



The Scottish Parliament
Pàrlamaid na h-Alba

Citizen Participation and Public Petitions Committee

Angela Constance MSP
Cabinet Secretary for Justice and Home Affairs

4 February 2026

Dear Angela,

Youth crime

Concern about the behaviour of young people has been a live issue throughout this parliamentary session. High-profile cases of violent attacks between young people, some of which have led to tragic losses of life, and reports of declining behaviour in classrooms have led to wide parliamentary scrutiny. The Citizen Participation and Public Petitions Committee has considered two petitions on this issue, one focused on serious violence between young people and the other called for under 16 year olds charged with rape are treated as adults in the criminal justice system. The Committee has now concluded its work on this issue, but remains concerned about the issues it has explored.

The Scottish Government has expressed an ambition to put the rights of children at the heart of decision making. This means recognising the needs of both young people who are victims of crime and young people who commit offences. However, the Committee is concerned that these rights are not being appropriately balanced in policy making and the justice system. Throughout the Committee's work on the petitions, it has been clear to see that young victims of violent and sexual offending are left with significant challenges in their day-to-day lives. With policies focused on providing support to and improving the long-term outcomes for young people who commit crimes, the Committee is concerned that the justice response to cases of serious offending by young people is not adequately considering the long-term impact that decisions made by the justice system can have on young victims.

The Committee is of the view that serious crimes should have serious consequences. However, the routes available have felt opaque to the Committee, with the predominant narrative being that, wherever possible, young people should not be criminalised. Evidence provided to the Committee focused on this narrative instead of clearly setting out the consequences for young people who commit the most serious offences. In order to feel safe again in their communities, young victims need to be able to trust that the justice system will respond to crime in a robust manner with their safety and long-term well-being in mind.

Background

The justice response to youth offending can include referral to the Children's Reporter, diversionary programmes or, in rare cases, criminal prosecution.

The Scottish Government's policy position is to avoid criminalising young people by keeping them out of the adult justice system. The Scottish Government's rationale is that by keeping young people out of the adult justice system, other bodies can work to address their behaviour and support needs with the aim of improving long-term outcomes. In addition to this policy position, when young people commit offences, the Scottish Government and justice system have an obligation to act in a children's rights-based manner which is compatible with the United Nations Convention on the Rights of the Child (UNCRC).

The petition concerning youth violence highlighted concerns that a lack of criminal prosecution means that serious crimes committed by young people are not being taken seriously and described a growing 'culture' of youth violence. In June this year, the Scottish Government published the [main findings from the Scottish Crime and Justice Survey 2023/24](#). In relation to perpetrators of violent crime in 2023/24, it reported that:

- “the proportion of offenders aged under 16 was 31%, which is the highest recorded by the SCJS [Scottish Crime and Justice Survey] for this age group. This is an increase from 14% in 2008/09 and 8% in 2021/22. It is unusual to see such a large change in a single survey year. As this is based on a small number of respondents it will be important to see if this is a one off or a trend continued in future surveys”
- “the proportion of offenders aged between 16 and 24 was 23%. This has remained at similar levels in recent years but has fallen over the long term, from 46% in 2008/09”.

In written evidence, the Lord Advocate highlighted the caveats provided in relation to the survey, in particular the small sample size, and shared data on the number on charges of violence reported to the Crown Office and Procurator Fiscal involving individuals aged 12 to 17 years old. The figures provided show a steadier, more modest increase.

The [Lord Advocate also provided data on cases of suspected rape and serious sexual assault involving individuals under the age of 16](#), covering the period between 2018 – 2024.

The Committee's consideration of petitions

[PE1947: Address Scotland's culture of youth violence, lodged by Alex O'Kane](#)

[PE2064: Ensure that under 16s charged with rape are treated as adults in the criminal justice system, lodged by Julie Mitchell](#)

The Committee considered the youth violence petition on eight occasions, including two oral evidence sessions where we took evidence from academics, No Knives, Better Lives, the Scottish Violence Reduction Unit and Police Scotland. The Committee also undertook two external visits to meet with young people and families impacted by youth violence.

