

F/T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Jackson Carlaw MSP  
Convener  
Citizen Participation and Public Petitions Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

[petitions.committee@parliament.scot](mailto:petitions.committee@parliament.scot)

26 February 2026

Dear Convener,

Thank you for your letter dated 4 February 2026. I am grateful for the extensive work undertaken by the Citizen Participation and Public Petitions Committee to examine the serious issues of children's rights and youth offending. You have raised a number of points in your letter. I have set out below the position of the Scottish Government and relevant agencies on these matters, as well as an update on the actions we have taken in these areas.

## **Impact of serious crimes**

### *Youth justice approach*

You have rightly recognised Scottish Government's ambition to place children's rights at the heart of all of its policies, whether it be education, health or justice. This is not at odds with my commitment to ensuring that youth offending is addressed appropriately and effectively. We are very aware that it is other children who are disproportionately affected by youth crime, and it is essential that child victims' rights are also protected and promoted in Scotland's response.

The overarching aims for the criminal justice system in Scotland are to improve public safety by building safer communities; to protect and support people who have been harmed; ensure access to fair justice; and to reduce rates of victimisation by reducing crime and reoffending. Realising these aims require the balancing of public protection with the provision of real, and repeated, opportunities to support and rehabilitate children whose behaviour brings them into conflict with the law. Those rehabilitative concerns particularly apply to children, where the scope to promote lasting positive changes in outlooks and behaviours is self-evident.

In Scotland we promote a preventative whole system approach to youth justice – where children's systems intersect with criminal justice systems depending on the age, stage and

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needs of the young person causing concern and the seriousness of the harm at the heart of that concern. Tiered systems support young people who offend or behave harmfully to change – appropriately, constructively and effectively. There is a need to ensure that public safety is improved and communities and victims feel seen, supported and safe.

As I advised the Committee in June last year, it is important to acknowledge that most young people are not engaged in antisocial, harmful or offending behaviour. In addition, while each case of youth crime, especially those involving serious harm, is rightly a cause for care and concern to all of us, Scotland's approach to these issues is evidence-led and effective.

There are almost 1 million young people under 18 in Scotland. In the year to April 2025, around 4 in every 1000 were referred to the Reporter for offending.

In 2024-25, there were 6400 offence referrals to the Reporter. There were around 7600 the year before. Before the introduction of the national Whole System Approach to Preventing Offending by Children and Young People in 2011, there were more than 20,000 offence referrals to the Reporter each year.

There is sometimes the view that no action is taken and that children (over the age of 12 and under 18 years) 'get away' with offending behaviour. This is not the case. Significant action with real consequences, including the potential to restrict or deprive a child's liberty, can be taken. Action is not always visible to victims, because of confidentiality and data protection required in individual cases.

In Scotland, children from the age of 12 can also be dealt with through the criminal justice system. The circumstances in which children aged 12-17 can be prosecuted are specified in legislation, the Lord Advocate's Guideline and associated guidance. The police must report offences which fall under certain categories of the [Lord Advocate's guidelines on offences committed by children](#) jointly to COPFS and the Children's reporter.

When a child is jointly reported then the overriding consideration is whether it is in the public interest to prosecute the child. I should emphasise that where a child under 18 is prosecuted, they can be sentenced by the independent courts to a period in custody. Children under 18 can now only be placed in child care settings such as secure accommodation for the initial period until they turn 18, if a period of detention is required. If their sentence lasts beyond the age of 18 then they will transfer to a custodial setting at their 18th birthday to serve the remainder of the sentence.

When a child is sentenced to be detained for a period of less than four years, they must be released on licence automatically at half-sentence, if not released earlier. This also applies to extended sentences where the custodial part is less than four years.

When a child is sentenced to be detained for a period of more than four years of they are released on licence after serving two-thirds of the sentence, if not released earlier on the recommendation of the Parole Board of Scotland.

When a child serves the remainder of their sentence on community license with conditions set by the Parole Board, any breach of licence conditions will be reported to Scottish Ministers along with the supervising officer's recommendation on action to be taken. This could take the form of a warning letter, immediate recall by Scottish Ministers or referral to

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the Parole Board for decision. The child may be recalled at any time to serve the remainder of his sentence. This would be in secure accommodation if this happens prior to their 18th birthday and Young Offender Institution, if afterwards.

I wish to highlight these points to stress that children and young people who commit serious offences are facing serious consequences for their actions and will continue to do so while they are also supported to address the underlying needs and causes of their behaviours. This is aimed at helping them to reintegrate, recover, rehabilitate as well as desist, reducing future victims and benefitting society.

