

**Age of Criminal Responsibility – Operational Implications Subgroup**

Social Work Scotland[[1]](#footnote-1) (SWS) paper on the operational implications for social work for the increase in the age of criminal responsibility (ACR) to under 14.

**1. Background**

The policy intention of the Age of Criminal Responsibility (Scotland) Act 2019[[2]](#footnote-2) (the Act) is to protect children from the harmful effects of early criminalisation, whilst ensuring that the child and their family receive the right support. The Act raises the age of criminal responsibility to 12 years. This means that, when the Act is fully commenced, a child under the age of 12 cannot be charged or arrested for an offence, and police will no longer have recourse to their criminal justice powers.

The vast majority of cases where a child under 12 comes into conflict with the law will not require a response under the 2019 Act (Part 4 – Police Powers). However the most serious incidents of harmful behaviour will require a response under the provisions in the Act.

Section 78 of the 2019 Act puts in legislation the requirement for Scottish Ministers to review the age of criminal responsibility in terms of its operation and the consideration of the future age of criminal responsibility, and to produce a report to that effect.

The Age of Criminal Responsibility Advisory Group was established to review the operation of the Act, once implemented, and to consider a future age of criminal responsibility. The Group is chaired by Clare Haughey, Minister for Children and Young People.

The Advisory Group identified work priorities and agreed the need to establish work streams on the following four topics: data & research; victims; community confidence; and operational implications of moving to a higher age.

The Operational Implications Subgroup works with key partners to assess the viability of the provisions in the Act for increasing the age of criminal responsibility to an age higher than 12. Specifically the group is considering and identifying the operational issues arising from any move to a higher age of criminal responsibility, initially up to 14 years of age.

This paper outlines the operational implications for local authority social work services of an increase in age of criminal responsibility to under 14.

**2. Methodology**

SWS was asked to provide a report for the sub group relating to the operational implications for social work services for the suggested increase in the age of criminal responsibility.

A survey was devised[[3]](#footnote-3) that asked local authority social work services to consider the implications of a rise in age of criminal responsibility to under 14, (that means that children aged 12 and 13 could not commit an offence and therefore would not be considered criminally responsible).

In order to inform responses and give an indication of the possible number of children affected by such a change, a spreadsheet was provided which contained data held by the Scottish Government on non-Court disposals for children aged 12 and 13 in each Local Authority, where it was available.

The survey was sent to all 32 Local Authorities in June 2020. Twenty-two responses were received, covering 24 of the Local Authorities (noting one response from Forth Valley that covered three local authority areas; Clackmannanshire, Falkirk and Stirling). A response was received for almost all the survey questions (16 in total) from each local authority that responded.

The development of the survey was supported by colleagues at CELCIS (Centre for Excellence for Children’s Care and Protection), CYCJ (Children and Young People’s Centre for Justice), both based at the University of Strathclyde, and by Scottish Government, with expertise in data and research.

It should be noted that the survey was sent at a time when local authorities were at an early stage of their implementation of the 2019 Act.

The survey referred to ‘above the bar’ cases. This means behaviour that causes or risks causing serious or significant harm or sexual harm as defined in the 2019 Act. Where a child’s behaviour was a lower level of concern that would not meet the threshold for duties in the 2019 Act, this was referred to as ‘below the bar’ cases.

Assumptions were made in the survey that possible future legislation will align with duties in Part 4 of the 2019 Act.

The responses were analysed by an independent Data Analyst from CELCIS.

The responses from the survey were collected, collated and analysed and a number of key themes emerge: i.e. resource and capacity; system and practice change; training, learning and development and professional standards;strategic and policy landscape;partnership/ multi-agency working and data. Other relevant issues have also been noted in the findings.

Local authorities vary in size, demographics and geography, etc., therefore issues and challenges vary across the country. As a result, responses where not entirely consistent. Specific, significant issues have been noted for remote and rural locations, for example.

It was evident from the survey responses that the numbers of children impacted ‘above the bar’ threshold for the under 14’s age group remains low based on Scottish Government data provided and local social work data reviewed as part of the survey response.

**3. Operational implications for social work**

**Resource and Capacity**

The survey identified implications for resourcing and capacity relating to staffing and workforce, services for children and families and out of hours provision.

