This briefing is one of six covering various aspects of the Scottish criminal justice system. It outlines the way in which children (including all young people under the age of 18) who commit offences are dealt with.

The other five briefings in this series are:

- The Scottish Criminal Justice System: Legal and Administrative Arrangements
- The Scottish Criminal Justice System: The Police
- The Scottish Criminal Justice System: The Public Prosecution System
- The Scottish Criminal Justice System: The Criminal Courts
- The Scottish Criminal Justice System: The Prison Service
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DEALING WITH CHILD OFFENDERS

The Impact of the Kilbrandon Report

The children’s hearings system has, since it began operating in 1971, played a central role in dealing with children who are accused of committing offences.

Prior to the establishment of the children’s hearings system, child offenders who had reached the age of criminal responsibility were dealt with through the court system (which included juvenile courts). Concern about how the court system affected children led, in 1961, to the appointment by the Secretary of State for Scotland of a Committee on Children and Young Persons chaired by Lord Kilbrandon to:

“consider the provisions of the law of Scotland relating to the treatment of juvenile delinquents and juveniles in need of care or protection or beyond parental control and, in particular, the constitution, powers and procedures of the courts dealing with such juveniles”. (Committee on Children and Young Persons, Scotland 1964, p 5)

The committee’s ethos was that children who appeared before the courts because they had committed an offence, and those who appeared because they were in need of protection, had common needs. Its report was published in 1964 – the Kilbrandon Report. The approach put forward in the report was based on:

- a focus on the needs of the child
- the adoption of a preventative and educational approach to children’s problems
- an emphasis on the importance of the family in tackling children’s problems
- separating the establishment of disputed facts (through the court system) from decisions on the treatment of children (through a new system of lay panels)

The general approach put forward by the committee was accepted by the UK Government and led to the abolition of juvenile courts and the establishment of the children’s hearings system in Scotland. The hearings system took over from the courts most of the responsibility for dealing with children under the age of 16 who commit offences or are in need of care or protection. However, the power to prosecute children below that age in the criminal courts for serious offences was retained and still exists – although the minimum age for such prosecutions is now 12 (discussed below in relation to the age of criminal responsibility).

The statutory framework for the children’s hearings system was originally set out in the Social Work (Scotland) Act 1968. Relevant provisions were, with some changes, re-enacted in the Children (Scotland) Act 1995 and are now contained in the Children’s Hearings (Scotland) Act 2011. The rules governing the children’s hearings system are outlined later in this briefing.

Wider developments in the approach to legal issues (in particular human rights law) and in society more generally have, since the creation of the children’s hearings system, led to some important changes. Nevertheless, the strength of continuing support for the general principles underlying the hearings system has been highlighted. For example, by Professor Kenneth Norrie:

1 A legal presumption that children under the age of eight do not have the capacity to commit a crime was set out in the Children and Young Persons (Scotland) Act 1937 and is now contained in the Criminal Procedure (Scotland) Act 1995 (discussed below).
“A feature of this history, as noticeable as it is remarkable, is the commitment from across the political spectrum to the essential characteristics of the Scottish system for dealing with children who are at risk, either from their own actions or from the acts or neglects of others. The 1968 Act was passed by a UK Labour Government; the 1995 Act by a UK Conservative Government; and the 2011 Act by a Scottish Nationalist Government. These essential characteristics remain, without serious political challenge, at the heart of the system notwithstanding that the structures within which it operates today are very different from those envisaged by either the Kilbrandon Committee or the drafters of the 1968 Act. Both the structures and the approach to legal argument have evolved over the past half-century, but the philosophy underpinning the system has proved itself remarkably robust.” (Norrie 2013, para 1-03)

And in the stage 1 report on the Children’s Hearings (Scotland) Bill produced by the Scottish Parliament’s Education, Lifelong Learning and Culture Committee:

“The Committee believes that the children’s hearings system is vital to support the needs of some of Scotland’s most vulnerable children and young people. The system rests on key principles which focus on the needs of the child and achieving the best outcome for him or her rather than on behaviour. It relies heavily on a large number of volunteers who ensure, not only that these principles are upheld, but that the decisions made are appropriate within the context of the local community.

The Committee also recognises, however, that the children’s hearings system is not perfect. It has to be modernised to ensure that it can provide a consistent service across and respond to the needs of modern society.

Throughout its consideration of the Children’s Hearings (Scotland) Bill at Stage 1, the Committee has scrutinised the Bill’s proposals according to how they meet the twin challenges of updating the system without compromising any of its key principles.” (2010, paras 282-284)

Despite this, it has also been noted that the welfare approach to youth justice, as exemplified by the approach put forward in the Kilbrandon Report, has at times been challenged by policies giving more weight to factors such as public protection (eg McAra and McVie 2010, p 68-74). A Guide to Youth Justice in Scotland: Policy, Practice and Legislation (Centre for Youth & Criminal Justice 2015) states that:

“Although some policy and legislative developments, such as the introduction of anti-social behaviour orders, restriction of liberty orders, electronic monitoring of young people and specialist youth courts have presented a challenge to the Kilbrandon principles, Scotland has avoided the more punitive aspects of other jurisdictions.

However, despite Scotland’s welfare approach, legally 16 and 17 year olds not on a Compulsory Supervision Order have tended to be dealt with predominantly in the adult criminal justice system. Many young people still receive custodial sentences and we imprison more 16 and 17 year olds than almost anywhere else in Europe.” (section 1, p 2)

Available statistics do, however, highlight recent reductions in the numbers of criminal court proceedings against 16/17 year olds (eg down from 9,666 in 2006-07 to 2,229 in 2014-15) and in the numbers of such cases resulting in a custodial sentence (eg down from 900 in 2006-07 to 171 in 2014-15). Relevant statistics are considered in more detail later in this briefing.

