

# Scotland's response to children in conflict with the law: What data exists?

**Carole Murphy, CYCJ**

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## Introduction

Wherever possible children who come into conflict with the law should be kept out of the adult criminal justice system and either diverted from formal systems altogether, or have their needs met through the Children's Hearing System. However, a large number of children in Scotland do get drawn into the adult criminal justice system. Due to the dual system approach, as well as the legalities around the definition of a 'child' in Scotland, the processes can be complex and difficult to understand. The [Young Person's Journey](#) and [Journey through Justice](#) are online interactive resources designed to help children, their families and professionals understand the journey through the justice system.

As there are two separate, albeit linked, systems that children can become involved in, it can also be a challenge to monitor our national response to children who come into conflict with the law and to identify whether we are responding in their best interests and meeting their developmental needs. Information is currently gathered by a number of organisations that children in conflict with the law may come into contact with - Police Scotland, the Scottish Children's Reporter Administration, Children and Families Social Work, Secure Care Services, the Crown Office and Procurator Fiscal Service, Criminal Justice Social Work and the Scottish Prison Service. The majority of the available information is analysed and published by the Scottish Government. However, within the Scottish Government this information spans four different directorates/teams - Children and Families, Justice, Safer Communities and Youth Justice - and is contained within different statistical collections.

A further challenge in accessing information on our response to children in conflict with the law is that within the various published reports, the age categories used differ and children (those under 18 years of age) are sometimes grouped with young people (those under 21 years old). Additionally, on occasions the information on children is not contained within the main report but needs to be accessed through additional tables in the supporting files. For these reasons, this paper collates the regularly published official statistics in Scotland, which are known to CYCJ, in relation to children in conflict with the law. Specifically, this paper documents what data exists, where and when it is published, as well as providing the

available data for the past five years<sup>1</sup>. Hopefully this will make the information more accessible to individuals and organisations for whom this information is relevant<sup>2</sup>.

## Recorded Crime

### Scottish Policing Performance Framework Annual Reports

The Scottish Policing Performance Framework Annual Reports used to include information on the number of detected crimes and offences by children and young people. However, since the establishment of Police Scotland and the merger of eight regional police forces, it has not been possible to access a national breakdown of the recorded crimes or offences alleged to have been committed by children. This is due to the crime recording systems used by Police Scotland having no facility whereby the age of the accused at the time of the offence can be easily extracted. The last figures available are therefore from the [2012/13 annual report](#).

### Recorded Crime Statistics

The Scottish Government's Justice Analytical Services division (JAS) produce statistics on [Recorded Crime in Scotland](#). These are split by crime or offence group and by local authority, but not by age. Annual reports are published with the latest [2020-2021](#) report being published in September 2021. [The Scottish Crime Recording Board](#) has been set up to support the production of accurate and objective statistics on crime in Scotland and is chaired by JAS. As well as publishing annual National Statistics on recorded crime, a series of monthly Official Statistics were also introduced during the COVID-19 pandemic and a selection of research reports have been produced in recent years. The research reports provide some information in relation to children accused of offences and are detailed below.

[Recorded crime in Scotland: attempted murder and serious assault, 2008-2009 and 2017-2018](#): This report is based on a random sample of 1,101 police recorded crimes of attempted murder and serious assault (550 from 2008-09 and 551 from 2017-18). The report details

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<sup>1</sup> Information from the Scottish Crime and Justice Survey has not been included as it is based on experiences and perceptions rather than children who have come into conflict with the law through detected crime.

<sup>2</sup> This paper is based on the official statistics known to CYCJ and our understanding and interpretation of them. Links are provided to the original data sources where more detailed information can be obtained.

that in 2017-18, 17% of the serious assaults sampled involved at least one teenage perpetrator (aged between 13 and 19 years old) and 1% involved at least one perpetrator under 13 years old.

[Recorded Crime in Scotland: Robbery, 2008-09 and 2017-18](#): This report, which provides information on robberies recorded by the police, is based on a sample of police records from 2008-09 and 2017-18. The findings indicate that around one in five robberies (19%) involved at least one teenage perpetrator (13-19 years) in 2017-18.

[Recorded crime in Scotland: 'Other sexual crimes', 2013-2014 and 2016-2017](#): This report, which provides information about 'Other sexual crimes' which have come to the attention of the police, is based on a sample of police records. The research estimates that the increase in sexual crimes over recent years is largely due to growth in cyber-enabled 'Other sexual crimes' such as 'Communicating indecently' and 'Cause to view sexual activity or images'. It reports almost a quarter of cyber enabled crimes of 'Communicating indecently' and 'Cause to view sexual activity or images' had a victim and perpetrator who were both under 16 in 2016-17 (compared to 8% for non-cyber enabled crimes of this type).

[Recorded Crime in Scotland: Handling offensive weapons](#): This report provides information on crimes of handling offensive weapons recorded by the police and is based on a random sample of police recorded crimes from April to September 2017. It indicates that around a quarter of perpetrators were teenagers (13-19 years).

