Briefing for the Public Petitions Committee on petition PE2263: Address non-contact and peer-on-peer sexual offending, lodged by Leanne Kelly

Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to address non-contact and peer-on-peer sexual offending by:

- requiring schools to inform all parents when harmful sexual behaviour is reported
- escalating repeated non-contact/peer-on-peer incidents beyond voluntary approaches with parental engagement
- ensuring victims receive support and are not left feeling silenced
- strengthening responses to adult non-contact offences, including internet restrictions
- improving data on repeated incidents
- challenging the culture that minimises this harm.

Non-contact and peer-on-peer abuse definitions

The National Guidance for Child Protection in Scotland (the National Guidance) states that non-contact sexual offending can include activities such as involving children in looking at or producing indecent images, watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

On peer-on-peer abuse, the National Guidance states this:

> "… may be used to refer to any form of physical, sexual, emotional and financial abuse, and coercive control, exercised between children and within children's relationships (both intimate and non-intimate). The term 'peer-on-peer' can obscure significant age and power differences." – National Guidance for Child Protection

Whole-school framework

The delivery of school education is a matter for local authorities. The 2023 Behaviour in Scottish schools: research (BISSR) report found that, between 2016 and 2023, there had been a "perceived increase in levels of misogyny and gender-based abuse among male pupils, potentially related to use of social media and the impact of

influencers". The 2025 cycle of the BISSR is expected to be published in the coming months.

Addressing GBV was a key theme of the Scottish Government/COSLA joint action plan on improving relationships and behaviour in schools, published in August 2024. The Scottish Government's response to the petition emphasises the approach to addressing peer-on-peer sexual offending is "grounded in Getting it right for every child (GIRFEC)", with support centred around the child and an emphasis on multi-agency collaboration.

Equally Safe is Scotland's strategy for tackling violence against women and girls (VAWG). Within that, gender-based violence (GBV) is the term used to describe "any form of violence used to establish, enforce or perpetuate gender inequalities and keep in place gendered orders". This can include physical, sexual, emotional, verbal and psychological abuse, harassment or intimidation.

The Scottish Government's Preventing and responding to gender-based violence: a whole school framework (the framework) was introduced in 2024. This is a non-statutory framework designed to assist schools in making decisions relating to GBV, as it is defined in the Equally Safe strategy. The framework sets out a whole-school approach to tackling GBV and underlying gender inequalities. It states a school's relationships and behaviour policy is a core component, and this may have a specific section dealing with how GBV will be managed. The relationships and behaviour policy should be clear about the school's response to repeated behaviours.

The framework sets out key features of a targeted approach to tackling GBV. These include treating GBV disclosure with trauma-informed sensitivity and in line with child protection and other relevant procedures.

The framework states that where it is believed a crime has occurred or where a child or young person has been seriously harmed, school staff should follow agreed child protection procedures. This involves working with relevant partner organisations; further information on this is set out below.

In its response to the petition, the Scottish Government states that it has commissioned HMIE to undertake an independent review of this work "to establish further areas for improvement."

Child protection procedures

The National Guidance for Child Protection in Scotland requires all staff working in education establishments to follow child protection procedures (paragraph 2.48). Those procedures require that concerns about risk to a child or young person should be reported without delay to social work or, in situations where risk is immediate, to Police Scotland (paragraph 3.3).

An Inter-agency referral discussion (IRD) must take place as soon as possible "where information is received by police, health or social work that a child may have been abused or neglected and/or is suffering or is likely to suffer significant harm" (paragraph 3.25). This discussion involves police, social work and health

practitioners and may include other professionals (for example those in education services) where appropriate (paragraph 3.33).

Each organisation has a distinct role in the process but must work together on "joint information gathering, information sharing, assessment and decision-making" and "must plan together to ensure co-ordinated action" (paragraph 3.35):

> "Social work services have lead responsibility for enquiries relating to children who are experiencing or are likely to experience significant harm and assessments of children in need. The police have lead responsibility for criminal investigations relating to child abuse and neglect; and share responsibilities to keep the child safe. A designated health professional will lead on the need for and nature of recommended health assessments as part of the process." – National Guidance, paragraph 3.34

Informing and updating families

The petitioner calls for all families to be informed where harmful sexual behaviour is reported. Current guidance takes a case-by-case approach to informing families. This is set out in further detail below.