We were extraordinarily impressed with the courage of the young people and families we met with. I would like to once again extend my gratitude to those who were prepared to share their experiences with us.

The Committee considered the petition on under 16s charged with rape on five occasions and identified common themes. Members then agreed to take oral evidence on issues related to youth crime in Scotland.

At [its meeting on 25 June 2025](#), the Committee explored common themes through an oral evidence session with the Lord Advocate and Scottish Children's Reporter, and then with you as the Cabinet Secretary for Justice and Home Affairs.

All written evidence, Official Report transcripts and notes from external visits can be found on the individual petition webpages.

The Committee closed the petitions in recognition of the limited time remaining to progress the issues in Session 6. However, the important issues remain live and, for that reason, the Committee agreed to write to you with a summary of our work to date and the important outstanding issues in relation to the petitions.

Impact of serious crimes

Serious crime has a profound impact on victims. When the Committee met with families impacted by youth violence, members were struck by the lasting impact that attacks had on the young victims and their families. The Committee learned that it was not just the specific experience of the crime, but also the practical aftermath of decisions made by the justice system that had an effect.

Mental health impact

As a result of the crime they experienced, some of the young people we met were suffering from mental illnesses such as depression, anxiety and post-traumatic stress disorder. The Committee was particularly concerned to hear that the impact of violent crime was so profound that it had left some parents fearful that they might lose their children to suicide.

The [Petitioner for PE2064 shared in a written submission](#) that young people are being left with significant trauma as a result of sexual crimes, resulting in ongoing emotional distress and difficulties for victims' families.

Justice response

In most cases, a young person will not be formally prosecuted through the criminal justice system when they commit a crime. Instead, young people will typically be

referred to the Children's Reporter or offered a diversionary programme to address the core issues that might have led them to commit the offence.

In your evidence to the Committee, you highlighted that young people should be kept out of the criminal justice system where possible while ensuring that victims are fully supported. Similarly, the Lord Advocate's view on this issue is that there is a need to strike a balance between supporting young people who come into contact with the law and ensuring that victims are supported and communities feel safe.

However, the Committee discovered a misalignment between this justice response and the expectations of those who report crimes. The families who spoke with the Committee had expected the justice system to bring resolution, hand down consequences to perpetrators and prevent future crimes from being committed. However, they felt that the perpetrators did not face adequate consequences and that support had been provided to perpetrators at their expense. During oral evidence to the Committee, Alistair Hogg, Head of Practice and Policy at the Scottish Children's Reporter Administration acknowledged that this is a 'familiar narrative'.

The Committee understands this perspective. Perpetrators and victims often live in a shared community, which means that decisions about the justice response to crimes have a direct bearing on the ability of victims to recover and reintegrate into their communities.

The Committee heard that a lack of prosecution or restriction on the freedoms of perpetrators left victims feeling that perpetrators could continue with their lives unrestricted in the community, whereas they could no longer go outside without fear of intimidation or another attack. In some instances, the victims had received continuing threats and intimidating contact from the perpetrators. As a result, young victims have felt trapped in their homes and have been unable to fully reintegrate into their communities, social circles or education.

The Committee has been frustrated to hear direct evidence that decisions taken by the justice system left victims feeling unsafe and created restrictions on their daily lives.

Barriers to reporting

Misalignment between the expectations of those who report crimes and the justice response can lead to a public perception that it is not worthwhile to report a crime.

The impression amongst the young people from the Edinburgh Youth Café 6VT who spoke to the Committee was that even a crime was reported, the likelihood of "anything being done about it" was very low. The Committee heard that in sexual violence cases taboo, disbelief, and low conviction rates are seen as significant additional barriers to reporting crimes and reaching just outcomes.

These barriers raise questions about whether crimes are being underreported, and if so, to what extent. An underreporting of crimes could lead to scepticism over official statistics, which illustrate a reduction in crime rates over time.