[Characteristics of police recorded hate crime in Scotland: study](#): Based on a random sample of police recorded crimes in 2018-19, this report presents findings on the nature of hate aggravated crimes in Scotland. In 2018-19, where hate aggravated crimes did not involve a police officer in the line of duty and a perpetrator was identified, around one in five (22%) had at least one perpetrator under the age of 18<sup>3</sup>.

[Non-Sexual Violence in Scotland](#): Published in 2019, this report brings together official data on non-sexual violence from a range of sources in Scotland. Overall, there is evidence of a decrease in non-sexual violence by children and young people, particularly 16-24 year olds.

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<sup>3</sup> Based on further analysis of the hate crime data.

## Homicide Statistics

This statistical collection provides some information in relation to children accused of homicide. [Homicide in Scotland](#) statistics are published by the Scottish Government in October of each year, of which the latest is [Homicide in Scotland 2019-20](#). Based on the police recorded crimes in these publications, the table below documents the number of children and young people accused of homicide over the past five years.

CHILDREN AND YOUNG PEOPLE ACCUSED OF HOMICIDE						
Year		2015-16	2016-17	2017-18	2018-19	2019-20
Under 16 years	Male	1	0	2	2	1
	Female	0	0	0	0	0
16-20 years	Male	7	12	10	10	8
	Female	0	2	0	2	0

## Firearm Offence Statistics

There is also some information available on children from the [Crime and offences involving firearm statistics](#) collection. These reports provide information on crimes and offences recorded by the police in which a firearm was alleged to have been involved or where a firearm was stolen. The latest publication [Recorded crimes and offences involving firearms: 2016-17 and 2017-18 statistics](#) was published in April 2019 by JAS. The main body of the report indicates that the main accused was under 16 years old in 12% of cleared up offences involving the use of a firearm (29 out of 241 offences) and that a further 17% of cleared up offences were committed by an accused aged 16 to 20 years (41 offences). In the supporting files the publication tables include further information in relation to children, which is detailed below.

CHILDREN AND YOUNG PEOPLE ACCUSED IN OFFENCES INVOLVING THE ALLEGED USE OF A FIREARM						
Year		2015-16	2016-17	2017-18	2018-19	2019-20
Under 16 years	Male	38	22	23	Not available	Not available
	Female	-	-	6		
16-20 years	Male	44	39	40		
	Female	-	2	1		

The main firearms recorded in offences involving the alleged use of a firearm in 2017-18 were as follows:

- Under 16 years – 27 air weapon, 2 'other'
- 16-20 years – 1 shot gun, 2 rifle, 19 air weapon, 6 imitation, 8 unidentified, 5 'other'

It is noted in the report that 2017-18 was the first full reporting year following the introduction of the air weapons licensing legislation in Scotland.

## Domestic Abuse Statistics

The [Domestic Abuse in Scotland statistics](#) collection also contains information on children. This collection is published by JAS on an annual basis. The latest report [Domestic abuse: statistics 2020-21](#) was published in November 2021. The following information has been taken from this collection of statistical reports to provide a picture of the number of children alleged to have been involved in incidents of domestic abuse over the past five years.

INCIDENTS OF DOMESTIC ABUSE RECORDED INVOLVING ACCUSED CHILDREN						
Year		2016-17	2017-18	2018-19	2019-20	2020-21
Under 16 years	Male	89	99	119	373	393
	Female	28	17	24	91	76
	Not recorded or other <sup>4</sup>	1	-	-	1	13
16-18 years	Male	1,089	909	911	1,024	919
	Female	464	317	320	316	333
	Not recorded or other <sup>4</sup>	1	1	1	5	18

Additionally, data contained in the supporting files indicates that in 2020-21 there were 166 incidents of domestic abuse recorded by the police where both the victim and accused were under the age of 16 years. When the number of incidents where the victim and accused were both under the age of 19 years was calculated, this rose to 992.

<sup>4</sup> 'Not recorded or other' includes both incidents where gender has not been recorded and is therefore unknown (almost 100% of Not recorded or other cases) and incidents where the victim or accused was recorded as transgender.

## Drug Seizures Statistics

The [Drug seizures and offender characteristics statistics](#) collection is published by JAS and provides information on drug seizures recorded by the police. The latest report [Drug seizure and offender characteristics: 2018-2019 and 2019-20](#) indicates that children and young people aged 0-19 made up around 15% of individuals accused of drug possession crimes in 2018-19 and 14.5% in 2019-20. No further information about children is provided within this statistical collection.

## Scottish Children's Reporter Administration Statistical Analyses

Where children are alleged to have committed an offence, they can be referred to the Scottish Children's Reporter Administration (SCRA) on offence grounds<sup>5</sup>. SCRA publish [official statistics](#) on an annual basis. Information from these official statistics has been drawn together below to provide information for the past five years.

The table below provides information on referrals to the Reporter on offence grounds over the past five years.