### *Victims, Witnesses and Justice Reform (Scotland) Act 2025*

As you know, last year, the Scottish Parliament passed the Victims, Witnesses, and Justice Reform (Scotland) Act 2025. Many of the reforms in the legislation were informed by the voices of victims themselves. At the core of the provisions has been my commitment to embed a trauma-informed approach within our justice system while enhancing the rights of victims and their families. All of this to say that, as the Cabinet Secretary for Justice and Home Affairs, I have always recognised the impact of crime and it has been my ambition to firstly reduce serious crime and secondly mitigate the impact of those crimes on those affected by it. A number of programmes specifically address these in the context of children and young people.

### *Youth Justice Vision*

The refreshed Youth Justice Vision, expected for the consideration of new Ministers in summer 2026, will build on the progress delivered under the current Vision and Priorities. The development so far of the refreshed Vision has involved extensive engagement with local authorities, Police Scotland, CELCIS, CYCJ, Victim Support Scotland, children's rights organisations and young people themselves. The new Vision will therefore reflect lived experience, evidence-based practice and the evolving needs of children, victims and communities.

### *Strengthening Early and Effective Intervention (EEI)*

As part of this work, Scottish Government has also been engaging in multi-agency discussions to strengthen Early and Effective Intervention. These discussions have identified the need for greater consistency across Scotland, clearer decision-making processes, and stronger alignment with Getting it right for every child (GIRFEC) planning.

Work is underway to revise the EEI Core Elements, with updated national practice guidance to enhance transparency, ensure proportionate responses, and support public and victim confidence in the system.

### *Community Confidence Group*

The work of the Community Confidence Group forms an important part of our wider efforts to address violence and antisocial behaviour involving young people. This group brings together local government, Police Scotland, youth work organisations and community partners to examine how we can strengthen public confidence, improve communication, build understanding and enhance local engagement.

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Actions being taken forward include developing shared communication principles for communities, enhancing data sharing to support local problem-solving, and improving routes for communities to raise concerns and access support.

The Violence Prevention Framework for Scotland launched in May 2023 was the first of its kind in Scotland, setting out a comprehensive three-year programme of activity to prevent violence and reduce its impact, backed by £6 million to support its implementation.

### *Harmful Sexual Behaviour (HSB)*

Children and young people displaying harmful sexual behaviour are a complex group with diverse needs which cannot be addressed by a 'one size fits all' model of service provision. Responses to children and young people's harmful sexual behaviour should reflect that they are first and foremost children. The "Expert Group on Preventing Sexual Offending Involving Children and Young People" was established by the Scottish Government in 2018 to respond to evidence relating to the occurrence of harmful sexual behaviours among children and young people and to consider proposals for further action to better prevent and respond to such behaviours.

Following the publication of the [Harmful Sexual Behaviour Report](#) in 2020, Scottish Government set up a delivery group to implement the recommendations in the report. The group consisted of representatives from CPCScotland, Police Scotland, COPFS, COSLA, and the third sector. Examples of completed work include:

- Development of guidance for staff in education and training settings on Education Scotland's National Improvement Hub;
- Research to explore potential links between childhood experiences and HSB, published May 2021;
- A survey seeking the views of children and young people on online HSB, published June 2021;
- Roll-out of training to help schools to tackle online problematic sexual behaviours;
- Inclusion of 'Child displaying HSB' as a vulnerability factor/concern at child protection registration, within the revised Minimum Dataset for collection by Child Protection Committees;
- Delivery of – and sharing learning from – an NSPCC HSB Audit Tool pilot across three Child Protection Committees.

Scottish Government has also funded Stop It Now! Scotland's online resource, Upstream, which enables adults to identify, prevent, and act to stop child sexual abuse and harmful sexual behaviour.

### *Bairns' Hoose*

The Bairns' Hoose programme represents the Scottish Government's unwavering commitment to Scotland's children following traumatic events and will support the needs of children to help them recover and ultimately, flourish. The programme supports children who

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have been victims or witnesses of abuse and provides them with a safe space to access a system of holistic support comprising child protection, recovery, health and justice services. Significantly, children under the age of criminal responsibility (12) can also be subject to an investigative interview in certain circumstances under the Age of Criminal Responsibility (Scotland) Act 2019, and Bairns' Hoose provides a safe and appropriate setting for this to take place. Where such an interview is not warranted or required, a child may still receive other support from the Bairns' Hoose, such as access to therapeutic recovery services. Access to a Bairns' Hoose is on a needs basis as part of a Child's Plan, based on professional judgement and local context which is agreed during the Inter-agency Referral Discussion process, recognising that many children who may have caused harm will themselves have been victims of abuse and will therefore benefit from the wrap around support available through Bairns' Hoose.

