be provided with a copy of the Order as soon as reasonably practicable and have the Order explained to them, ensuring that the child's explanation is appropriate to their age and maturity⁵⁶ (see Appendix 3 – Who must receive a copy of the Sheriff's CIO?). The Order will be accompanied by a *Child Information Leaflet* – Sheriff's CIO and any Court produced document that explains the terms of the Sheriff's CIO and information on the right of appeal.
- 11.15 Whilst the Act states a constable **must**, as soon as **reasonably practicable** after the Order is made, **provide a copy** of the **Order** to the relevant people i.e., the child, parent (wherever practicable), Supporter (if not the parent) and the ChIRP) in most cases this should be done in collaboration with Social Work.
- 11.16 It is preferable that the nominated **Police and Social Work interviewers** deliver the Sheriff's CIO to the child and parent, to allow that initial engagement and rapport building process to commence. Both will also be able to support the child's understanding of the information provided, which **must** be explained to the **child** in a manner that is **appropriate** to their **age** and **maturity**.

12. APPLICATION FOR CHILD INTERVIEW ORDER⁵⁷ - CONSIDERATIONS

- 12.1 The purpose of an investigative interview is to seek information from a child in relation to an incident which is the subject of a police investigation.
- 12.2 The Sheriff may grant a CIO if satisfied that the criteria have been met⁵⁸ and in making this decision, has considered:
- the **nature and seriousness** of the child's behaviour **and**

⁵⁶ This is to ensure understanding of the information and their rights in relation to the order, in particular their right to seek the court's permission to appeal.

⁵⁷ s43 - CIO application process by police

⁵⁸ There are reasonable grounds to believe that the child, while under 12 years of age by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether serious physical or otherwise) to another person and that an investigative interview of the child is necessary to properly investigate the child's behaviour and the circumstances surrounding it, including whether another person has committed an offence.

- **whether an investigative interview** of the child **is appropriate** given the child's circumstances – this includes the child's age and any matter related to the child's behaviour.
- 12.3 Before making a decision, the Sheriff will consider whether representation should be heard from:
- the applicant,
 - the child in respect of whom the application is made,
 - a parent of the child,
 - any other person the Sheriff considers to have an interest in the application.
- 12.4 An application for a Sheriff's CIO can also include:
- a requirement to ensure the child's attendance at the investigative interview,
 - authorisation to transport the child to and from the interview,
 - authorisation for other relevant actions in relation to the interview including any requirements needed to safeguard and promote the wellbeing of the child
 - directions about how the investigative interview should be conducted and specify other actions authorised by the Order.
- 12.5 The Sheriff will make a decision on the application for a CIO and provide intimation to police.
- 12.6 As soon as reasonably practicable after the Sheriff's CIO is granted and intimation is made to police, the child and the parent must be provided with a copy of the Order.
- 12.7 The Sheriff's CIO ceases to be valid after 7 days or such shorter period as specified in the Order (beginning the day after the Order is granted) or on a later date specified in the order.
- 12.8 In addition, the child's Supporter and ChIRP must be provided with a copy of the Order as soon as reasonably practicable.

13. APPEAL AGAINST GRANT OF CHILD INTERVIEW ORDER (CIO)

- 13.1 Permission to appeal must be made to the Sheriff Appeal Court.⁵⁹ This application must be lodged by a constable or by or on behalf of the child to whom the decision relates. Lodging of the application seeking **permission to appeal** must be applied for;
- by the child or their representative within **3 working days**, commencing on the **day after the child** is provided with a copy of the Order **or**;
 - by the Police, within **3 working days**, commencing on the **day after the day** that the decision to refuse the Order is made **and**;

⁵⁹ s110 of the Courts Reform (Scotland) Act 2014

- where, upon receipt of an application, **permission** to appeal is granted, the appeal **must** be lodged **before the end of 3 working days** beginning on **the day** permission is given.
- 13.2 Where an application for a Sheriff's CIO is refused, wherever possible, police and social work will discuss any intention to or requirement for an appeal.
 - 13.3 The **lodging** of an appeal at court **suspends** the effect of any CIO originally made by the Sheriff.
 - 13.4 A child who wishes to appeal an Order is entitled to legal representation and children's legal aid to help them to do this. The child can instruct a solicitor if they wish to do so. Where the child has a ChIRP, this person **may** be able to advise and represent the child as a solicitor in relation to an appeal or this may be another solicitor.
 - 13.5 Where a Sheriff's CIO is granted, it can be affected without delay and planning and arrangements for the investigative interview can be progressed. The ACRA IRD should consider the possibility of an appeal and take this into consideration when planning the interview, and ensure this is part of the contingency plans.
 - 13.6 Careful consideration will be need to be given to any intention to undertake an investigative interview during the period in which a child could lodge an appeal. This should be considered in line with any specific direction in the Sheriff's CIO that must be complied with, for example, the date and time for the investigative interview to take place.
 - 13.7 If the Order is upheld or varied following the appeal, a new period within which the Order has effect may be specified by the Sheriff Appeal Court.⁶⁰
 - 13.8 Where an appeal is not lodged at the court by the child or their representative prior to the interview taking place, it remains competent to act in accordance with any instructions on the Sheriff's CIO.
 - 13.9 It is important that where the child/family intimate an intention to lodge an appeal, that this is discussed as part of the planning process and the ChIRP is kept fully informed.
 - 13.10 If the child or someone acting on their behalf takes an appeal to the Sheriff Appeal Court and the Sheriff grants permission to appeal, then the appeal may be lodged. **Once lodged, no questioning of the child can take place in relation to the incident however interview planning may continue.**

⁶⁰ s46 allows the Sheriff Appeal Court, in a case where the interview authorised by the original order has not been completed at the time where that order is upheld or varied, to specify a new period within which the child interview order is to have effect.

- 13.11 Where an appeal is successful and an investigative interview has taken place, all recorded information may need to be destroyed in line with agency guidance. The Sheriff might provide direction in this regard. There might be other legitimate reasons for retaining material, (for example, if a formal complaint is made against police or social work or child protection concerns have been identified that will require further agency action).

14. ROLE OF THE CHILD SUPPORTER⁶¹

- 14.1 During an investigative interview the child has the right to have a Supporter present in the room in which the interview is being conducted⁶².
- 14.2 The child has the right to have their Supporter and/or the ChIRP present in the room when an interview is being conducted. The investigative interview may only proceed if both are within the building where the interview is taking place and at least one of those persons is in the interview room with the child.
- 14.3 The Supporter should not be denied access to the child during the interview unless the police officer and social worker⁶³ agree that the Supporter's absence from the room in which the interview is being conducted is necessary, for example, to safeguard or promote the child's wellbeing. The Supporter can remain in the building where the interview is taking place.

14.4 Who can be a Supporter?

14.4.1 Interview by Agreement

- The Act states that where the investigative interview is by agreement, the child's Supporter must be the parent who gave the agreement.
- Where, prior to the interview by agreement commencing, those conducting the interview do not consider the child's Supporter i.e., the parent to be appropriate, then any agreement to an investigative interview that was given by this parent is considered to be withdrawn.

Note: Where the child chooses not to have their Supporter in the interview room, then so long as the Supporter is in the building and easily accessible to the child, an alternative suitable person, may be present in the interview room. In making this decision, the views of the child, so far as is possible, should be considered, taking account of the child's age and maturity and having regard to these views

However, if the child does not wish for the Supporter (parent or any other person providing support) to be in the interview room, then it would be

⁶¹ s50

⁶² "Supporter" has the meaning given by section 50(2) of the Act

⁶³ Under these circumstances, where both interviewers determine that the supporter should be removed from the room, a 'relevant constable', meaning an officer of Sergeant or above, who has not had any involvement in the investigation or the planning and conduct of the interview, should be consulted, along with an officer of the relevant local authority (no restrictions as to who this can be) to make that decision.

competent to have only the ChIRP in the room. The Supporter must remain in the building.

14.4.2 Interview by Sheriff's CIO

- Where the investigative interview is authorised by a Sheriff's CIO, the Supporter must be aged over 18 and could be the child's parent, but need not be.
- This means that any person can be considered by the child to be a Supporter, for example, another relative, a family friend, or a support or advocacy worker. It is important to consider the involvement of someone who may have an existing, trusting relationship with the child.
- The child's Supporter must be considered **appropriate** and in making this decision, the views of the child, so far as is possible, should be considered, taking account of the child's age and maturity and having regard to these views. This decision will be made during the ACRA IRD.

14.5 The Act does not define 'appropriateness' however the following factors should be considered during the ACRA IRD, when determining who should act as the child's Supporter:

- the suitability of the parent(s) must be considered in the early stages of discussions;
- the views of the child;
- is the identified Supporter involved or suspected to be involved in the incident under investigation?
- does the Supporter have any clear prejudices towards the child or case outcome, e.g., is a sibling/other relative or friend involved?
- does the Supporter have any vulnerabilities that may diminish their ability to act in this capacity?
- are Social Work aware of any factors that might impinge on their ability to perform this role?
- as far as can be ascertained, does the parent have a good relationship with the child?

15. **ROLE OF THE CHILD INTERVIEW RIGHTS PRACTITIONER (ChIRP)⁶⁴**

15.1 The child has the right to receive advice, support and assistance from a Child Interview Rights Practitioner (ChIRP).

15.2 The role of the ChIRP is outlined in the Scottish Government ChIRP Policy Paper and Code of Practice.⁶⁵ The ChIRP will be a legally qualified professional who is registered to undertake the role.

15.3 Police will alert Scottish Government (as outlined in ChIRP process) of the possible need to arrange a ChIRP as soon as practicable, when the IRD

⁶⁴ s 51

⁶⁵ Age of Criminal Responsibility (Scotland) Act 2019: child interview rights practitioners – code of practice - gov.scot (www.gov.scot)

has made a decision that an investigative interview is necessary (by agreement or CIO).

- 15.4 There may be occasions when they need to be contacted before an IRD has taken place so plans can progress timeously, if required.
- 15.5 Police and social work will arrange to consult with the ChIRP in relation to the planning for the interview. A summary of the discussion must be recorded on the ACRA IRD record.
- 15.6 As part of the planning for the interview, police, social work and ChIRP will discuss the best approach to communicate with the child and parent/ carer; this may include who is best placed to seek agreement from the child and parent and provide support. This plan must take into account the statutory responsibilities of police.
- 15.7 The child has the right to a private consultation with the ChIRP before, or at any time during the interview and the ChIRP must not be denied access to the child at any time during the interview.
- 15.8 As part of the planning and preparation for the interview, the interviewers will explain any potential deviation from the plan (for example, where a child makes a disclosure and child protection becomes the immediate priority⁶⁶). The ChIRP (and the Supporter) must be aware of any changes to the process that may be required in these circumstances. These contingencies will be discussed at the ACRA IRD.
- 15.9 The child has the right to have the ChIRP and/or their Supporter present in the room when the interview(s) is being conducted. The investigative interview may only proceed if **both are within the building** where the interview is taking place and **at least one** of those persons **is in the interview room** with the child.
- 15.10 The ChIRP can advise the child of their right of complaint to either police or social work should they be unsatisfied with the conduct of an interview.

In summary, the ChIRP's role is to:

- make recommendations to the child about their rights in relation to the interview;
- ensure the child is aware of the right to refuse to answer questions;
- be present in the building/or the room where the interview is being conducted;
- communicate the child's views;
- support the child in communicating with the person conducting the interview;

⁶⁶ In some circumstances this will involve an interviewer or ChIRP asking for a pause or break during the Investigative interview and a decision can be made on next steps, while ensuring the ChIRP and Supporter are aware of and understand these changes in order to fully support the child.

- support the child to understand what may happen as a result of the interview;
- question whether the interview is being conducted in accordance with the terms of any Sheriff's CIO;
- ensure the interview is being conducted fairly and in a way that treats the need to safeguard and promote the wellbeing of the child as a primary consideration.

16. THE RIGHTS OF THE CHILD

The Child's Rights

Whether an investigative interview is by Agreement or Sheriff's CIO, the child has the right:

- to receive relevant information which must be age appropriate and accessible and take account of any developmental factors and communication needs;
- to have the ChIRP and/ or Supporter present in the room when the interview is being conducted;
- to have their views considered when identifying a Supporter where there is a Sheriff's CIO;
- to receive advice, support and assistance from a ChIRP before and during the interview;
- to a private consultation with the ChIRP before, or at any time during, the interview. The ChIRP must not be denied access to the child at any time during the interview; and
- not to make any comment or answer any questions during the interview.

Prior to the start of an investigative interview, the interviewers must ensure that the child is provided with information that contains details of:

- the behaviour to which the interview relates;
- the purpose of the interview;
- their rights in relation to the interview - including their right not to answer questions, and
- what *may* happen as a result of the interview.⁶⁷

Where the child and parent agree to the investigative interview, they must be provided with a notice in writing (Child Information Leaflet – *Interview by Agreement*) that explains what their agreement means and how to withdraw their agreement at any stage.

⁶⁷ This may be general information such as the need to ensure that decisions are made with regard to their wellbeing and welfare as a primary consideration and to whom information may be shared. Specific outcomes may not be known at this stage so it is important to offer support and reassurance, as far as possible, to the child.

The child must also be advised of their right to appeal a decision by the Sheriff to grant a CIO. This information will be provided along with the copy of the Sheriff's CIO and the relevant Child Information Leaflet.

Social work and Police will work together to ensure that the child and parent/carers are informed and supported.

17. APPROACH AND PRINCIPLES OF THE ACRA INVESTIGATIVE INTERVIEW

- 17.1 Taking a child-centred approach to planning and conducting interviews is vital in securing best information and providing the necessary support for the child before, during and after the interview.
- 17.2 Police and social work will collaborate in the planning of the interview taking into account information from other services gathered at the ACRA IRD.
- 17.3 A pre-interview briefing and planning meeting must be held prior to any ACRA investigative interview taking place, involving the police officer and social worker undertaking the interview. This should ideally be conducted by one of those who attended the ACRA IRD. A police Senior Investigating Officer and Interview Advisor might also be present. This will be recorded on the ACRA Investigative Interview VRI Briefing, Debriefing and Process Record – refer to Appendix 9.
- 17.4 The approach to investigative interviewing of children under this Act will be trauma-informed and achieve the intended outcome through robust planning and interview techniques. The approach being adopted for ACRA Investigative Interviews is based upon recognised training for Joint Investigative Interviewing (JII) and comprises component parts: strategy, planning, actions and outcomes, underpinned by on-going support and evaluation.
- 17.5 ACRA investigative interviews differ from JII's in their purpose and in the considerations required by the Act.

Strategy

The planning of the interview includes a strategy to identify the aims and objectives of the investigative interview and coordinate all stages of the process. The strategy developed during the ACRA IRD informs planning for the investigative interview. Interviewers will be alert to the child's needs and will indicate if the planning needs to be adapted, in light of any new information.

The strategy must also consider the role of the ChIRP and the Supporter and the specific duties under the Act (for example if an interview is being conducted under an agreement or if a Sheriff's CIO will be sought).

Planning

The assigned Police and Social Work interviewers will draft a plan for the interview that will include details about the child's needs, such as their:

- strengths and resources;
- any complex needs;
- speech and language or communication needs
- cognitive factors;
- experiences of trauma and adversity;
- context and motivation;
- relationships.

To address this complexity, effective interview planning is essential, and will consider practicalities such as location, transport, timing, breaks and communication between interviewers during the investigative interview. The plan should be dynamic so interviewers can respond to any answers given by the child as well as to the needs of the child as they become apparent during the interview.

The interviewers should involve the ChIRP in this planning stage and should consider the communication required with the child's Supporter, to ensure that the interview is well coordinated and roles and responsibilities are clear. Any contingencies should be discussed, such as where child protection concerns might arise.

Action

The investigative interview will be undertaken using an agreed approach between police and social work, based on robust planning.