OFFENCE REFERRALS TO THE REPORTER					
Year	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Total number of offence referrals</b>	7,168	8,548	7,763	6,978	5,282
<b>Total number of children referred on offence grounds</b>	2,995	3,060	2,824	2,840	2,207
<b>Total number of children with joint reports</b>	1,169	1,191	1,147	1,228	1,090
<b>Joint report – not in custody</b>	1,158	1,175	1,142	1,224	1,078
<b>Joint report – in custody</b>	34	41	29	45	56

The latest report indicates that in 2020-21, of the 1,090 children who were jointly reported to the Procurator Fiscal (PF) and the Reporter whilst they were not in custody, where the PF

<sup>5</sup> Children aged 8-17 years were able to be referred to the Reporter on offence grounds until November 2019. However, with the raising of the age of criminal responsibility to 12 years in Scotland children under 12 are no longer referred on offence grounds.

had made a decision, 71.7% of cases were subsequently referred to the Reporter. In contrast, of the 56 children where joint reports were made whilst they were in custody, where the PF had made a decision, 77.6% were retained by the PF.

In 2020-21, there were 2,207 children referred to the Reporter on offence grounds. They were referred for 9,142 alleged offences. The following table shows the number of alleged offences over the past five years broken down by police crime grouping.

<b>NUMBER OF ALLEGED OFFENCES BY 8-17 YEAR OLDS REFERRED TO THE REPORTER</b>					
<b>Year</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
<b>Non-sexual crimes of violence</b>	186	215	183	226	167
<b>Sexual crimes</b>	380	422	482	479	381
<b>Crimes of dishonesty</b>	2,049	2,837	2,487	1,953	1,260
<b>Fire-raising, vandalism etc.</b>	2,318	2,337	2,044	1,769	1,339
<b>Other crimes</b>	1,140	1,355	1,302	1,461	1,075
<b>Miscellaneous offences</b>	5,990	7,134	6,864	6,370	4,600
<b>Motor vehicle offences</b>	352	315	278	299	320
<b>Total alleged offences</b>	12,415	14,615	13,635	12,557	9,142

The report indicates that within these groupings, the most common types of alleged offences were threatening or abusive behaviour, assault, and vandalism.

The table overleaf provides information on Reporter decisions in relation to children referred on offence grounds for the past five years.

<b>NUMBER OF CHILDREN REFERRED ON OFFENCE GROUNDS WITH REPORTER DECISIONS, BY DECISION*</b>					
<b>Year</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2019-20</b>
<b>Arrange a Children's Hearing (on new grounds)</b>	276	199	168	155	79
<b>No Hearing – CSO not necessary</b>	1,197	1,182	1,090	1,219	831
<b>No Hearing – CSO not necessary and refer to LA</b>	650	745	707	696	533
<b>No Hearing – Current order/measures sufficient</b>	1,247	1,330	1,213	1,158	883
<b>No Hearing – Insufficient evidence</b>	224	225	229	178	131
<b>No Hearing – Insufficient evidence and refer to LA</b>	New recording system has been introduced – this is not a category recorded on previous system				6
<b>No jurisdiction</b>	New recording system has been introduced – this is not a category recorded on previous system				10
<b>Total</b>	<b>2,938</b>	<b>3,030</b>	<b>2,829</b>	<b>2,844</b>	<b>2,124</b>

\*Data in this table relates to cases decided in the year group as opposed to referrals received in it.

\*\*The totals do not equal the sums as children can be referred more than once in the year and may have multiple Reporter decisions. The totals count each child once.

\*\*\*Please note that prior to 2017/18, the non-offence offence split was calculated using the referral category (offence or non-offence). Further analysis has shown that it is more accurate to use the ground of referral, especially for decisions on offence grounds.

The information provided in the table below details the number of secure authorisations made by Children's Hearings over the past five years. It should be noted that not all children with secure authorisations will have been referred on offence grounds and not all authorisations will necessarily have been implemented.

<b>SECURE AUTHORISATIONS MADE BY CHILDREN'S HEARINGS</b>					
<b>Year</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2019-20</b>
<b>Number of children with secure authorisations made by hearings within interim orders</b>	120	114	116	97	73
<b>Number of children with secure authorisations made by hearings within Compulsory Supervision Orders</b>	99	98	97	96	69

## Children's Social Work Statistics

[Children's Social Work Statistics](#) are published on an annual basis by the Scottish Government Children and Families Directorate. They are published in March each year and provide information on looked after children, children on the child protection register and children in secure accommodation.

The following two tables are taken directly from [Children's Social Work Statistics: 2020-21](#) and provide the information known about the capacity of secure care accommodation and about children in secure care accommodation over the past eight years. It should be noted that not all children are accommodated in secure care due to coming into conflict with the law.