Conclusions

The Committee was concerned to hear details of the lasting impact that serious crimes have on young people and frustrated to learn that interaction with the justice system had caused further harm to victims. Throughout the Committee's work, it has been clear to see that violent attacks will have long-term consequences for victims and their families. However, it has been less clear whether perpetrators of serious offences are facing proportionate consequences and meaningful rehabilitation that work to protect victims and communities.

The Committee is concerned that avoiding prosecution on the basis that it will impact a young person's long-term outcomes could be shifting the lasting impact from perpetrator to victim. This leads the Committee to question whether the Scottish Government's aim of balancing young people's rights is working as expected.

The Committee is of the view that young victims should be supported by policies and institutions to minimise the long-term impact of the crime they experienced.

To address the significant mental health implications, the Scottish Government should consider whether the current level of support offered to young victims after they experience a crime is adequate.

Where decisions are made about the justice response to serious offences, consideration should be given to whether the decision could materially impact the victim's ability to reintegrate into the community. In cases of serious offences, decision makers must be confident about whether it is safe for a perpetrator to return unrestricted to the local community. The Committee considers that the justice system must be prepared to clearly explain the rationale for decisions taken and, where required, put practical measures in place to ensure that victims can be structurally supported to safely participate in their communities, social circles and education.

Young people at risk of serious offending

The Committee is aware that the Scottish Government's Whole System Approach aims to prevent serious crime from taking place by intervening with support services when a young person is first involved in less serious offending, rather than pursuing criminal charges.

The Committee is aware that this approach has been developed in recognition of the challenges in a young person's life that might lead them to participate in offending behaviour.

Causes of crime amongst young people

Evidence to the Committee suggested that young people involved in serious offending can have the most significant experiences of harm in their background.

During the Committee's visit to the Edinburgh Youth Café 6VT, members heard that some young people are taught to "push feelings and emotions down", leading them to abuse drugs and alcohol to "numb the feelings". The young people who spoke to the Committee believed that the combination of suppressed, unmanaged emotions and substance use can cause violence between young people. The participants observed that this creates a cycle whereby the violence caused by untreated mental

health issues then results in victims suffering from poor mental health, potentially leading to further violence between young people in the future as a result.

During oral evidence, the Committee heard further evidence to support this. The Committee was informed that violence between young people is often concentrated in areas of social deprivation and can be caused by poor mental health. Witnesses also pointed to the Covid-19 pandemic, which may have exacerbated feelings of isolation, caused breakdowns in relationships and left young people with mental health problems.

The Committee considers that there are several causes of youth crime, many of which interact with one another in a cyclical way, leading to further trauma and violence in communities.

Social media

The Committee also heard from young people and their parents that social media plays a role in violence between young people. During oral evidence to the Committee, practitioners were reluctant to identify social media as a cause of violence but recognised that it is an accelerant. Witnesses shared that large group chats are created on social media platforms to co-ordinate fights, with young people reporting that they feel trapped into participating in violence when they are added to these groups. Similarly, the Committee heard from families at LoveMilton that young people can feel encouraged to participate in and film violence for the purposes of sharing it online.

The Committee recognises that social media literacy can vary between different groups, with young people typically being the most literate. The Committee is therefore of the view that policies to protect young people from online harms should involve those who are experts by experience.

Reactive intervention or proactive prevention

The Committee is aware that the Scottish Government's emphasis is on addressing youth crime through early intervention methods when a young person first becomes involved in low-level offending.

The aim of early intervention is to address the needs of young people involved in offending at the first signs of difficulty, so that intervention does not come after they have already reached a crisis point.

The Committee heard that early intervention programmes can be effective tools to address challenges in a young person's life and reduce the risk of reoffending by improving long-term outcomes.

However, the Committee is concerned that this approach is taken after a young person has already been involved in offending behaviour, and questions whether this can truly be considered an early point to intervene. The Committee remains unclear about whether the Scottish Government is adequately prioritising proactive

preventative work to intervene before a young person reaches the point of committing an offence.

The Committee considers that the best point to intervene in a young person's life is before any offending behaviour has taken place. To achieve this, the Whole System Approach should be used to identify suitable entry points for practitioners to proactively support young people at risk of offending, such as through schools, health services or community groups.