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2 Figures provided by Scottish Government officials (April 2016).
Current Approach to Dealing with Offending

The Scottish Government’s website includes the following under the heading of Whole System Approach for Young People Who Offend:

“The Whole System Approach (WSA) is the Scottish Government’s programme for addressing the needs of young people involved in offending. Underpinned by Getting it Right for Every Child, this ensures that anyone providing support puts the child or young person – and their family – at the centre. Practitioners need to work together to support families, and take early action at the first signs of any difficulty – rather than only getting involved when a situation has already reached crisis point.

WSA highlights the importance of supporting children and young people in a multi-agency, multi-discipline basis and aims to put in place tailored support and management based on the needs of each individual child including their often differing backgrounds and demographics. This does not, however, mean that crimes committed by children and young people go unpunished. Children and young people can still be prosecuted if the offence is sufficiently serious to be dealt with on indictment or can be dealt with by the Children’s Hearings System.”

An evaluation of the Whole System Approach notes that:

“The WSA encompasses three main policy strands: Early and Effective Intervention (EEI), which aims to reduce referrals to the Children’s Reporter via pre-referral screening (PRS); Diversion from Prosecution which aims to keep young people away from the criminal justice process, and; Reintegration and Transition supporting young people in secure care and custody, and planning for their reintegration into the community.

An aim of the WSA is to try to ensure that only those under 18 who really need formal measures – such as compulsory supervision by the Children’s Hearings System, prosecution, secure care or custody – are taken through the process.” (Murray 2015)

The above mentioned guide to youth justice produced by the Centre for Youth & Criminal Justice (2015) states that:

“The ethos of WSA suggests that many young people involved in offending behaviour could and should be diverted from statutory measures, prosecution and custody through early intervention and robust community alternatives.” (section 1, p 7)

In relation to the policy of Early and Effective Intervention (EEI), it goes on to note that:

“EEI is a voluntary process in which children, young people, and families should make informed decisions about their involvement. It should not lead to unnecessary interventions into the lives of children and young people and where possible identified needs should always be met through universal services including education, health and employment/training.” (section 4, p 1)

And that:

“It is the responsibility of Police Scotland to identify cases suitable for referral to EEI. All offences should be considered for EEI unless they are excluded under: Lord Advocate’s guidelines for young people under 16 years, COPFS guidelines for 16 and 17 year olds (the categories of offence eligible for EEI for 16/17 year olds is generally offences which can be dealt with by police direct measures) and police guidelines for immediate referral to

3 Crown Office and Procurator Fiscal Service (the public prosecution authority in Scotland).
the reporter. Decisions made as to the suitability for EEI are primarily based on the gravity of offence.” (section 4, p 6)

In relation to diversion, it states that:

“The national Diversion from Prosecution scheme, rolled out in 2000/2001, applies to offenders of all ages and 16 and 17 year olds are one of the target groups. The approach is designed to prevent a person, who has committed a relatively minor crime and does not represent a significant risk of harm to the public, from being prematurely dealt with through the criminal justice system. Diversion is a ‘direct measure’ as an alternative to prosecution, available to the Procurator Fiscal in all areas where there are diversion schemes. Procurators Fiscal are responsible for identifying which of the accused reported to them by the police are potentially suitable for diversion into social work interventions.” (section 4, p 9)

Further information on the Whole System Approach is set out in Preventing Offending: Getting it Right for Children and Young People (Scottish Government 2015a).

16 and 17 Year Olds

The definition of a child can differ depending on the context. For example:

- article 1 of the United Nations Convention on the Rights of the Child (1989) defines a child as a person “below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”
- section 199 of the Children’s Hearings (Scotland) Act 2011 generally defines a child as a person under the age of 16, but extends the definition in a number of circumstances (eg to any person under 18 who is subject to a compulsory supervision order)\(^4\)
- the Criminal Justice (Scotland) Act 2016 includes provisions on police powers (not yet in force) setting out a number of additional safeguards for any child, under the age of 18, suspected of committing an offence. Some provisions distinguish between children aged 16/17 and younger children (eg section 33), whilst others do not (eg section 51)

Such differences are also reflected in the way 16 and 17 year olds are dealt with. Thus, although they are covered by the Whole System Approach outlined above, what this means in practice differs. For example, whilst some are dealt with through the children’s hearings system, the likelihood of being dealt with through the adult court system is significantly greater than for children under 16. The guide to youth justice produced by the Centre for Youth & Criminal Justice (2015) notes that:

“16 and 17 year olds who become involved in offending behaviour can be dealt with in the Children’s Hearing System or the adult criminal justice system depending on whether or not the young person is subject to a compulsory supervision order (CSO). If a young person is not subject to a CSO and they are charged with a crime after their 16\(^{th}\) birthday, the Sheriff can request advice from the Children’s Hearing System regarding the most appropriate disposal for the young person and if minded to do so, can remit the young person to the Children’s Hearing System for disposal of the case. In these circumstances the young person will likely be placed on a CSO to support their wellbeing needs. The Sheriff can however choose to deal with the young person in the adult Criminal Justice System. (…)

\(^4\) The Children’s Hearings (Scotland) Act 2011 provides that a compulsory supervision order is an order, imposed by a children’s hearing, that requires a child to comply with specified conditions and for the local authority to perform duties in relation to the child’s needs.
With regard to EEI for this age group, COPFS guidelines states that the categories of offence eligible for EEI are generally offences which can be dealt with by police direct measures. This is a significantly smaller number of offences than those considered for the under-16 age group and likely explains the low numbers of 16 and 17 year olds being referred to EEI.\(^5\) For 16 and 17 year olds who are subject to CSO and commit offences outwith the COPFS guidelines for EEI, these cases will be jointly discussed by the Procurator Fiscal and Children’s Reporter to decide the most appropriate system and support for the young person. For 16 and 17 year olds who are not subject to CSO and commit an offence outwith the COPFS guidelines for EEI, these young people will be referred directly to the Procurator Fiscal where diversion from prosecution may be an option.” (section 4, p 8-9)\(^6\)

**AGE OF CRIMINAL RESPONSIBILITY**

**Law and Practice**

The age of criminal responsibility in Scotland, in the sense of the age below which a child is deemed to lack the capacity to commit a crime, is eight. Section 41 of the Criminal Procedure (Scotland) Act 1995 provides that:

“It shall be conclusively presumed that no child under the age of eight years can be guilty of an offence.”