Where an IRD is convened in relation to an incident involving a child protection concern, the National Guidance states relevant information should be shared with the child and their family "where it is safe to do so", including ensuring the child and their family are aware of why the discussion is taking place. The framework sets out that a multi-agency decision will be taken as to who is best placed to provide the child and the family with an update following the IRD.

Where there is not a child protection concern, the framework states that consent should be sought from children under the age of 12 before contacting families and inform them before this happens. Where a child is over the age of 12, has sufficient maturity and understanding, there is not a child protection concern and no criminal offence has been committed, they may decide that they do not wish their parents/families/carers to be informed.

The framework notes there may be instances "where privacy concerns relating to the other child or young person involved means information cannot be shared with the person affected, for example, if an incident has been referred to the Children's Hearing System." In such cases, schools are asked to emphasise to the child that action is being taken.

Data gathering

Pupil information is held on school and local authority data management systems. The data management system used for most data held about local authority school pupils is SEEMiS. The framework states all incidents of GBV should be recorded in the "Bullying and Equalities module of SEEMiS, or under an equivalent section of a schools' recording system".

Education Scotland's 2023 national thematic review of approaches to recording and monitoring incidents of bullying in schools found concerns amongst school staff

about monitoring and recording incidents as they did not want to label children and young people as ‘victims’ or ‘bullies’. The whole school framework acknowledges this, but highlights the importance of accurate recording, appropriate support and action, and prevention of further incidents. It states that schools and local authorities should have clear policies in place to record, monitor and address all incidents of GBV.

Responsibility for ensuring reports of GBV incidents are recorded usually sits with school leadership or a designated member of staff. The framework states school staff should be informed of the details they are expected to provide, and schools must process the data in accordance with data protection legislation. In relation to the sharing of sensitive information, the framework refers to the Data Protection Act 2018, which states that relevant personal information can be shared lawfully for the purposes of keeping a child at risk safe from neglect, physical, emotional or mental harm or to protect their physical, mental or emotional well-being.

The Scottish Government response to the petition highlights that under 18s are subject to the sex offenders register, and data held in the criminal proceedings/reconvictions database can identify convicted sex offenders, and data is held on age and sex.

Prevention

The Expert Group on Preventing Sexual Offending Involving Children and Young People published guidance for frontline professionals in 2024. The Scottish Government response to the petition states this is intended to provide professionals with “information and tools to identify what sexual behaviour in children and young people is harmful, steps they should take if they identify harmful behaviour, and what approaches can help to support prevention of this behaviour.”

The Scottish Government provides funding for programmes including:

- Rape Crisis Scotland to deliver Equally Safe at School and the national sexual violence prevention programme. These programmes aim to tackle sexual harassment and violence in schools.

- The Mentors in Violence Prevention Scotland Programme, supported by Education Scotland, the Scottish Government and the Scottish Violence Reduction Unit. This is a schools-based, peer education programme aimed at tackling gender stereotyping and attitudes condoning violence against women and girls.

- The Lucy Faithfull Foundation Scotland is also funded to provide support to young people under the age of 18 who are worried about their thoughts, feelings or behaviours towards children.

Schools also provide Relationships, Sexual Health and Parenthood (RSHP) education. This includes elements around relationships (including online relationships), consent and respect, as well as a focus on online, social media, and the sending and sharing of images.

Recent announcements

First Minister John Swinney MSP has pledged to personally lead the Scottish Government's actions to tackle violence against women and girls. During a speech in the Scottish Parliament on 15 September 2026, the First Minister said schools would be a particular focus of prevention work.

The 2026-31 Programme for Government commits to further investment in Equally Safe at School and Mentors in Violence Prevention Programmes. It also states that a Misogyny (Criminal Law) (Scotland) Bill will be introduced during year one of this Parliament. The Bill will recognise misogyny as a distinct form of prejudice and abuse.

