



Background

Victim Support Scotland is the leading charity dedicated to helping people affected by crime across Scotland. They support victims of crime; witnesses and their family members, regardless of who they are and their circumstances. Their service is independent, free, non-judgemental and confidential, offering bespoke support, personalised to the needs of each individual.

Victim Support Scotland provides information, practical help, emotional support and guidance through the criminal justice system. They offer specialist services to support people who face specific crimes including murder, terrorism, rape and sexual assault, domestic violence and hate crime, as well as empower people to cope with the aftermath of a crime and find the strength to move on with their lives.

Victim Support Scotland is leading on a sub-group concerning the Age of Criminal Responsibility involving sector partners to look at the impact of changes to the age of criminal responsibility in Scotland could have on victims and their families.

Policy context

Section 2.5 states that 'a child under the age of 12 years will no longer be able to be treated as they have committed an offence in Scotland.' This includes serious offences such as rape, serious sexual assault, murder and others. Such cases would potentially therefore not result in a criminal trial or custodial sentence. Victim Support Scotland believes this to be potentially extremely damaging for the wellbeing of victims of child perpetrators and it could prevent them from gaining access to the right level of support available to them, as well as limited the amount of information they would receive about the perpetrator.

This assertion places the 'wellbeing of the child thought to be responsible for any conduct that would previously have been treated as an offence' ahead of that of their victim(s) and their families.

It also has the potential to produce a two-tier criminal justice system in Scotland in which the victims of child and adult perpetrators are unable to access the same rights to key information, for example, the qualifying criteria to register with the Victim Notification Scheme. No such comparable scheme exists where the child has committed an offence.

Section 2.8 notes that 'where a constable is of the view that there is a risk of significant harm, the constable will return a child to their home. Where a child cannot be returned home, it may be necessary to remove a child to a different place of safety while arrangements are put in place for the care or protection of the child'. No similar provision is made for if there is significant risk posed to the victim – whether they are an adult or also a child – of the child perpetrator. This gives the impression that the 'place of safety' guidance is only in consideration to the needs of the perpetrator, despite the claim in Part 3, Section

3.2 that the guidance is 'designed to respond to situations where a child below the age of criminal responsibility poses an immediate risk of significant harm or further such harm to another person.'

Power to take a child under 12 to a place of safety

Section 3.5 through to 3.8 do not provide any duty to ensure support measures or access to support information regarding the perpetrator are available to the victim or their family.

Identifying an appropriate place of safety

Section 3.10 notes that, 'due consideration must be given to... the needs of and risks relating to other children in a potential placement' when identifying an appropriate place of safety for a child who has committed an offence.

Victim Support Scotland would wish to see consideration given, especially in circumstances where the victim is also a child, to the assessment of any potential risks to them that may arise from the placement of the child offender in a place of safety. This could include whether it is deemed appropriate for them to continue to attend the same school, social settings, etc.

Monitoring, evaluation and reporting on the use of places of safety

Part 4 sections 4.1 through to 4.3 do not lay out what measures will be taken to monitor or report on measures that have been put in place to support victims who have been identified as at risk from harm by the child who has had to be removed and located in an alternative safe place.