It is important that all decisions are informed by the need to reduce anxiety to the child and minimise any risk of traumatisation.

Purpose

The aim of the interview is to seek information from the child in relation to an incident which is the subject of a police investigation, while ensuring a trauma informed approach and focus on the wellbeing of the child.

The interview may also identify any wellbeing or welfare concerns in relation to the child. This will inform next steps in planning to support the child and family, including risk management and appropriate and proportionate interventions where needed.⁶⁸

Support and Evaluation

Interviewers require support to effectively undertake their role. This can be achieved by ensuring that there is quality assurance and practice evaluation carried out to assess competency. Similar to those quality assurance arrangements currently in place for JII's, it is expected that local processes will be in place for quality assurance and governance in relation to the application of this approach and that multiagency evaluation arrangements will be established, to support continuous improvement of local arrangements and practice.

⁶⁸ See Support and Intervention section below

This can involve a debriefing of all professionals (including the ChIRP) to provide support and identifying learning and development.

17.6 General Principles for the Investigative Interview

17.6.1 General principles that underpin the conduct of investigative activities are summarised below:

- **Rights:** The child's feelings and views are sought and their rights are respected and protected at every stage.
- **Safety:** The investigations process is carefully considered and sufficiently robust to establish the circumstances of serious harmful behaviour, whilst ensuring the safety of all those involved.
- **Wellbeing:** The wellbeing of the child is the lens through which all decisions and actions in respect of that child, are taken.
- **Preparation:** Processes include early discussion between the lead agencies and co-ordination and partnership with those responsible for the child's care.
- **Understanding:** Each stage and any change or decision is explained in a way that makes sense to each child and those responsible for their safe care, taking into account culture, capacity, age and stage.
- **Support:** Support will be provided for children and families involved in these processes.
- **Skill:** Professionals involved have received the required training and are supervised accordingly, to ensure a co-ordinated and child-centred process.
- **Pace:** The pace of exploration should be set by the child and the interviewer will remain attuned to the impact of trauma upon the needs and feelings of each child.
- **Place:** Investigative processes are conducted in an environment which is child-friendly and accessible to all those attending
- **Improvement:** Processes will be evaluated and improved to ensure adherence to standards

18. TRAINING

18.1 Investigative Interviewers (police and social workers) will be trained to develop the specific understanding, knowledge and specialised skills required for the effective interviewing of children under the Act. Interviewers will be JII trained and will receive additional investigative interview training on the relevant duties, roles and responsibilities under the Act and relevant trauma informed principles and approaches to interviews in such situations.⁶⁹

⁶⁹ This will be single agency training (as an interim measure) and JII trained police officers will have undertaken the ACRA Investigative interview training course.

JII trained police officers will have received Trauma Enhanced practice level 3 and additional child development training, in addition to a training package that explains their role in relation to the investigative interview of the child and the practical exercises in the application of legislative requirements for the preparation and planning of an interview. Training requirements for social workers will be determined by the relevant local authority.

- 18.2 Interviews are likely to be recorded by means of a Visually Recorded Interview (VRI)⁷⁰. All trained officers and staff will be trained and competent in the use of this equipment.
- 18.3 IRD participants will also receive training in relation to ACRA IRD processes and practice.

19. ROLE OF THE INTERVIEWERS

- 19.1 ACRA Investigative Interviews are planned for and undertaken by two interviewers, one police officer and one social worker, identified during the ACRA IRD.
- 19.2 The lead interviewer may be from either police or social work and roles will be agreed at the planning stage after consideration of all relevant factors. Whilst ACRA Investigative Interviews are part of a police investigation, they can be led by either agency, however interviewers will be adaptable and flexible during the interview and hence the skillset of each profession will be recognised, when assigning roles.
- 19.3 The lead interviewer has primary responsibility for asking questions and information gathering. The second will take written notes of the salient points to ensure that all relevant matters are addressed and assist in identifying and reviewing pertinent information about anything the child may disclose. This will inform the decision-making that influences the developing joint strategy and future support for the child.
- 19.4 Where both interviewers are in the room with the child, it may become apparent that the child displays a preference towards the second interviewer. In such cases, the second interviewer should lead the interview.
- 19.5 During any scheduled breaks, the second interviewer should share their observations about the conduct of the interview and inform subsequent questioning. This provides an opportunity for both interviewers to review and reflect on their notes and lines of enquiry.
- 19.6 It is recognised that there are challenges with these interviews as there will potentially be four adults in the interview room, along with the child. The planning and consultation with the ChIRP and any subsequent discussions with the Supporter will inform a cohesive approach that should be adopted by all involved and that the process remains child focused and respectful of the child's rights.
- 19.7 It is essential that the child is assisted to understand the roles and responsibilities of those involved.

⁷⁰ See section 22 below

20. PLAN FOR THE ACRA INVESTIGATIVE INTERVIEW

- 20.1 The Plan for the Interview (Appendix 8) will be developed by the identified interviewers and informed by the outcomes of the ACRA IRD, bearing in mind that the purpose is to seek information from a child in relation to an incident which is the subject of a Police investigation. The Plan must be completed as fully as possible with **all sections** given full consideration (where any sections are not relevant/ appropriate, this **must** be clearly stated). Where a Senior Investigating Officer or Interview Advisor have been appointed to the investigation, they are also likely to be involved in the planning for the interview.
- 20.2 This is in **3 parts; A, B and C**. Part A is participant details, Part B, logistics and the purpose of the interview and part C, considerations in relation to the child's wellbeing and additional needs. The child, parent and ChIRP will be given **Parts A and B. Part C** can be shared with the ChIRP in **hard copy or via a secure email address**. This section is the Plan for the Child's Needs which is based on relevant information gathered by police and social work.
- 20.3 The Police and Social Work interviewers will be fully briefed by the relevant Detective Sergeant, Senior Social Worker and SIO prior to drafting the Plan. Consideration should also be given to support from an Interview Advisor (IA)⁷¹ (as deemed necessary).
- 20.4 It is important to remember that the child and their family may already have involvement with other services or agencies (for example, Education, Speech, Language and Communications Needs) and so they may also be consulted during this planning process.
- 20.5 Additionally, the ChIRP assigned to provide advice, support and assistance to the child during the interview should be invited to contribute to the Plan for the Interview unless there are specific reasons to the contrary.
- 20.6 Police are the statutory authority for investigations and therefore have overall responsibility for the content of the Plan.
- 20.7 Where possible and deemed relevant, the plan(s) will specify:
- the specific needs of the child;
 - how the child's rights will be adhered to;
 - the support and assistance required by the child during the ACRA Investigative Interview;
 - any adaptations or special requirements needed for the child;
 - the purpose of the interview and details of the seriously harmful behaviour;
 - the evidential basis upon which the child has been identified as being responsible for the seriously harmful behaviour
 - the role of the interviewers (lead role/ contingency plan);

⁷¹ Refer to the [Crime Investigation National Guidance \(hyperlink\)](#)

- the role of the ChIRP and Supporter;
 - the persons by whom the child may be questioned at each meeting
 - the anticipated period over which the ACRA Investigative Interview will be conducted;
 - the anticipated number of meetings which may take place as part of the interview;⁷²
 - the date of each meeting;
 - the location at which each meeting will take place;
 - any other relevant information (e.g., transport of the child to and from the interview authorised in a Sheriff's CIO or in connection with an interview by agreement);
 - what may happen as a result of the ACRA Investigative Interview⁷³ (ensure consistency with the information provided by the ChIRP to the child and parent); and
 - contingencies, should any child protection concerns emerge.
- 20.8 Where the interview is to be conducted under a Sheriff's CIO, the Plan for the Interview must comply with any directions authorised by a Sheriff in the Order.
- 20.9 Information in relation to the plans must be accurately recorded and must be held in an auditable format.⁷⁴
- 20.10 The Plan for the Interview will be a standard electronic template⁷⁵ and will be shared with core agencies either electronically (in accordance with Data Protection) or by hard copy to be retained in their records.
- 20.11 As soon as reasonably practicable after the plan(s) are drawn up, the plan must be shared with the child, parent and the ChIRP⁷⁶. The interview planning discussions will include planning on the best approach to this and who should be involved, and this **must** involve an explanation to the child in a manner and approach that they understand and takes account of their age, stage of development and communication needs.
- 20.12 The Plan should be shared with the ChIRP in reasonable timescales to allow the ChIRP to properly discuss this with the child in advance of the interview. Except where unavoidable, the Plan should not be shared on the same day as the interview.
- 20.13 Who receives a copy of the Plan for the interview?

⁷² The number of meetings is to be taken as the number of occasions when it is anticipated that all relevant participants will be present for an investigative interview. Due to the naturally fluid nature of any police investigation, it is impossible to determine all of the requirements with precision.

⁷³ For example, referral to SCRA, no further action, further enquiries to be made, referral to other agencies (social work, Third sector agencies etc), however this may not be possible to ascertain at this stage.

⁷⁴ Any notes associated with discussions around formulation of the plan(s) should be filed and retained according to agencies' policies and in compliance with the Data Protection Act 2018.

⁷⁵ Held by police - see appendix 6

⁷⁶ The plan contains a section for sharing with the child and parent

Sections of Plan to be provided	Parts A & B			Parts A, B & C
Type of Investigative Interview	Child	Parent	Supporter	ChIRP
By Agreement	X	X		X
Under a Sheriff's CIO	X	X (if practicable)	X	X

20.14 Any delays to this process or decision not to share, must be fully recorded and explained in the ACRA IRD record and on the Police Policy Log.

20.15 The ACRA Investigative Interview may not take place without the child being given a copy of the Plan in advance, and the interview should proceed in accordance with the plan. Interviewers should ensure that the child and parent are fully aware of the ensuing process and that there is a common understanding of the roles of all present.

20.16 Where there is any deviation from the initial plan, then this should be recorded by the identified lead agency on the Plan for the Interview and shared with the child, parent who has given agreement/the Supporter (if different) and the ChIRP, as soon as reasonably practicable, prior to the commencement of the interview.

21. PROTOCOL FOR ACRA INVESTIGATIVE INTERVIEW

21.1 A Protocol for ACR investigative interviews has been developed along with supporting Pre-Interview Checks and Guidance. (See appendices 11 and 12).

21.2 The Protocol is closely aligned to the Scottish Child Interview Model (SCIM) for JIIs. It includes the specific information to be given to the child to ensure their legal rights are upheld in relation to the interview.

22. LOCATION AND TIME OF THE INTERVIEW

22.1 Investigative Interviews will be visually recorded⁷⁷ unless there are specific reasons why this may be inappropriate for the individual child or this is not possible for practical reasons. The logistics of the interview and requirement for equipment will be discussed (in so far as possible) at the ACRA IRD.

22.2 Where the child, for whatever reason, does not wish to be captured under Visually Recorded Interview (VRI) conditions, the SIO must be made aware and the decision on how to proceed must be documented (for example,

⁷⁷ This could be fixed or mobile visual recording equipment.

audio only or if the Questions and Answers are to be handwritten) on the Policy Log.

- 22.3 The use of VRI equipment and the identification of a suitable interviewing facility, will be dependent upon local arrangements. This will be discussed and planned at the ACRA IRD.
- 22.4 Careful consideration will be given to when an interview would suit the child and family. Arrangements will be agreed on a case-by-case basis, based on the child's needs.
- 22.5 Decisions should consider any geographic challenges in relation to the practicalities of transporting the child and/or others, to a predetermined location. This is especially important when considering children who reside in rural areas, particularly remote and island locations where there may be limited options.
- 22.6 In all circumstances, the needs of the child must be a primary consideration, this will include age and developmental stage of the child, accessibility issues for those in attendance, concerns about the location within a community, and any specific considerations, such as disabilities (for example hearing impairment, mobility or other physical constraints etc.).
- 22.7 The needs of any victim must also be considered, for example where suitable premises are located in a community where a victim lives or premises where a victim attends for support and/ or a Joint Investigative Interview (under Child protection processes). Practical arrangements will take cognisance of the needs or concerns of the victim, including careful consideration of where and when any child victim will be interviewed.
- 22.8 Planning must always consider privacy and confidentiality and the number of children that can be safely and appropriately dealt with at any given facility at any one time. There is a particular risk of children involved in the same incident coming into contact with one another. This must be carefully considered and managed.
- 22.9 When identifying suitable premises, the following must be taken into consideration to ensure a safe and supportive environment for an investigative interview:
- high quality child friendly environment where a child feels safe and secure, reduces distress;
 - supports feelings of safety, security and wellbeing – e.g., child friendly décor, toys and soft furnishings;
 - equipment required - camera/microphone positioning (non-intrusive)
 - local – reduce the need to travel and remain in a familiar community;
 - situated in a quiet location (soundproofing preferable);
 - option for a second dedicated interview monitoring room;
 - available at suitable times when required;

- local coordination and cooperation required for access;
- provides a private, confidential space to minimise stigma;
- internal and external look and feel of the premises minimises child's anxiety and put them at ease;
- minimal noise, interruptions and distractions;
- disability access and accommodation of equipment (e.g., wheelchair access);
- accommodate the number of people required to be in the room;
- amenities – kitchen or availability of refreshments, toilet facilities;
- possibility for child to visit or see photos beforehand to reduce anxiety.

22.10 Bairns' Hoose

22.10.1 The Scottish Government Vision of a Bairns' Hoose (Barnahus) in Scotland is that:

“All children in Scotland who have been victims or witnesses to abuse or violence, as well as children under the age of criminal responsibility whose behaviour has caused significant harm or abuse will have access to trauma-informed recovery, support and justice.”⁷⁸

22.10.2 The scope of this includes the use of a Bairns' Hoose for the ACRA investigative interview and services of the Bairns' Hoose for children involved in ACRA processes.

22.10.3 Planning and arrangements must be discussed and agreed at the ACRA IRD in line with Bairns' Hoose Standards⁷⁹.

23. RECORDING

23.1 The use of a VRI has been identified as good practice and this method of capturing information, is consistent with that which is applied to the capture of evidence from children under current child protection JII guidance and practice. It is child-focused and supports more seamless interaction between the interviewer(s) and the child. A VRI improves the quality (recording and content) of the investigative interview and will minimise the number of meetings that take place, which is in the child's best interests.

23.2 At all stages, agencies must follow their own service Guidance for the Recording and Retention of information.

⁷⁸ [Bairns' Hoose - Scottish Barnahus: vision, values and approach - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/bairns-choose/vision-values-and-approach/pages/1-1.aspx)

⁷⁹ https://www.healthcareimprovementscotland.org/our_work/standards_and_guidelines/stnds/bairns_hoose_standards.aspx

24. CHILD PROTECTION CONCERNS – DURING AN ACRA INVESTIGATIVE INTERVIEW

- 24.1 If a child's presentation or account gives interviewers reason to believe that the child may have experienced or may be at risk of significant harm, the interviewers have the discretion to make a dynamic judgement as to whether the ACRA investigative interview should be paused or terminated. Therefore, the planning for an ACRA investigative interview must involve contingency planning for any child protection issues emerging. This should include planning and preparation with the ChIRP.
- 24.2 Both interviewers will be JII trained, so it may be appropriate and competent to decide that the ACRA interview should be paused and thereafter terminated, with any continuation taking the form of a new recording in a JII format, however a number of factors must be considered.
- 24.3 Managing this situation at the time is complex and will require a dynamic assessment, taking into account CP and ACRA considerations on a case-by-case basis, at all times ensuring the child's wellbeing remains a primary consideration.
- 24.4 The incident under police investigation will need consideration given its serious nature, including any potential risks to others.
- 24.5 In any situation the response must be trauma informed and child centred. It is important that the concern expressed by the child is listened to, acknowledged and taken seriously by the interviewers. Consideration must be given to the child's rights in this context and their decision to share sensitive, personal and possibly traumatic information at this time, perhaps for the first time.
- 24.6 Collaborative and flexible teamwork will be required. Any change in focus for the interview will require supervision and careful preparation in advance.
- 24.7 On occasions where the investigative interview is paused, due to a child protection concern arising, police and social work should make a joint decision about how to proceed, taking into account what would be in the best interest of the child at that time and the views of the ChIRP and Supporter (where appropriate), as necessary. The SIO must also be consulted prior to any decisions being made.
- 24.8 Where a decision is taken to focus on child protection, the Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland⁸⁰ will be followed.
- 24.9 This means that the ChIRP and Supporter will no longer be present in the interview setting. This must be carefully managed. The Supporter may be

⁸⁰ [Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland - gov.scot \(www.gov.scot\)](http://gov.scot/www.gov.scot)

the child's parent and therefore supporting their understanding of the situation is critical.