There are, however, further restrictions on when a child may be subject to the adult system of prosecution and punishment. The Criminal Justice and Licensing (Scotland) Act 2010 inserted a new section 41A into the Criminal Procedure (Scotland) Act 1995 providing that no child under the age of 12 may be prosecuted for an offence.\(^7\) It also provides that an older person may not be prosecuted for an offence committed whilst under the age of 12.

In addition, section 42(1) of the Criminal Procedure (Scotland) Act 1995 states that:

“A child aged 12 years or more but under 16 years may not be prosecuted for any offence except on the instructions of the Lord Advocate, or at the instance of the Lord Advocate; and no court other than the High Court and the sheriff court shall have jurisdiction over such a child for an offence.”\(^8\)

The Crown Office and Procurator Fiscal Service (COPFS) has published a *Prosecution Code* (2001) setting out general criteria for prosecution decision making. It states that the youth of an accused may, depending on other circumstances, be a factor which influences a prosecutor in favour of action other than prosecution.

Information relating to cases jointly reported to the procurator fiscal, for possible prosecution in the criminal courts, and to the children’s hearings system is set out in:

- **guidance** for the police on offences which should be jointly reported (COPFS 2014)

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5 Information (including some statistics) on the use of EEI/pre-referral screening is included in an evaluation of the Whole System Approach (Murray 2015, p 24-31).

6 Another option which might be available to the police when dealing with 16/17 year olds (as well as adults) is the use of recorded police warnings. Information on their use is set out in the Police Scotland news release *New Recorded Police Warning Scheme Introduced* (2016a).

7 Effective from 28 March 2011.

8 The Lord Advocate does not have to specifically authorise each prosecution of a child, but can instead give general instructions on the classes of cases in which children are to be prosecuted.
• an agreement between the COPFS and Scottish Children’s Reporter Administration on cases which are jointly reported (COPFS 2015)

The guidance for the police notes that the categories of case where a child, aged at least 12 but under 16, will be considered for prosecution include:

• very serious offences – those which must be prosecuted under solemn procedure or which are so serious as normally to give rise to solemn proceedings
• road traffic offences – those alleged to have been committed by children aged 15 which in the event of conviction oblige or permit a court to order disqualification from driving

In summary:

• children under the age of eight – lack the legal capacity to commit an offence, cannot be prosecuted in the criminal courts and can only be referred to the children’s hearings system on non-offence grounds
• children aged between eight and 12 – cannot be prosecuted in the criminal courts but can be referred to the children’s hearings system on both offence and non-offence grounds
• children aged 12 or more – can be prosecuted in the criminal courts (subject to the guidance of the Lord Advocate) or referred to the children’s hearings system on both offence and non-offence grounds

During 2014-15:

• a total of 2,891 children were referred to the children’s hearings system on offence grounds (SCRA 2015a, p 3)
• a decision was taken to arrange a children’s hearing, dealing with offence grounds, in relation to 232 children (SCRA 2015a, p 14). Reasons for not arranging a hearing included an assessment that there was no need for compulsory measures, that suitable measures were already in place, or that there was insufficient evidence to proceed
• there were 2,246 cases against children under the age of 18 in the criminal courts. The vast majority of these (2,229) concerned children aged 16 or 17

**Debate on Appropriate Age**

The change made by the Criminal Justice and Licensing (Scotland) Act 2010, providing for a minimum age for prosecution of 12, was intended to address concerns that the age of criminal responsibility in Scotland was too low. The policy memorandum published along with the

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9 Criminal cases are prosecuted under either summary or solemn procedure, with the latter being used in relation to more serious offences.
10 Referral to the children’s hearings system is an option for 16 and 17 year olds who are already subject to a compulsory supervision order.
11 The total of 2,891 includes 1,174 children who were also referred on non-offence (care and protection) grounds. Referrals are to children’s reporters who have the task of deciding whether children need to be referred to children’s hearings. The figures for the number of children referred is less than that for the number of referrals due to the fact that one child may be referred more than once during the course of a year.
12 The figure of 232 relates to decisions taken in 2014-15, as opposed to referrals received in that year. During 2014-15, children’s reporters took decisions in relation to 2,967 children referred on offence grounds.
13 Information from Scottish Government officials (April 2016). The number of cases against children may exceed the number of children prosecuted due to the fact that one child may be involved in more than one case during a year.
Criminal Justice and Licensing (Scotland) Bill (introduced March 2009), noted that the law as it then stood allowed children from the age of eight to be prosecuted in the criminal courts and that:

“This is considered by many to be contrary to international standards and the United Nations Convention on the Rights of the Child (article 40(3)(a)) which suggests that 12 is the minimum acceptable age at which children should be held accountable for their actions before full (adult) criminal justice proceedings.” (para 190)

Article 40 of the United Nations Convention on the Rights of the Child (1989) includes provisions requiring states to seek to promote the establishment of “a minimum age below which children shall be presumed not to have the capacity to infringe the penal law”. The article does not specify a minimum age, but the United Nations Committee on the Rights of the Child (2007) has recommended 12 as an absolute minimum and stated that:

“Children who commit an offence at an age below that minimum cannot be held responsible in a penal law procedure. Even (very) young children do have the capacity to infringe the penal law but if they commit an offence when below [the minimum age of criminal responsibility] the irrefutable assumption is that they cannot be formally charged and held responsible in a penal law procedure. For these children special protective measures can be taken if necessary in their best interests”. (para 31)

The question of whether relevant reforms to Scots law should go further has remained a live issue. In 2015, the Scottish Government established an advisory group to examine the implications of raising the age of criminal responsibility (ie the age below which a child is deemed to lack the capacity to commit a crime) from eight to 12 years. The group focused on the impact such an increase might have in relation to:

- the management of any risk posed by the harmful behaviour of a child under 12
- the children’s hearings system
- the ability of the police to investigate incidents involving children under 12
- the retention and disclosure of non-conviction information relating to harmful behaviour of children under 12

The advisory group’s report was published in March 2016. The same month, the Scottish Government launched a consultation (running from 18 March to 10 June 2016) seeking views on the principle of raising the age of criminal responsibility from eight to 12 and various safeguards recommended by the advisory group.

