

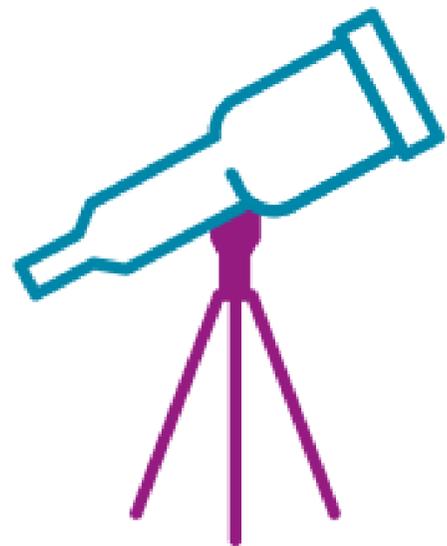
Children in police custody- implementing the Children (Care and Justice) (Scotland) Act 2024

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Vision statement



CYCJ works towards ensuring that Scotland's approach to children and young people is rights-respecting, contributing to safer communities and better outcomes for our children, young people and families



What does the Act do?

- Defines a child as anyone under 18
- Relates to children who have been arrested
- Does not currently change disposals
- Implications for police, local authorities, SCRA, lawyers
- Guidance, emerging learning and FAQs
- Live 30th March 2026



Police Custody-notification and visits

Local authority

All: must be informed on entry

Other notification points

Can advise who should/should not be informed

Can visit at anytime in order to safeguard and promote the child's wellbeing

Informed if the child is held to appear at Court or released on an undertaking (or otherwise)

16/17 (if required): Appropriate adult

Other adults

u.16s: Parent must be informed and asked to attend

16/17 year olds: Named adult (over 18) informed if child wishes it and adult reasonably named- can be asked to attend if child wishes

All: Parent (unless detrimental to the child) informed if the child is held to appear at court or released on an undertaking



Police Custody

Police interview

Lawyer (must be present)

Appropriate adult and interpreter (if required)

Another adult could be present at discretion of police

Places of safety

All: If not released, the child must be kept in a place of safety until brought to court. This must not be a police station unless a constable of the rank of inspector or above certifies that this would be impracticable, unsafe or inadvisable due to their state of mental or physical health



What this means

ROLES

Enhanced information/assessment sharing

Role of adults

Visits to the child

Legal representation

Identifying/agreeing places of safety and support

Support with disposals and parental information

Upholding rights/alert to unintended consequences

PROMPT QUESTIONS

Who receives intimation and gathers/gives info?

What info/support do adults need?

How do we decide if/when/who visits?

How can fulfilment of legal rights be supported?

The availability of places of safety and support around this? Decision making process?

What can we provided?

And how can these be addressed/balanced?

Children (Care and Justice) (CCJ) (Scotland) Act 2024

Section 15 Children
in Police Custody



POLICE
SCOTLAND
POILEAS ALBA

**CRIMINAL JUSTICE
SERVICES DIVISION**

Learning Outcomes

- **Police Scotland preparation**
- **Support for children in Police Custody**
- **Guidance and training for Police Scotland Employees**

Police Scotland Preparation

- Consultation with internal business areas to establish the impact for Police Scotland.
 - Local Policing
 - Training
 - Policing together
 - Specialist Crime Division
 - Criminal Justice Services Division
- As the Act is being implemented in Part, the initial impact will primarily be for **Criminal Justice Services Division**
- Updates to National Custody System -
 - Notification to a parent or guardian for 16- and 17-year-olds not under supervision
 - Notification to the Local Authority for all under 18s
 - Update to PIROS form



Support for children in Police Custody

- The **Child Detention Certificate** has been updated to ensure that it is compliant with UNCRC, considering the views of the child.
- When a child is brought into Police Custody the justification for the necessity of this is placed onto the custody system by the custody sergeant as well as support considerations for any vulnerabilities identified. This will be checked and acknowledged by the custody review inspector and should be reviewed a minimum of every 4 hours.
- Agreed times for children to attend court for an undertakings.
- Work is ongoing to introduced **Video Brochures** to children in police custody, this is an animated video which will provide the child with information on rights, custody and criminal justice processes. It will ensure that all young people receive consistent information in an age-appropriate format, reducing misunderstanding. The Video Brochure is a small cardboard book, displaying a screen when opened. It has buttons which can be used to play, pause or rewind. Each device can hold up to 30 minutes of information.

Training and Guidance for Police Scotland Employees

News Brief - Ahead of the Acts introduction a news brief has been placed onto the Police Scotland intranet providing colleagues with an overview of the changes as a result of the legislation.

Guidance document – A guidance document has been compiled which will be distributed across the force containing the pertinent information and expectations on Police Scotland.

PowerPoint – In conjunction with the guidance document a training PowerPoint has been created which outlines the changes the Act brings as well as providing scenarios demonstrating how the Act will work in practise.

Example Scenario

Sarah is a 17-year-old (NUS) she has been arrested not officially accused to facilitate further police enquiries after being verbally abusive to her boyfriend. On her arrival at police custody she is booked onto the custody system, during which she declines to have a RNP informed of her arrest. As Sarah is under 18 years of age she is required to have a solicitor present during a police interview. During the PIROS questions Sarah declines to have a solicitor informed of her arrest, declines to have a phone consultation or to request a solicitor be present during interview. As a result of this a solicitor cannot act on her behalf, therefore Sarah cannot be interviewed by the police. Further enquiries revealed that the verbal abuse was overheard by a mutual friend and as a result Sarah was charged with a S.38 CJLSA 2010. Upon review of the information the custody sergeant decided to release Sarah on an undertaking. As she is now being released on an undertaking a parent or guardian must be informed. Sarah refuses to have a parent or guardian informed as she is estranged from her family and lives independently. The custody sergeant discusses this with the Local Authority and considers all available information regarding Sarah's background and her views. It is agreed that it would be detrimental to the wellbeing of Sarah to inform her family and the rationale for this is recorded on the custody system. As this is Sarah's first time in Police Custody the Local Authority visit her to ensure her wellbeing and offer support. Once the undertaking paperwork has been processed, Sarah is asked if she wishes anyone present for her release, again she declines which is recorded on the custody system. The custody sergeant is satisfied to release Sarah into her own care as she has no vulnerabilities and has lived independently for some time. An IVPD must be submitted by the reporting officer.

Questions?



Thank You





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