- 24.10 If the ACRA investigative interview is terminated and a JII commenced, then interviewers will start a new recording.
- 24.11 Interviewers may decide to arrange a JII on another occasion to allow for more detailed planning. It is important to approach this from a child centred perspective.
- 24.12 Police may still continue with enquiries to gather evidence about the incident under investigation and police and social work should liaise to share updates on the progress of the investigation and any new information, so that the best outcomes for the child can be determined, including whether safety measures are required, or additional support is needed.
- 24.13 A CP IRD should be convened as soon as possible to discuss the CP issues and agree any further action required and discuss any outstanding action required in relation ACRA.
- 24.14 Decisions will be updated on the ACRA IRD record by the lead agency and changes should be agreed to by all participants.
- 24.15 Existing child protection procedures continue to provide a structured framework to consider care, protection and risk management including the possible need for an urgent response, both in relation to the protection of the child and others.
- 24.16 Depending on the specific circumstances, relevant and proportionate legal measures can be considered (details of this are outlined in the National Guidance for Child Protection, 2021).

In making any determination about how to proceed, the following should be considered, however professional judgement will be required.

Child protection considerations:

- Is there concern about the immediate safety of the child?
- What is in the best interests of the child at that time?
- What is the nature, seriousness and immediacy of the harm disclosed?
- How is the child presenting at that time?
- Has the child disclosed any injury or discomfort?
- When did the incident take place?

Proceeding to JII:

In addition to the above, it is important to consider the requisite planning requirements for a JII (with particular relevance to the planning for an interview under the Scottish Child Interview Model – SCIM). In light of this, consideration should be given to:

- Whether a JII can take place immediately and with efficacy.
- Is a Topic Identification Plan/Interview Plan (specific to the JII/SCIM interview) drafted?
- The impact of moving from an ACRA II to a JII/SCIM interview may have on the child, bearing in mind that the ChIRP will need to be removed from the room and in all likelihood so will the Supporter/Parent. Would this cause the child anxiety or confusion?
- How will this be structured?
- Will some of the process (ground rules, rapport building etc.) need to be repeated for the JII?⁸¹
- Can the child protection concern be acknowledged at this time and be returned to at a future JII? It is important to ensure that the child, Supporter and ChIRP are clear about the processes being undertaken and why.

It is likely that moving from an ACRA II to a JII will only be used in exceptional circumstances, due to necessary planning and essential co-ordination and to limit the impact on the child.

It is important to note that, where a decision is made to proceed with a Joint Investigative Interview (JII) in relation to CP concerns about the child, this interview cannot focus on or ask any questions about the harmful behaviour that is the subject of the ACRA investigation. This can only be carried out using the provisions of the Act, which suitably safeguard the child's rights. See Section 4: s.39 – Limitations on Police Questioning of a Child.

Where a JII commences, a new recording will need to be started.

ACRA considerations:

- Can the ACRA investigative interview be safely concluded?
- What impact is pausing the ACRA interview likely to have on the child?
- Are there concerns about the safety of others?
- How will the decision impact on the ACRA investigation?

At any stage, urgent action may be required to protect a child or another person from actual or likely significant harm, this may include an interim safety plan.

⁸¹ if the JII is to be undertaken using the Scottish Child Interview Model there is a need to pay attention to robust use of the Scottish NICHHD Protocol, which includes purposeful rapport, testing out understanding of the ground rules and use of the Episodic Memory Training to support best evidence being secured in the Substantive Phase of the Interview

25. PLACE OF SAFETY⁸²

- 25.1 This power can be used if police have reasonable grounds to believe that the child is behaving, or is likely to behave, in a way that is causing, or risks causing, significant harm to another person. The power can only be exercised if this is **necessary** to protect another person from an **immediate risk** of significant harm (or further significant harm, if they have already been harmed).
- 25.2 This **emergency** power allows police to **take** the child to a place of safety and to **keep** the child there. The use of the power must be **necessary** and **proportionate**.
- 25.3 As soon as practicable after police take a child to a place of safety, they must inform a parent.

A child may be kept in a place of safety under this section

(a) only for **so long as is necessary** -

- (i) to put in place arrangements for the **care or protection** of the child, or
- (ii) for an order (under section 63) authorising the taking of **intimate samples** from the child to be obtained, and

(b) in either case, for **no longer than 24 hours**.

- 25.4 At any stage, where there is a need to safeguard and protect a child who may be at risk of harm, child protection procedures should be followed as set out in the National Guidance for Child Protection in Scotland 2021.
- 25.5 The need to safeguard and promote the wellbeing of the child as a primary consideration⁸³ applies to the powers set out in this guidance.
- 25.6 Harmful behaviour can be physical, psychological or sexual in nature. Behaviour is harmful when it results in or is likely to result in physical or psychological damage and/or impairment to health and development.
- 25.7 The extent to which harm is 'significant' relates to the severity or likely severity of suffering and significant interruption, change or damage to physical, emotional, intellectual or behavioural health and development, resulting in trauma and suffering.
- 25.8 It is a matter for professional judgement, based on the gathered evidence and context, as to whether the degree of harm to which the victim is believed to have been subjected, is suspected of having been subjected, or is likely to be subjected, is 'significant'.

⁸² s 28

⁸³ s72(2)

- 25.9 It is essential that police are able to articulate the impact that resulted in their use of powers and must cover the essential elements, namely:
- it is necessary to do so to **protect any other person**; and
 - there is an **immediate risk of significant harm or further such harm**.
- 25.10 Where there is **no risk** of immediate, significant harm or further such harm, police will act in line with their duties⁸⁴ to ensure the safety of the child believed to have caused or risked causing harm.
- 25.11 Where police use s28 powers they will contact social work⁸⁵ and advise that they are dealing with an ACRA incident. Police will provide a synopsis of the incident.
- 25.12 In all cases police and social work will undertake checks to assess the suitability of any arrangements. Social work will undertake relevant checks based on the information provided and will share relevant and proportionate information to inform decision making. This will include (where relevant and if known):
- child protection register check
 - concerns or alerts noted
 - legal status of the child
 - child's place of residence
- 25.13 **Social Work** will identify the most appropriate Place of Safety for the child, in a timeous manner.
- 25.14 It is anticipated that **in most situations**, police will **return a child to their home** where the child is willing to accompany them, or in accordance with their powers under the Police and Fire Reform (Scotland) Act 2012, and use of ACRA powers will not be required.
- 25.15 A child's home or place of residence can be a Place of Safety and police can take a child there under the s28 power.
- 25.16 Where a child cannot be returned to the care of the parent or carer, consideration should be given to the suitability of extended family, friends and other relevant adults as appropriate to ensure the care and protection of the child.
- 25.17 The section 28 power will **cease to have effect** where Police consider that the child's immediate care and protection is adequately met by leaving them in a place where a suitable person(s) is capable of attending to the child's needs.

⁸⁴ Under the Police and Fire Reform (Scotland) Act 2012

⁸⁵ Contact details for social work both during and outwith office hours are provided in the published list however local areas should share specific details and may develop local protocols to support this.

- 25.18 Early liaison with Social Work is essential to ensure that the child's needs at that time can be met. Social Work can make other provision for a child such as a foster care, residential care or other suitable premises. This will be considered on a case-by-case basis.
- 25.19 Where Social Work are unable to provide a place, the child should be taken to the nearest police station that has an identified Place of Safety room, at which time the attending officer will continue to liaise with Social Work to ascertain a more suitable location to transfer the child to.
- 25.20 **Only Police** can exercise the section 28 power. Police can **take** a child to a POS. Police can **ask** a Local Authority to **keep** the child as part of the exercise of the power until arrangements are made for the care and protection of the child. Social Work will make an assessment of the needs and risks on a case-by-case basis.
- 25.21 It is essential that officers discuss with social work colleagues any concerns they may have about the child's behaviour. If the child is calm and compliant then officers may leave the child with the Local Authority. If the circumstances change and the Local Authority staff ask for officers to return for any reason, it is essential that officers return immediately to support their colleagues. Police will also inform social work of any known health (such as allergies) or wellbeing concerns that they have identified from discussion with the parent/carer.
- 25.22 Where there is any identified risk that the child may attempt to harm anyone whilst in the care of the Local Authority or attempt to abscond, it is incumbent on Police to remain with the child. Local Authority staff will have no power under section 28 to intervene in such instances.
- 25.23 Police are empowered to use reasonable force in the exercise of this power.
- 25.24 There are also additional considerations where intimate forensic data or samples (may only be taken under the authority of a Sheriff's Order for Forensic Data and Samples) need to be obtained from the child (so that evidence is not lost or destroyed), in order to properly investigate the incident. In most cases the requirement for intimate samples is likely to be time sensitive and so the preference is that if there are powers to take the child to a Place of Safety then it should be a suitable space to facilitate a forensic medical examination of the child (i.e., an NHS facility). Discussion will need to take place with the local hospital to seek agreement to taking the child there and keeping them there under s.28 for the purposes of conducting a Forensic Medical Examination. This will be on a case-by-case basis.
- 25.25 In specific circumstances, police may decide to remain with the child in a Place of Safety, for example where forensic samples are required. These arrangements will not be suitable for some social work and other places of safety and therefore a police station may be the only suitable venue.

25.26 Following the use of this power, an ACRA IRD should take place in most cases.⁸⁶

25.27 Supporting the child in these circumstances is important and a trauma informed approach should be used. Police and social work will collaborate to ensure the wellbeing of the child is considered and their rights respected.⁸⁷

25.28 Information must be gathered to inform police reports to Scottish Ministers⁸⁸.

25.29 Where the child is left in the care of the Local Authority, police will advise Social Work of the time the s.28 power has come into effect. Social work will record the point where the power ends. This information will be noted in the ACRA IRD Record.

25.30 The following details must be recorded and reported to Scottish Government by Police:

- nature and circumstances of the incident;
- evidence of risk to others;
- rationale for not returning the child home (where applicable);
- date, time and location use of the power started and ended;
- details of officer(s) exercising the power;
- type and location of the place of safety;
- length of time at the place of safety;
- any further movement of the child, with associated times/lengths of stay;
- whether the child was kept in a police station, and, if so, the authorising officer and reasons why;
- whether the child was kept in a police cell, and, if so, the authorising officer, reasons why and who supervised the child while in the cell⁸⁹; and
- date, time and details of the parent notified (or the reason if not informed).

26. PLANNING AND SUPPORT FOR THE CHILD AND FAMILY

26.1 This section focuses on what happens after ACRA powers have been used. It outlines key pathways, services and approaches to provide support for children and families.

26.2 This section applies equally to children whose behaviour does not meet the threshold and criteria for an ACRA investigative interview, and to children whose behaviour does meet the criteria, and when there is a decision not to hold an investigative interview and/or to use any of the other available police investigatory powers under the Act.

⁸⁶ Refer to IRD section above

⁸⁷ Key principles for places of safety are outlined in the Ministerial Guidance (Annex A)

⁸⁸ Details are outlined in Ministerial Guidance

⁸⁹ Refer to S28(6) and (7)

- 26.3 At this stage social work will be the lead agency.
- 26.4 Where there is consideration of the use of ACRA powers, the child and their family may already be involved with social work and/or third sector services. Most children will be in contact with the universal services of health and education.
- 26.5 A child under 12, whose behaviour has causes concern, may have experienced trauma, adversity, loss, instability, abuse and / or neglect. Children who are involved in harmful behaviour may have been harmed themselves. The impact of an incident, or series of incidents, in early childhood on a child's life chances can be long lasting, therefore any intervention will be carefully assessed and considered.
- 26.6 It is important that the needs of the child are viewed holistically, within the context of their own environment and family.⁹⁰ Identifying supports early, can help to minimise or prevent the risk of future harmful behaviour.
- 26.7 A child's cognitive ability develops over time and a child may not understand the full impact of their actions on others, or indeed on themselves. Some children will also have additional needs such as speech and language or learning supports and careful attention must be made to any specialist needs required for the child.
- 26.8 All interventions and supports will be trauma informed and recognise the importance of relationships, trust, engagement and connections with the child and their family to ensure that any intervention is effective and supportive. Supports must take a rights-based approach for all children at every stage.
- 26.9 A GIRFEC approach for children is firmly grounded in securing both their best interests and wellbeing⁹¹ and supporting families by ensuring children receive the right help, at the right time. This approach ensures that the child's health, education and wellbeing needs are at the fore and that early intervention, support and diversion is recognised. Any intervention will be proportionate and not unnecessarily bring a child into a 'system' where this is not required.
- 26.10 An identified Lead Professional or Named Person, or person in an equivalent role, will coordinate support and intervention for the child and family. A multi-agency assessment following the national practice model can be undertaken following local GIRFEC and staged intervention processes which can include a multi-agency Team around the Child⁹² meeting and the development of a single Child's Plan⁹³ which will include any necessary action required to address the child's needs.

⁹⁰ GIRFEC National Practice Model - gov.scot (www.gov.scot)

⁹¹ Getting it right for every child (GIRFEC): Wellbeing (SHANARRI) - gov.scot (www.gov.scot)

⁹² These meetings can vary in terminology across the country eg Child's Plan meeting/ Girfec meeting etc

⁹³ Getting it right for every child (GIRFEC): Child's plan - gov.scot (www.gov.scot)

- 26.11 Relevant information must be shared with the Team Around the Child to ensure appropriate supports are put in place for the child and family, to consider the child's wellbeing needs and any change needed to the Child's Plan.
- 26.12 Where a child has displayed harmful behaviour the Child's Plan should be holistic and tailored to need and context, including risk assessment and management measures and interventions. Where there is concern regarding sexually harmful behaviours reference should be made to National Child Protection Guidance (2021).⁹⁴
- 26.13 Where the child requires recovery or therapeutic support and intervention, this needs to be fully considered and the relevant services put in place. This support could be from health, social work or third sector or other local services that would meet the child's assessed need.
- 26.14 Any questions, as part of a police investigation, in relation to the child's harmful behaviour (about an ACRA Incident) must take place within the context and safeguards of an ACRA Investigative interview.
- 26.15 The Promise⁹⁵ emphasises that families must be given support to overcome the difficulties they may encounter. Meaningful engagement with families must ensure their voices are heard and they are involved in decisions that affect them.
- 26.16 For children who have been involved in an investigative interview process, consideration of relevant family support is important. The Promise highlights 10 principles of family support which should be embedded into practice.
- Holistic and relational
 - Therapeutic
 - Non stigmatising
 - Patient and persistent
 - Underpinned by children's rights
 - Community based
 - Responsive and timely
 - Work with family assets
 - Empowerment and agency
 - Flexible
- 26.17 Effective engagement to meet a child's needs and therefore reduce future risk is more likely within approaches which emphasise respectful and rights-based communication with children and families, build upon strengths that have been evidenced, address need and risk, and work with the interaction of relationships and factors in the child's world. This could include

⁹⁴ Refer to National Child Protection Guidance 2021 (p169) : Children and young people who have displayed harmful sexual behaviour

⁹⁵ [Home - The Promise](#)

approaches such as Signs of Safety⁹⁶ and Family Group Decision Making / Family Group Conferencing.⁹⁷

26.18 The Framework for Risk Assessment and Management and Evaluation⁹⁸ sets out standards, for children aged 12 – 18 years, involved in harmful behaviour. It can apply to children who are believed to have caused or risked causing serious harmful behaviour whilst aged under 12, but at the time of the report/investigation are aged 12 – 17 years. Effective practice requires joined-up planning at operational, tactical and strategic levels between child protection and child care services.