**Table 3.2: Secure care accommodation capacity<sup>[1]</sup> and usage, 2014-2021**

	2014	2015	2016	2017	2018	2019	2020	2021	% change 2020-21
Places at year end	90	90	90	84	84	84	84	84	0%
Admissions during the year	232	249	256	248	210	217	194	177	-9%
Discharges during the year	226	245	253	257	213	210	194	178	-8%
Average number of residents during the year	74	82	85	76	80	79	82	76	-7%
Residents from within Scotland	67	76	72	56	45	53	53	47	-11%
Residents from outside Scotland	7	6	13	19	35	26	28	29	4%
Minimum number of residents during the year	60	71	77	67	73	71	75	64	-15%
Maximum number of residents during the year <sup>[1]</sup>	84	89	90	87	86	88	88	84	-5%
Number of nights emergency and short term beds used during the year <sup>[2],[3]</sup>	5	146	50	90	284	398	209	40	-81%
Number of residents emergency and short term beds used for during the year <sup>[2],[3]</sup>	3	13	11	25	42	55	28	17	-39%

<sup>[1]</sup> Capacity: Young people can be admitted and discharged more than once during the year.

<sup>[2]</sup> Four units reported having at least one emergency/ short term bed: Rossie School; Good Shepherd; Kibble; and St. Mary's Kenmure (see background notes for definition of an emergency bed).

<sup>[3]</sup> The large drop in the use of emergency beds may have partly been due to a decrease in average occupancy rates and/or impacts of COVID-19.

**Table 3.3: Young people in secure care accommodation by sex, age, disability and length of stay, 2014-2021<sup>[1]</sup>**

	2014	2015	2016	2017	2018	2019	2020	2021	% of 2021 total
<b>Sex of residents<sup>[2]</sup></b>									
Male	52	59	65	46	39	60	44	44	56%
Female	29	26	23	34	43	24	37	34	44%
<b>Age of Residents</b>									
13 years old or under	5	7	9	14	12	*	5	9	12%
14 years	12	18	18	18	18	*	13	13	17%
15 years	31	28	27	26	25	21	26	16	21%
16 years or over	33	32	34	22	27	55	37	40	51%
<b>Residents with disability</b>									
Yes	-	-	34	27	39	27	7	18	23%
No/unknown	-	-	54	53	43	57	74	60	77%
<b>Length of stay of residents at year end</b>									
Less than 1 month	13	17	20	26	10	21	17	17	22%
1 month to under 2 months	14	16	14	13	14	16	14	10	13%
2 months to under 3 months	14	13	14	12	13	9	6	5	6%
3 months to under 6 months	23	26	24	25	27	22	18	29	37%
6 months to under 1 year	9	*	10	*	14	11	16	14	18%
1 year or more	8	*	6	*	0	5	*	*	*
<b>Total</b>	<b>81</b>	<b>85</b>	<b>88</b>	<b>80</b>	<b>82</b>	<b>84</b>	<b>81</b>	<b>78</b>	<b>100%</b>

<sup>[1]</sup> As at 31 July of each year.

<sup>[2]</sup> Trans, intersex and non-binary individuals are grouped with males for the purposes of maintaining confidentiality.

\* Cells represent numbers that are suppressed to maintain confidentiality.

The information in the following three tables is not contained within the main body of the Children's Social Work Statistics reports but has been obtained from the data provided in the Children's Social Work Statistics - Revised Additional Tables for the past five years. Further detail broken down by gender can be found in the additional tables. There is also information in the additional tables on the number and rates of children admitted to secure care accommodation by local authority.

Year	Placement prior to admission				
	2017	2018	2019	2020	2021
Parental home, Relatives or Friends	43	31	50	58	39
Foster Care or Children's Home	100	65	39	39	35
Residential School	51	64	66	64	59
Young Offenders Institute or Prison	*	*	6	*	*
Secure Accommodation	22	*	*	*	*
Other	29	21	30	26	27
Unknown	0	15	*	*	*

Year	Legal reason for admissions				
	2017	2018	2019	2020	2021
Section 44 (1)	*	0	7	0	0
Section 205	0	0	*	0	0
Section 208	*	*	*	*	*
Section 143	13	*	21	22	5
Compulsory Supervision Order	9	7	*	17	10
Interim Supervision Order	18	17	34	18	11
Committal to place of safety or temporary detention – Section 51	43	7	19	32	32
Pending a decision by the Reporter	83	88	74	44	60
Other	76	71	52	57	55
Unknown	0	12	*	*	*

Year	Destination on discharge				
	2017	2018	2019	2020	2021
Parental home, Relatives or Friends	45	38	50	59	42
Foster Care or Children's Home	59	33	29	35	25
Residential School	56	53	55	47	56
Young Offenders Institute or Prison	7	6	4	5	7
Secure Care	24	13	17	*	8
Other	61	53	49	41	36
Unknown	5	13	6	*	4

It is noted that 'Other' placement may include supported accommodation, independent living, hospital, assessment centre and close support.

