

INHERITING KILBRANDON IN THE CHILDRENS HEARINMGS SYSTEM

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SCRA

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SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

www.scra.gov.uk

`From the earliest age of understanding, every child finds himself part of a given family and a given environment, which are beyond his or society's power to control'

Kilbrandon 1960



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TYPES OF REFERRAL

	1972	2007	2018
Lack of parental care	506	19,086	5305
Offence against child	95	19,485	1665
Offence by child	21,594	16,490	8,577



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CHILDREN AGED 4 & UNDER REFERRED

- ❑ 1976 = 478
- ❑ 2018 = 2873



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FINDINGS FROM SCRA RESEARCH 16-17 YEAR OLDS –AUGUST 2017

- 44% of young people on supervision post 16 had been referred for lack of parental care
- 60% young women on supervision had been victims of offence
- 58% kept on supervision for protection/safety reasons



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FINDINGS FROM SCRA ACR RESEARCH -2018

- 75% previously referred
- 36% for lack of parental care
- 25% victim of schedule 1 offence

7/9 children charged with sexual offences had been referred for lack of parental care or schedule 1 offence



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CHILDREN WITH BOTH OFFENCE AND NON OFFENCE REFERRALS

- In 2018 2804 children referred for offending
- Of those 2165 were also referred before or after for non offence grounds



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LOOKED AFTER CHILDREN

- 3333 offence referrals received in 2018 for looked after children
- 1121 for assault
- 663 for s 38 offence –threatening/abusive behaviour
- 574 for vandalism
- 236 for shoplifting
- 187 for assault of police officer



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CURRENT PRACTICE CHALLENGES

- EEI / WHOLE SYSTEMS APPROACH
- GIRFEC
- IMPACT OF RESOURCES AND DATA PROTECTION
- SUPPORT AND INFORMATION FOR VICTIMS



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CURRENT PRACTICE CHALLENGES FOR REPORTERS

- Reporters use alternative grounds where appropriate and possible –eg ACR report

But Constanda v M 1997 SLT 1396

- Conversion rates for reporter decision making
 - 25% all referrals
 - 10% offence referrals
 - 5% offence referrals for children on supervision



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FUTURE CHANGE

- Age of criminal responsibility
- 16-18 year olds
- Examine joins between welfare and justice up to 21
- Disclosure reform



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During childhood the child is subject to the influences of home and school. Where these have for whatever reason fallen short or failed, the precise means by which the special needs of that minority of children are brought to light are equally largely fortuitous, the individual need may at that stage differ in degree but scarcely in essential character, and such children may be said at present to be, more than most, in a real and special sense **`hostages to fortune'**.



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