26.19 A Contextual Safeguarding approach may be useful to support the exploration of the behaviour within the context of family, peer and school and neighbourhood.⁹⁹

26.20 **EARLY AND EFFECTIVE INTERVENTION (EEI)** ¹⁰⁰

26.20.1 Early and Effective Intervention (EEI)¹⁰¹ aims to ensure children and families get the right support as early as possible. This approach supports agencies working together to take early action to respond to behaviour.

26.20.2 The scope of EEI includes the concerning and harmful behaviour of children aged under 12 years.¹⁰²

26.20.3 EEI responds by reducing the likelihood that a children may come into contact with the police as well as when this has already occurred, by responding to such behaviour as an indicator of need. The overall aim is to improve the outcomes for children by ensuring they and their parents are included in any decisions being made about what a proportionate response to meet the needs of the child, in their context, may be. If a response is required it is instigated at the right time, with the intention of preventing children from entering into formal systems of compulsory measures that are not needed or necessary.

⁹⁶ Signs of Safety (SoS) is a model of child protection and family support which is based on structured development of partnership between professionals and family members, and between professionals themselves. The model works by encouraging shared understanding and ideas about what needs to change, and by defining shared responsibilities in steps towards achieving these changes.

⁹⁷ FGDM is an independently co-ordinated process which empowers family members to shape plans for children. The process is applicable in a wide range of urgent circumstances when partnership with families is essential – for example, to develop participation in an agreed safety plan for a child at risk of significant harm.

⁹⁸ Assessment and management of young people: guidance - gov.scot (www.gov.scot)

⁹⁹ What is Contextual Safeguarding? (csnetwork.org.uk)

¹⁰⁰ A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities: <https://www.gov.scot/publications/rights-respecting-approach-justice-children-young-people-scotlands-vision-priorities/>
A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities - Action Plan: <https://www.gov.scot/publications/rights-respecting-approach-justice-children-young-people-scotlands-vision-priorities-action-plan/>

Working with children in conflict with the law 2021: standards: <https://www.gov.scot/publications/standards-those-working-children-conflict-law-2021/>

¹⁰¹ The scope of EEI includes the concerning and harmful behaviour of children that took place whilst they are aged under 12 years.

¹⁰² Refer to the Early and Effective intervention – Framework of Core Elements

26.20.4 Police will follow local procedures in identifying whether the child meets the threshold for referral to EEI and will thereafter update and share the Child Concern form (VPD) with social work via existing methods.

26.21 SPECIALIST SUPPORT

26.21.1 A small number of children may require specialist support for their mental wellbeing and health and to deal with the presenting behaviours and /or prevent harmful behaviour escalating in future. There are a range of services that may be available locally including the specialist support such as Child and Adolescent Mental Health Service (CAMHS), counselling services in schools, community wellbeing service support for children, young people and their families including services available from third sector organisations.

26.21.2 Consideration must also be given to possible risks regarding self-harm and suicide. Workers in police, social work, health, education, and the third sector need to be alert to circumstances where the child may be at heightened risk, and should maintain awareness of what to do to support children. A trauma-informed initial response can often significantly reduce risk and feelings of pain, isolation and despair.

26.22 REFERRAL TO THE CHILDREN'S REPORTER

26.22.1 A key principle of the Children's Hearing system is the welfare-based approach towards children, at risk or in need, which looks at a child's actions in the context of their support needs and an understanding of why that behaviour may have occurred.¹⁰³

26.22.2 As a result of the Act, a child under the age of 12 years can no longer commit an offence in Scotland and the Children's Reporter cannot refer a child to a children's hearing on offence grounds where the incident took place when the child was under the age of 12. The Children's Reporter can refer a child to a Children's Hearing on non-offence grounds that may include reference to any serious harmful behaviour by the child.¹⁰⁴

26.22.3 The Children's Reporter will consider the child's development, parenting and family and environmental factors alongside the history of co-operation with any previous intervention; the impact of any previous intervention; the current motivation to change; and the willingness to co-operate with any intervention.

26.22.4 Where a child is not referred to a children's hearing, the Children's Reporter may refer the child to the local authority for them to work with the child on a voluntary basis, or they may decide to take no further action. A

¹⁰³ [Welcome to SCRA | Scottish Children's Reporter Administration](#)

¹⁰⁴ If the reporter decides to arrange a children's hearing where the child was under 12 when the offence was committed, the reporter must not select the offence ground. The most likely alternative grounds will be:

- Section 67(2)(m): that 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; or
- Section 67(2)(n): that the child is beyond the control of a relevant person.

fundamental principle of the children's hearings system is that the hearing will consider the individual circumstances of each child, and should not make orders in respect of the child, such as compulsory supervision orders, unless to do so is better for the child.

26.22.5 Any agency can refer a child to the Children's Reporter at any stage. Where the statutory criteria are met¹⁰⁵ police and the local authority must refer a child.¹⁰⁶

26.22.5 A decision can be taken at ACRA IRD where an investigative interview is being considered, as to whether there is a requirement, or not, for a referral at that time. This will depend upon the information gathered in relation to the incident and the welfare and wellbeing of the child, what is known about the child and their background and what can be established in the early stages of the investigation as well as known family circumstances. However, it may be that a decision is taken at the end of the investigative interview process where more information has been gathered and assessed. The child has the right to know the possible outcomes following an investigative interview and it is important that any decisions are communicated clearly to the child and family. The ChIRP can also offer advice and guidance and should be informed of any decisions made at this time.

26.23 **SECURE CARE**

26.23.1 It is very rare for a child under the age of 12 to be placed in secure care in Scotland and is only relevant for a very small number of children who may be a significant risk to themselves, or others in the community whose needs and risks can only be managed in this setting.¹⁰⁷

26.23.2 Robust regulations and requirements are in place, ensuring that any child would only be placed in secure accommodation for as long as absolutely necessary.¹⁰⁸ Decision making for secure care is necessarily robust and any decision taken to deprive a child of their liberty must meet very strict criteria.

26.23.3 A decision for secure care is made by the Local Authority Chief Social Work Officer and the Manager of the secure care accommodation. The Act does not change the criteria or decision-making process.

¹⁰⁵ The statutory criteria for referral to the Reporter are: (a) the child is in need of protection, guidance, treatment or control; and (b) it might be necessary for a Compulsory Supervision Order to be made in relation to the child. The Local Authority and the Police must refer a child when the criteria apply. Any other person may do so.

¹⁰⁶ <http://www.scra.gov.uk/wp-content/uploads/2016/03/Guidance-on-Referral-to-Reporter.pdf>

¹⁰⁷ The Children's Hearings (Scotland) Act 2011 provides the legal framework, including specific conditions and the 'secure care criteria' that must be satisfied ; [Secure care: pathway and standards - gov.scot \(www.gov.scot\)](http://www.gov.scot)

¹⁰⁸ The Children's Hearings (Scotland) Act 2011 provides the legal framework, including specific conditions and the 'secure care criteria' that must be satisfied.

27. DUTY TO INFORM VICTIM¹⁰⁹

27.1 Under the Act, Police Scotland have a duty to provide the Children's Reporter with details of the victim of harmful behaviour, where this behaviour is:

- physically violent;
- sexually violent or sexually coercive; **or**
- dangerous, threatening or abusive; **and**
- causes **harm to another person**.

27.2 This is shared on the basis of a Legal Requirement under Article 6 of GDPR.

27.3 Through the Victim Information Team, SCRA can provide victims of seriously harmful behaviour with information on the disposal of the case, whether it is a decision of the children's reporter or children's hearing. The Victim Information Team will provide the information to victims of such behaviour where the victim has opted to receive it, subject to some exceptions in particular situations. Where the victim is a child, this information will be provided to the parent or other person responsible for the care of the child.

28. SHARING OF INFORMATION BY POLICE WITH PARTNERS AND THIRD SECTOR AGENCIES

28.1 Local Police Risk and Concern Hubs determine the need to share information through a holistic assessment of information held by Police Scotland, which can maximise early intervention. Child Concern wellbeing information (National interim Vulnerable Persons Database - iVPD) is shared with statutory agencies under [Article 6 of the UK General Data Protection Regulation \(GDPR\)](#) –. The same assessment will be applied to the Child Concern forms raised for children who, whilst aged under 12, are believed to have caused or risked causing harm to others, where there are concerns for their wellbeing due to the nature of the behaviour(s) and / or there is a requirement to refer the child to the Children's Reporter.

29. CROSS BORDER POWERS

29.1 There may be occasions where a child under 12 years of age, who is not resident in Scotland, causes harm whilst visiting Scotland.

29.2 By virtue of a UK Parliamentary Order under Section 104 of the Scotland Act 1998, it will be competent for a child residing in a different part of the UK to be subject of an investigation of their harmful behaviour, where this behaviour takes place in Scotland. This includes use of the powers under ACRA, such as the ability to apply for Sheriff's Orders for search, interview

¹⁰⁹ s27

or forensic data and samples, where the harmful behaviour meets the threshold of seriousness. In these circumstances, the application for an Order will be submitted in the Sheriffdom where the child's harmful behaviour took place. A Sheriff's Order granted in these circumstances may be carried out in any part of the UK.

- 29.3 The matter will be the subject of a Child Concern Report on iVPD. The Concern Hub will assess the report and, if sufficient information is gathered regarding the child's harmful behaviour, and it is appropriate to do so, will share it with the Police Force and/or Local Authority for the area in which the behaviour took place and where the child usually resides.
- 29.4 It will be a matter for the relevant Local Authority to liaise with their colleagues in the jurisdiction in which the child normally lives, to ensure the nature of the harm they may have caused is known to that Authority. This may well be discussed in advance at any related ACRA IRD.
- 29.5 The Children's Reporter only has jurisdiction for children who normally reside in Scotland, hence it is not appropriate to refer a matter to the Children's Reporter if the child is not resident in Scotland.
- 29.6 Where a child below the age of criminal responsibility, who is normally resident in Scotland, causes harm whilst out-with Scotland, such matters can be referred to the Children's Reporter. However, the investigation of such matters will continue to be a matter for the authorities in the area where the behaviour occurred, in line with their rules of law, including their age of criminal responsibility. The Children's Reporter can consider behaviour which happened anywhere, including internationally, for a child who is normally resident in Scotland.

30. APPENDICES

1. Table A – Definitions of a child under the Act
2. Child Information Leaflets
3. Who must receive a copy of the Sheriff's CIO?
4. Flowchart 1 ACRA Initial Response and Investigative Process
5. Flowchart 2 ACRA IRD and Investigative Interview Process
6. ACRA IRD Template
7. Provisional Plan for ACRA Investigative Interview Template
8. Plan for the ACRA Investigative Interview
9. ACRA Investigative Interview – Briefing, debriefing and Process Record
10. VRI Briefing, Debrief and Process Guidance
11. ACRA Investigative Interview Pre-Checks Guidance
12. ACRA Investigative Interview Protocol
13. Summary of police decision making in relation to children under 12

Appendix 1 - Table A – Definitions of a Child Under the Act

Sheriff's Order/Police Power	Required age at time of investigation/execution of Order
Search Order	Child must be aged < 12
Child Interview Order	Child must be aged < 16 or 16/17 (if subject to a Compulsory Supervision Order or interim Compulsory Supervision Order – CSO)
Forensic Data and Samples Order	
Investigative Interview by Agreement	
Questioning in urgent cases	
Taking of forensic data and samples in urgent cases	
Place of Safety	Child must be aged < 12

Appendix 2 - Child Information Leaflets

In the execution of any Sheriff's Order, the use of police powers in urgent cases or the use of a POS, the relevant Child Information Leaflet must be given to certain individuals.

The content of the leaflet must be explained to the child in a manner appropriate to the child's age and maturity. It is preferable that the assigned Police and Social Work interviewers make contact with the child **prior to an Investigative Interview** taking place and therefore wherever possible, they should be tasked with the delivery of the relevant leaflets and Orders to the child and parent.

These can be shared in hard copy or electronically.

Who receives copies of the ACRA Child Information Leaflets?

Types of ACRA Child Information Leaflet	Child	Parent	ChIRP
Sheriff's Order for Search	X		
Questioning in Urgent Cases	X		
Forensic Data and Samples in Urgent Cases	X		
Sheriff's Order for Forensic Data and Samples	X		
Investigative Interview by Agreement	X	X	X
Sheriff's CIO	X		
Place of Safety	X	X	

*** Leaflets are held by police**

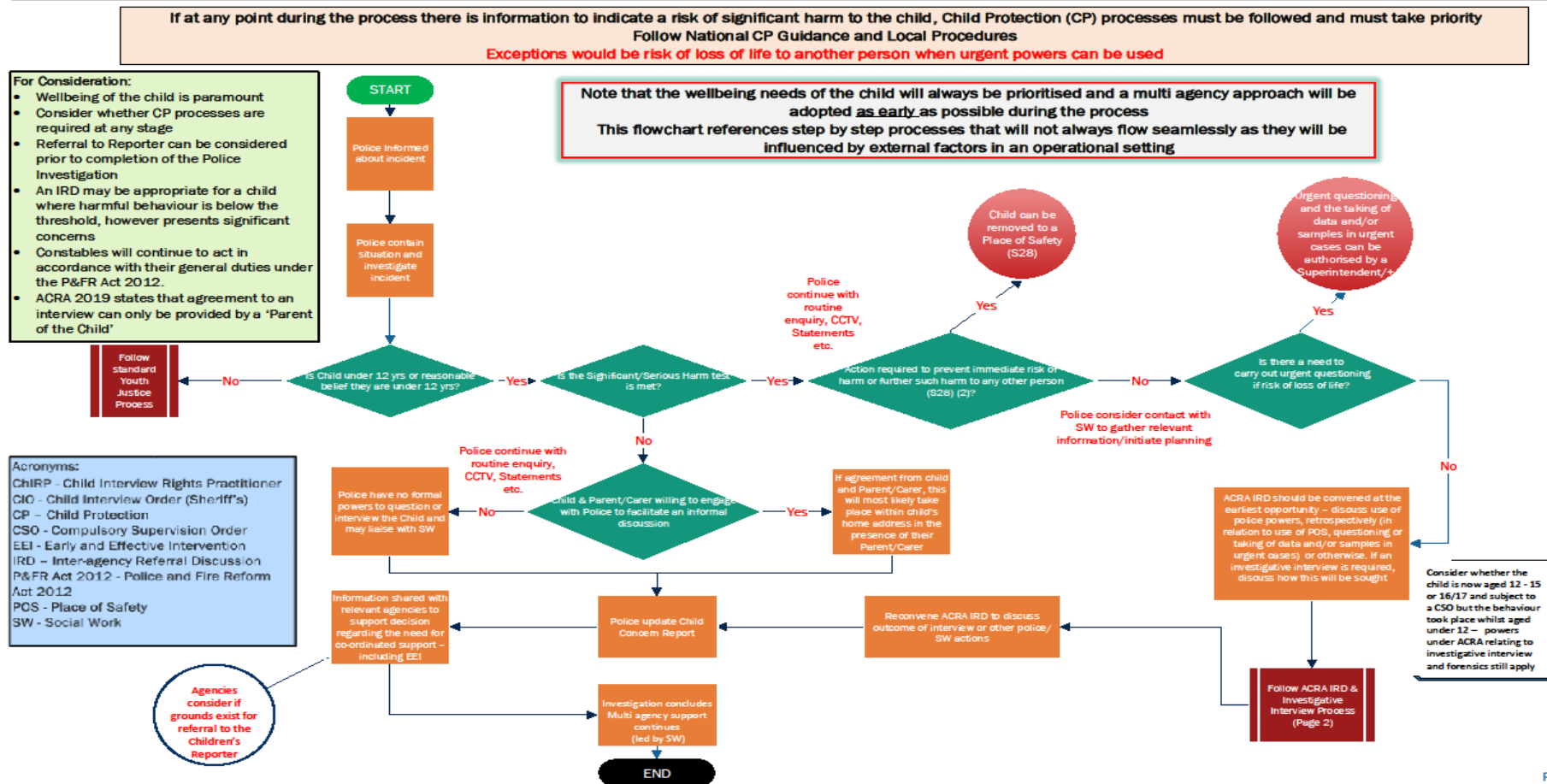
Appendix 3 – Who Must Receive a Copy of the Sheriff's CIO?