The retention and disclosure of both conviction and non-conviction information relating to children is considered later in this briefing.

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14 The United Nations Convention on the Rights of the Child, although binding on contracting states under international law, is not binding under domestic Scots law (unlike the European Convention on Human Rights).
CHILDREN’S HEARINGS SYSTEM

Introduction

The purpose of the children’s hearings system is to determine what measures may be required to address the behaviour and welfare of children. It seeks to ensure that appropriate care, protection and supervision is implemented.

Children may be referred to the hearings system in relation to situations where they have been or may be harmed by others, or where their own behaviour causes concern – including situations where it is alleged that they have committed an offence. The majority of child offenders under the age of 16 are, where some form of compulsory intervention is considered necessary, dealt with through the hearings system rather than the criminal courts. This briefing focuses on referrals on offence grounds. It should, however, be emphasised that the hearings system also deals with children referred on non-offence grounds and that most referrals are on such grounds. Children may only be referred on offence grounds where they had the legal capacity to commit the alleged offence (ie where they were aged eight or more at the time).

The children’s hearings system mainly deals with children under the age of 16. However, some young people aged 16 and 17 are also dealt with through the hearings system. This may happen where they are still subject to supervision requirements imposed by a children’s hearing, or where their case is remitted to the hearings system for disposal following conviction by a court.

The statutory framework for the children’s hearings system is set out in the Children’s Hearings (Scotland) Act 2011. It restates much of the previous law with the main changes concerning how the children’s hearings system is administered. These include:

- the establishment of a new national body called Children's Hearings Scotland with responsibility for the recruitment, appointment and training of the members of children’s panels
- the replacement of separate children’s panels for each local authority with a single national panel

Key Elements of the System

The children’s hearings system, as provided for in the Children’s Hearings (Scotland) Act 2011, includes the following elements:

- children’s reporters and the Scottish Children’s Reporter Administration (SCRA) – the SCRA is a non-departmental public body with responsibilities including facilitating the work of children’s reporters, providing suitable accommodation for children’s hearings and disseminating information on the hearings system. Reporters are officials employed by the SCRA to consider the circumstances of children referred to the hearings system. Most referrals are made by the police although other agencies (eg social work) and members of the general public may also make referrals. On receipt of a referral, the local reporter will undertake initial investigations before deciding what action, if any, is necessary in the child’s interests. The reporter will consider whether there is sufficient evidence supporting the ground(s) of referral and, if so, whether compulsory measures of supervision are needed. Where the answer to both questions is yes, the reporter will arrange a children’s hearing. The reporter does not participate in the decision making
process of the hearing. In other cases, the child may be referred to the local authority so that advice, guidance and assistance can be given on an informal and voluntary basis (often involving support from a social worker)

- the children’s panel and Children’s Hearings Scotland (CHS) – following reforms made by the 2011 Act, there is now a national children’s panel (replacing separate panels for each local authority) with a national convener providing leadership for all panel members. The latter are trained volunteers (around 2,500 in number) who sit on children’s hearings. The national convener is also chief executive of CHS, a non-departmental public body supporting the work of the national convener in relation to matters including the recruitment, training and support of panel members

- children’s hearings – hearings are lay tribunals consisting of three children’s panel members. They consider and make decisions on what measures may be required for the welfare of a child, taking into account all of the circumstances including any offending behaviour. They take place in private and do not determine the facts of a case. Where the grounds of referral are not accepted, or the child does not understand the grounds, the case is referred to a sheriff court to decide whether the grounds are established. If the court determines that the grounds of referral are established, the case is sent back to a hearing to decide whether compulsory measures of care are necessary. Local authorities are responsible for implementing the decisions of children’s hearings where such measures are deemed necessary

The 2011 Act also extended the scope and availability of legal aid within the children’s hearings system. There is now a permanent scheme of state funded legal representation in relation to the hearings system, replacing an interim scheme first introduced in 2002.

Parliamentary scrutiny of the proposed reforms now set out in the 2011 Act included consideration of how the hearings system should balance a desire for retaining a relatively informal approach to proceedings (compared to the more legalistic adversarial approach generally associated with court proceedings) with the need to protect the legal rights of those involved. The stage 1 report on the Children’s Hearings (Scotland) Bill stated that:

“The Committee notes the concerns expressed by some witnesses that hearings may become more adversarial as a result of the provisions contained in the Bill. The Committee, however, recognises that European Convention on Human Rights (ECHR) considerations require that children and relevant persons must be given the opportunity to participate effectively.

The Committee also notes that many of the children and relevant persons who attend hearings are often the most vulnerable in society and least able to articulate their interests.

It is the Committee’s view that [it] is unlikely that extending legal aid to hearings will alter radically the nature of the hearings system in Scotland. However, this will depend on panel chairs being effectively trained to manage legal representatives’ participation within the hearing and on family lawyers being appropriately trained in the ethos and aims of the children’s hearings system. The Committee considers it essential that measures be put in place to ensure that such training takes place.” (Scottish Parliament Education, Lifelong Learning and Culture Committee 2010, paras 168-170)

In this context, it may be noted that a registration scheme and code of practice have been established with the aim of ensuring that solicitors appearing at hearings deliver an appropriate level or service.

15 The grounds of referral are, under the provisions of the 2011 Act, set out in a statement of grounds.
Referrals and Hearings

The SCRA’s Statistical Analysis 2014-15 (2015a, p 12) notes that:

“In 2014/15, 2,891 children and young people aged between eight and 17 years were referred to the Reporter on offence grounds. These children and young people were referred for 9,610 alleged offences on 6,932 referrals. The most common types of alleged offences were threatening or abusive behaviour, assault and vandalism.”