The Scottish Government is committed to supporting Bairns' Hoose partnerships as they build the capacity and resources required to support children to access trauma informed recovery from different types of abuse across Scotland. This commitment has been backed by over £20 million in funding for Bairns' Hoose with a further £10.5 million to be invested in the 2026/27 Financial Year taking total Scottish Government investment in Bairns' Hoose to over £30 million.

With seven Hooses delivering services in Aberdeen City, Aberdeenshire, Argyll and Bute, Edinburgh, Highland, North Strathclyde and Tayside and with further sites being developed across Scotland, the Bairns' Hoose programme continues to make significant progress towards incremental national roll-out from 2027.

## **Young people at risk of serious offending**

### *Contextual Safeguarding*

We are committed to supporting children and young people who experience harm outside the family home. Contextual Safeguarding is one approach that helps practitioners understand and respond to risks that arise in settings such as schools, peer groups, neighbourhoods, and online environments. It recognises that these relationships and spaces can influence a young person's safety and wellbeing.

The Scottish Government acknowledges the importance of this approach, which reflects the evolving nature of harm experienced by children and young people. We have been working with local partners to better understand how Contextual Safeguarding is being implemented across Scotland. The approach aligns closely with several national policy areas, including GIRFEC, child protection, youth justice, community safety and online safety.

Following a recent survey of local partnerships by the Scottish Local Area Interest Network for Contextual Safeguarding, we are considering next steps for further embedding Contextual Safeguarding within local practice. This work is also connected to Scotland's refreshed Trafficking and Exploitation Strategy, which adopts a public health approach to preventing exploitation. Contextual Safeguarding forms an important element of this prevention framework, with a corresponding delivery plan to be published in due course outlining how contextual safeguarding can be used to help prevent trafficking and exploitation.

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Contextual safeguarding is also key to addressing the threat of vulnerable young people being exploited criminally. We are pleased to see that SVRU is working with Barnardos to introduce a 'Street Guardians' approach in Glasgow City Centre. The key principle behind this approach is increasing the level of capable guardianship (safe adults) on the streets, reducing opportunities for exploitation whilst also expanding the help and support for young people without criminalising them.

### *Primary Prevention and work with the Scottish Violence Reduction Unit*

I agree with the Convenor and the Committee's view that that the best point to intervene in a young person's life is before any offending behaviour has taken place.

Scottish Government has been working together with Scottish Violence Reduction Unit (SVRU) since its inception 20 years ago. SVRU and Scottish Government recognise that children who feel safe in the family home are less likely to be involved in violence. This is why SVRU has worked on early intervention programmes that focus on social and emotional learning with successful implementation within nursery-based settings in several local authorities across Scotland – including Glasgow, Fife and North Lanarkshire.

SVRU is also working with schools to provide tools for educational professionals that supports their engagement with children and young people.

### *Social media and Online Harms*

Recognising the rising risk of social media in exacerbating online harms, Scottish Government has established a ministerially led cross-policy group that focuses on addressing this very issue.

Through funding from Scottish Government, a collaborative campaign between the SVRU, YouthLink Scotland and Medics Against Violence named "Quit Fighting for Likes" (QF4L) is exploring young people's experiences of harm online such as the filming and sharing of fights on social media. The campaign is being run online through Snapchat advertisements and a resource toolkit for practitioners working with young people. The [House of Commons Youth Select Committee report on violence](#) recognised the considerable impact of QF4L: "*The campaign's clear messaging gives young people the tools and confidence to modify their social media experience to one that features less violent content. Quit Fighting for Likes is a positive example of how police forces, and Violence Reduction Units, can model good social media behaviour*".

The Scottish Government continues to work with partners to prevent youth violence and support children and young people through a wide range of national strategies, including the Violence Prevention Framework, the Behaviour and Relationships in Schools Action Plan, the Youth Justice Vision and Priorities, and the Vision and Action Plan published in 2024. These approaches reflect a public health model that focuses on early intervention, tackling the underlying causes of violence, and ensuring that psychological trauma or adversity does not prevent children and young people from accessing the help they need. We aim to build community confidence and address both local and national concerns around violence and antisocial behaviour, ensuring all young people feel safe in their communities. Since the publication of the Violence Prevention Framework in 2023, over £4 million has been invested

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to implement its actions and strengthen partners' ability to deliver targeted prevention work across communities.