Sheriff's Order	Child	Parent (wherever practicable)	Supporter (if not the Parent)	ChIRP
Investigative Interview under CIO	X	X	X	X

Appendix 4 Flowchart 1 – Initial Response and Investigative Process

AGE OF CRIMINAL RESPONSIBILITY (ACRA 2019) – INITIAL RESPONSE & INVESTIGATIVE PROCESS (KEY STEPS)

Diagram A

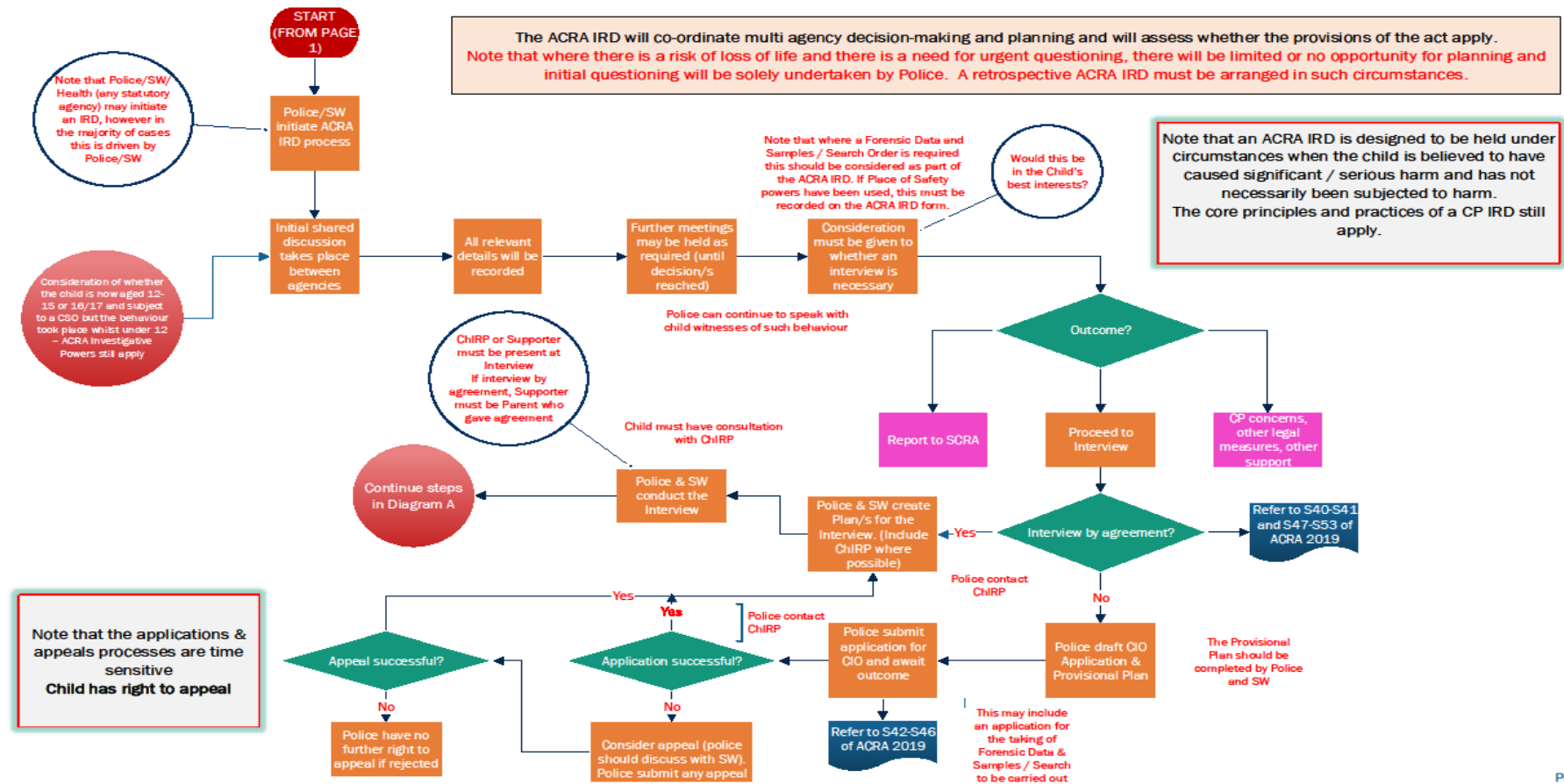


Page 1

Appendix 5 Flowchart 2 – ACRA IRD and Investigative Interview Process

AGE OF CRIMINAL RESPONSIBILITY (ACRA, 2019) – ACRA IRD & INVESTIGATIVE INTERVIEW PROCESS (KEY STEPS)

Diagram B



Appendix 6 - ACRA IRD template

Age of Criminal Responsibility (Scotland) Act 2019

Record of ACRA Inter-Agency Referral Discussion

Basic Details					
ACRA IRD Form Ref.					
Date ACRA IRD Commenced			Time ACRA IRD Commenced		
Date of Incident			Time of Incident		
Location of Incident					
Police Incident No.					
Crime Ref. No.(s)					
iVPD Concern Report No.					

Child Details					
Name				Date of Birth	
Known As / Alias				Age	
Gender					
Language(s) Spoken					
Known Disability					
Address					
Local Authority Area					
School					
Social Worker					
GP / Health Professional					
Agency ID No.s					
On CPR?	(select)	Care Experienced?	(select)	Subject of CSO?	(select)

Summary of Incident / Concern, Including Initial Response

Include description of the child's harmful behaviour, involvement of other parties such as the victim and key witnesses, the initial response by police / other agencies, plus initial safety measures implemented for the child, and where necessary, the victim.

Additional Details**Named Person / Lead Professional**

Name	
Agency	
Address	
Telephone No.	
Email	

Referrer

Name	
Agency	
Address	
Telephone No.	
Email	

Concern Raised by (if different)

Name	
Date of Birth (if known)	
Address	
Telephone No.	
Email	
Relationship to Child	

ACRA IRD Participants**Police****Name****Rank and PSI****Location****Tel. No. / Email****Social Worker****Name****Local Authority****Dept. / Location****Tel. No. / Email****Health****Name****Board / Agency****Address****Tel. No. / Email****Other (if applicable)****Name****Agency****Address****Tel. No. / Email**

Background Information**Police – Systems / Record Checks**

Where extra rows are required, place cursor into last row in the table and press the Tab key.

PND	
SID	
CHS	
PNC	
iVPD	
STORM	
Crime System	
Others	

Police – Risks Identified / Relevant Information**Social Work – Systems / Record Checks** (please overtype System 1 and 2 with system name)

Where extra rows are required, place cursor into last row in the table and press the Tab key.

System 1	
System 2	

Social Work – Risks Identified / Relevant Information

Health – Systems / Record Checks (please overtype System 1 and 2 with system name)
Where extra rows are required, place cursor into last row in the table and press the Tab key.

System 1	
System 2	

Health – Risks Identified / Relevant Information

Other – Systems / Record Checks (please overtype System 1 and 2 with system name)
Where extra rows are required, place cursor into last row in the table and press the Tab key.

System 1	
System 2	

Other – Risks Identified / Relevant Information

Details of Child's Family and Any Other Significant Persons

Relationship to Child	
Name	
Address	
Tel. No. / Email	
Relationship to Child	
Name	
Address	

Tel. No. / Email	
Relationship to Child	
Name	
Address	
Tel. No. / Email	
Relationship to Child	
Name	
Address	
Tel. No. / Email	

Previous Knowledge of Child and Family

Include child's background, additional support needs and vulnerabilities, and any relevant family information.

ACRA IRD Details

Summary of Any Emergency Discussion Prior to IRD

Summarise any previous multi-agency discussion and urgent actions already taken.

Summary of IRD and Actions Agreed

Include discussion around the exercising of ACRA investigatory powers, plus details of any professional disagreement and action taken to resolve this.

CP Concerns Identified (for Child Subject of IRD)?	(select)
If Yes, provide details	

CP IRD Required?	(select)
------------------	----------

ACRA Investigation Required?	(select)
------------------------------	----------

Child Removed to Place of Safety Under ACRA?	(select)
--	----------

If Yes and child was left in care of Local Authority, enter child's movements, including date / time Place of Safety power ended:

--

ACRA Place of Safety details updated on iVPD?	(select)
---	----------

Senior Investigating Officer

Name	
Rank	
Location	
Tel. No. / Email	

Enquiry Officer (if known)

Name	
Rank	
Location	
Tel. No. / Email	

Details of ACRA Investigation

Search	
ACRA Search Required / Carried Out?	(select)
Forensics	
Forensic Data or Samples Required / Obtained?	(select)
Means of Obtaining (mark with "x" as required)	Taken Urgently <input type="checkbox"/>
	Sheriff's Order <input type="checkbox"/>
Requirement for Sheriff's Order?	(select)
ACRA Investigative Interview	
Interview Required / Carried Out?	(select)
If Yes, Provide Reason	
Means of Interview (mark with "x" as required)	Urgent Questioning <input type="checkbox"/>
	By Agreement <input type="checkbox"/>
	Sheriff's Child Interview Order <input type="checkbox"/>
Requirement for Sheriff's Order?	(select)
Details and Outcome of Questioning in Urgent Cases (if applicable)	

ACRA Investigative Interview – Result of Interview**Date of Interview****Time of Interview****Details and Result of Investigative Interview(s)**

Provide summary of the Investigative Interview(s) of the child, including where and by whom, key information obtained about the incident and the child's behaviour, plus any child welfare concerns revealed. Include dates and times where subsequent interviews take place.

Details of Further ACRA IRD**Date of Discussion****Time of Discussion****Summary of Discussion Including any Further Agreed Actions**

(including discussions about any appeal against a decision by the Sheriff not to grant any Order)

Document all further multi-agency discussions, including dates and times where subsequent meetings are held. Include details of participants if these change from the initial discussion.

Conclusion of ACRA IRD**Outcome of Investigation**

State if investigation is still ongoing

CP Concerns Identified (since Initial IRD)?

(select)

If Yes, provide details:

CP IRD Carried Out?

(select)

Community Impact Assessment Completed?

(select)

Details of Final Discussion

**Date of Final
Discussion**

**Time of Final
Discussion**

Summary of Final Multi-Agency Discussion Including any Follow-Up Actions

Outline the agreed safety plan for the child, plus the victim if appropriate. Include details of participants if these have changed from the initial discussion.

ACRA IRD Closure			
Date ACRA IRD Closed		Time ACRA IRD Closed	
Closed by		Rank	

ACRA IRD Review			
Date ACRA IRD Reviewed		Time ACRA IRD Reviewed	
Reviewing Officer		Rank	

Appendix 7 Template – Provisional Plan for ACRA Investigative Interview



Age of Criminal Responsibility (Scotland) Act 2019

Guidance Notes

A Provisional Plan must be completed and submitted with the application for a **Sheriff's Child Interview Order**.

The Provisional Plan, should, **wherever practicable**, be drafted in consultation with the relevant Local Authority. Other agencies (where appropriate) may also participate in this planning.

Note: This document should not be shared with the child or parent / Supporter.

Date / Time of Provisional Planning Meeting

Date		Time	
------	--	------	--

Participants in Provisional Planning

Police Interviewer

Name	
Rank and PSI	
Location	
Telephone No.	
Email Address	

Social Work Interviewer

Name	
Local Authority	
Dept. / Location	
Telephone No.	
Email Address	

Other (if applicable)

Name	
Agency	
Address	

Telephone No.	
Email Address	

Provisional Plan
<p>Outline the strategy for the ACRA Investigative Interview, to include:</p> <ul style="list-style-type: none">• Date, venue, interviewers, any other persons who will be present (where known).• Contingency plans (where known).• How the welfare and wellbeing needs of the child will be met during the interview (taking into account age, maturity, additional support needs and vulnerabilities). <p>While not all arrangements for the interview may have been finalised at this stage, sufficient detail is required to allow a Sheriff to consider and grant a Sheriff's Child Interview Order.</p>

TRAINING PURPOSES

Appendix 8 – Plan for the ACRA Investigative Interview

Age of Criminal Responsibility (Scotland) Act 2019

Guidance Notes

The **child** and **parent / Supporter** must only receive **Parts A and B** of this Plan.

The **Child Interview Rights Practitioner (ChIRP)** should be involved in the drafting of this Plan, where **practicable** and **appropriate**.

Part A

Basic Details (to be shared with the child, parent / Supporter and ChIRP)

Child			
Name		Date of Birth	
Address			
Tel. No. / Email			

Parent			
Name		Date of Birth	
Address			
Tel. No. / Email			

Supporter (if not Parent)			
Name		Relationship to Child	
Tel. No. / Email			

SIO	
Name	
Rank and PSI	
Location	

Date / Time of Planning Meeting			
Date		Time	

Participants in Planning Meeting	
Police Interviewer	
Name	
Rank and PSI	

Location	
-----------------	--

Social Work Interviewer	
Name	
Local Authority	
Dept. / Location	
Tel. No. / Email	

Interview Advisor (if applicable)	
Name	
Rank and PSI	
Location	

Child Interview Rights Practitioner – ChIRP (if applicable)	
Name	
Company	
Address	
Tel. No. / Email	

Other (if applicable)	
Name	
Agency	
Address	
Tel. No. / Email	

Part B

Plan for the ACRA Investigative Interview (to be shared with the child, parent / Supporter and ChIRP)

Meeting Details:

- **Date:**
- **Time:**
- **Location:**

“The people who will ask questions are a *police officer and a social worker / *two police officers (*delete as necessary). They are trained to speak to children. You will meet them before they speak with you. You can ask them questions.”

Here is the information you need to know about the meeting:

1. The behaviour that we will speak to you about in the meeting

2. The purpose of the meeting

3. What we will do to look after your wellbeing at the meeting

4. You have rights – this is what you need to know about them

5. The period of time during which the meeting must take place*

6. The number of meetings which will take place during this investigation*

7. The date and time of each meeting*

8. How long each meeting will last*

9. Where each meeting will take place*

10. The role of each person at the meeting

11. The details of the people who will ask you questions at the meeting

12. How else you will be helped and supported during the meeting

13. What might happen at the end of the meeting

14. Any other information important for you to know

***Sometimes we do not have all the information to begin with. This plan will be changed when we get new or more information. If this happens, we will tell you.**

Guidance Notes for Part B – not to be shared with the child or parent / Supporter

- Point 1 – Provide a brief overview of the harmful behaviour only.
- Point 3 – Include in this section that you will explain what is happening to help the child understand and feel okay during the meeting.
- Point 4 – Include the child's right not to answer questions and the right to legal representation (i.e., a ChIRP).
- Point 5 – Where the interview is being conducted under a Sheriff's Child Interview Order, specify the dates between which the Order is valid. If the interview is by agreement, specify the date on which the meeting (or first meeting) is intended to be held followed by "plus later dates if more meetings are needed".
- Point 12 – Include here any measures that will be put in place to account for the child's additional support needs and vulnerabilities.
- Point 13 – Ensure this is consistent with the information provided by the ChIRP to the child and parent.
- Point 14 – Include, where appropriate, any arrangements in place for bringing the child to and from the meeting, directions contained in the Sheriff's Child Interview Order and any other information relevant to the conduct of the interview that the child should know.