A referral will not necessarily lead to a children’s hearing. The above analysis of figures for 2014-15 goes on to note that a decision was taken to arrange a children’s hearing, dealing with offence grounds, in relation to 232 children (SCRA 2015a, p 14). In other cases, children’s reporters decided not to arrange a hearing for the following reasons:

- no indication of a need for compulsory measures
- relevant measures already in place
- referral to local authority
- insufficient evidence to proceed
- family have taken action
- diversion to other measures

As can be seen from the following tables and charts, the figures for 2014-15 represent the position following a period where there has been a significant reduction in the numbers of both referrals and hearings on offence grounds. At least part of the reason for this would appear to be a change in policy, adopting an approach which places more emphasis on keeping children out of the justice system where possible. The advisory group established by the Scottish Government to examine the implications of raising the age of criminal responsibility (discussed earlier in this briefing) has noted that:

“In recent years, Early and Effective Intervention (EEI) has been introduced as part of the Whole System Approach. This, in conjunction with the introduction of the Scottish Government’s GIRFEC approach, has seen a significant shift in police practice. This has considerably reduced the number of reports submitted to the Scottish Children’s Reporter Administration (SCRA) on offence grounds. Those less serious behaviours are now referred to local partners, and increasingly the Named Person Service, to consider the needs of the child and provide appropriate support.” (2016, p 26)

Whilst the SCRA has commented that:

“Increasingly, recent years have seen a focus on early and effective intervention, through the prism of the GIRFEC and the Whole Systems approaches. The impact of this is highlighted through the reducing numbers of children and young people referred.

There has also been a wider trend in decreasing crime rates within younger age groups. As noted in the ‘Evaluation of the Whole System Approach to Young People who Offend in Scotland’, police data shows that offending by young people aged under 18 years has fallen by 45% between 2008/09 and 2013/14.” (2015a, p 12)

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16 The figures for the number of children referred is less than that for the number of referrals due to the fact that one child may be referred more than once during the course of a year.
17 The figure of 232 relates to decisions taken in 2014-15, as opposed to referrals received in that year.
18 Discussed above under the heading of ‘Current Approach to Dealing with Offending’.
Table 1: Children under 18 referred on offence grounds

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<td>2,648</td>
<td>2,175</td>
<td>1,810</td>
<td>1,478</td>
<td>913</td>
<td>597</td>
<td>458</td>
<td>440</td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>5,263</td>
<td>4,838</td>
<td>4,263</td>
<td>3,445</td>
<td>2,931</td>
<td>2,326</td>
<td>1,677</td>
<td>926</td>
<td>800</td>
<td>787</td>
</tr>
<tr>
<td>15</td>
<td></td>
<td>6,737</td>
<td>6,407</td>
<td>5,535</td>
<td>4,399</td>
<td>3,762</td>
<td>2,986</td>
<td>2,050</td>
<td>1,416</td>
<td>1,088</td>
<td>1,168</td>
</tr>
<tr>
<td>16</td>
<td></td>
<td>607</td>
<td>667</td>
<td>590</td>
<td>565</td>
<td>543</td>
<td>466</td>
<td>334</td>
<td>372</td>
<td>271</td>
<td>224</td>
</tr>
<tr>
<td>17</td>
<td></td>
<td>108</td>
<td>88</td>
<td>119</td>
<td>98</td>
<td>133</td>
<td>93</td>
<td>80</td>
<td>79</td>
<td>90</td>
<td>110</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>17,361</td>
<td>16,229</td>
<td>14,209</td>
<td>11,554</td>
<td>9,765</td>
<td>7,857</td>
<td>5,336</td>
<td>3,473</td>
<td>2,764</td>
<td>2,891</td>
</tr>
</tbody>
</table>

Source: SCRA officials (May 2016)

Chart 1: Children under 18 referred on offence grounds

---

Based on SCRA live operational data (may differ from other published data). Children can be referred more than once in each year and hence at different ages in the year. The total figures show the unique total of children referred each year rather than the sum of constituent rows.
Table 2: Children under 18 with decision to arrange hearing on offence grounds

<table>
<thead>
<tr>
<th>Year</th>
<th>2005-06</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children</td>
<td>2,248</td>
<td>2,305</td>
<td>2,004</td>
<td>1,700</td>
<td>1,374</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Children</td>
<td>898</td>
<td>739</td>
<td>479</td>
<td>269</td>
<td>232</td>
</tr>
</tbody>
</table>

Source: SCRA officials (May 2016)

Chart 2: Children under 18 with decision to arrange hearing on offence grounds

CRIMINAL COURTS

Criminal Proceedings and Outcomes

As noted above, Scots law provides that children under the age of eight do not have the capacity to commit a crime and, since the coming into force of relevant reforms set out in the Criminal Justice and Licensing (Scotland) Act 2010, children under the age of 12 cannot be prosecuted in the criminal courts.

Table 3 provides information on the number of cases against children (under the age of 18) in the criminal courts, during the period 2005-06 to 2014-15. The table, along with the two charts, show how the number of court proceedings against children has fallen during this period. Chart 3 covers children under 16 (with a high of 189 cases in 2007-08 and a low of 17 in 2014-15). Chart 4 covers children aged 16 and 17 (with a high of 9,666 cases in 2006-07 and a low of 2,229 in 2014-15).