## Criminal Proceedings

JAS publish information on [Criminal Proceedings in Scotland](#). These are published on an annual basis, the latest of which is the [2019-20 report](#). The reports provide statistics on criminal proceedings concluded in Scottish courts as well as on a range of measures available as alternatives to prosecution issued by both the police and Crown Office and Procurator Fiscal Service. Although the reports provide information on age, the youngest age grouping in the main body of the reports is under 21 years, so children are not separated out. The exception to this is the reporting on Restorative Justice Warnings and Early and Effective Intervention which are police disposals available only for eight to 17 year

olds. The tables in the appendices include some limited information on children under 16 years and on 16-17 year olds.

However, in the supporting files there is an [additional table for youth convictions](#) which provides some information on 12-17 year olds, including by local authority area. Based on this additional information, details of non-court disposals and court proceedings are provided below.

## Non-court disposals

In Scotland, there are a number of non-court disposals that can be utilised for children where police have reason to believe that they have committed an offence and meet the necessary criteria. The use of these disposals for 12-17 year olds over the past five years (taken from the [additional table for youth convictions](#)) is detailed in the table below. It should be noted that Recorded Police Warning's (RPW) and Antisocial Behaviour Fixed Penalty Notices (ASBFPN) cannot be issued to children under the age of 16 or to children aged 16 or 17 who are subject to a Compulsory Supervision Order.

12-17 YEAR OLDS RECEIVING NON-COURT DISPOSALS					
Year	2015-16	2016-17	2017-18	2018-19	2019-20
<b>ASBFPN*</b>	1,876	831	529	465	375
<b>Other Police Disposal</b>	614	501	500	359	415
<b>Early and Effective Intervention</b>	5,945	5,468	5,110	4,259	4,245
<b>Recorded Police Warning</b>	464	2,023	1,718	1,974	1,822
<b>COPFS** Disposals</b>	1,242	602	630	387	368
<b>All</b>	10,141	9,425	8,487	7,444	7,225

\*ASBFPN = Antisocial behaviour fixed penalty notice; \*\*COPFS = Crown Office and Procurator Fiscal Service

## Court proceedings and outcomes

In Scotland, children aged 12 years and over can be prosecuted in the criminal justice system. The table below (taken from the [additional table for youth convictions](#)) shows the number of 12-17 year old children proceeded against in court by offence/crime type over the past five years.

12-17 YEAR OLD CHILDREN PROCEEDED AGAINST IN COURT					
Year	2015-16	2016-17	2017-18	2018-19	2019-20
Non-sexual crimes of violence	110	121	114	109	104
Sexual crimes	63	30	44	39	29
Crimes of dishonesty	304	280	193	223	142
Fire-raising, vandalism, etc.	136	104	91	142	77
Other crimes	573	549	441	371	317
Miscellaneous offences	831	768	683	533	391
Motor vehicle offences	189	220	206	168	148
All crimes and offences	2,206	2,072	1,772	1,585	1,208

The table below shows the outcomes for 12-17 year olds proceeded against in court over the past five years (more detailed information can be found in the [additional table for youth convictions](#)).

12-17 YEAR OLDS PROCEEDED AGAINST IN COURT BY OUTCOME OF COURT PROCEEDINGS					
Outcome	2015-16	2016-17	2017-18	2018-19	2019-20
Not guilty	405	342	283	252	199
Other Sentence*	468	419	403	374	286
Remit to Children's Hearing	74	98	86	84	89
Community sentence	698	681	571	452	392
Custody	218	198	131	180	57
Financial penalty	343	334	298	243	185

\*The other sentence options appear to include Admonishment and Absolute Discharge.

In the supporting files, one of the [Criminal Proceedings in Scotland 2019-20](#) tables provides information on the number of children convicted broken down by gender. This information is detailed in the table overleaf and shows the number of children convicted over the past five years.

NUMBER OF CHILDREN CONVICTED*					
Year	2015-16	2016-17	2017-18	2018-19	2019-20
<b>All under 16 years**</b>	14	17	11	12	15
<b>Male under 16 years</b>	14	13	10	11	15
<b>Female under 16 years</b>	-	4	1	1	-
<b>All 16-17 years</b>	<b>1,787</b>	<b>1,713</b>	<b>1,478</b>	<b>1,321</b>	<b>994</b>
<b>Male 16-17 years</b>	1,585	1,493	1,277	1,166	876
<b>Female 16-17 years</b>	202	220	201	155	118

\*Figures in table are calculated as ratios per 1,000 of the Scottish population

\*\*Under 16 figures uses mid-year population estimate for those aged 8-15

## Criminal Justice Social Work Statistics

The Scottish Government publish [Criminal Justice Social Work Statistics](#) on an annual basis. These are published each year by JAS and provide information on criminal justice social work reports, community payback orders, drug treatment and testing orders, diversion from prosecution, throughcare and bail.

The reports provide information on the group of 16-17 year olds who are involved with Criminal Justice Social Work. The information below is taken from [Criminal Justice Social Work Statistics: 2020 to 2021](#). It should be noted that the figures in the tables below also include the small number of children under 16 that became involved with Criminal Justice Social Work.