Responses indicated that the current social work system works at capacity with minimum room for additionally. This has become more acute during the Covid 19 pandemic and the work underway to recover from this.

Data from local authorities indicates that the numbers of children impacted by an increase in the age of criminal responsibility to under 14 would be low. However, even low numbers will require a comprehensive social work response, and will therefore add demand to an already stretched system. The 2019 Act includes specific duties and responsibilities for local authorities, such as the provision of places of safety and investigative interviews where specific criteria are met. At the time of completing the survey, social work services were identifying and planning for the requirements and resources needed for children under 12. The addition of children aged 12 and 13 will add to the demand under these provisions. Moreover, it is anticipated that a child protection response may be required for a number of the children identified through ACR provisions. In conclusion, extension of the age of criminal responsibility must be preceded by a thorough analysis (conducted through social work managers) of the additional resource requirements that it will entail, and the necessary investments must be made *prior* to commencement, to ensure social work systems are ready.

Places of safety

In particular, additional resourcing for emergency places of safety will require a specific focus to ensure that policy intentions can be met. It is anticipated that ‘place of safety’ requirements for older children could create difficulties in the system as is, in terms of the availability of suitable resources, taking into account the additional complexity that is likely with an older age group (i.e. different stage of development, level of concern regarding the child’s behaviour and the nature of the serious harm).

Planning for places of safety will require staffing, finance and the availability of suitable venues. Consideration must also be on the practical process of making these arrangements, particularly in the anticipated out of hours scenarios. A shared understanding is needed among relevant professional partners about timescales for decision making and the availability of resourcing at these times.

Travel and geography may also impact on suitable and timely provision. For some areas suitable emergency placements are very few (and literally geographically) far between. If kin type placements are not possible in remote locations then the immediate place of safety would potentially be a police station with a view to a distant (even off island) placement being considered. Such placements are costly and impact on family contact and access to other supports for the child.

## 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 secure care's controlled settings. The Act does not change the criteria or decision making process, however social work emphasise the need for partners, and in particular police, to be clear about these pathways and decision making processes.

In conclusion, under the current provisions of the Act, with an increase of the age of criminal responsibility up-to-12, there is already a pressing need to look at the availability of appropriate places of safety, and the resources available to social work in order for it to fulfil its role in the process. If the age of criminal responsibility was raised further, it would be essential that a comprehensive review of resources (including placements) was undertaken. This could consider the role of other services, including Barnahus (Bairns’ Hooses).

Investigative interviews

These duties will require not only additional resource but also new processes and procedures to be developed and implemented to support planning and decision making. For example investigative interview planning will require additional multi-agency meetings and planning processes for the interview (inter-agency referral discussions (IRD), interview planning meetings, engagement with child and parent etc).

There were mixed views on the implications of duties in relation to investigative interviews for social work services. Some note there will be no significant change whilst other areas predict a slight increase in the number of IRD’s held and the number of investigative interviews conducted. Any increases could have implications for staffing, availability of appropriately trained staff, capacity, responsivity and wider resources.

Current processes and practices vary across the country and local areas will be working to align this with newly published national guidance for child protection[[4]](#footnote-4).

A number of areas are seeking further clarification on the role of the social worker in investigative interviews, i.e. the competencies and minimum training requirements for this role.

In addition, further consideration is needed on the availability of suitable venues for investigative interviews across all parts of the country.

Out of Hours services

Specific mention was made in responses to ‘out of hours’ social work services. Social work services do not operate in ‘out of hours’ as they do during office hours, and responses and services at this time are limited. Also provision varies across the country and does not provide a consistent, national approach given the nature and requirements of different localities. In some areas duties such as IRD and Joint Investigative Interviews are not within the scope of ‘out of hours’ services.

The survey responses indicated that further legislative requirements (raising the age further) must take cognisance of these arrangements. Any consideration of services on an emergency basis will require careful consideration of additional resource and structural issues for social work services. Learning from the implementation of the 2019 Act will inform this.

Out of Hours Social Work practitioners will be familiar with requests for accommodation, however, they will require training and guidance in relation to ACR legislation, policy and practice.

Provision and responses vary across different localities and out of hours is a particular challenge in some remote and island authorities. They will require additional resources to realise the requirements of the ACR Act. Suggested solutions could be partnerships with a larger local authority or a national agency.