Some possible reasons for this reduction are considered earlier in this briefing, when looking at the current approach to dealing with offending – including the Scottish Government’s Whole System Approach (WSA) (incorporating Early and Effective Intervention (EEI)). An evaluation of the WSA (looking at three case study areas) noted the possible impact of Scottish Government policies whilst also indicating that crime levels were already reducing prior to their implementation:

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20 Based on SCRA live operational data (may differ from other published data).
21 The number of cases against children may exceed the number of children prosecuted due to the fact that one child may be involved in more than one case during a year.
“Patterns of recorded crime show a distinct fall over time in all three areas which predate either EEI or WSA; however, there is some evidence to suggest that there have been significant falls in youth offending (or at least recording of youth offending) since the mid-2000s which ties in with the development and early implementation of GIRFEC and the Preventing Offending by Young People: A Framework for Action on youth offending.” (Murray 2015, p 23)

Table 3: Proceedings against children under 18 in the criminal courts

<table>
<thead>
<tr>
<th>Age</th>
<th>2005-06</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-11</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>13</td>
<td>4</td>
<td>1</td>
<td>9</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>14</td>
<td>25</td>
<td>16</td>
<td>21</td>
<td>31</td>
<td>26</td>
</tr>
<tr>
<td>15</td>
<td>143</td>
<td>129</td>
<td>158</td>
<td>118</td>
<td>97</td>
</tr>
<tr>
<td>16</td>
<td>2,822</td>
<td>2,870</td>
<td>2,587</td>
<td>2,244</td>
<td>1,739</td>
</tr>
<tr>
<td>17</td>
<td>6,380</td>
<td>6,796</td>
<td>6,393</td>
<td>5,404</td>
<td>4,369</td>
</tr>
<tr>
<td>Total</td>
<td>9,374</td>
<td>9,813</td>
<td>9,169</td>
<td>7,798</td>
<td>6,237</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8-11</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>15</td>
<td>9</td>
<td>9</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>15</td>
<td>62</td>
<td>42</td>
<td>42</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>16</td>
<td>1,271</td>
<td>1,157</td>
<td>846</td>
<td>637</td>
<td>524</td>
</tr>
<tr>
<td>17</td>
<td>3,557</td>
<td>2,943</td>
<td>2,264</td>
<td>1,880</td>
<td>1,705</td>
</tr>
<tr>
<td>Total</td>
<td>4,908</td>
<td>4,153</td>
<td>3,161</td>
<td>2,538</td>
<td>2,246</td>
</tr>
</tbody>
</table>

Source: Scottish Government officials (April 2016)

Chart 3: Proceedings against children under 16 in the criminal courts
The fact that a child has been prosecuted in the criminal courts does not necessarily mean that the child will be treated in the same way as an adult following a conviction for a similar offence. In addition to what it says about establishing a minimum age of criminal responsibility, article 40 of the United Nations Convention on the Rights of the Child includes provisions relevant to the treatment of children who are convicted of committing an offence:

“A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”

As well as the possibility of remitting a case to a children’s hearing for disposal, a court may seek advice from a hearing on the treatment of a child. Table 4 provides information on the outcomes of cases against children under the age of 16 in the criminal courts. Table 5 provides the same information for children aged 16 and 17.

Table 4: Outcomes of proceedings against children under 16 in the criminal courts

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>charge not proved</td>
<td>31</td>
<td>17</td>
<td>30</td>
<td>26</td>
<td>23</td>
<td>13</td>
<td>6</td>
<td>15</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>custodial sentence</td>
<td>24</td>
<td>24</td>
<td>26</td>
<td>21</td>
<td>22</td>
<td>12</td>
<td>6</td>
<td>10</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>community sentence</td>
<td>15</td>
<td>26</td>
<td>20</td>
<td>13</td>
<td>17</td>
<td>17</td>
<td>9</td>
<td>7</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>financial penalty</td>
<td>19</td>
<td>10</td>
<td>32</td>
<td>16</td>
<td>10</td>
<td>19</td>
<td>9</td>
<td>7</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>remit to children’s hearing</td>
<td>57</td>
<td>45</td>
<td>56</td>
<td>59</td>
<td>42</td>
<td>15</td>
<td>14</td>
<td>13</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>admonished</td>
<td>26</td>
<td>24</td>
<td>23</td>
<td>14</td>
<td>15</td>
<td>15</td>
<td>9</td>
<td>7</td>
<td>3</td>
<td>3</td>
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<tr>
<td>other sentence</td>
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<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>172</td>
<td>147</td>
<td>189</td>
<td>150</td>
<td>129</td>
<td>80</td>
<td>53</td>
<td>51</td>
<td>21</td>
<td>17</td>
</tr>
</tbody>
</table>

Source: Scottish Government officials (April 2016)
Table 5: Outcomes of proceedings against children aged 16 and 17 in the criminal courts

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Year 2005-06</th>
<th>Year 2006-07</th>
<th>Year 2007-08</th>
<th>Year 2008-09</th>
<th>Year 2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>charge not proved</td>
<td>1,275</td>
<td>1,256</td>
<td>1,215</td>
<td>1,094</td>
<td>934</td>
</tr>
<tr>
<td>custodial sentence</td>
<td>752</td>
<td>900</td>
<td>834</td>
<td>742</td>
<td>642</td>
</tr>
<tr>
<td>community sentence</td>
<td>1,836</td>
<td>1,893</td>
<td>1,881</td>
<td>2,024</td>
<td>1,546</td>
</tr>
<tr>
<td>financial penalty</td>
<td>3,830</td>
<td>3,946</td>
<td>3,441</td>
<td>2,289</td>
<td>1,811</td>
</tr>
<tr>
<td>remit to children’s hearing</td>
<td>202</td>
<td>263</td>
<td>200</td>
<td>146</td>
<td>131</td>
</tr>
<tr>
<td>admonished</td>
<td>1,239</td>
<td>1,348</td>
<td>1,349</td>
<td>1,304</td>
<td>988</td>
</tr>
<tr>
<td>other sentence</td>
<td>68</td>
<td>60</td>
<td>60</td>
<td>49</td>
<td>56</td>
</tr>
<tr>
<td>Total</td>
<td>9,202</td>
<td>9,666</td>
<td>8,980</td>
<td>7,648</td>
<td>6,108</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Year 2010-11</th>
<th>Year 2011-12</th>
<th>Year 2012-13</th>
<th>Year 2013-14</th>
<th>Year 2014-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>charge not proved</td>
<td>775</td>
<td>753</td>
<td>576</td>
<td>490</td>
<td>398</td>
</tr>
<tr>
<td>custodial sentence</td>
<td>438</td>
<td>455</td>
<td>317</td>
<td>184</td>
<td>171</td>
</tr>
<tr>
<td>community sentence</td>
<td>1,235</td>
<td>1,061</td>
<td>881</td>
<td>772</td>
<td>678</td>
</tr>
<tr>
<td>financial penalty</td>
<td>1,267</td>
<td>871</td>
<td>588</td>
<td>470</td>
<td>431</td>
</tr>
<tr>
<td>remit to children’s hearing</td>
<td>152</td>
<td>119</td>
<td>120</td>
<td>85</td>
<td>62</td>
</tr>
<tr>
<td>admonished</td>
<td>928</td>
<td>797</td>
<td>606</td>
<td>481</td>
<td>454</td>
</tr>
<tr>
<td>other sentence</td>
<td>33</td>
<td>44</td>
<td>22</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Total</td>
<td>4,828</td>
<td>4,100</td>
<td>3,110</td>
<td>2,517</td>
<td>2,229</td>
</tr>
</tbody>
</table>