### Diversion from prosecution

Where children are reported to the Procurator Fiscal for an alleged offence and the nature of the offence does not demand prosecution in court, then diversion from prosecution can be considered as a prosecutorial action so that a meaningful intervention can be put in place to address the child's needs. There is a rebuttable presumption for children that an alternative to prosecution will be in the public interest and where an identifiable need has contributed to the alleged offence, then active consideration will be given to diversion.

The data in the table below (taken from [Criminal Justice Social Work Statistics: 2020 to 2021](#)) provides information on the number of 16-17 year olds where diversion from prosecution was commenced.

<b>NUMBER OF DIVERSION FROM PROSEUTAION CASES COMMENCED</b>					
<b>Year</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
<b>16-17 year olds</b>	414	488	560	650	590
<b>Percentage of cases across all ages</b>	20.6	28.3	30.3	32.7	26.5

## Criminal justice social work reports

A criminal justice social work report must be requested where a person is under 21. The table below shows the numbers of criminal justice social work reports submitted for 16 and 17 year olds over the past five years.

<b>NUMBER OF CRIMINAL JUSTICE SOCIAL WORK REPORTS SUBMITTED</b>					
<b>Year</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
<b>16-17 year olds</b>	940	864	742	589	307
<b>Percentage of cases across all ages</b>	3.5	3.3	3.0	2.3	2.0

## Social work orders

The following tables and information provide details of social work orders commenced or imposed for 16 and 17 year olds over the past five years.

<b>COMMUNITY PAYBACK ORDERS COMMENCED</b>					
<b>Year</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
<b>16-17 year olds</b>	615	532	438	349	151
<b>Percentage of cases across all ages</b>	3.2	3.0	2.7	2.1	1.8

FISCAL WORK ORDERS COMMENCED					
Year	2016-17	2017-18	2018-19	2019-20	2020-21
16-17 year olds	47	49	36	30	3
Percentage of cases across all ages	5.3	4.8	5.7	12.1	2.5

Over the past five years only two Drug Treatment and Testing Orders were commenced for children. One of these was in 2017-18 and the other in 2020-21. Information on the age of individuals who had a Structured Deferred Sentence imposed was first collected in 2019-20. This shows that in 2019-20 there were 49 Structured Deferred Sentences imposed for 16-17 year olds which was 5.5% of the overall number imposed; in 2020-21 there were 45 imposed which was 10%.

## Prison Statistics

The Scottish Government's [Prisons Statistics](#) collection is published by JAS. A recent report, [Scottish prison population statistics 2019-20](#), has been published which is an experimental publication for 2020 as they are based on a revised methodology. It explores the characteristics of imprisoned people in Scotland. Based on the information within the data tables in the supporting files, the following tables have been developed to provide information over the past five years on the number of children in custody in Young Offenders Institutes/Prison and average time served. These statistics do not include information on legal status, which means they do not provide clear data on the actual number of children held on remand, the actual number of children sentenced to custody in any one year, the offences they had been convicted of or their sentence length.

The table overleaf shows the number and gender of children who experienced custodial imprisonment across the past five years (for all or part of that year) in Scotland.

<b>CHILDREN IN CUSTODY IN YOUNG OFFENDERS INSTITUTE/PRISON</b>					
<b>Year</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
<b>All under 16 years*</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>2</b>
<b>Male under 16 years</b>	8	4	5	4	2
<b>Female under 16 years</b>	0	0	0	0	0
<b>All 16-17 years</b>	<b>248</b>	<b>232</b>	<b>184</b>	<b>178</b>	<b>124</b>
<b>Male 16-17 years</b>	234	220	169	166	119
<b>Female 16-17 years</b>	14	12	15	12	5
<b>All under 16 years as a percentage of all individuals held in custody</b>	0	0	0	0	0
<b>All 16-17 years as a percentage of all individuals held in custody</b>	1.3	1.3	1.1	1	0.7

\*Age is based on the prisoners' dates of birth and their age on October 1, the mid-point of the financial year. As a result, a young person turning 16 on October 2, and arriving in custody shortly thereafter, would appear as "under 16".

Although the number of children experiencing custodial imprisonment is continually reducing across the years, the data shows that there were still a significant number of children (126) held in custody in the Scottish Prison Service in 2019-20. In the absence of legal status and sentence length, the publication divided the prison population into two groups to provide a proxy for those individuals on longer sentences (i.e. longer than 12 months): 1) those who remain in prison for the duration of the analytical period (the "full-year" population) and 2) those who enter or leave prison one or more times during the analytical period (the "part-year" population). As can be seen in the table overleaf, for the past five years the full-year population for children under 16 years has been zero, meaning that none spent the full year of the analytical period in custody. In 2019-20, three children aged 16-17 years made up the full-year population, while 121 made up the part-year population.