Also it is noted that it is difficult to plan and provide consistent resourcing for what may be a very rare event in some localities, while ensuring that any response that will be required will be timely and adequate, particularly in relation to places of safety. Remote authorities emphasise that planning must take cognisance of practical and geographical constraints.

**System and practice change**

The survey identified areas where processes, practice and referral routes may require review and change across the local single and multi-agency systems. There was a particular emphasis on the systems which ensure social work receive referrals that identify children early, when there are low level concerns.

Information Management Systems will require adaptation to enable the recording of relevant data to ensure monitoring, oversight, so areas for improvement can be identified.

The extent of changes may be greater or lesser for each locality depending on current structures. Some areas noted structural changes may be needed within social work services, for example some areas have Children and Families and separate Youth Justice teams. This means that changes may also be required in relation to local pathways and services.

Specialisms across social work children and families, child protection and youth justice services will require review and possible realignment to accommodate the different approach and cultural shift that the ACR legislation will bring. This has less impact for children under 12 years due to the low numbers and the current child welfare approach to children involved in concerning or harmful behaviour.

Specific challenges were apparent for some localities, particularly for remote and island authorities. Remote workforces can undertake a variety of generic roles and responsibilities whereas larger areas may have more specialism within the structure.

The ethos in the 2019 Act, with a focus on a child’s wellbeing, protection and rights is in line with social work values. Where a ‘serious harmful’ situation occurs each individual circumstance will require to be assessed and managed in a way that ensures the child’s safety and well-being and the safety and well-being of others.

While aligned with a social work value base, the survey highlights that this change brings a shift in relation to the current *processes and practice*, in particular the multi-agency practice with partners such as police will bring significant change. Social work are involved in joint formal interviews with police in a child protection context but a role in ACR investigative interviewing with police and a Child Interview Rights Practitioner (ChIRP) is an additional duty and a new approach.

At present, where a child or young person comes into conflict with the law, initial information is received from the police and processed through social work youth justice services, (where these exist). There are also existing multi-agency procedures in place to manage the complexity of risk, need and responsivity which are assessed and managed through child protection and risk management procedures. These procedures and practices would require review to ensure alignment with the proposed ACR requirements.

However current practice ensures a timely assessment and response to risk and need, and in some high level concern cases will use the Care and Risk Management (CARM) process in parallel with legal proceedings. The CARM Framework is a formal risk management process that currently supports children and young people aged between 12-18 where aspects of their behaviour may pose risk of serious harm to themselves or others. CARM processes are in line with the national Framework for Risk Assessment, Management and Evaluation (FRAME) Guidance and National Guidance for Child Protection in Scotland (2021). The primacy of the protection of any child is a priority in all social work practice.

Some areas identified that no *significant* changes to social work practice are envisaged if the ACR is increased from 12 to 14, although adaptations will be required in relation to processes, guidance, training and data collection, staffing, wider resources and multi-agency practice.[[5]](#footnote-5)

Most areas presume that the majority of the children will be known to social work already so care plans will already be in place. Almost all of these cases are likely to be dealt with under Early and Effective Intervention (EEI)[[6]](#footnote-6) processes.

More than half of the local authorities reported that changes will be required to local social work and multi-agency processes.

Some concerns were noted about the interpretation of the criteria and thresholds for the use of powers by police in relation to places of safety and investigative interviews. It is crucial that children are not brought into the processes and ‘system’ unnecessarily and interventions under the Act must be proportionate.

It was noted that, in a few areas, there is experience of serious incidents occurring that have involved multiple young people. This can result in intensive resourcing and support required in relation to court processes and associated outcomes (such as secure care arrangements). Where this occurs this can be complex and demanding on local resources. Considering this in the context of ACR raises issues in relation to places of safety requirements, IRD’s, investigative interviews as well as any necessary focus on victim(s). While these incidents are rare, ensuring an effective and timely response by all services is critical and is likely to impact on the availability of suitable resources, as well as skilled and trained workers. This scenario may require additional consideration.

The survey also notes that future legislation must provide clarity on the role and responsibilities for local authority social work to ensure that a rights respecting, welfare based approach is adopted in practice in line with the policy intentions.