Source: Scottish Government officials (April 2016)

**Youth Courts**

Two youth courts were established on a pilot basis in 2003 and 2004 – at Hamilton and Airdrie sheriff courts. They were aimed primarily at persistent offenders aged 16 and 17, with the intention of providing transitional arrangements between the children’s hearings system and the full adult criminal justice system. The two youth courts ceased to operate in March 2014.

Information on the former courts is set out in an [Evaluation of the Airdrie and Hamilton Youth Court Pilots](#) (Scottish Executive Social Research 2006) and a [Review of the Hamilton and Airdrie Youth Courts](#) (Scottish Government 2009).

The decision to close the pilot courts was taken in the context of the Scottish Government’s Whole System Approach (which aims to divert young people away from statutory measures and prosecution in favour of early intervention). With a fall in the number of cases dealt with by the pilot courts, continued Scottish Government funding was withdrawn on the basis that it no longer represented good value for money.\(^{22}\)

\(^{22}\) Scottish Government officials (May 2016).
RETENTION AND DISCLOSURE OF INFORMATION

Introduction

The police may hold various types of information about both children and adults:

- criminal convictions (including instances where alternatives to prosecution have been accepted)\(^{23}\)
- matters dealt with on offence grounds through the children’s hearings system
- non-conviction information (eg allegations that do not progress to formal criminal proceedings)
- forensic information (eg fingerprint and DNA data)

This information may be used as part of future criminal investigations (eg fingerprint and DNA data). It may also be disclosed to third parties (eg the provision of information about previous convictions to potential employers).

The following outlines the rules under which such information is retained and disclosed.

Retention of Information

The police have various powers to take forensic information (in particular fingerprint and DNA data) from people, including children, suspected of committing criminal offences.\(^{24}\) Such information can be analysed, checked against existing records and added to databases for future reference.

Where there is a criminal conviction, any fingerprint and DNA data taken from the convicted person can be retained indefinitely. Where a suspect is not convicted in a criminal court, the general rule is that it must be deleted from databases and destroyed. However, where the suspect was prosecuted for a range of sexual or violent offences, such information may be retained for a period after the conclusion of criminal court proceedings, even if the suspect is not convicted. It may also be retained for a period where certain sexual or violent offences are dealt with by a children’s hearing and the offence grounds are accepted or established. Finally, there is also provision for the temporary retention of forensic information where alternatives to prosecution have been used.\(^{25}\)

In addition to forensic information, the police may hold criminal conviction, children’s hearing (offence grounds) and non-conviction information. Retention of this type of information is subject to police guidance – **Recording, Weeding and Retention of Information on Criminal History System** (Police Scotland 2016b). The guidance sets out rules on how long such information will be held on databases before removal (weeding). For example, information on:

- criminal court convictions is generally retained for between 20 years and the lifetime of the person (depending on the nature of the offence/disposal)

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\(^{23}\) Alternatives to prosecution are available to police and prosecutors to deal with less serious criminal behaviour outwith the court system. They include warnings, fixed penalty notices and fiscal fines.

\(^{24}\) This power does not exist in relation to children under the age of criminal responsibility (ie under eight).

\(^{25}\) Reforms in these areas were made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and the Criminal Justice and Licensing (Scotland) Act 2010 – both making changes to the Criminal Procedure (Scotland) Act 1995.
• offence grounds established/accepted at children's hearings is treated in the same way as criminal court convictions
• alternatives to prosecution is retained for two or three years (depending on the nature of the offence and type of alternative)
• prosecutions which have not been proceeded with or have resulted in an acquittal is retained for six months (three years for certain sexual or violent offences)

The weeding of information precludes its future disclosure by Disclosure Scotland (which relies on the contents of such databases).

**Disclosure of Information**

Individuals may, in some circumstances, be under a legal obligation to self-disclose the fact that they have criminal convictions (eg where asked by potential employers or when applying for certain university courses). A failure to do so may lead to the withdrawal of an offer of employment, etc.

In addition, **Disclosure Scotland** (an executive agency of the Scottish Government) provides a formal disclosure service to third parties, using information held in police databases. This covers both previous convictions and non-conviction information. Offence grounds established/accepted at children's hearings are treated as previous convictions for these purposes.

Whether or not disclosure is required depends on the following factors:

• the nature of the information (eg a previous criminal conviction or non-conviction information)
• whether a previous criminal conviction has become ‘spent’
• the nature of the work, etc being sought (eg whether a post involves working with vulnerable people)

These factors are reflected in the work of Disclosure Scotland which manages the Protecting Vulnerable Groups Scheme (PVG Scheme) as well as providing different levels of disclosure certificate. For example, the following forms of disclosure include the stated information:

• basic disclosures – unspent convictions
• standard disclosures – convictions (including relevant spent ones) and sex offender notification requirements
• enhanced disclosures – as for standard disclosures plus non-conviction information which is reasonably believed to be relevant by the police (or other Government bodies)
• PVG Scheme – as for enhanced disclosures

The PVG Scheme differs from the arrangements for basic, standard and enhanced disclosure certificates in that scheme members are subject to ongoing monitoring, meaning that their vetting information is kept up-to-date.