### *Cashback for Communities*

Complementing this, the CashBack for Communities programme reinvests funds recovered under the Proceeds of Crime Act into projects that create positive futures for young people, supporting both those at risk of entering the criminal justice system and communities impacted by crime.

The Scottish Government is investing a record £26 million over the next three years in the CashBack for Communities programme. This initiative supports the creation of safe spaces, access to trusted adults, and a wide range of positive diversionary and developmental activities for young people, helping to address the underlying causes of antisocial behaviour and criminal activity. Funding will be distributed to 51 organisations, which will deliver a mix of universal local and national youth work, as well as targeted and specialist interventions for young people.

Since its launch in 2008, the programme has committed £156 million to diversionary initiatives, supporting around 1.4 million young people across all 32 local authorities in Scotland. CashBack for Communities is committed to continuous evaluation, which consistently demonstrates the value of its early intervention and prevention work and highlights the positive impact on young people, Police Scotland resources, and the wider justice system.

The programme benefits from annual, programme wide impact reports, as well as an independent evaluation at the end of each three year funding phase. The most recent CashBack for Communities Annual Impact Report (2024/25) recorded that 15,077 young people had been supported through the programme, with 10,524 reporting positive changes in behaviour, over 7,000 reporting reduced involvement in antisocial or criminal activity, and more than 4,000 achieving accreditation. The external programme evaluation for Phase 6 (2023-26) has been commissioned, which will assess delivery at programme level. The evaluation is set to be published later this year.

### *The role of education*

There is sustained school and community engagement with young people to make sure we create responsible citizens in Scotland – and most of Scotland's young people, just like the adult population, are law abiding responsible citizens.

The Scottish Government has invested in education programmes on the danger and the unacceptability of carrying a knife and taking part in violence. For example, Fearless, the Crimestoppers reporting service for young people, delivered campaigns over 2025 on weapon possession and youth violence. These campaigns acknowledged the fears and pressures on young people, challenged reasons often cited for carrying a knife and highlighted the impact knife violence can have on friends, families and communities.

The campaign also addressed adults, offering practical ways parents, carers, teachers, neighbours and the wider community can contribute to keeping young people safe. Fearless' latest campaign on this issue had a combined reach of 803,412 young people and adults.

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Over 62,000 visits were made to the charity's landing page for further information and resources.

Further work and outreach events in Glasgow, Edinburgh and Ayrshire to further this messaging are planned for spring 2026.

As part of the Scottish Government's Equally Safe strategy, the Mentors in Violence Prevention delivers an effective bystander intervention programme that gives young people the opportunity to take a leadership role in challenging gender based violence. It provides opportunities for young people to explore healthy relationships and is an important tool in supporting wellbeing and positive mental health.

Scottish Government also provides funding to Medics Against Violence, to support delivery of a number of violence reduction programmes delivered by medics and support workers in a number of settings. They specifically run a schools programme, with frontline clinicians delivering violence reduction lessons to young people in schools and youth clubs to address the consequences of violence including knife carrying and knife injuries.

No Knives, Better Lives is another Scottish Government-funded prevention, early intervention and education programme which supports youth workers and practitioners working with young people to empower those who may be at risk of youth violence to choose a better path.

### *Actions following the Youth Summit*

On 12 June, the First Minister, Cabinet Secretary for Education and Skills, Ministers for Children and for Victims & Community Safety, along with myself met with cross-party MSPs, youth workers and partners delivering violence reduction and other community programmes for young people. What we heard was agreement that the vast majority of young people are well-behaved but that some young people are feeling the impact of lockdown, peer pressure and social media.

We are taking action since that meeting in June, including delivering violence and weapons prevention education roadshows in up to ten targeted areas where levels of violence are high, to increase awareness on the realities of weapon carrying. Through funded partners we are seeking the voices of at least 1,000 young people to hear their views through a survey and focus groups, on violence and knife crime and what they think would help prevent this.

This is in addition to a raft of programmes already being supported as outlined in this letter.

## **Justice response to serious crime**

### *The Whole System Approach*

As referred to above, the Whole System Approach (WSA) is our programme for addressing the needs of young people involved in offending and there are a number of key principles that strengthen the framework for WSA. One of them is GIRFEC, which aims to ensure that support for children and young people puts their – and their family's – needs first. The other

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is the work involved in incorporation of the UN Convention on the Rights of the Child (UNCRC) into Scots Law.