**Training, learning and development and professional standards**

Ensuring there is sufficient awareness of legislative changes across the workforce and expertise to undertake specific duties will require an investment in intensive training and development programme.

High quality effective interventions require highly trained staff. The survey identified a need for specialist training to meet the complex needs and risks for children and young people whose behaviour has caused serious harm. This includes specialist training for social workers who will undertake the investigative interviews.

This is a new duty and approach for social work and, while has similarities to the current child protection joint investigative interviews (JII), will require separate and specific training for practitioners as well as oversight by managers, to ensure the highest standards of practice and quality assurance. These processes will also require a joint approach with police colleagues and Child Interview Rights Practitioners (ChIRP’s). A standardised national approach and resourcing is required.

A national approach to training was suggested as a way forward to ensure consistency in quality and standards across the country. This would require additional national resourcing. Specialist training has been suggested, specifically investigative interviewing, inter agency referral discussions, risk assessment and management.

Other issues noted include current uncertainty regarding links to child protection processes and training in particular the Joint investigative interview (JII) and the Scottish Child Interview Model (SCIM).[[7]](#footnote-7) It is noted that learning from the SCIM training will assist in the requirements for ACR as it ensures high quality interviews that are trauma informed with an evidence based approach. However skills and knowledge in relation to interviewing will require to be enhanced to meet the ACR requirements.

Remote authorities noted that it is unlikely that specialist training could be accommodated and staff retained in a small and remote workforce. In reality, in smaller and more remote areas incidents that require a response under ACR legislation will be rare. However this brings additional challenges where staff are not experienced in a specialist area of practice and maintaining skills and knowledge will be a challenge.

A practice model may need to be developed that supports a response across local authority boundaries that shares resource and skills. This in itself can cause difficulties if staff need to travel long distances to work in a different locality. This however would be preferable to children travelling, but logistical issues will need to be considered where travel requirements (such as ferries/ planes) need to be factored into planning.

Targeted interventions are required for a relatively small number of children, these interventions tend to be resource intensive and specialised where there are complex risk management and /or mental health issues, for example. These children are likely to be involved with social work services, however new ACR legislation will not address the current issues in relation constraints that exist with timely access to specialist mental health services.

The development of a national group or network to discuss practice as it develops and use this learning to inform future guidance, best practice, clarity around investigative interviews, the role of youth justice teams/ services etc. was suggested.

**Strategic and policy landscape**

The consideration of the wider context of further ACR changes is critical. While there were no concerns noted about the direction of travel or the commitment to the principles of the change, this needs to be seen in the context of current significant changes and the layering of new policy and legislation,[[8]](#footnote-8) occurring within the circumstances of recovery from the Pandemic.

Feedback from local authorities raises concern about this current and complex policy landscape for social work and indicates significant worry about the sequencing and linkages of these changes and the collective impact of this on the workforce and service delivery.

Future legislative changes for ACR must take cognisance of this change and subsequent complexity for local service delivery. The potential development of a National Care Service, with implications for lines of accountability for social work, is relevant here; careful thought will need to be given to what proposals mean in the context of ACR.

**Partnership/ multi-agency working**

Feedback from local areas also highlighted the additional requirements that will be needed for partner services. Social work services do not operate in isolation and partnership working is critical to ensure effective responses and support for children and families. Local multi-agency, proportionate responses are imperative to support positive and effective change for children.

A shared understanding of the legislation, policy and practices are required across the service that interact with social work to provide support to children and families.

The survey identified a number of services such as education, health, housing, third sector and adult care services who are key partners in a whole systems, family support approach (for example those in Named Person, Lead Professional, and Team around the Child[[9]](#footnote-9) roles).

It is noted that a small but significant group of children require specialist interventions from services other than social work and consideration is needed on the availability and access to these resources to support effective intervention and prevention. A few local authorities have commissioned or in house specialist intervention services (for example for sexual harmful behaviour), but this is not consistent across the country. It was also noted that timely access to a forensic clinical psychologist locally via CAMHS will be needed and improved access to mental health supports. It is reported that there are currently long waiting lists for specialist provisions such as CAMHS.

It is important that social work and universal services are equipped to undertake early intervention work with young people and families, particularly for those children whose behaviours are ‘below the bar’ for ACR legislation.