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26 Discussed below under the heading of ‘Previous Criminal Convictions’.
27 Further details of the information provided by Disclosure Scotland is set out on its website under the heading of ‘What is a Disclosure?’.
Apart from basic disclosures, all of the above forms of disclosure include information about relevant spent convictions. Until last year, this meant all spent conviction information held on police databases. However, changes to the law now mean that some very old or less serious spent convictions are no longer disclosed. The purpose of the reform was to allow people with such convictions to put past offending behaviour behind them. Different rules apply to people convicted whilst under the age of 18.  

The appropriate level of disclosure is governed by the nature of the work, etc involved. Disclosure Scotland’s website notes that:

“Anyone can apply for a basic disclosure in their own name. This might be requested for a new job, volunteer work or to support a visa application. For regulated work with children or protected adults, the PVG Scheme is now the most appropriate type of check. Regulated work is the term used by the PVG Act to define the types of work which barred individuals must not do, and for which PVG Scheme membership is available. Some employers and organisations can also apply for a standard (or enhanced disclosure for specific posts) for a potential new employee or a volunteer position. There is legislation available to employers and other organisations to determine what type of disclosure is required for a particular position.” (Disclosure Scotland, ‘What is a Disclosure?’)

**Previous Criminal Convictions**

The Rehabilitation of Offenders Act 1974 provides that, following specified rehabilitation periods based on the sentence imposed (not the offence) convictions may become ‘spent’ for certain purposes. For children (under the age of 18 at the date of conviction) the rehabilitation period is normally half that specified for adult offenders. In the case of child offenders, convictions resulting in the following criminal court sentences currently become spent after the period indicated (from the date of conviction):

- an absolute discharge – 6 months
- a fine or community sentence – 2½ years
- a custodial sentence not exceeding 6 months – 3½ years
- a custodial sentence exceeding 6 months but not exceeding 2½ years – 5 years

Convictions resulting in a custodial sentence of more than 2½ years do not currently become spent in Scotland.

In relation to alternatives to prosecution, the 1974 Act provides that some are treated as spent immediately whilst others become spent after three months.

The general rule is that an ex-offender does not have to reveal a spent conviction (or alternative to prosecution) and cannot be prejudiced by it. For example, ex-offenders do not have to declare spent convictions when applying for most jobs or for insurance. As discussed above, certain types of work are exempted from these provisions, so that relevant spent convictions are disclosed. These exemptions are intended to strike an appropriate balance between supporting the rehabilitation of ex-offenders and public protection.

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28 The Disclosure Scotland website provides further information under the heading of 'The Disclosure Regime in Scotland'.
29 The PVG Act is the Protection of Vulnerable Groups (Scotland) Act 2007.
The 1974 Act was passed by the UK Parliament and applies to England and Wales as well as Scotland. However, its subject matter is, for the purposes of Scots law, devolved to the Scottish Parliament.

Until relatively recently, the rehabilitation periods set out in the 1974 Act for Scotland were the same in England and Wales. However, in relation to England and Wales (but not Scotland), section 139 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 changed the rehabilitation periods (in force since March 2014). It provided for reductions in rehabilitation periods (for those sentences which could already become spent) and an extension to the range of sentences covered by rehabilitation provisions.

In May of last year, the Scottish Government published a consultation paper on reforming the provisions of the 1974 Act in relation to Scotland (with responses sought by August 2015). The consultation paper set out proposals for reductions in rehabilitation periods and an extension to the range of sentences covered by rehabilitation provisions. It noted that changes in this area could be made by secondary legislation. It also outlined some possible additional areas of reform which would require primary legislation. At the time of writing, relevant reforms have not been taken forward (whether by primary or secondary legislation).

In relation to youth offending, the consultation paper noted that:

“It is clear that there are particular factors associated with young offenders. For those who are able and willing to work, many will be entering the job market for the first time. If a young person who is trying to change their life around has to disclose their previous offending behaviour, it may be that this is the only significant item on their Curriculum Vitae, (CV). They may have no other experience with which to demonstrate attributes such as reliability which is important to employers. As the 1974 Act is seen as a barrier to employment, a young person having to disclose their previous convictions for too long may be particularly damaging for them. This is especially the case if the result of having to do so is that they are unable to obtain employment; attend university, college or even volunteer.” (para 2.1.26)

In this context, it went on to state that the Scottish Government proposed to maintain the approach under which most rehabilitation periods would be halved where the offence was committed by someone under the age of 18.

The reforms proposed in the consultation paper deal with the rules under which a conviction may become spent. They do not concern the arrangements under which the disclosure of information about spent convictions may still be required.
Children’s Hearings

Disposals by children’s hearings are not the same as criminal convictions. However, where offence grounds are accepted or established at a children’s hearing, the disposal at the hearing is treated as a criminal conviction for the purposes of disclosure and the Rehabilitation of Offenders Act 1974.\(^{30}\)

In such cases, the rehabilitation period under the 1974 Act (ie the period after which the disposal becomes spent) is:

- compulsory supervision order imposed – one year or the duration of the order (whichever is the longer)
- compulsory supervision order not imposed – six months

Reforms set out in the Children’s Hearings (Scotland) Act 2011 seek to treat disposals by children’s hearings (where offence grounds are accepted or established) as alternatives to prosecution rather than convictions. However, relevant provisions of the 2011 Act are not yet in force.\(^{31}\)

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\(^{30}\) See section 3 of the 1974 Act.

\(^{31}\) See sections 187 and 188 of the 2011 Act.


Disclosure Scotland. Available at: http://www.disclosurescotland.co.uk/ [Accessed 14 June 2016]


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