Funding prevention and intervention work

Witnesses shared examples of effective youth work projects that deliver prevention and early intervention work with young people. The Committee welcomes the important work of public institutions and third sector organisations in this area. However, the Committee heard from practitioners that a lack of sustainable, multi-year funding for third sector and community organisations is limiting the impact they can have.

During oral evidence to the Committee, Emily Beever from No Knives, Better Lives explained that –

'The longevity of funding across the third sector has to be a consideration. It takes a long time to build sustainable, meaningful relationships with young people. If you are working with one-year funding and then you do not get it renewed, the young people do not have stability. They cannot trust that process and then we see a lot of young people falling out of services and falling out of youth work provision because of funding cuts and the fact that the programme that they go to in the summer has been cut or whatever it might be.'

The Committee understands that support for young people through youth engagement programmes can be a key tool to break cycles of violence in communities. Therefore, the Committee considers that in order for proactive prevention-first and early intervention approaches to be effective in tackling youth offending, youth programmes require sustainable multi-year funding.

While the Committee understands the Scottish Government's intention to deliver work that prevents the most serious forms of offending from taking place, this strategy cannot be delivered in isolation from the current context of serious crime taking place between young people.

Justice response to serious crime

The Committee has explored the Scottish Government's policy position to avoid criminalising children where possible and recognises that there is an obligation to act in a child rights-based manner which is compatible with the United Nations Convention on the Rights of the Child (UNCRC).

However, questions remain about how alternatives to prosecution work in practice, whether they deliver satisfactory outcomes for victims and whether they are effective at preventing further serious crimes from being committed.

Diversion from prosecution

The Committee is aware that diversion from prosecution is one strand of the Whole System Approach. Through a diversionary programme, the Crown Office Procurator Fiscal Service (COPFS) refers an accused person to justice social work (or a partner agency) for support, treatment or other action as a means of addressing the underlying causes of the alleged offending and preventing further offending, rather than taking the case through the criminal justice system. The Committee is aware that prosecution remains an option at the end of the diversion process.

The Committee has highlighted concerns from the public that the justice system focuses on supporting perpetrators over victims and does not hand down adequate consequences for serious offending. Despite reassurances that alternatives to prosecution are not a 'soft' option, the public perception is that young people are avoiding facing consequences for committing serious crimes. In order to demonstrate that the justice system is responding adequately to serious crimes, decisions taken must consider the impact on victims, be supported by robust evidence and communicated in a transparent and clear way.

However, the Committee has struggled to clearly map the typical journey of a young person who is put through a diversionary programme. It has been unclear how success is measured in individual cases, including how the decision about whether to prosecute at the end of a diversionary programme is evidenced. Without a transparent and robust assessment of individual cases, the Committee questions how the efficacy of diversionary routes is being monitored and assessed at a national level.

In the absence of this clarity, victims and communities cannot be reassured that diversionary programmes are providing adequate protection or delivering improved outcomes for victims.

Referral to the Children's Reporter

The Committee is aware that some offences committed by children must be jointly reported to both the Children's Reporter and the COPFS. In such cases, there is a presumption that children under the age of 16 will mostly be referred to the Children's Reporter, but this may be overridden in exceptional circumstances.

During a Children's Hearing, a decision will be made about the legal steps required to help the young person accused of committing the crime. This can include applying a Compulsory Supervision Order to place the relevant local authority in charge of looking after the young person. Under a Compulsory Supervision Order, a condition can be attached which restricts freedoms by placing the young person in a secure unit.

To date, the amount of information that can be shared with victims involved in cases dealt with by the children's hearings system has been very restricted. It could be that a lack of information about the hearing process and a lack of criminal prosecution gives victims the impression that no consequences have been handed down to perpetrators. The forthcoming changes to this process brought by the Children (Care and Justice) Scotland Act 2024 are set out at the end of this letter.

Prosecution

During oral evidence to the Committee, the Lord Advocate provided reassurance that all reports involving violent or sexual offending are treated seriously, and where such offending merits prosecution, action will be taken, even when the offender is a child. However, the predominant narrative throughout oral evidence to the Committee was that young perpetrators should be supported, rather than criminalised, with an absence of detailed evidence to support the claim that serious crimes will be responded to in a serious manner.