In some rural areas it is difficult to provide intensive support to families. Resource for children to be cared for out with their families are often far from their communities and local supports and this has implications for the child and their family. Third sector resources are also not readily available in these areas. These are long standing issue for some remoter areas.

**Data**

Scottish Government and Social Work data indicates that numbers of children that meet the ‘above the bar’ threshold for under 14’s will remain low.

However, local areas have differing views on data, some envisage the numbers would increase substantially if the ACR was increased. Greater clarity about future need and demand is required supported by robust data to support local planning.

Further research and data is required if the age of criminal responsibility increased beyond 14.

**4. Additional issues identified**

National approach

An ACR steering group to oversee the process of transitioning to a higher age would be beneficial to ensure that it is implemented effectively across all partners.

There will be a need to review and update national policy and guidance as well as develop systems including monitoring and reporting on the data around ACR and the evaluation of the impact of interventions.

Community confidence

Concerns were noted on community and victim perceptions and expectations for justice.

New legislation will bring a culture change which will require a shift in attitudes of the public from criminalisation of children to child centred approaches.

This perception must be considered nationally with communications and messaging developed that can then be supported locally.

Public attitudes to this change could be ambivalent. In particular the victims of such behaviour might be uncomfortable with a perceived ‘soft’ response. Local authorities indicated that they will need to work with their own communities to support this change and public perception.

Concern was expressed about the potential for children to be criminally exploited (county lines) by adults who are alert to the fact that a child cannot be convicted of a criminal offence under new ACR legislation.

However, the change in ACR removes the implications of a child being ‘labelled’ and stigmatised for having a criminal record. It also ensures that those under 14 continue to receive support as and when required that is welfare-based, focused on their needs and rights of children all underpinned by an awareness of how trauma may be impacting on behaviours.

Role of Scottish Government

The survey responses noted that Scottish Government must uphold the intentions of the Act and provide a central point of support for local authorities which can support local implementation.

Concerns were noted about silo working at national policy level and alignment is needed across the complex policy areas and significant current changes. For example, connectivity between child protection and youth justice.

Implementation of 2019 Act

While acknowledging the policy direction and the importance of the rights of the child, a key point made in the survey is that time is required to embed the 2019 legislation. This will allow local authorities and partners to develop effective practice for under 12’s which will provide a helpful foundation for any future increase in age. This will also allow learning from these changes to inform future legislation to ensure we get it right for children and young people and victims.

Any further increase in ACR will bring additional numbers, complexity and increased levels of harm therefore additional or different duties may be required in legislation for older age groups.

**4. Summary of key points**

* All responses supported a further increase to the age of criminal responsibility to under 14 to ensure that children are removed from the criminal justice system. There was agreement that a welfare, care and protection response is appropriate and aligns with UNCRC, GIRFEC and the intentions of The Promise. There was also agreement that this approach is consistent with the values of social work.
* All respondents are committed to making the necessary changes in support of raising the age of criminal responsibility.
* The safety and wellbeing of any victim must be considered and future changes must take cognisance of the needs of victims and their families.
* Social work anticipate that children who require a response under ACR legislation will likely be known to social work services.
* There is a strong view that the 2019 Act needs to be implemented and embedded before further legislation is considered. This will allow for review and learning before further legislation is developed.
* Future change must be seen within a wider context of the current complex policy and legislative landscape. There is a strong view that a focus is needed on alignment and sequencing of significant change for social work services for children and families. Future changes to the age of criminal responsibility will be a significant challenge for social work in the current context of these change and policy initiatives.
* Further consideration is needed on the implications, role and responsibility of other partners e.g. universal, specialist services and the third sector.
* Intensive and specialist interventions are needed for a small but significant group of children/ young people where there may be a risk to others. Current provision is stretched and there needs to be a recognition that a preventative approach for children involved in harmful behaviour must include the provision of adequate specialist resourcing.
* The provision of learning and development, training and clear practice guidance are required for specific duties such as places of safety, investigative interviews, inter-agency referral discussions and risk management. A national consistent approach is important to support local partnership working practice.
* Places of safety bring specific and significant challenges, some areas have very limited options. Data suggests these numbers will remain relatively low, However social work anticipate a greater demand for places of safety with an increase in ACR. An exploration will be needed of the provision, resourcing and processes required for this. Consideration is needed on the investment needed in resources to meet the intentions of the Act.
* The current configuration of social work provides basic service requirements out of hours, so additional provision required at these times to meet the intentions of the Act will be a challenge within current resources and structures. The rarity and uncertainty of when of these events will occur causes additional complexity in relation to resource and workforce planning. Out of hours services vary across the country, therefore there is not a universal, consistent approach or practice nationally.
* Concerns were noted about the thresholds and proportionality for the use of powers and the risk of unnecessarily bringing children into a social work system where this is not required (eg. where a child can be returned home by police). The survey noted that the legislation must be clear on the roles and responsibilities and powers required to make this change work for children as intended in the policy.
* Social work ask that roles and responsibilities for local authorities / social work are clear in the new legislative changes. Concern exists that the processes could be ‘police led’ rather than collaborative.
* There needs to be clear pathways between agencies to ensure early identification and effective supports for children. These pathways currently exist, but may require review to ensure that intervention remain proportionate.
* Where there is a lower level of concern about the child’s behaviour current processes may not require significant change, however half of the respondents noted that local single agency and multi-agency processes will require review and adaption.
* Where a child presents serious harmful behaviour that will need a response under ACR legislation, this will require changes to processes and practice, additional training and the development of guidance.

