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9 February 2026

Dear Convener,

**Age of Criminal Responsibility (Scotland) Act 2019 – Section 28 – to take a child under 12 to a place of safety.**

I am writing to report to Parliament on the use of the powers within Section 28 of the Age of Criminal Responsibility Scotland (2019) Act, to take a child under 12 to a place of safety.

The Age of Criminal Responsibility (Scotland) Act 2019 ('the Act') was passed by the Scottish Parliament on 7 May 2019.

The Act's provisions were commenced in phases, and it was fully commenced on 17 December 2021 – raising the age of criminal responsibility in Scotland from 8 to 12 and introducing a range of accompanying safeguards.

Part 4 of the Act contains a package of police investigatory and other powers. These are capable of use only when the behaviour of a child has been exceptionally harmful. Included in this package of powers is a power to take a child to a place of safety under section 28 ("the section 28 power").

The Act requires Scottish Ministers to report to Parliament on the use of the section 28 power. Since the Act came fully into force, three previous reports have been laid in Parliament on the use of the section 28 powers.

I have attached a report to this letter providing details of the use of the section 28 power from 17 December 2024 to 16 December 2025. During this timeframe, the powers have been

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used on **two** occasions. The section 28 power was used in July 2025 and October 2025. Further detail can be found in the Annex.

The Report was laid in the Scottish Parliament on Monday 9 February 2026.

Yours sincerely,

**Natalie Don-Innes MSP**  
**Minister for Children, Young People and The Promise**

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# Report to Parliament on the section 28 power

## **Age of Criminal Responsibility (Scotland) Act 2019 – Report on the use of Section 28 - to take a child under 12 to a place of safety**

The Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”) increases the age at which a child is considered to have the capacity to commit a crime from age 8 to 12. This means that children younger than 12 cannot accrue convictions or criminal records. Part 4 of the Act contains a package of police investigatory and other powers. These are capable of use only when the behaviour of a child has been exceptionally harmful. Included in this package of powers is a power to take a child to a place of safety under section 28.

The Act requires Ministers to report to Parliament on the use of the section 28 power. This report provides details of the use of the power from 17 December 2024 to 16 December 2025.

### The number of times the power was used during each month of the reporting period

Section 28 of the Age of Criminal Responsibility (Scotland) Act 2019 to take a child under 12 to a place of safety has been used **twice** from 17 December 2024 to 16 December 2025.

The instances where the section 28 power was used were in July 2025 and October 2025.

### The nature of the behaviour or likely behaviour which was considered to be causing or risk causing significant harm to another person

The power was initiated on **both occasions** due to violent, dangerous and significantly harmful behaviour.

### The length of time for which the child was kept at each place of safety used

In July 2025, the use of the section 28 power saw the child at their home address for 31 minutes. No further place of safety was required.

In October 2025, the use of the section 28 power saw the child at a community home for two hours. No further place of safety was required.

### The number of times during the reporting period each type of place of safety listed in section 28(11) of the Act was used

For the use of the power in July 2025, a home address was used as the most suitable location. In October 2025, a community home was used as the most suitable location.

### Each occasion on which the power was used to keep a child in a place of safety which was a police station, the reasons why it was not considered reasonably practicable to keep the child in a place of safety other than a police station

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There were no occasions during this reporting period where a police station was used as a place of safety.

Each occasion on which the power was used to keep a child in a cell within a police station, the length of time for which the child was so kept.

There were no occasions during the reporting period that a police cell was used as a place of safety.

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