The Committee does not believe it is reasonable to avoid criminalising young people on the basis that it will impact their long-term outcomes with the knowledge that a lack of prosecution could have a lasting, life-long impact on the lives young victims. The Committee considers that in cases where a serious crime is committed against a young person that will have a long-lasting impact on their lives, prosecution should be considered a proportionate response.

Developments and future change

Victims' rights where a young person is referred to the Children's Reporter

The Committee welcomes the recent changes to victims' rights where a young person has been referred to the Children's Reporter. Although not in force yet, [Section 8 of the Children \(Care and Justice\) \(Scotland\) Act 2024](#) will allow victims to receive additional information on the following:

- where the decision at a hearing is to make, terminate, vary or continue a Compulsory Supervision Order
- measures which have been included on the Compulsory Supervision Order around there being no contact or communication with the victim.
- if a secure accommodation authorisation has been included in a Compulsory Supervision Order, and when this is terminated (so the child is no longer being held in secure care)
- details of how a referral has been discharged in all circumstances.

The Committee also welcomes the changes brought by Section 9 of the Act which will mean support services are provided to victims involved in cases dealt with by the children's hearings system.

Prosecution Policy

The Lord Advocate recently developed the '[Statement of prosecution policy: diversion and referral to the Principal Reporter in rape and other solemn level sexual offences where the accused is a child](#)'. The prosecution policy sets out how cases of serious sexual offending should be handled in cases where the accused person is a child.

The policy states that before deciding whether to refer the child to the Scottish Children's Reporter Administration or offer the child an opportunity to be assessed as

suitable for a diversion programme, the views of the victim should be obtained. The policy also sets out that when considering the best interests of the child in terms of UNCRC, the principle applies to the reported child and child victims. The Committee welcomes the policy, in particular the emphasis it puts on seeking the views of victims in the decision-making process.

It was noted by the Lord Advocate that since publication of the prosecution policy, there has been a marked reduction in the number of cases involving a child accused of rape that have been referred to the Children's Reporter or put forward for diversion from prosecution. The Committee is hopeful that this shift in approach will improve outcomes for victims.

It is clear to the Committee that the policy is intended to bring meaningful changes to the justice response when a young person commits a serious sexual offence. The Committee is of the view that the Lord Advocate's policy on diversion for sexual offences needs time to embed and be fully reviewed against its aims. The Committee suggests that an assessment of the policy's impact could be useful as part of any future scrutiny of this issue.

Similarly, more work is required by the Scottish Government to consider how the issue of youth crime is addressed at a policy level. During evidence to the Committee, you shared that the summit on youth violence highlighted a number of avenues for tackling youth violence, including:

- education
- community engagement
- youth work
- creation of safe spaces
- whole-family support.

The Committee would therefore welcome an update on the work that has been progressed in these areas by the Scottish Government since the summit, including any relevant work undertaken to address the issues raised in this letter.

Conclusion

The Committee believes that more work is required to support victim recovery, address the fear felt by communities, and rebuild trust in the justice system. Young people should have a meaningful route to pursue justice and should be structurally supported to feel safe again in their communities.

To achieve this, reflection on the approach to date is required to ensure that the rights and needs of young victims are being adequately met.

With regret, the Committee anticipates that issues of violent and sexual crime between young people will continue to be a live issue in the next parliamentary session. The Committee therefore anticipates further work being carried out on this issue in the next session.

In order to set the next parliament up for this work, the Committee recommends that the Scottish Government provide a full update to Parliament before the end of this

parliamentary session to outline the progress that has been made and to set out what further work needs to be done in order to address this serious issue.

The Committee would be grateful to receive your response electronically, in Word format, by no later than Thursday 19 February. Your response will be processed in accordance with the Parliament's policy on the treatment of written evidence.

On behalf of the Committee, thank you for your assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Carlaw', written in a cursive style.

Jackson Carlaw MSP

Convener