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October 2021.

Thanks to:

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Carole Murphy, Practice Development Advisor, CYCJ, University of Strathclyde.

Appendix 1

**Social Work Scotland survey on the operational implications for Local Authority social work services of raising Age of Criminal Responsibility (ACR) to 14 years.**

Background

This survey has been asked for by the Operational Implications subgroup of the Ministerial Advisory Group considering a possible increase in the age of criminal responsibility.

The survey will be used, along with information from SCRA, Police Scotland and COPFS and other relevant information, to inform the decision making for possible future legislation to increase the ACR beyond 12, with initial consideration at the Advisory Group being under 14 years.

Purpose

This survey therefore asks you to consider the implications for local authority social work service of a raise in the age of criminal responsibility to under 14, (that means that children aged 12 and 13 could not commit an offence and therefore would not be considered criminally responsible).[[10]](#footnote-10)

In order to inform your responses and give a sense of the likely number of children affected by such a change, the attached spreadsheet presents information held by the Scottish Government on non-Court disposals for children aged 12 and 13 in each Local Authority, where this is available.

The data shows that the majority of children referred for involvement in offending by Police Scotland are dealt with via local Early and Effective Intervention processes[[11]](#footnote-11), (referred to in this survey as ‘below the bar’ cases). Also, in relation to Court proceedings for children under 14 years over the past seven years, there has been only one child under 14 years proceeded against in court. This was for a miscellaneous offence of common assault of which they were found not guilty.

You may also want to analyse your own local data and available SCRA data[[12]](#footnote-12) when considering your responses.

The survey also refers to ‘above the bar’ cases. This means behaviour that causes or risks causing serious or significant harm or sexual harm.

Q1. Focusing on children in the ‘below the bar’ category i.e. cases through early and effective intervention processes, what do you anticipate the implications of raising the ACR to 14 are for the processes or practice locally?

Q2. Considering children aged 12 and 13 in this ‘above the bar’[[13]](#footnote-13) category, what does your local data indicate about children in this group in your area?

Q3. What processes are in place currently in your local area should a ‘serious harm’ above the bar situation occur involving 12- and 13-year olds?

Q4. What changes may be required in social work if the ACR is increased to 14?

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Q5. What changes and/or support will be needed from other organisations to ensure an effective response to meet the children’s needs and mitigate any risks? (e.g. SCRA, support services, Police Scotland, Scottish Government, other local authority services etc)

**For the next questions, please answer assuming there would be comparable duties in any new legislation to raise the age of criminal responsibility to 14 to the duties in the ACR Act 2019.**

Q6. What implication would the duties in relation to places of safety[[14]](#footnote-14) have for social work services for under 14’s?

Q7. What implications would the duties in relation to investigative interviews[[15]](#footnote-15) including inter agency referral discussions (IRD) [[16]](#footnote-16) have for social work services for under 14’s?

Q8. What would be the implications for training and development of staff in your local area?