The UNCRC is the most complete statement of children's human rights and is the most widely-ratified international human rights treaty in history.

The UNCRC (Incorporation) (Scotland) Act 2024, which was passed unanimously by the Scottish Parliament, fully commenced in July 2024. It means that we have directly incorporated the UNCRC into our domestic law in Scotland - within the limits of our devolved competence. Under section 6(1) of the Act, public authorities now have a legal duty not to act, or fail to act, in a way that is incompatible with the UNCRC requirements as set out in the schedule when carrying out a relevant function ("relevant function" is defined in section 6(2) of the Act). Children and their representatives who believe that a public authority has acted or proposes to act in a way made unlawful by section 6(1) can now challenge alleged breaches of this duty in the Scottish courts, and seek direct accountability and enforcement. The Act was the result of many years of concerted campaigning by children's rights organisations and civil society, including: The Children and Young People's Commissioner Scotland; the Scottish Human Rights Commission; Together (Scottish Alliance for Children's Rights); UNICEF (UK) and children and young people.

The Act is a key vehicle for ensuring that policy, law and decision making takes account of children's rights, and ensuring that all children have a voice and are empowered not just to know and understand their rights, but also to assert and defend those rights.

### *Prosecution*

As the members of the Committee will be aware, all decisions in relation to the prosecution of crimes in Scotland are taken by COPFS headed by the Lord Advocate. Therefore it would be inappropriate for me to comment on COPFS policy, however there are a few areas I am able to offer clarity on.

In all cases being heard by the judiciary, the prosecutor can oppose bail or advocate for restrictions on liberty of the accused. However any final decisions on these matters are for the sheriff presiding over the case. When the accused is a child there are additional factors that need to be considered such as where the child can reside while the case is ongoing and access to education, health etc. As you can appreciate these are complex decisions and the judiciary must consider these carefully before imposing conditions on the accused.

Secondly, in cases being considered for diversion from prosecution, prosecutors will assess the facts and circumstances of each case including the nature of the alleged offence and the impact this has had on any victim(s). The [National Guidance](#) will be able to provide the information you are seeking with respect to mapping this process. The Guidance is currently being revised and updated and I would be happy to share this with you if it is published ahead of the pre-election period.

In Scotland, diversion from prosecution offers a constructive and proportionate response for children whose behaviour has brought them into contact with the justice system. While it follows an incident of offending behaviour, it remains an early-stage intervention that prevents further escalation into formal processes and avoids the potentially damaging effects of prosecution. Through diversion, justice social work or partner agencies work directly with

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the child to explore underlying causes such as trauma, unmet mental health needs or substance use and to provide targeted support that addresses these factors. This approach is firmly rooted in Scotland's wider commitment to early, community based and needs led intervention, ensuring that children receive the right help at the earliest appropriate point, and reducing the risk of further system contact.

Diversion is a core component of the WSA which promotes a rights focused and child centred ethos in Scotland's response to children in conflict with the law. By intervening promptly and proportionately, diversion supports the WSA's aim of preventing unnecessary criminalisation and improving long-term outcomes for children and young people.

Delivery of diversion is undertaken locally within a national framework, enabling each local authority area to tailor provision to local needs and partnerships. Depending on the child's circumstances diversion may include one to one work by youth justice social work, restorative justice approaches or referral to mental health, wellbeing or substance abuse services. Although practice varies across local authorities, this flexibility supports proportionate individualised responses that remain aligned with national aims to avoid unnecessary criminalisation and promote positive outcomes.

The changes introduced by section 9 of the Children (Care and Justice) (Scotland) Act 2024 mean that the Scottish Ministers must make provision, by regulations, for or in connection with support services for certain individuals. This includes support for those who are entitled to request information about the action taken by the Principal Reporter and the children's hearing in relation to a child who has committed an offence against them or otherwise acted or behaved in a physically violent, sexually violent or sexually coercive, or dangerous, threatening or abusive way and that has harmed the person. The regulations must specify one person or body who is to act as a point of contact (SPOC) for those persons to access support services. Questions to gather views to shape the development of the SPOC are in the live [The future of secure care and the single point of contact \(SPOC\) for victims in the Children's Hearings System](#) consultation.

I hope you find the information above useful.

Yours sincerely,

**ANGELA CONSTANCE**

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