

Criminal Justice Committee Evidence Session

Supplementary Evidence, September 2026

Children First is Scotland's national children's charity. We stand up for children, keep them safe and support them to recover from trauma and abuse through our national and local services.

The evidence provided here builds on the growing intelligence gathered through Children First's Bairns Hoose services across Scotland. This evidence is intended to supplement the evidence session on 9th September 2026.

What is a Bairns Hoose?

Bairns Hoose brings care, protection and support together in one place for children who have experienced abuse, violence or trauma. It's a place where children come to pre-record their evidence, which can then be used for court or children's hearings. It should also be a place where children can provide evidence via live link for court on the day, if that's needed.

The aim is to bring together all the agencies that need information from a child. This means the police, social work, prosecutors and courts working together and coordinating their role around the needs of the child.

It should also connect children and families with recovery support, providing advocacy, advice and practical, financial and emotional help throughout their justice journey and until they are ready to move forward with their lives.

What's happened in Scotland so far?

Progress has been made since the Justice Committee first looked at this model in 2018.

The law: A technical presumption that children should be able to pre-record their evidence in some serious cases is now in place, through the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019. Children First would like to see this presumption extended further, so it applies to all cases children are involved in.

The policy: Bairns Hoose Standards have been written and agreed, and further guidance is now being developed. These should establish the non-negotiable elements for Scotland's Bairns Hoose model. Inconsistency in how it is delivered remains an ongoing risk.

The funding: The Scottish Government have started to fund a pipeline of projects across Scotland called the Pathfinders. Reports suggest up to £10.5 million has been invested so far, though it is not clear how this has been distributed. A further commitment to forthcoming multi-year funding was announced as part of the Scottish Government's 100-day programme.

What needs to happen next?

1. The presumption children pre-record their evidence should be extended to all levels of court.
2. National data on how court processes affect children should be collected. This should show how often children are asked to attend court and how often pre-recorded evidence is used in practice.
3. Multi-year funding to support recovery work should be built into the next budget, so Scotland can make a long-term national investment in the Bairns Hoose model.

1. Court delays stop children being able to recover from harm and move on with their lives.

Many children are experiencing exceptionally long journeys from initial disclosure or Joint Investigative Interview (JII) to case conclusion. Delays of 3 and 4 years are not exceptional.

Examples Children First have identified through our Bairns Hoose services include:

- A child interviewed in May 2023 with a trial date scheduled for March 2027, almost four years later.
- A High Court case where the JII took place in December 2023, Evidence by Commission (EbyC) in May 2026 and trial is not due until September 2027.
- Another case with JII in October 2024, EbyC in September 2026 and trial in April 2027.
- Another person described a process lasting four years, which spanned virtually her entire adolescence.

Families often prepare for court attendance only to have hearings postponed at the last minute.

Long waits for court have been a problem for a long time. There are a number of reasons behind the pressure on courts. It must be recognised that part of the challenge is the volume of serious offending behaviour.

Serious offences are our biggest concern. Last year, there was a 10% increase in sexual crimes recorded in Scotland.¹ More domestic abuse offences have also, rightly, been prosecuted, following the introduction of the Domestic Abuse (Scotland) Act 2018. A briefing note released

¹ [Recorded Crime in Scotland 2025-26](#)

through Freedom of Information noted that “The volume of more serious crimes coming to the attention of the justice system has increased.”²

This will have a knock-on effect for court cases. Further delays need to be expected, unless ways of doing things differently to improve efficiency, like the Bairns Hoose, are identified.

The impact on recovery

Delays can take up a large period of a child or young person’s life, and the emotional, social, developmental and educational impact can be severe. We regularly hear about court dates meaning children miss school, or clashes with exams. Practitioners consistently link prolonged court proceedings to poorer wellbeing and recovery.

As one practitioner observed, there can be an assumption within the justice system that children can “move on” once evidence has been given. In reality, recovery is often delayed until proceedings finally conclude.

One young person was described as being in a “constant state of distress” throughout the court process. Several examples from practitioners demonstrate the impact on school attendance. Children:

- Missed school for court attendance.
- Struggled to return to school.
- Continued attending school alongside the accused.
- Experienced insufficient support from schools while criminal proceedings were ongoing.