Q9. What would be the implications for resourcing, structures, governance etc in your local area to ensure effective practice and processes (including out of hours arrangements)?

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Q10. What are the implications of raising ACR to 14 for services and/or interventions to support children and families to meet children’s wellbeing needs, and reduce risk of harm?

Q11. What resources, interventions or approaches would make practice more effective that are not currently available?

Q12. What are the barriers, risks, and opportunities to implementing ACR at an increased age of 14?

Q13. With reference to your local data what would you consider to be the likely numbers of children that meet the ‘above the bar’ threshold for under 14’s in your area?

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Q14. Are there any other issues you want to raise in relation to operational implications of an increased ACR to 14?

Q15. Do you have any comments about a further increase in age of criminal responsibility beyond 14?

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Q16. Are you willing to be involved in further discussion about this topic? If so, please provide contact details

Thank you for taking the time to complete the survey.

Please return by **Monday 12th July** to: Sharon.glasgow@gov.scot

1. Social Work Scotland is the professional body for social work leaders, working closely with partners to shape policy and practice, and improve the quality and experience of social services. [↑](#footnote-ref-1)
2. Link to the Age of Criminal Responsibility (Scotland) Act 2019: <https://www.legislation.gov.uk/asp/2019/7/contents/enacted> and [Explanatory Notes](https://www.legislation.gov.uk/asp/2019/7/notes/contents) [↑](#footnote-ref-2)
3. See appendix 1 – survey template [↑](#footnote-ref-3)
4. [National Guidance for Child Protection in Scotland 2021 - gov.scot (www.gov.scot)](https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021/documents/) [↑](#footnote-ref-4)
5. Seven Local Authorities did not anticipate any significant implications to processes or practice in raising the ACR to under 14 in relation to children in the ‘below the bar’ category. However the other 15 local authorities indicated that there would be a requirement to change local processes as well as inter agency processes. [↑](#footnote-ref-5)
6. 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/> [↑](#footnote-ref-6)
7. This model is currently being rolled out across the country so there are currently different models for child protection interviews. [↑](#footnote-ref-7)
8. For example, United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, The Promise, SCIM implementation, new revised National Guidance for Child Protection (2021) Barnahus developments and the possible transformational structural change that may emerge from the development of the National Care Service. [↑](#footnote-ref-8)
9. [Getting it right for every child (GIRFEC) - gov.scot (www.gov.scot)](https://www.gov.scot/policies/girfec/) [↑](#footnote-ref-9)
10. When Part 1 of the Age of Criminal Responsibility (Scotland) Act 2019 commences in 2021, children under the age of 12 cannot commit an offence and therefore will not be considered criminally responsible [↑](#footnote-ref-10)
11. EEI supports agencies working together to take early action to respond to behaviour, EEI aims to respond to children who come to the attention of the police for concerning or harmful behaviour at the most proportionate level for the child’s needs. The overall aim is to improve the outcomes for children by ensuring proportionate responses that are right for a child, and at the right time are provided. Aiming to prevent children entering into formal systems of compulsory measures that are not needed or necessary. [↑](#footnote-ref-11)
12. [Online Statistical Dashboard - SCRA](http://www.scra.gov.uk/stats/?areaByMeasures=true&area=Argyll%20%26%20Bute&measures%5B%5D=Children%20referred&measures%5B%5D=Children%20referred%20-%20non-offence&measures%5B%5D=Children%20referred%20-%20offence&measures%5B%5D=Referrals%20received%20-%20non-offence) [↑](#footnote-ref-12)
13. i.e. behaviour that causes serious or significant harm or sexual harm [↑](#footnote-ref-13)
14. ####  [Age of Criminal Responsibility (Scotland) Act 2019 (legislation.gov.uk)](https://www.legislation.gov.uk/asp/2019/7/section/28)

 [↑](#footnote-ref-14)
15. [Age of Criminal Responsibility (Scotland) Act 2019 (legislation.gov.uk)](https://www.legislation.gov.uk/asp/2019/7/part/4/chapter/3) [↑](#footnote-ref-15)
16. 2019 Act: Where it is believed that a child under 12 years of age is suspected of causing serious harmful behaviour that meets the ‘above the bar’ threshold of the Act, then an IRD must be instigated at the earliest opportunity. [↑](#footnote-ref-16)