The Scottish Government also announced a Respect Fund of "up to an additional £1 million" from 2027-28. This will give secondary school pupils access to respect and anti-misogyny programmes, while primary pupils will receive age-appropriate learning about respect.

Adult non-contact offences

The petition also calls for strengthened responses to adult non-contact offences, including internet restrictions.

A number of non-contact sexual offences are set out in the Sexual Offences (Scotland) Act 2009:

- coercing a person into being present during a sexual activity (maximum penalty 10 years' imprisonment)
- coercing a person into looking at a sexual image (maximum penalty 10 years' imprisonment)
- communicating indecently etc. (maximum penalty 10 years' imprisonment)
- sexual exposure (maximum penalty five years' imprisonment, 10 years when behaviour towards young children)
- voyeurism (maximum penalty five years' imprisonment, 10 years when behaviour towards young children).

Separate offences are set out for these behaviours when perpetrated against children (see Part 4 of the 2009 Act).

Various pornography offences are set out in the Civic Government (Scotland) Act 1982 (see section 51 to 52C) including criminalising indecent images of children and extreme pornography (including rape porn and bestiality). Penalties under these sections vary from a maximum of three years' imprisonment for possession of extreme pornography to a maximum of 10 years for taking or distributing indecent photographs of children.

Sentencing (including internet restrictions)

The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 makes provision for sexual harm prevention orders. The court may make an order in relation to a person convicted of a sexual offence (including those set out above) requiring them to follow certain rules and prohibiting them from doing anything specified in the order. The Scottish Sentencing Council provides some examples of what an order might include: "an offender might, for example, be prohibited from visiting a place which is likely to have children, or their internet activity might be restricted in some way". Breaching an order is a criminal offence in itself, with a maximum penalty of five years' imprisonment.

A Community Payback Order may also include a "conduct requirement" requiring the person to do something, or refrain from doing something. This can include restrictions on internet usage.

The Scottish Government's response to the petition states that internet restrictions are also a common license condition for people convicted of sexual offences who are released after imprisonment.

In general terms, the Scottish Government's response states: "Sentencing decisions in individual cases are a matter for the sentencing judge, taking account of all the relevant facts and circumstances of each case".

Support for victims

The Victims' Code for Scotland sets out various rights of victims of crime. Broadly, these rights are to:

- minimum standards of service
- information
- participation
- protection
- support
- compensation and expenses
- complain.

Support may be available where criminal proceedings result through the Victim Information and Advice (VIA) service provided by the Crown Office and Procurator Fiscal Service. This provides support to certain victims (including victims of sexual crimes and victims who are under the age of 18) through the criminal justice process.

Other measures designed to improve a victim's experience of the criminal justice process include: the right to provide a victim statement to the court for more serious

crimes; and the ability of vulnerable witnesses to use “special measures” to support them to give evidence (these are outlined on the COPFS website).

The Scottish Government response to the petition also highlights the Bairns’ Hoose programme, which provides children and young people at risk of ongoing harm with a safe space to access holistic support. Children and young people who may have caused significant harm can also access Bairns’ Hoose as a means of minimising the risk of further harmful behaviour.

The Victims, Witnesses and Justice Reform (Scotland) Act 2025, when it comes into force, will also provide for a number of different measures designed to improve victim experience, including:

- the establishment of a Victims and Witnesses Commissioner
- seeking to embed the principle of trauma-informed practice
- providing additional rights to victims to receive information and express views
- establishing a sexual offences court
- providing for independent legal representation for complainers in sexual offence cases in certain circumstances.

A number of third sector organisations also provide support to victims of crime (some do so for victims of sexual crimes in particular, and some for child victims in particular) for example: Victim Support Scotland, NSPCC, Rape Crisis Scotland, Scottish Women’s Aid.

Key Organisations and relevant links

- Victim Support Scotland
- NSPCC
- Scottish Women’s Aid
- Engender
- Crown Office and Procurator Fiscal Service
- Law Society of Scotland
- Lucy Faithful Foundation
- Police Scotland
- Rape Crisis Scotland
- Scottish Children’s Reporter Administration

- Children and Young People's Centre for Justice

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The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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