Where the ACRA Investigative Interview is being conducted under a Sheriff's Child Interview Order, the Plan for the Interview must comply with any directions contained in the Order.

Ensure all details / arrangements take account of the Plan for the Child's Needs.

Details of the specific topics and questions to be asked of the child during the meeting must not be included in any part of this document.

Part C

Plan for the Child's Needs (not to be shared with the child or parent / Supporter)

Strengths and Resources

Who can provide this information? Include family / carers, other significant persons in the child's life and any relevant professionals (e.g., social workers, teachers).

Outline the plan to support the child's strengths and resources with reference to information gathered about the child's:

- general demeanour / behaviour
- talents and interests
- means of coping with stress (e.g., self-soothing behaviours)
- ways of relating to others

Trauma and Adversity

Who can provide this information? Include family / carers, other significant persons in the child's life and any relevant professionals.

Outline the plan to support the child to remain within their window of tolerance, with reference to information gathered about:

- nature of the trauma and adversity the child has experienced
- likely impact of the identified trauma or distress
- potential trauma related triggers / reminders
- warning signs / what to look for when the child is taken outside their window of tolerance
- factors that may make the child reluctant to participate in the interview (e.g., protection of others, protection of self from others, prior experience of police / social work, cultural aspects)

Relationships

Who can provide this information? Include family / carers, other significant persons in the child's life and any relevant professionals.

Outline the plan for building a relationship to support the child in the interview, with reference to information gathered about the child's:

- normal experience of caregivers meeting / not meeting their needs
- learned behaviours in order to get their needs met
- management of their feelings / emotions
- how these factors may affect their behaviour during the interview
- consider the role of the ChIRP and Supporter

Complex Needs

Who can provide this information? Include family / carers, other significant persons in the child's life and relevant medical professionals.

Outline the plan to support the child's complex needs (if applicable), with reference to information gathered about the child's:

- known vulnerabilities (e.g., Autism Spectrum Disorder, Post-Traumatic Stress Disorder, behavioural difficulties)
- physical or mental health diagnoses / difficulties or other needs
- neurodevelopmental diagnoses / concerns
- how any of the foregoing may impact on / in the interview
- strategies already in place to address these issues

Include details of any additional consultation sought to enhance understanding of the child's needs.

Cognitive Factors

Who can provide this information? Include family / carers, other significant persons in the child's life and relevant medical professionals.

Outline the plan to support the child's cognitive developmental stage, with reference to information gathered about the child's:

- current cognitive / developmental age and stage (taking into account impact of trauma or adversity)
- expected ability to understand information and questions
- level of understanding of the incident / behaviour under investigation
- ability and mode of expression (including where the child communicates in a language that is not English or uses sign language)

Context of Motivation

Who can provide this information? Include family / carers, other significant persons in the child's life and relevant professionals.

Outline the plan to support the child in terms of context and motivation / reluctance to engage with the process, with reference to information gathered about the child's:

- shame
- protection of others
- protection of self from others
- sense of responsibility / guilt / being 'in trouble'
- prior experience or beliefs about interviews / police / social work
- racial and cultural factors
- criminal and sexual exploitation

--

Speech, Language and Communication Needs (SLCNs)

Who can provide this information? Include family / carers, other significant persons in the child's life and relevant medical professionals.

--

Outline the plan to support the child's speech, language and communication needs:
--

- | |
|--|
| <ul style="list-style-type: none">• known needs• linguistic abilities• factors that could indicate the presence of SLCNs• strategies already in place |
|--|

--

Any Other Wellbeing Needs

Who can provide this information? Include family / carers, other significant persons in the child's life and relevant professionals.

--

Outline how consideration will be given not only to the child's age but also to the child's development and any other support needs:

- | |
|---|
| <ul style="list-style-type: none">• memory retrieval capacities• suggestibility• health concerns• translation requirements• risk of self-harm• risk of harm to others• additional supports relating to disabilities and all protected characteristics |
|---|

TRAINING PURPOSES

Child Protection Concerns

Outline how existing / emerging Child Protection concerns will be planned for or managed

ChIRP's Comments

Where the ChIRP has contributed to the planning meeting, record any relevant observations made by the ChIRP, any assistance to the interview they have agreed to provide (e.g., communication of the arrangements to the child / parent), and any professional concerns / disagreement expressed in relation to the interview or the plans for same.

If the ChIRP was not involved in the planning meeting, explain why and outline the plans to communicate the arrangements to them.

SIO Sign Off**Name****Signature****Date****Social Work Sign Off****Name****Signature****Date**

Appendix 9 – ACRA Investigative Interview – Briefing, debriefing and Process Record



Age of Criminal Responsibility (Scotland) Act 2019

Refer to form 048-028B – VRI Briefing, De-Briefing and Process Guidance (Appendix 10).

Child's Name			
Age		Date of Birth	
Date of Interview		Time of Interview	: hours
Location of Interview			
Lead Interviewer			
Second Interviewer			
Supporter		Relationship to Child	
ChIRP		Legal Firm	
Additional Support Person/ Interpreter/Other Person(s) to be present at Interview (if applicable)			

SIO	
Enquiry Officer	
Briefing Manager	

ACRA IRD Reference No.	
ACRA Investigative Interview VRI Ref. No.	

Means of Interview	By agreement <input type="checkbox"/>
	Sheriff's Child Interview Order <input type="checkbox"/>
Recording medium to be used	VRI <input type="checkbox"/>
	Written <input type="checkbox"/>
If not VRI provide reason	

Nature of the harmful behaviour/incident under investigation

Arrangements for transporting the child to interview

Summary of any pre-interview conversation with the child

Include topics discussed during interviewers' previous meetings with the child (e.g. to provide notifications/serve documents)

Briefing by SIO/DS or Social Work Manager

Briefing Signatures	
Briefing Manager	
Lead Interviewer	
Second Interviewer	
Date	

Interview Planning			
Have the following been completed prior to interview?:			
ACRA Provisional Plan (Not required for Interviews by Agreement)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Plan for the ACRA Investigative Interview (Including Plan for the Child's Needs)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Interview Plan (Topics and key questions for interview)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Notifications			
Have the following been completed prior to interview			
Depending on the circumstances, notifications may include issue of Child Information Leaflets for Interview by Agreement, Sheriff's Child Interview Order and Plan for the ACRA Investigative Interview, plus Scottish Courts documents where applicable. These should be accompanied by appropriate verbal explanations.			
Notifications to Child	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Notifications to Parent/Supporter	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Notifications to ChIRP	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If any notifications are not made, provide reason(s)			

Analysis of Information from Interview

Evidence of Harmful Behaviour

This image shows a completely blank white rectangular area enclosed within a thin black border. There are no markings, text, or illustrations present on the page.


Evidence of Risk – Immediate and Ongoing

Inconsistencies and missing information

--

Presentation of Child

Plan for support



Non-disclosable information

This image shows a completely blank white rectangular area enclosed within a thin black border. There are no markings, text, or illustrations present.

Harmful Behaviour(s) identified (by child or any other person)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Specify		

Has feedback been sought from the ChIRP at the conclusion of the interview?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, outline feedback received. If no, explain why not.		

De-Briefing by SIO/DS or Social Work Manager**Key areas to be addressed****Comments**

If de-briefing of interviewers not conducted, specify reason(s)

Have the interviewers agreed and signed the record?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has a handover to the SIO/Enquiry Officer been arranged?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If no handover arranged, explain why not and how information will be supplied (e.g. via the Crime Report/iVPD only)		

De-Briefing Signatures	
Briefing Manager	
Lead Interviewer	
Second Interviewer	
Date	

Appendix 10 – VRI Briefing, Debrief and Process Guidance



Age of Criminal Responsibility (Scotland) Act 2019

ACRA Investigative Interview

This document is intended to support Police and Social Work in conducting briefings / de-briefings related to ACRA Investigative Interviews. These lists are not exhaustive.

Refer to Force Form 048-028 VRI Briefing, De-Briefing and Process Record

Briefing by SIO / DS or Social Work Manager

ACRA IRD Information for Sharing with Interviewers

- Relevant information about the incident from the ACRA IRD.
- Background knowledge and previous Police / Social Work contact, including potential impact on this interview.
- Details of any previous contact with the child during this investigation (e.g. removal to Place of Safety, Urgent Questioning).
- Key areas to be addressed during the ACRA Investigative Interview.
- Contingencies for Child Protection (CP) disclosures.

General Reminders for the Interviewers

- The Plan for the ACRA Investigative Interview and relevant Child Information Leaflet must have been shared with the child and Supporter in advance of the interview.
- Advise the SIO as soon as possible about any changes to the Plan for the ACRA Investigative Interview. Ensure the child, Supporter and ChIRP are also informed and issued with an updated copy of the Plan.
- Prepare an Interview Plan.
- Follow the D/B/A format in line with the ACRA Investigative Interview Protocol.
- Interviewers should pause the interview, where necessary, to review and assess whether all relevant points have been covered and identify where further detail is required.
- At the end of the interview, the child should be advised of what may happen next (to the extent to which this information can be ascertained). Ensure the ChIRP has been consulted prior to this, to align understanding.

Key Areas Interviewers Need to Address During the Interview

- Ensure the child is advised of their right not to answer questions and understands what this means.
- Ensure the child understands the purpose of the interview.
- Adopt a trauma-informed approach and ensure the wellbeing of the child is a primary focus.
- The Interview Plan must explore all harmful behaviours (in relation to the incident under investigation) and essential elements.
- If there are multiple unrelated incidents (for which you will need separate agreements or Child Interview Orders), deal with each incident on its own.
- Within each section of the Interview Plan, fully explore each topic before moving on.
- Use appropriate questions and prompts.
- Schedule appropriate breaks during the interview.
- Remember the importance of recording salient points and analysis of information.
- If the Supporter is deemed not to be appropriate and requires to be removed, pause the interview and contact the SIO/DS.
- Where a CP disclosure is made, make a dynamic assessment as to whether the ACRA Investigative Interview should be continued, paused or terminated.
- If continued, the child's disclosure should be verbally acknowledged but not explored further in the context of the ACRA Investigative Interview.
- If paused, Police and Social Work should make a joint decision about how to proceed, taking into account the views of the ChIRP, Supporter and SIO and what is in the best interest of the child at that time.
- If the decision is to terminate and move to a Joint Investigative Interview (JII), the ChIRP and Supporter will no longer be present in the interview setting and a new recording must be commenced. This must be carefully managed – interviewers may decide to arrange the JII for a later point to allow for more detailed planning.
- Upon conclusion of the interview, consider the need for a further ACRA Investigative Interview.
- Consider if a JII (e.g. due to a CP disclosure having been made) or follow up support by Social Work is required.

Evidence of Harmful Behaviour

- Details of each harmful act or behaviour revealed
- Identification of the child as the person responsible
- Witnesses
- Timings, location, essential elements
- Forensic and physical evidence, including location
- Specialist knowledge
- Other people the child has told
- Evidence of offences by any other person(s)
- Any further enquiry, including witnesses to be traced
- Requirement to seek other Sheriff's Orders
- Exculpatory evidence
- Requirement for another ACRA interview. If interview is by Child Interview Order, does it authorise more than one interview?

Evidence of Risk – Immediate and Ongoing
<ul style="list-style-type: none"> • Consider if a JII (e.g. due to a CP disclosure having been made) or follow up support by Social Work is required. • CP disclosure – action taken • Risks/CP concerns for the child and other children • Protective factors • Immediate action required • Community Impact Assessments • Disclosures (public or otherwise) • Recommendations for interim safety plan • Requirement for further ACRA Investigative Interview or Joint Investigative Interview or follow up support by Social Work
Inconsistencies and Missing Information
<ul style="list-style-type: none"> • Attempts to clarify? • Alternative hypotheses? • Further interview required?
Presentation of Child
<ul style="list-style-type: none"> • Did the child demonstrate signs of reluctance? • Did the child's presentation change throughout the interview?
Plan for Support
<p>What are the child's support needs and what will be done to meet them?</p> <p>Apply trauma informed principles:</p> <ul style="list-style-type: none"> • Safety • Choice • Collaboration • Trust • Empowerment
Non-disclosable Information
<p>Include personal contact details and sensitive personal information for victims, witnesses or other persons causing harm that were gathered during the interview process.</p>

De-Briefing by SIO/DS or Social Work Manager

- Analysis of needs/risks and information from interview – allows managers (including partner agencies) to contribute to the analysis and confirm next steps.
- Consideration as to whether another interview should be undertaken and what form this should take.
- Arrangements for a medical examination, if required.
- Identify any operational challenges.
- Check that the interview has been downloaded to the divisional shared drive.
- Check the salient points have been agreed by both interviewers.
- Ensure the record of the de-briefing is completed, to include decisions taken and copies retained by both Social Work and Police.
- Consider welfare of interviewers.

Appendix 11 – ACRA Investigative Interview Pre-Checks and Protocol Guidance

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) 2019 (ACRA)

PRE – ACRA INVESTIGATIVE INTERVIEW CHECKS

Please read prior to conducting an ACRA II

The Child's Rights

Whether an investigative interview is by Agreement or Child Interview Order (CIO) granted by a Sheriff, the child has the right:

- ❖ to receive relevant information which must be age appropriate and accessible and take account of any developmental factors and communication needs;
- ❖ to have the Child Interview Rights Practitioner (ChIRP) and/ or Supporter present at the venue where the interview is being conducted (at least one must be in the room with the child during the interview);
- ❖ to have their views considered when identifying a Supporter where there is a CIO (where there is agreement the Supporter must be the parent who gave agreement);
- ❖ to receive advice, support and assistance from a ChIRP before and during the interview;
- ❖ to a private consultation with the ChIRP before, or at any time during, the interview.
- ❖ not to make any comment or answer any questions during the interview.

Information that must be shared with the child

The child has the right to receive specific information prior to an investigative interview taking place. The provision of this information must be referenced and explained to the child in a manner appropriate to their age and stage of development.

There are separate Child Information Leaflets for:

- ❖ '*Investigative Interview by Agreement*',
- ❖ '*Sheriff's Child Interview Order*' and
- ❖ '*Investigative Interview*' which is given to the child for both types of interview.

Ensure a copy of the *Plan for the Interview* and relevant *Child Information Leaflet(s)* have been shared with the child, Supporter / parent or carer and ChIRP. These documents must be given as soon as possible (and not immediately prior to an interview) and form part of the planning for the interview. It is the responsibility

of police to make sure this information is given and it is likely to be supported by social work.

Note: the child and parent must only be given parts A and B of the *Plan for the Interview*.

These leaflets set out all of the information that must be shared with the child and prior to commencing the interview, you must check their understanding, (if necessary, the ChIRP and Supporter can assist you with this).

You must also make sure that any previous contact / conversations that you have had with the child are clearly stated.

Plan for the Interview

The *Plan for the Interview* will outline the following information and prior to the start of any investigative interview, the interviewers must go over this document with the child to explain it, in accordance with upholding the rights of the child.

- ❖ The behaviour to which the interview relates.
- ❖ The purpose of the interview.
- ❖ Their rights in relation to the interview - including their right not to answer questions.
- ❖ What may happen as a result of the interview*.

*Next steps might not always be known at this stage; however, it is important that you are able to advise the child of what the possible outcomes might be. The planning for the interview will involve deciding who is best to share this information with the child; police and / or social work. This could also involve the ChIRP and /or Supporter. It is important to note that the child has a right to this information and for it to be communicated in a manner they understand. Remember that the child's wellbeing must be a primary consideration in all actions undertaken in relation to the child.

Communication with the ChIRP is crucial at the planning stage to ensure clarity on roles and responsibilities and plan the best approach to support the child, parent/ carer and family.

Potential outcomes for the child can include the following.