After giving their evidence, one young person said “After giving evidence I have felt a lot lighter... I can finally put this more behind me. I am sleeping better, I’m eating better”.

Example

The family described a **four-year period between reporting the abuse and the court case**, with very limited support during much of that time. They repeatedly highlighted the emotional toll of living with uncertainty and not knowing what was happening in the investigation or court process.

Impact of the prolonged wait: The delay had a significant impact on the child and wider family:

² [FOI+202600518776+-+Information+released+-+Briefing+materials.pdf](#)

- The young person experienced increasing anxiety and distress while waiting for the case to reach court. The parent described her as being "*petrified about court*" as it approached.
- During this period, the young person began self-harming and later expressed suicidal thoughts. The parent linked this deterioration in wellbeing to the ongoing stress of the court process.
- The family felt abandoned during the years between the police interview and the court proceedings, stating there was "*no support there at all whatsoever*".
- The father described becoming severely depressed and overwhelmed, saying: "*I was at a stage where I was thinking about committing suicide*" and "*I lost everything... I just sunk so low*".
- The mother, who has learning difficulties, found the process particularly difficult to navigate without support. The family struggled to understand legal terminology, court procedures and correspondence.

Impact on the wider family: The abuse and subsequent court process affected the whole family:

- Relationships within the extended family broke down and family members became divided. One parent described it as "*one of the hardest things that a family ever deal with*".
- The impact extended to employment, with the father reporting that the family circumstances contributed to him leaving a job he loved, resulting in financial and emotional strain.

2. Bairns Hoose is helping, but children are still asked to go to court, and pre-recorded evidence is underused.

Ten years ago (October 2016), then Justice Secretary Michael Matheson said:

"My view is that children should be spared the trauma of giving evidence in a formal court environment. Indeed, I want to eliminate the need for children to attend court at all during the trial."

Children First strongly agree, and this is the vision we are continuing to work towards. Children should not have to attend court unless absolutely and unavoidably necessary.

However, there continue to be barriers to that vision in practice. The lack of clear national data is one issue, as national data is extremely poor. We can't tell you how many children are asked to attend court, or even how many children are victims of crime in Scotland. Because of this, children are often invisible in a system built for adults.

Research being conducted through Bairns Hoose is beginning to illuminate children's experience. Through this, we do know that too many children still have to give evidence at court, at all levels. Research by the University of Edinburgh in 2023 found that child witnesses are still required to attend court "in almost all cases".³

The presumption that children should be able to pre-record their evidence, set out in the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 is helping. However, this is limited to certain serious cases. We would like to see the presumption to be extended to all levels of court.

Example 1

One case Children First supported involved two young people, who are siblings, completing their evidence from Bairns Hoose. The accused was found guilty.

Of the two young people involved in this case, one completed a Joint Investigative Interview (JII) at Bairns Hoose at point of disclosure. The other young person, who was 17 at time of disclosure, was not asked to complete a JII.

The experiences of siblings giving evidence differed greatly as the older sibling, who didn't have a JII, spent significantly longer giving their evidence, with a detrimental effect on their wellbeing.

Example 2

Children tell us they feel confused about the need to provide evidence repeatedly. One young person said they didn't know what "giving evidence" meant.

They told us that *"In my first recorded interview [the SCIM interviewer] said that that would be used as evidence in court. I went off the fact that my recorded interview is the evidence. You had to explain to me what you meant by giving evidence."*

Live links from Bairns Hoose

Where evidence on the day of a trial is still required, children should always be able to complete this remotely. Ideally, this should happen through a Bairns Hoose. Where this happens, we see children's experiences vastly improve.

One young person said *"It made a difference being able to give evidence from here [Bairns Hoose]. If I had been in court I wouldn't have spoke about it as much. If I had been in there with him [accused] I would have been intimidated. Court is intimidating."*

³ [North Strathclyde Bairns Hoose Evaluation Phase One Report, March 2023](#)

Delivering live links from the Bairns Hoose means children and families do not have to wait as long to give their evidence and the process of giving evidence can feel smoother and more supported. One practitioner reflected on a recent experience:

“[The] Court Officer kept me updated with the start times for the family. Before the trial started [... I] asked the family to come and meet the PF Depute, they were really kind with them and although the family were very nervous, meeting [the PF] helped put them at ease.

