



Meeting of East Renfrewshire Health and Social Care Partnership	Integration Joint Board								
Held on	16 March 2022								
Agenda Item	11								
Title	Age of Criminal Responsibility (Scotland) Act 2019								
<p>Summary</p> <p>This report is to inform the Integration Joint Board of the Age of Criminal Responsibility (Scotland) Act 2019 and its implications for the Children's Services provided through the HSCP and the local authority. The report sets out the provisions within the legislation which were implemented on 17 December 2021.</p> <p>The Act increases the age of criminal responsibility to 12 years old.</p>									
Presented by	Grace Thomson, Service Manager								
<p>Action Required</p> <p>The Integration Joint Board is asked to:</p> <ol style="list-style-type: none"> Note the arrangements set out in the report to allow the partnership to meet its statutory responsibilities under the Age of Criminal Responsibility (Scotland) Act 2019. Note the collaborative partnership approach with City of Glasgow HSCP, East Dunbartonshire HSCP and G Division Police Scotland in relation to a shared approach to the implementation of the legislative guidance. Support proposals for a named establishment as a Place of Safety which will be identified by the HSCP. 									
<p>Directions</p> <p><input checked="" type="checkbox"/> No Directions Required</p> <p><input type="checkbox"/> Directions to East Renfrewshire Council (ERC)</p> <p><input type="checkbox"/> Directions to NHS Greater Glasgow and Clyde (NHSGGC)</p> <p><input type="checkbox"/> Directions to both ERC and NHSGGC</p>	<p>Implications</p> <table> <tr> <td><input checked="" type="checkbox"/> Finance</td> <td><input checked="" type="checkbox"/> Risk</td> </tr> <tr> <td><input type="checkbox"/> Policy</td> <td><input checked="" type="checkbox"/> Legal</td> </tr> <tr> <td><input checked="" type="checkbox"/> Workforce</td> <td><input checked="" type="checkbox"/> Infrastructure</td> </tr> <tr> <td><input type="checkbox"/> Equalities</td> <td><input type="checkbox"/> Fairer Scotland Duty</td> </tr> </table>	<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Risk	<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Legal	<input checked="" type="checkbox"/> Workforce	<input checked="" type="checkbox"/> Infrastructure	<input type="checkbox"/> Equalities	<input type="checkbox"/> Fairer Scotland Duty
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EAST RENFREWSHIRE INTEGRATION JOINT BOARD

16 March 2022

Report by Head of Public Protection and Children's Services (Chief Social Work Officer)

Age of Criminal Responsibility (Scotland) Act 2019

PURPOSE OF REPORT

1. The purpose of this report is to provide the Integration Joint Board (IJB) with an overview of the changes in legislation through the introduction of the Age of Criminal Responsibility (Scotland) Act 2019 and how this will impact upon children social work services.

RECOMMENDATION

2. The Integration Joint Board is asked to:-
 - a) Note the arrangements set out in the report to allow the partnership to meet its statutory responsibilities under the Age of Criminal Responsibility (Scotland) Act 2019.
 - b) Note the collaborative partnership approach with City of Glasgow HSCP, East Dunbartonshire HSCP and G Division Police Scotland in relation to a shared approach to the implementation of the legislative guidance.
 - c) Support proposals for a named establishment as a Place of Safety, which will be identified by the HSCP.

BACKGROUND

3. The Age of Criminal Responsibility (Scotland) Act 2019 (the Act) received Royal Assent in June 2019. This Act allows Scottish Ministers to raise the age of criminal responsibility from 8 years old to 12 years old. The legislation is intended to protect children from the harmful effects of early criminalisation. The Act focuses on events where a child demonstrates a serious risk to themselves or to others. The Act came into place on 17 December 2021. Powers within the Act will enable Police to investigate incidents, where children under the age of 12 years may pose a risk of causing significant harm.
4. Where police investigate the behaviour of children under 12 years old, a police officer may take any child to a Place of Safety (PoS) when they believe that the child is behaving, (or is likely to have behaved) in a way that is causing, or risks causing, significant harm to another person. The Police Officer must deem that the child's removal is necessary to protect another person from an immediate risk of significant harm. The use of a Place of Safety is for a 24 hour period only.
5. The Act requires Scottish Ministers to compile, maintain and publish a list of identified Places of Safety across Scotland. This list does not involve the publication of addresses or any other information which may allow the identification of individual children. These Places of Safety may include being in the care of other family members and kinship arrangements and this would always be the first option for children social work services. A Place of Safety could also be, internal and external foster care and residential resources, health based acute resources e.g. hospital, a Police Station or the child's home address with a responsible adult.