<b>CHILDREN IN CUSTODY: FULL AND PART YEAR</b>					
<b>Year</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
All under 16 years – part year	8	4	5	4	2
All under 16 years – full year	0	0	0	0	0
All 16-17 years – part year	243	227	181	170	121
All 16-17 years – full year	5	5	3	8	3
Male under 16 years – part year	8	4	5	4	2
Male under 16 years – full year	0	0	0	0	0
Female under 16 years – part year	0	0	0	0	0
Female under 16 years – full year	0	0	0	0	0
Male 16-17 years – part year	229	215	166	159	116
Male 16-17 years – full year	5	5	3	7	3
Female 16-17 years – part year	14	12	15	11	5
Female 16-17 years – full year	0	0	0	1	0

The additional information below on the average time children served in custody highlights that in 2019-20 those under 16 years spent an average of 71.5 days in custody and those aged 16-17 years spent an average of 59.8 days in custody. The increase in under 16 years for 2019-20 should be interpreted with caution due to a range of factors including small numbers and methodology.

<b>AVERAGE TIME IN DAYS CHILDREN SERVED IN CUSTODY</b>					
<b>Year</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
All under 16 years*	4.5	11.7	8	21	71.5
All 16-17 years	45.2	60.9	57	44.3	59.8

In April 2021, JAS published a new report [Scottish Prison Population Statistics: Legal Status, 2019-20](#). These are experimental prison population statistics that expand on the previous report with information about legal statuses, sentences and offences. The report documents the proportion change in 16-17 year olds experiencing imprisonment in Young Offenders Institutes/Prison by legal status between 2009-10 to 2019-20: Untried is a reduction of 81%; Convicted awaiting sentence is a reduction of 80%; and Sentenced is a reduction of 88%. The report also notes that a higher proportion of the young people's (under 21 years) average daily population are held on remand when compared against the overall average

daily population. For 18-20 year olds, the proportion of the average daily population held on remand fluctuates between 25% and 32%, and the proportion for 16 and 17 year olds fluctuates between around a third of the average daily population to around half. Although the publication provides the offence profile and index sentence lengths of young people in custody, it does not provide these for children.

The [additional tables](#) provide data on the average daily population and individual number of children in custody, by legal status, over the past ten years. The following two tables provide the figures for the past five years.

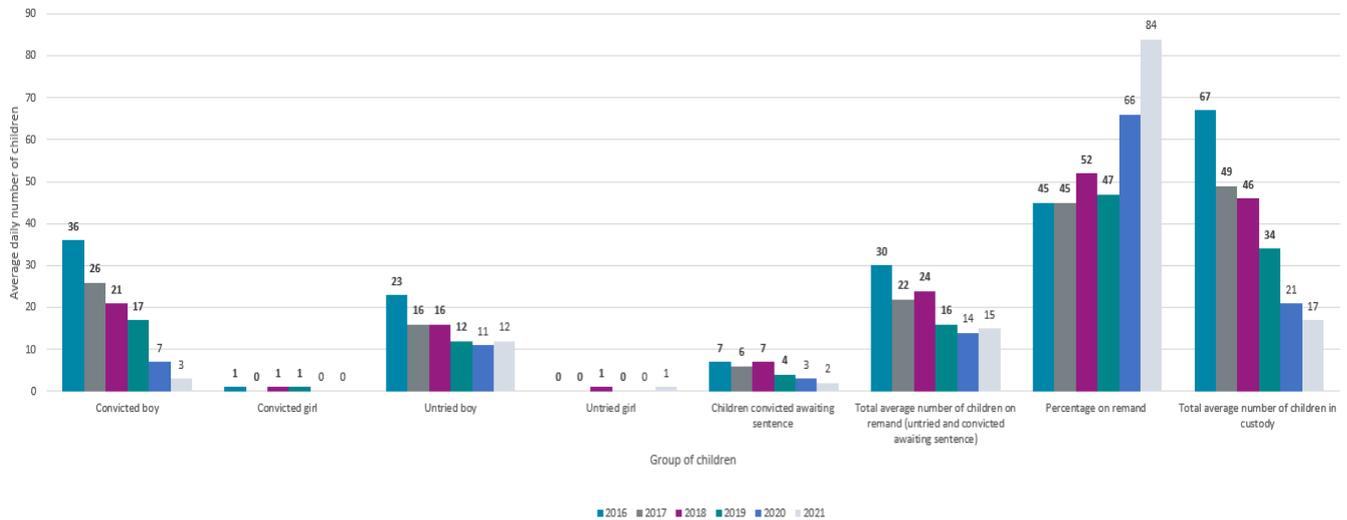
<b>AVERAGE DAILY POPULATION OF CHILDREN IN CUSTODY BY LEGAL STATUS</b>					
<b>Year</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
<b>Untried</b>	19.9	16.2	12.1	12.7	9.4
<b>Convicted awaiting sentence</b>	8.8	9.1	6.8	7.4	4.7
<b>Sentenced</b>	31.4	37.0	23.6	28.4	15.7

<b>INDIVIDUAL CHILDREN IN CUSTODY BY LEGAL STATUS</b>					
<b>Year</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
<b>Untried</b>	153	155	106	108	74
<b>Convicted awaiting sentence</b>	123	116	89	84	57
<b>Sentenced</b>	103	106	77	75	38

## Youth Justice Team, Scottish Government

Information on the average daily number of children in custody in a Young Offenders Institute/Prison is provided to CYCJ on a monthly basis by the Youth Justice Team in Scottish Government. This is published on the [CYCJ website](#). As can be seen overleaf, in 2021 there were an average of 15 children on remand on a daily basis, forming 84% of the average daily population of children in custody.

