

**Comments and Implications for practice of raising the age of criminal responsibility –
Feedback from Table Discussion
National Youth Justice Conference 2016**

Age

- Virtually all under 12s referred via welfare rather than offence grounds already
- Legislation catching up with reality
- Is 12 the correct age? What about 13 and 14 year olds?
- More impact if raised to 14
- Too young - should be higher to 16 years, at the very least 14 years
- Surges in brain activity at ages 7/8 (and 13/14) including social reasoning etc
- Frightening for children aged 8 to 11 – further adds to their trauma
- You can't hold an eight year old responsible for a criminal offence, it's the parents
- Further recognises developmental delay

General

- Not a lot of 8 to 12 year olds come to attention of services around criminality but when they do, there is usually a welfare issue. It gives us more time
- Not criminalising children as young as 8 to 11 facilitates pick up issues to be dealt with in other ways
- Longer time to keep them outwith the system
- Lack of generic definition for child – UNCRC/16/17 year olds adult if not on supervision
- Need to manage expectations of change
- Change in culture and attitude in Scotland
- Early intervention and every stage of a young child's life is supported
- View that the change will not have such a significant impact on practice
- No implications - same services will still be involved
- Public perception/what will happen to these young people
- Keeping it alive in the press

Child/Family

- Appropriate supports available
- Able to work more therapeutically with the family by removing the 'criminalisation' aspect
- Could children slip under the radar as issues are not picked up? A conviction/criminal offence should not be the gateway to services, but in practice it often is
- Behaviour would still be concerning
- Still need to do something with young people who harm. Even without legitimisation of offence, still need to deal with the child/young person in a way that reduces future harm
- Transference of responsibility on to the parent without consideration of supports
- Increased offending in families where pro-criminal activity is the normal because child will not be charged
- Possibility that younger children become used as runners/exploited by older peers

Victims

- What are the implications for victims, i.e. a child victim of a young person under the age of criminal responsibility?
- Ensuring those who are harmed are not missed

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Training

- Multi-agency training
- Staff need to be trained to cope with change with distinctions between 11 and unders and 12 and beyond
- (YJ skills) Sometimes people don't know how to deal with behaviour so gets referred to YJ. What will happen in C&F – with overwork/Child Protection. Is there a training need in C&F?
- Educating education about work with young people who offend
- Training for people who interact with young people and children
- Explaining how it will work to EVERYONE
- Everyone who has a part to play in developing kids' lives to play their part

Systems

- Children's Hearings need to continue to work with welfare needs of 11 and under involved in criminal activities
- Do we need a new system for 8-12 year olds, or is the Hearings System/GIRFEC enough? New role with named person
- Increase in referrals to Children's Hearing System under welfare/need category as opposed to offending
- No cut in funding for 8 to 11 year olds
- Collaborative working - education/voluntary sector/youth justice/social work etc
- Need for more resources for preventative/diversionary measures in community
- EEI keeps people out of formal systems - will there be a mechanism for those under the age of CR - when referral to CHS is unnecessary
- Links with EEI, what does it mean - depends on how robust local procedures are
- Implications for NPS - it would then be a well-being concern, responsibility of NP to pick up rather than as criminality
- Some areas EEI under 12s would not be dealt with as 'offence' but as well-being concern
- For police to deal with young people in a 'common sense' approach - ability to use their discretion would be a positive step
- School inclusion

Questions

- Does this impact on 'lifelong restrictions'?
- Whose responsibility does the offence become?
- Will minimise the impact on life/work opportunities as they emerge into adulthood BUT what happens to the children who were criminalised prior to the change happening - can disclosure/criminal records be retrospectively changed?
- How do you prioritise children at risk?
- How do young people access the services they need when they need it? Offending can act as a trigger for services (although it shouldn't)
- How to ensure young people get support but not a record?
- What should early intervention be addressing? Will we need a different set of skills?



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