

#WhatsYourTake - Children's care and justice

July 2022



The #WhatsYourTake online survey is carried out each year to gather young people's views on current issues. This #WhatsYourTake survey was open from 10th June until 6th July 2022, and asked questions on the following topics:

- **Children's care and justice** - Imagining the future of children's care and justice
- **Reducing car use** - Working together to reduce car use for a healthier, fairer, greener Scotland
- **Cost of school** - Exploring the possibility of free school meals, school milk and low-cost uniform in secondary schools
- **Tobacco free Scotland** - Reaching for the future - building a Tobacco-free Scotland
- **Education** - Designing the national discussion on education
- **Children's Services** - Children's Services Reform

This report gives an overview of the key findings on the questions relating to children's care and justice from the July 2022 #WhatsYourTake survey.

Respondent Profile

243 young people took responded to the #WhatsYourTake survey in July 2022.

Of these:

- **67.8%** are aged between 12 and 17, **16.7%** are aged 18-20, and **15.5%** are aged 21-25.
- **52.5%** identify as female, **35.3%** identify as male, **8.0%** identify as non-binary, and **3.4%** prefer to use their own term. The remaining respondents preferred not to say.
- **60.2%** are at school, **21.4%** go to university or college, **18.1%** are in full time or part time work, **0.8%** are doing an apprenticeship or other training, and **5.3%** are unemployed. **2.1%** are not taking part in any of these activities.
- **81.5%** identify as English / Welsh / Scottish / Northern Irish / British.
- Respondents came from **28 local authorities**, [our 11 national voluntary organisations](#), and various others representing a diverse range of communities of interest and lived experience (including youth voice organisations, student unions, a range of cadets, and various sports clubs).

This report was compiled by Rosy Burgess, SYP Governance and Events Manager - rosy.b@syp.org.uk.

Imagining the future of children's care and justice

The Scottish Government wants and needs to hear from you on the future of children's care and justice!

We know that children and young people do not always get a say in the matters that affect them. Right now the Scottish Government is gathering views on how we can safeguard, protect and support children, especially those in conflict with the law. The Scottish Government want to make sure all children get the right support, from the right people, in the right place, at the right time, via age-appropriate systems and settings. We are gathering views on lots of different areas, but would particularly like to hear from you about the Children's Hearings System and the criminal justice system. The views gathered via the SYP will be combined with those gained during the consultation and engagement process in respect of the proposals as a whole. Your views will help to inform changes to the law.

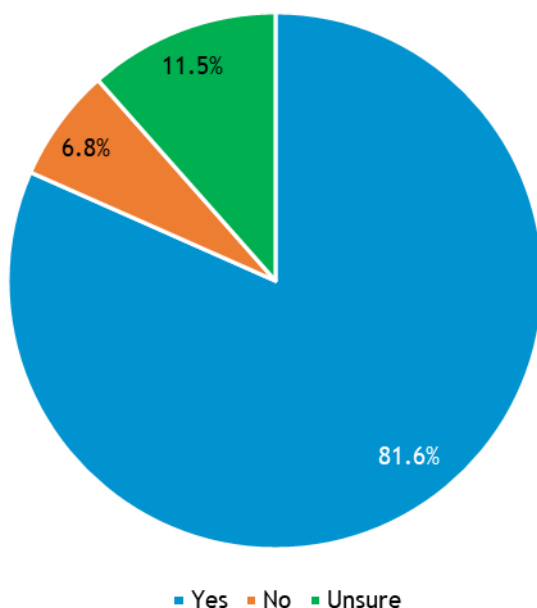
The Children's Hearings System

The Children's Hearings System is the care and justice system for children. Some children do not have all their wellbeing needs met and face risks in their lives. Children who come into conflict with the law may be vulnerable and have had problems in their lives. At the moment some children who come into conflict with the law are supported through the Children's Hearings System and others through the Criminal Justice System. The Scottish Government would like more children to go to the children's hearings system when they need to, but the most serious cases will still be dealt with through the criminal justice system.

The Criminal Justice System

The criminal justice system is all organisations and professionals that deal with crime and the courts. A court is the place where a decision is made about whether someone has committed an offence (a crime) or not. Children and young people have told us about the difficulties they experience at court-it can be hard to understand what is going on and participate-and can be traumatic.

Do you agree that Scotland should make use of the children's hearings system as much as possible when a young person has been in conflict with the law, instead of using the traditional criminal justice system?



234 young people responded to this question. **81.6%** said 'yes' - they do agree Scotland should make use of the children's hearing system as much as possible when a young person has been in conflict with the law.

Comments in response to this question are shown on the next page.