Average daily number of children (under 18s) held in Young Offenders' Institutions/Prisons in Scotland: 2016-2021



Data provided by the Youth Justice Team, Scottish Government

## Reconviction of Offenders Statistics

The [Reconviction of Offenders Statistics](#) collection is published by JAS on an annual basis. The statistics provide reconviction rates for offenders released from custody or given non-custodial sentences. Whilst in the main body of the reports the youngest age grouping is all those under 21, the additional local authority reconvictions table in the supporting files provides some information on under 18 year olds. Specifically, it can be grouped by all under 18 year olds, 17 year olds and 16 year olds and details number of children reconvicted, reconviction rate, number of reconvictions and the average number of reconvictions per child. It can also be broken down by local authority area and gender. Based on the [Reconviction rates in Scotland: 2018 to 2019 offender cohort](#) additional tables, as well as those for previous years, the tables overleaf provide information on the reconviction rates<sup>6</sup> for all children over the past five years. This set of data lags a year behind the other data sets, as there is a one year follow-up period that reconvictions are counted in to calculate one year reconviction rates.

<sup>6</sup> The definitions of reconviction rate and average number of reconvictions per offender are described in the statistical bulletin.

RECONVICTION RATES FOR ALL UNDER 18 YEAR OLDS					
Year	2014-15	2015-16	2016-17	2017-18	2018-19
Number of children	1,054	1,000	910	788	725
Number of children reconvicted	458	406	369	295	281
Reconviction Rate (%)	43.5	40.6	40.5	37.4	38.8
Number of reconvictions	951	826	777	649	565
Average number of reconvictions per child	0.90	0.83	0.85	0.82	0.78

RECONVICTION RATES FOR 17 YEAR OLDS					
Year	2014-15	2015-16	2016-17	2017-18	2018-19
Number of children	790	723	670	577	533
Number of children reconvicted	344	282	263	213	205
Reconviction Rate (%)	43.5	39.0	39.3	36.9	38.5
Number of reconvictions	705	544	542	442	381
Average number of reconvictions per child	0.89	0.75	0.81	0.77	0.71

RECONVICTION RATES FOR 16 YEAR OLDS					
Year	2014-15	2015-16	2016-17	2017-18	2018-19
Number of children	264	277	239	211	192
Number of children reconvicted	114	124	106	82	76
Reconviction Rate (%)	43.2	44.8	44.4	38.9	39.6
Number of reconvictions	246	282	235	210	184
Average number of reconvictions per child	0.93	1.02	0.98	1.00	0.96

The body of the report [Reconviction rates in Scotland: 2018 to 2019 offender cohort](#) provides details of subsequent non-court disposals for Early and Effective Intervention and Restorative Justice Warnings, which are police disposals only available for eight to 17 year olds. The tables overleaf provide information on these for the past five years.

<b>INDIVIDUALS GIVEN POLICE DISPOSALS AND SUBSEQUENT NON-COURT DISPOSALS, BY DISPOSAL TYPE – POLICE DISPOSAL: EARLY AND EFFECTIVE INTERVENTION</b>					
Year	2014-15	2015-16	2016-17	2017-18	2018-19
Number of individuals	4,198	5,103	4,537	4,316	3,691
Repeat non-court disposal rate	23.0	23.6	24.7	22.2	22.7
Average number of repeat non-court disposals per individual	0.38	0.41	0.46	0.39	0.37

<b>INDIVIDUALS GIVEN POLICE DISPOSALS AND SUBSEQUENT NON-COURT DISPOSALS, BY DISPOSAL TYPE – POLICE DISPOSAL: RESTORATIVE JUSTICE WARNING</b>					
Year	2014-15	2015-16	2016-17	2017-18	2018-19
Number of individuals	212	281	283	333	255
Repeat non-court disposal rate	21.2	27.8	23.0	24.9	22.7
Average number of repeat non-court disposals per individual	0.32	0.52	0.42	0.45	0.35

## Conclusion

There is a reasonable amount of information available in relation to how we respond to children who come into conflict with the law in Scotland. However, due to the number of organisations involved, the dual system approach and the wide spread of places this information is published, it is not always easy to find and access. This is further compounded by the different age categorisations used across the statistical collections. The fact that information on children (all those under 18 years old) is not always reported within the main body of reports may serve to hide the fact that in Scotland there are a large number of children who are being responded to within the criminal justice system designed for adults. A new way of publishing this data that increases the visibility of the numbers of children being proceeded against in the criminal justice system is required.