- Social Work or other service (e.g., universal services, third sector, EEI) intervention and support, in line with local GIRFEC processes);
- Referral to the Children's Reporter on non-offence grounds;
- Reasoned decision to take no further immediate action (however Police may share information in line with the national concern hub processes).

If the child or parent(s) / Supporter request further information about a referral to the Children's Reporter, information can be found at:

https://www.scra.gov.uk/parent_carer/questions-and-answers/

Further detail is included within the Police Scotland ACRA II training course pre-read and the [Age of Criminal Responsibility \(Scotland\) Act 2019\) Investigative Interviewer's Handbook](#).

Careful consideration should also be given to any planning and arrangements for other children involved in the same incident who are believed to have caused or risked causing harm or may be a victim). For example, ensure that interviews are conducted in separate venues, if taking place on the same day and time.

Social work and Police will work together with the ChIRP to ensure that the child and parent / carers are informed and supported.

Investigative Interview by Agreement

Prior to an Investigative Interview by Agreement taking place, additional information must be provided and explained to the child in a way that is appropriate to their age and maturity.

This information is contained within the corresponding Child Information Leaflet. Police must, usually with the support of social work, ensure the following points are explained to the child:

- ❖ that the interview is authorised by virtue of the agreement of the child and their parent;
- ❖ that either the child or the parent who has given agreement can withdraw this agreement at any time, whether before or after the start of the interview;
- ❖ information about the other circumstances in which agreement is withdrawn;
- ❖ that the agreement being withdrawn will end the investigative interview; and
- ❖ information about what else might happen following withdrawal of the agreement (e.g., CIO).

This information should have already been communicated to the child and parent when seeking agreement to the interview, however it is important to ensure that this is understood at all stages, including the interview.

Investigative interview under a CIO

It is important to note that an Investigative Interview under a CIO is authorised by a Sheriff. The child and any other identified person(s) must comply with any directions in the Order. As such, although the child still has the right not to answer any questions and can exercise that right at any time, unlike an interview by

agreement, a child cannot withdraw their consent. However, all actions must have the child's best interests as a primary consideration.

It is important to ask the child if they have any questions for you or anyone else present or if there is anything that they want to go over again

Age of Criminal Responsibility (Scotland) Act 2019 (ACRA)

ACRA Investigative Interview (II) Guidance Notes

Please read prior to conducting an ACRA II

1. Stopping the ACRA investigative interview

There are 2 types of ACRA II:

- ❖ by Agreement, or
- ❖ by CIO granted by a Sheriff

Should the child and / or parent ask or indicate that they want to stop the interview, all subsequent actions must be in the best interests of the child, which must be a primary consideration. You should either pause or terminate the interview (depending on the individual circumstances) and discuss the next steps with the ChIRP and Supporter. This applies to both types of interview.

If this is an interview by agreement, confirm that agreement is being withdrawn by the child and / or parent. Remember that the child and / or parent can withdraw agreement at any time, however they are also at liberty to change their mind. They can choose to give agreement again to a further interview, at a later stage. If they do withdraw agreement, police can choose to seek a CIO.

Dealing with a CP disclosure during the ACRA II

The IRD and planning for the interview process must consider contingencies for CP concerns arising during the Investigative Interview.

During an ACRA Investigative Interview, if a child's presentation or account gives interviewers reason to believe that the child may have experienced or may be at risk of significant harm, professional judgement should be applied in making a determination about how to proceed and the following should inform your decision making.

Child protection considerations

If the child raises a CP concern it is important to pause the interview and consider:

- ❖ is there concern about the immediate safety of the child?
- ❖ what is in the best interests of the child at that time?
- ❖ what is the nature, seriousness and immediacy of the harm disclosed?
- ❖ how is the child presenting at that time?
- ❖ has the child disclosed any injury or discomfort?
- ❖ when did the incident take place?
- ❖ can the CP concern be acknowledged at this time and be returned to at a future date?
- ❖ does the CP concern warrant proceeding to a JII at this time?

It is important that the decision to undertake a JII is made by IRD participants.

In circumstances where a decision is made to proceed with a JII, the child must not be asked any questions directly relating to serious physical harmful or sexually violent or coercive behaviour that meets the criteria for ACR investigative interviews under the provisions under the Act, and the child's rights must be safeguarded.

Where a JII commences, a new recording will need to be started. This should be undertaken as unobtrusively as possible, avoiding a negative impact on the child.

ACRA considerations

- ❖ Can the ACRA investigative interview be safely concluded?
- ❖ What impact is pausing the ACRA interview likely to have on the child?
- ❖ Are there concerns about the safety of others?
- ❖ How will the decision impact on the ACRA investigation?

A ChIRP and Supporter are only involved in ACR interviews and have no role in a JII.

2. Exploring the Incident / Multiple Incidents – section E2(a) 7(a) and section E2(c) of the ACRA II Protocol

An ACRA II must only include questioning that is related to the specific incident(s) of serious or sexually violent or coercive behaviour in relation to which agreement has been provided or as specified within a CIO and documented on the Plan for the Interview. Where a victim has made disclosures about a course of conduct, involving more than one incident, it is competent to explore these within the ACRA II, so long as the scope of the interview has been authorised by agreement or CIO and is documented on the Plan for the Interview.

Where disclosures are made about incidents of other harmful behaviour that fall out-with the scope of the interview (i.e., unrelated to the incident under investigation or a separate related incident that has not been disclosed by a victim and has not been authorised to speak to the child about), the circumstances must not be further explored within the same interview setting. This will require new authorisation, either by agreement or a CIO.

3. Phases of the Protocol

A. Introductions

An opportunity for everyone in the room to be introduced and ensure that there is clarity about roles

B. Rapport Building and Narrative Training

Building rapport is essential to establish a relationship of trust with the child in the interview.

Narrative training in the forensic interview gives children an awareness of “how much detail is expected of them, whilst ‘training’ them to provide more spontaneous descriptive responses and to elaborate on their narratives about experienced events” (Lamb et al. 2008).

C. Explaining and Practising Ground Rules

Clarity about the ground rules for the interview helps to reduce confusion and inaccuracy. It also makes the child less likely to be influenced by any inadvertent suggestion.

D. Further Rapport Building and Episodic Memory Training

It is important that interviewers continue to build rapport with the child throughout the interview. This phase also allows the interviewers to practice consistent use of open prompts and episodic language, helping the child to understand the level of detail that will be required in the substantive phase of the interview.

E. Substantive Phase

Following use of clear transition prompts which mark the transition to the substantive phase of the interview, the substantive issue will then be explored, applying the techniques and knowledge of the child's communication gained in the earlier phases of the interview. If more than one incident is being discussed it is important to fully explore one incident before moving to the next. At least one break should be taken during this phase of the interview.

F. Endings

This is an opportunity to ask with the child whether other people know about what happened, and if so, how.

Question Types

OPEN PROMPTS

All open prompts aim to initiate and sustain a free narrative, giving the child the freedom to choose what information will be reported and the freedom to use their own words.

I – Invitations

Invitations are the most open type of prompt; they encourage lots of spontaneous descriptions and details. *E.g., 'Tell me everything that happened'. 'Tell me about that' / 'then what happened' / 'tell me in as much detail as you can what happened'.*

T – Time segmenting invitations

Time segmenting invitations provide contextual cueing. They use content previously provided by the child to encourage the child to provide additional information about what has happened between two defined events in time. *E.g., 'tell me everything that you did / happened from the time you went into the bathroom until you came out', 'tell me everything you did from when you got up this morning until you came here'.*

C – Cued invitations

Cued invitations ask the child to elaborate on a specific piece of information they have mentioned. *E.g., 'You said X'. 'Tell me more about X' 'Tell me more about the part where...'*

It is important that you explore more detail within the segments (T) using cued invitations (C) and the expectation is that you do two or three in each time segment, particularly in the episodic memory training. More or less may be required in the substantive phase.

F – Facilitative prompts

Includes all neutral and minimal verbal prompts that encourage the child to keep talking. Facilitative prompts let the child know they are being heard and understood and prompt them to continue. Facilitative prompts are neutral and

don't break the flow of the child's recall. Facilitative prompts can be spoken or unspoken. E.g., Spoken- '*uhuh/mmmhmm/go on*'. Unspoken - *waiting calmly/nodding/facial expressions that encourage the child to continue*.

QUESTIONS

D – Directive questions

They are mostly 'wh' questions – who, what, where, when, why and how. They are a request for specific details by the interviewer. Directive questions encourage the child to search their memory and recognise which detail is needed to answer the question. They can be used when free recall has been exhausted but must be 'paired' with open prompts, such as 'tell me more'. E.g., '*Who was there?*' '*Where did you go?*' '*How did that happen?*'

OP – Option Posing

Option posing questions present the child with interviewer options for confirming, denying or selecting a response and as such limits the response. (Is, did, has, and are). They can require a 'Yes' or 'No' answer, e.g. 'Do you like football?' 'Did you go to the cinema?' Or they can require that a choice is made from a list of possible options e.g. '*Do you like football or netball?*' '*Did you go to the cinema or the theatre?*' '*Did you come by train, bus or something else?*' '*Was it night or day?*' '*Were you wet or dry?*'

S – Suggestive

Include all questions that are asked in such a way that the interviewer communicates what response is expected; questions that assume details that have not already been provided by the child; questions that introduce information that has not been provided by the child. E.g., '*Was your dad there?*' (*When child has not mentioned dad*), '*Was it sore when you got hit?*' (*When child has not mentioned being hit*). Suggestive questioning should be avoided.

Appendix 12 – ACRA Investigative Interview Protocol

Protocol for ACR (Age of Criminal Responsibility (Scotland) Act 2019) Investigative Interview

A. INTRODUCTION

Hello, [child's name], I am glad to meet you (again) today. How are you?

My name is _____ and my job is to talk to children about things that have happened.

This is _____ (allow second interviewer to introduce themselves as above and provide brief explanation of role, followed by support person and ChIRP).

In the introduction, gestures of goodwill are appropriate:

Are you comfortable? What can I do to make you more comfortable?

We are here to talk to you today about (introduce minimal details brief description of the circumstances that led to the interview e.g., time, location).

This is your chance to tell me what happened.

You don't need to answer any of my questions. Just tell me if you don't want to answer a question.

When we have finished talking today (explanation of what will happen after the interview, which may just be that interviewers will speak to other people/ our "bosses" and let the child know what will happen next as soon as they can)

As I told you, we will be taking at least one break. We can take a break at any time that you want to. Just tell me if you need a break.

We can also stop at any time that you want to. How will you tell me if you want to stop?

Do you have any questions for me or anyone else here?

B. RAPPORT BUILDING AND NARRATIVE TRAINING

B.1 Now, [child's name] (*It is really important to keep using the child's name throughout to ground them in the interview*), I want to get to know you better. Tell me about things you like to do.

Wait for child to respond.

If the child responds, express appreciation and reinforcement:

Thank you for sharing that with me, it helps me get to know you.
I am glad I am starting to get to know more about you.

Then skip to B.3, if you think the child should go directly into narrative training from here.

If the child does not answer, gives a short answer, or gets stuck, you can say:

We have just met/ met recently and I really want to know about you.
I am glad I can talk to you today, [Child's name].

If the child displays nonverbal cues of avoidance or resistance (e.g., gaze aversion), address it right away:

[Child's name], I can see you're [crying, quiet, looking down], tell me what is happening so I can help.

[Child's name], thanks for letting me listen to you today. Please tell me how you are feeling? Is there anything we can do to help?

B.2 I really want to know you better, [child's name]. I would like you to tell me about things you like to do at [something the child has already mentioned, clubs, school, etc.]

Wait for an answer.

If the child continues showing avoidance or resistance invite him/her to talk about a neutral topic chosen before the interview began (e.g., child's caregiver may have been asked to report about activities the child enjoys):

I heard you like [activity, hobby]. Tell me about [activity, hobby].

Ask about distinctive items (e.g., of clothing):

I can see you are wearing [a unique item, e.g., football team T-shirt].
Tell me about [that item].

Offer the child the opportunity to draw:

[Child's name], would you like to draw a picture of something [you like to do, something fun that happened]? Here are some crayons and paper for you.

Note that this activity is designed to promote the child's comfort, not to learn about the event. Do not attempt to interpret what the child draws or ask the child to draw anything related to the circumstances that led to the interview.

B.3 Now, [child's name], Tell me more about [activity the child already mentioned].

Avoid TV shows, videos, or fantasy.

Wait for an answer.

Prompt the child using various invitations to ask about different topics; one of those invitations should focus on internal contents: thoughts, feelings, sensations or emotions.

B4. Tell me what you enjoyed about [the chosen activity].

B5. Tell me what you didn't enjoy about [the chosen activity].

Important: Do not mention the location in which the alleged incident may have taken place.

If the child reveals distressing information, please explore that briefly while making supportive statements. You may want to check whether the child has previously reported it.

You told me about [the distressing incident]. Have you told an adult about that?

If the child says no, say: Would you like me to help you tell someone?

B6. [child's name], you told me about [activity already described] and shared your [emotions, thoughts] with me (if s/he did). Thank you for doing that. It's important that you know you can talk to me about anything, both good things and bad things.

C. EXPLAINING AND PRACTISING GROUND RULES

Adjust the questions according to the child's developmental level.

C.1 [Child's name], I'm interested in you and so I'll be asking you all kinds of questions today.

It's important to remember that when you tell me things, I wasn't there so I need your help to understand what happened. I need you to tell me even if you think I already know.

C.2. If I ask a question and you don't know what I mean, just say, "[interviewer's name], I don't know what you mean." Okay, [child's name]?

Pause

Let's try that, so if I ask you what is your appellation (*or other example – gender etc*), what would you say?

Child replies

(child is not likely to understand this word or what is being asked so praise child for admitting they do not understand, reaffirming to the child that they need to say when this is the case)

You don't know, that is okay. It's a hard word. It is ok to say "I don't understand", and I can ask in a different way. Instead of asking about your appellation, I can ask you, what is your name?

Child replies (ensure child is comfortable saying 'I don't know', try another example if it appears necessary to check)

C.3. Okay, great, and if I ask a question, and you don't know the answer, just tell me, "I don't know." So, [child's name], if I ask you [e.g., what did I have for breakfast today], what would you say?
Wait for an answer.

If the child says "I don't know," praise child for answering 'don't know' say: Right. You don't know, [child's name], because you weren't there.

If the child offers a guess, say: No, [child's name], you don't know me and [e.g., you weren't with me when I had my breakfast this morning], so you don't know. When you don't know the answer, please don't guess; just say that you don't know.

[if child does guess you may want to repeat this with a different example]

Pause

But if you do know or do remember, it is very important that you tell me, okay, [child's name]?

C.4. And, if I say things that are wrong, you should tell me. Okay, [child's name]?

Wait for an answer.

So, if I said that you are 5 years old (*when interviewing a 10-year-old, etc.*), what would you say?

If the child only denies and does not correct you, say:

You're right!

You're not 5 years old. What would be right?

Wait for an answer.

Reinforce the child if s/he gives the right answer: That's right, [child's name]. Now you know you should tell me if I make a mistake or say something that is not right.

Pause

Correct a wrong answer: No, [child's name], you are not [wrong age], you are [real age].

Important! If child gives a wrong answer practice again:

So, if I said you were standing up, what would you say?

Wait for an answer.

Okay, [child's name], now you understand that if I say something incorrect or wrong, you need to correct me and tell me what is right.

C.5. Part of my job is to talk to children about things that have happened. If you choose to talk to me today, it is important that you tell the truth, but remember that you don't need to answer any questions that you don't want to.

And remember [ChIRP] is here to support you today and [supporter] is here for you as well.

D. Further Rapport Building and Episodic Memory Training

Prior to the interview, please identify a recent, short, positive and meaningful event in which the child actively participated. If possible, choose an event that took place within a similar timeframe as suspected incident. If the alleged incident took place during a specific day or event, ask about a different event.

I am glad to meet with you today, [child's name], and I would like to get to know you even better.