“When both [young person and adult both gave evidence from Bairns Hoose] started their evidence, the Sheriff spoke to them first and then introduced them to the defence lawyer, who said hello to them both.

“The Sheriff had also removed his wig for the young person giving evidence. The family were not waiting long for the trial to start and both mum and young person’s evidence was completed by around 12pm. The link to the court was the best it has ever been with no technical issues at all.”

Example

Bryony’s⁴ experience demonstrates how lengthy delays in the justice process can significantly hinder a child’s recovery from trauma.

Bryony was sexually assaulted by an adult neighbour in July 2023, at the age of 15. Her Evidence by Commission took place in May 2026, almost 3 years later, and the trial is not due to conclude until October this year. Bryony has just celebrated her 18th Birthday.

Throughout this period, Bryony carried the ongoing uncertainty of criminal proceedings alongside the emotional impact of the assault.

Bryony previously had a very negative experience of giving evidence in another case in Aberdeen High Court. In that case, she had to give evidence via live link from another court, because a request for Evidence by Commission had been declined.

Bryony described this as “*horrendous and traumatic*” cross-examination, which included an accusation that she was untrustworthy and dishonest, attributing this directly to Bryony’s attendance at school. This experience left her feeling dismissed, lacking trust in the justice system, and contributed to her using alcohol and cannabis to cope with overwhelming emotions.

⁴ Name changed for confidentiality.

3. Bairns Hoose should mean consistent access to recovery support. This role needs to be more consistently available.

Children consistently describe feeling disempowered and traumatised by the lack of communication, control or agency within processes. Our Recovery, Advocacy and Support model is designed to address that deficit.

However, recovery support is not consistently available, and this needs to be prioritised as part of the Bairns Hoose rollout. While we can't always stop bad things happening to children and young people, we can do everything in our power to help them to recover.

Supporting victims with their long-term recovery can help build up protective factors around victims and their families and help them move on with their lives.

Recovery workers coordinate the child's journey through the Bairns Hoose, from disclosure through to the end of the justice process.

- Support is delivered through a key person, who will be consistent and allows children and families to build trust and confidence, delivering information, advice, advocacy and support.
- Support is also given to family members, to help them process what happened.
- We take care to complement other support offers, from organisations like ASSIST, Rape Crisis and Women's Aid, and avoid duplication or asking children to repeat their story.

Communication challenges

Families are frequently left without information about progress. Examples gathered by our services include:

- A family having to ask the National Specialist Bairns Hoose Procurator Fiscal to obtain updates because no information had been provided.
- A case where evidence was still being gathered three years after interview, with little communication to the family.
- A young person was left unaware that her evidence had been used to corroborate another prosecution and only later understood the implications of the verdict.
- Families often describe feeling excluded from decisions affecting them, but the Bairns Hoose model does help with this.

One family told us "*Communication with you [Children First] and the PF has been really positive and helpful. Meeting [the PF] beforehand was really helpful. It was also so important*

that we (the parents) could be there with the girls at Bairns Hoose throughout to support them – this was really important to the girls.”

Example

The prospect of giving evidence again caused significant anxiety and required extensive advocacy, preparation and emotional support from Children First and CAMHS. While Bryony ultimately described Evidence by Commission as a much more positive experience and felt proud of herself afterwards, the fact that she had to wait almost three years to reach this stage is unacceptable.

The delay prolonged her anxiety and meant that she remained focused on legal proceedings long after the assault occurred. Rather than being able to fully concentrate on recovery, education and moving forward with her life, Bryony continued to live with the uncertainty of the criminal justice process.

Since reporting her experiences, Bryony has transitioned from adolescence into adulthood. She has left school, started college and established an independent life. Yet, despite these significant milestones and the passage of time, the criminal justice process remains unresolved. Such delays risk compounding the impact of trauma and can leave children and young people waiting years for a resolution, during a period of life characterised by profound personal change and development.

Delays and uncertainty within the justice system can themselves become a source of ongoing harm, leaving children and young people unable to move forward. Over the past three years, advocacy and recovery support have played a critical role in buffering the impact of this system-related harm by providing continuity, trusted relationships and opportunities for Bryony to exercise her rights and have her voice heard. While these supports have helped protect her wellbeing, they cannot remove the additional burden created by prolonged delays in achieving justice.