6. The East Renfrewshire Children and Young People's Services Plan 2020-2023 sets out a number of priorities including:
- Help families and carers give their children the best start in life in a nurturing, safe and stable home environment
 - Protect our most vulnerable children, young people and families
 - Deliver on our Corporate Parenting responsibilities to our care experienced children and young people by fully implementing The Promise
 - Respond to the mental and emotional wellbeing needs of children and young people
 - Ensure children and young people with complex needs are supported to overcome barriers to inclusion at home, school and communities.

REPORT

7. One of the difficulties in planning around the use of the Age of Criminal Responsibility Act that it is highly likely to be an extraordinary event. Scottish Government estimates that this may happen up to twenty times a year across the whole of Scotland.
8. The power to place a child in a Place of Safety is intended to be an emergency response to situations for a child under the age of 12 years who poses an immediate risk of harm to others. The local authority will be required to identify a Place of Safety. This is intended to minimise any time that children are kept in Police facilities (police stations, cells or vehicles). It is expected that the facilities will be child friendly and nurturing environments for children. As such, a Place of Safety may be required without notice and could possibly be required for more than one child involved in the same incident, meeting this requirement may offer some challenges to Children's Services.
9. In circumstances where the Age of Criminal Responsibility legislation is required Children's Services will consider if child protection processes are also necessary if there is significant harm to self or others. There will be planning and intervention for the ongoing care of the child.
10. All of the above options will require intensive staff support and we intend to use existing staff compliment in partnership with Glasgow and Partners Emergency Social Work Service, who will be the first response to many situations out-with office hours.
11. Local authorities in the West of Scotland, within the Police Scotland G division, are developing a collaborative approach. This is to develop increased training opportunities and resources and to monitor the demand across the partnership areas. Further discussions are underway to develop our collaborative arrangement to create options where it may be desirable to use a Place of Safety located outside of East Renfrewshire.

CONSULTATION AND PARTNERSHIP WORKING

12. Further consultation will continue with key partners within the HSCP, neighbouring Local Authority, G Division Police Scotland and the Community and 3rd sector to further develop options that can be used as a Place of Safety and the packages of support available to any child requiring them.

IMPLICATIONS OF THE PROPOSALS

Finance

13. Named suitable accommodation that can be provided for the first 24 hours for a Place of Safety for children within the corporate landlord portfolio, requires to be identified for children where it is not possible for them to remain at home.

Workforce

14. A briefing for staff has been delivered.
15. Consultation and training with Children's Services and partnership agencies will look at creating flexibility that will allow short notice responses to children requiring a Place of Safety.

Risk

16. Although providing a Place of Safety may be an unusual event, the risk of not being able to provide one when required may have a significant impact on any child involved, their family and the wider community. The proposal is to use the child's available support network, where appropriate and assessed as suitable, and our available accommodation within the HSCP and Council portfolio continues the best options to fulfil our statutory obligations. There continues to be a national expectation that we have a named premise as a Place of Safety.

Legal

17. Legal services are aware of the legislative changes and are available to offer discussion and advise should matters arise requiring clarification of the Act.

CONCLUSIONS

18. The [Age of Criminal Responsibility \(Scotland\) Act 2019](#) raises the age of criminal responsibility to 12 years.
19. The Act is formed of seven parts and is supported by Statutory Guidance and Practice Guidance.
20. Raising the Age of Criminal Responsibility (ACR) means that a child under the age of 12 years cannot be charged with any offences. The police will no longer have recourse to their criminal justice powers, particularly around arrest, detention, interview and reporting to crown office. In practice this will mean that a child under 12 years will no longer be held criminally responsible for their actions. The police will still have a duty to record and investigate any allegations of crime.
21. Increasing the age of criminal responsibility from 8 to 12 years aligns with the current minimum age of criminal prosecution in Scotland. This has the potential to support a positive cultural shift in how the harmful behaviour of children, and the underlying issues that may have led to it, will require all partners and agencies to understand much more about the impact of trauma on children.
22. Trauma is described as a wide range of traumatic, abusive or neglectful events or series of events that are experienced as being emotionally or physically harmful or life threatening. Being able to recognise when a child may be affected by trauma and adapting the way we work to take this into account and supports recovery requires the

workforce to be trauma informed. Where there are concerns about a child's behaviour, which cannot be met via voluntary supports and early intervention, a referral can be made to the Children's Reporter on non-offence grounds.

RECOMMENDATIONS

The Integration Joint Board is asked to:-

- a) Note the arrangements set out in the report to allow the partnership to meet its statutory responsibilities under the Age of Criminal Responsibility (Scotland) Act 2019.
- b) Note the collaborative partnership approach with City of Glasgow HSCP, East Dunbartonshire HSCP and G Division Police Scotland in relation to a shared approach to the implementation of the legislative guidance.
- c) Support proposals for a named establishment as a Place of Safety, which will be identified by the HSCP.

REPORT AUTHOR AND PERSON TO CONTACT

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3rd March 2021

Chief Officer, IJB: Julie Murray