D.1 Main invitation

A few [days, weeks] ago was [a holiday, birthday party, other event identified by the child]. Tell me everything that happened [during the event], from the beginning to the end, as best as you can.

In case an event wasn't identified previously, ask: Did you do something special recently?

[Wait for an answer]

For example, did you get to go somewhere or go to a birthday party?

If the child doesn't identify a suitable event, So, I want you to tell me everything that happened [today, yesterday], from the time you woke up. (This would need to be used with caution, depending upon the circumstances that led to the interview. It might be that the events earlier that day have been challenging for the child. Appropriate prompts should be considered when planning for the interview).

D.2 Follow-up invitations

Please echo the first action that started the event. Then ask:

And then what happened, [Child's name]?

Use this question as often as needed throughout this section until you have been given a full account of the event.

Thank you, [child's name], you have told me many things (if s/he did). I want to ask you some more questions about what just you told me.

D.3 Time segmenting invitations

Try to use 3-time segmenting invitations, although you may adjust the quantity and type of invitations to the child's capabilities and reactions.

[Child's name], please tell me everything that happened from the moment [an activity the child mentioned] to the moment [a subsequent mentioned activity].

If the child has difficulty understanding defined segments, say:

Please tell me everything that happened from the moment [an activity the child mentioned] began.

Thank you, [child's name], for telling me that. What you say is very clear and that helps me understand what you mean.

D.4 Cued invitations

Try to use three cued invitations, but you may adjust the number depending on the child's capabilities and reactions. Please focus on thoughts and feelings as well.

Cued invitations can be used in one of two formats:

Tell me more about [activity, object, thought, feeling].
Earlier you spoke about [activity, object, thought, feeling]. Tell me more about that.

D.5 [Child's name], thank you for telling me about [title of the event]. When we talk today, it is very important that you tell me everything about things that have really happened.

D.6 [Child's name], how are you feeling so far?

E. SUBSTANTIVE PHASE

E.1 Transition to substantive issues

Important: If the child expresses explicit verbal resistance without denying the incident at any point, skip to section E.1.a, "support for managing overt refusals," and deal with the resistance without using additional transitional prompts.

Now that I know you a little better, [Child's name], I want to talk about why we are here today. This is a chance to tell me what happened.

At any stage, if the child refers to the circumstances that led to the interview, skip to section E.2.

If the child describes an irrelevant event or unrelated incident, say:
I hear what you are saying to me, [child's name]. If you want, we can talk about that later. Right now, I want to know about something else that may have happened.

1. Tell me everything that happened from the beginning to the end.
*If the child describes the incident, skip to section **E.2***

2. As I told you, [Child's name] my job is to talk to children about things that might have happened. It is very important that you tell me why you think [your mum, dad, grandmother] [brought you here today, I came to talk to you today].

3. *If the child looks avoidant or resistant, you may address him/her with general supportive statements which do not refer specifically to him/her and do not mention the circumstances that led to the interview:*

- a. [Child's name], my job is to listen to children about things that happened.
- b. [Child's name], here children/young people can talk about anything that has happened.

4. [Child's name], tell me what happened at [location, time of alleged incident].

*If the child describes the incident, skip to section **E.2***

5. I [saw, heard] that [name] has/had [documented injuries, bruises] on their [body part]. Tell me how he/she got those [injuries, bruises]?

If the child does not provide further detail and looks avoidant or resistant, you may use some of the supportive statements above (a–b) or one of the following statements (c–e), which refer specifically to the child, but still do not mention the incident:

- c. You have told me a lot about yourself. I feel I know you better and you can tell me more, about anything that has happened.
- d. You have told me a lot about yourself, thank you for letting me know. When you talk to me today, please go on and tell me about other things that have happened.
- e. [Child's name], if there is anything you want to tell me, [I want to know/listen, it's important for me to know/listen].

If there is no further information provided or a denial: Evaluate and plan your next steps.

You may use the child's verbal and nonverbal indications of reluctance to evaluate the situation and decide whether or not to proceed.

Consider ending the interview (skip to E.1.b) and planning an additional interview if you believe that the child is resisting or avoiding cooperation and that an additional session of rapport building might be beneficial.

Or: *Proceed through the transitional prompts gradually when you suspect that the child does not recognise the incident under investigation.*

Move on to the following prompt 6, having evaluated and thought about which of these is assessed to be the child's experience

6. [Child's name], did you [briefly describe the circumstances that led to the interview]? [If child confirms 'yes' move immediately to **E.2** and invite for a first narrative]

If the child doesn't provide any information about the circumstances that led to the interview but looks avoidant or resistant, you may use the above supportive statements (a–e) or one of the following (f–h):

f. [Child's name], this is a chance to tell me what happened.
g-1. [Child's name], if it is hard for you to tell, what makes it so hard?
g-2. [Child's name], is there anything you are worried about?
g-3. [Child's name], what would happen if you told me?
g-4. [Child's name], has someone told you not to tell?
h. It's your choice if you want to tell me and it is my job to let you choose.

7. [Child's name], I understand [someone] [reported, saw circumstances that led to the interview]. I want to find out what happened.

*If the child describes an incident, skip to section **E.2***
If the child does not describe an incident go to E.1.b

E.1.a Supportive statements to help manage overt refusals.
If the child has explicitly expressed difficulty or reluctance to report but hasn't denied the incident, you may use the supportive statements above (a–h) and the following statements dealing with overt refusals to engage.

i. [Child's name], I understand you are [difficulty the child mentioned, e.g., embarrassed]. Let's start talking and I'll try to help you with it.
j. Many children are [difficulty the child mentioned] and I try to help them.
k. I understand you are [difficulty the child mentioned], tell me more about that.
l. If the child expressed lack of confidence: "I'm sure you can talk about it well".

- m. If the child said s/he was worried about something specific and the reassurance you can give is true: “Do not worry, I will [not tell the other children/make sure you are not late for the bus]”.
- n. It’s your choice whether to tell and I will go with your choice.

E.1.b Ending the interview without the child describing the incident.
If at any point while exploring incident you believe that the child is resistant or uncooperative and that rapport building will benefit from an additional meeting, end the interview and plan an additional one. Skip to section G if you want to end the interview.

E.2 Exploring the incidents

Throughout the entire substantive part, it is important to preserve and enhance the rapport established with the child, continue providing supportive statements, and address expressed inhibitions, distress and conflicts.

E.2.a Free recall invitations

7.a. Invitation for a first narrative about the incidents.

If the child mentions a specific incident:

[Child’s name], you told me that [briefly echo circumstances the child has described]. Tell me everything from the beginning to the end as best you can.

If the interview is in relation to a number of identified incidents:

[Child’s name], you told me that [a brief echo of incident the child has spoken about]. Tell me everything about [the last/first time/at place/at time/specific incident] from the beginning to the end.

If the child gives a generic description and you cannot determine the number of incidents:

[Child’s name], you told me that [briefly echo the incident the child has described]. Did that happen one time or more than one time?

Depending on the answer please invite a first narrative (10.a).

If the description is still generic, please say:

[Child’s name], you told me that [briefly echo the generic description]. Tell me everything from the beginning to the end.

7.b. *Follow-up invitations*

Please echo the child's description of the action/occurrence that started the incident. Then ask:

And then what happened?

Use this question as often as needed until you have a complete description of the incident.

7.c. *Time segmenting invitations*

You have told me many things and helped me understand what happened.

Now, [child's name], I want to ask you more questions about [incident title].

[child's name], Think back to that time [day, night] and please tell me everything that happened from the moment [an activity the child mentioned] to the moment [a subsequent activity the child mentioned].

You may use this question as often as needed to ensure that all parts of the incident are elaborated.

7.d. *Cued invitations*

Cued invitations can have two formats:

- Tell me more about [activity, object, feeling, thought].
- [Child's name], you mentioned [activity, object, feeling, thought].

Tell me more about that.

Use this question as often as needed throughout this section. Important: Free-recall invitations should be exhausted before proceeding to directive questions.

E.2.b *Directive questions*

If some central details of the incident/s are still missing or unclear after the exhaustive use of open-ended questions, use directive questions.

8. [Child's name], you said that/mentioned [activity, object, feeling, thought]. [How, when, where, who, what, which, how many, what did you mean]?

It is important to pair open-ended invitations with directive questions whenever possible:

Tell me more about that.

E.2.c Exploring multiple incidents

If in reply to question the child mentions a single incident:

9. *If the interview is in relation to a number of identified incidents [Child's name], what you just told me, did that happen one time or more than one time?*

If the child has said that such incidents happened more than one time, go back to question 10.a and explore additional incidents. It is often best to explore the last, first, or best remembered incident.

E.2.d Break

[Child's name], now I want to make sure I have understood everything you said and see if there's anything else I need to ask. I will take a couple of minutes to think about what you told me/go over my notes.

During the break time, review the information you have received, see if there is any missing information, and plan the rest of the interview taking account of any further specific details that are required. Be sure to formulate option-posing questions in writing and consider replacing them with open-ended or directive prompts.

E.2.e Option-posing questions—eliciting information that has not been mentioned by the child.

You should ask these focused questions only if you have already tried other approaches and you realise that some forensically important information is still missing. It is very important to pair option-posing questions with open invitations ("Tell me all about that") whenever possible.

In case of multiple incidents, you should direct the child to the relevant incidents in their own words.

10. [child's name], when you told me about [specific incident embedded in time and place] you mentioned [activity, object, feeling, thought].

[Did, have, has, is, are] [a detail for child to confirm or deny]?

Example: Sarah, when you told me about being in the kitchen with Lewis, were there other people with you?

Whenever appropriate, follow with an invitation:

Tell me everything about that [activity, object, feeling, thought].

Before you move to the next incident, make sure you have obtained all the missing details about each specific incident.

F. HOW OTHER PEOPLE KNOW

You've told me why you came to talk to me today. You've given me [lots of] information and that really helps me to understand what happened.

If the child has mentioned telling someone about the incident(s), you may say:

1. Now I want to understand how other people found out about [last incident].

If the child has not mentioned telling anyone, probe about possible report by saying:

Does anybody else know what happened?

Then explore the reporting process, addressing the time, circumstances, and recipients, potential discussions of the incident), and reactions to the report by both the child and recipients. Use open-ended questions whenever possible.

If the child confirms 'yes' but does not mention the name, ask:

'Who else knows about what happened?'

Wait for an answer. If the child identifies someone, go to Question 4.

2. 'Now I want to understand how other people found out about [the last incident].'

Wait for an answer. If the child identifies someone, go to Question 4. If there is missing information, ask the following questions.

3. 'Who was the first person to find out about [incident as described by the child]? [Wait for an answer.]'

4. 'Tell me everything you can about how ["the first person mentioned by the child"] found out.'

Wait for an answer. Then say:

'Tell me more about that.'

Wait for an answer. If the child describes a conversation, say:

'Tell me everything you talked about.'

Wait for an answer.

5. 'Does anyone else know about [alleged incident as described by the child]?'

Wait for an answer. Then say:

'Tell me more about that.'

If the child described a conversation, say:]

'Tell me everything you talked about.'

I have listened really carefully and what you have told me is important.

F. ENDING THE INTERVIEW

1. You have told me lots of things today, and I want to thank you for speaking to me'

2. 'Is there anything else you want to tell me?'

*Wait for an answer. **If child says yes or reports new details go back to E2.***

3. 'Is there anything you want to ask me?'

Wait for an answer. Offer reassurance where you can using non-suggestive supportive statements.

4. 'If you want to talk to me again, we can do that'.

Inform child of possibility of other interviews.

5. It is important that children get the help they need and we want to make sure that you get any support you need. When we have finished talking today (explanation of what will happen after the interview, which may just be that interviewers will speak to other people/ our "bosses" and let the child know what will happen next as soon as they can).

Ensure the child and family have a specific point of contact for police and social work.

[Child's name], earlier you told me about your [hobby, interest, trip, recent event] and I was interested to hear about that, tell me more about [chosen topic/interest].

Talk to the child for a couple of minutes about a neutral topic.

Appendix 13

Summary of decision making in relation to children under 12

Decision	Section	Test	Comments
Immediate protection decisions			
Should the police take a child to a place of safety to protect others?	Section 28	Only if constable: 1. has reasonable grounds to believe the <i>child is behaving or is likely to behave in a way that is causing or risks causing significant harm to another person</i> 2. is satisfied that <i>it is necessary to take child to a place of safety to protect any other person from an immediate risk of significant harm or further such harm</i>	New power under ACR (2019) Act
Should the police take a child to a place of safety for the child's own protection?	Section 56 of the 2011 Act	Only if constable is satisfied: 1. that there are reasonable grounds to believe that <i>the child has been or is being treated/neglected that the child is suffering or is likely to suffer significant harm</i> [i.e., the criteria for a sheriff granting a CPO] 2. that the removal of the child is <i>necessary to protect the child from the harm</i> 3. it is not practicable to apply for a CPO	The long-standing power of the police to remove a child to a place of safety for their own protection
Investigation decisions			
Should police question a child about their behaviour?		The police can question a child believed to be responsible for committing harmful behaviour that does not meet the threshold for an investigative interview, (and witnesses of such behaviour), in an age-appropriate way, without applying the provisions in the 2019 Act.	The police can question a child only if the constable is satisfied that the behaviour <i>does not</i> meet

			the threshold in s39.
Should the police interview a child about their behaviour?	<p>Section 39</p> <p>Section 54</p> <p>Section 40</p> <p>Section 44</p>	<p>1. The police can interview a child if a constable has reasonable grounds to believe that a child, while under 12 years of age—</p> <p>(a) by <i>behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or</i></p> <p>(b) by <i>behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person</i></p> <p>2. If the behaviour is above this threshold, the police can only interview if:</p> <p>1. <i>Necessary to prevent loss of life and there is a risk of loss of life if the child is not questioned immediately</i></p> <p>2. <i>By Agreement if it is necessary to properly investigate the child's behaviour and the circumstances surrounding it</i></p> <p>3. by obtaining a child interview order – sheriff needs to be satisfied:</p> <p>1. the child's behaviour meets the threshold test</p> <p>2. the interview is necessary to properly investigate the child's behaviour and the circumstances surrounding it</p>	
Should the police take prints or samples from a child?	<p>Section 58</p> <p>Section 63</p>	<p>1. The police are prohibited from taking prints or samples from a child under 12 unless authorised by court order or in an urgent case</p> <p>2. A sheriff can authorise the taking of prints or samples if satisfied that:</p> <p>1. there are reasonable grounds to suspect that the <i>child</i>:</p> <p>(a) by <i>behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or</i></p> <p>(b) by <i>behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person</i></p>	This is the same threshold test of behaviour as for

	Section 69	<ol style="list-style-type: none"> 2. the taking of the prints or samples is <i>necessary to properly investigate the child's behaviour and the circumstances surrounding it</i> 3. a senior officer (superintendent or above) can authorise the taking of prints or samples if satisfied that: <ol style="list-style-type: none"> 1. there are reasonable grounds to believe that the child: <ol style="list-style-type: none"> (a) <i>by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or</i> (b) <i>by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person</i> 2. the taking of the prints or samples <i>is necessary to properly investigate the child's behaviour and the circumstances surrounding it</i> AND 3. <i>it is not practicable to apply for an order from a sheriff because of the risk that, if the print or sample is not taken immediately, evidence from it would be lost or destroyed</i> 	<p>investigative interviews</p> <p>This is the same threshold test of behaviour as for investigative interviews</p>
Decisions about sharing information			
should the police tell SW, education or another agency about the child?			No different to their decision about any other child
should the police refer the child to the reporter?	Section 61 of the 2011 Act	<p>The police have a duty to refer a child to the reporter if they consider:</p> <ol style="list-style-type: none"> 1. <i>that the child is in need of protection, guidance, treatment or control, and</i> 2. <i>that it might be necessary for a CSO to be made</i> 	No different to their decision about any other child