Young people who responded 'Yes' to this question commented:

- Children shouldn't have to face the daunting experience of standing alone in court.
- It's becoming more and more clear that we need to take a trauma-informed approach to justice and address the impact of ACES; the whole system needs reformed but using Hearings is a great start.
- Rehabilitation is more important when it comes to children, but punishment is also necessary
- Why would you put young people through a system designed for adults?
- As someone who was involved in the criminal justice system as a child, it was traumatic, not trauma informed and not receptive to my needs at all. Young people need a system that works for us and understands the nuances of child development, social/peer pressure and the impact of trauma.
- A young person should be treated differently when before the law as they will not yet have the same knowledge or understanding of the legal system as an older person might.
- The focus should be on reintegration into society as opposed to branding kids as criminals, which could have worse long-term outcomes.
- Whether someone breaks the law or not does not matter on age. It matters whether they were able to differentiate right from wrong and still committed an offence. A punishment should still be made to the offender as it shows that actions have consequences and forces them to take responsibility. Only after a punishment has been decided, can any potential support then be offered. Avoiding charges/punishments merely due to them being young does nothing but enforce a rhetoric that "I can get away with that because I'm a child"
- Yes because it will be more empathetic and allow the young person the opportunity to give their views more easily
- A lot of the time children commit crimes because of something going wrong in their life i.e. they're being abused or struggling mentally. By allowing them to go through a system which can be more accommodating to this, they can maybe get the help they need and you can actually get to the root of the problem which stops them becoming criminals as adults.
- a young person, who is below 18, should try and make full use of the children's hearing system.
- Because children may be unable to understand what they have done wrong, have external factors like peer pressure and home environment, affecting their judgements, not all children commit crime maliciously and many are scared.
- We need to make the process less overwhelming so any young person can fully engage
- More consideration needs to be taken for the young person as a whole rather than looking at one particular incident

Young people who responded 'No' to this question commented:

- There is far too much anti social behaviour now.
- children let off too easy and don't fully experience consequences of their actions
- If they do something wrong punish them like an adult
- Depends on the crime
- The streets are not safe because of liberal, woke, Marxist, soft, justice policy.
- They should be put through a system similar to the rest of the UK's

Young people who responded 'Unsure' to this question commented:

- It should depend on the severity, reason for committing the crime at the mental well-being and background of the child
- Some crimes mean people need to be jailed. Like when teenagers kill someone. Slap on the wrist not gonna help with that is it

- I think it totally depends on the case. Some crimes by children are just silly mistakes and shouldn't be blown out of proportion. However some are horrific in nature and need to be dealt with appropriately. As a teacher, my class know exactly what is right and what is wrong - they are 8 years old. So when you have 14 year olds committing awful crimes and their defence is that they made a mistake... it was their own decision and they knew it as wrong.
- I don't feel I know enough about the topic to make a fully informed decision
- Least traumatic environment for a child would be best. Is this run in conjunction with the MoJ? Are best practices shared?

Which, if any, of the following potential changes in the criminal justice system should be made when it is dealing with children?

Participants were given eight options and space to add additional comments. Responses are shown overleaf.

Eleven young people responded 'other' and commented as follows:

- Different sentences and criteria should be applied when dealing with young offenders, the sentence should be focused on support rather than retribution
- More focus and funds needs to be on preventing crime in the first place, through better mental health support and reducing economic inequality.
- Lock the children up
- dont wear the wig
- Increasing the age of criminal responsibility, ensuring U18s are not held in YOIs, ensuring all children (not just CEYP) can be referred to secure care (but that we also have a focus of utilising secure mental health facilities)
- Special training for judges would be beneficial, but I think that the overall process should be kept as realistic as possible
- I don't know enough about safe guarding or child psychology to have an opinion!
- Although I don't think changing the setting a hearing is held in necessary, I do like the idea of dispensing with the traditional garb and sitting in a more informal context/environment.
- We need to lock more people up in austere conditions, and for longer, to protect the public
- Ensuring that the courts and other officials make all reasonable sanctions to support the child in whatever way the child needs. Also making sure that the child does not feel scared or intimidated by members of the jury etc.
- Judges and sheriffs should be trained in working with children

More understanding of children's needs - such as taking into account speech and language needs and ensuring the child is spoken to directly by the sheriff/judge and not through their solicitor or social worker.

Judges and sheriffs are specially trained in working with children, do not wear gowns and wigs, and sit at the table with the child and people who support them.

Cases being held in a more child-friendly environment, not traditional court rooms, which could either be specifically designed for children, in a different building or different room within existing court premises (such as a jury room or a child friendly

Ensuring children are kept separate from adults attending court/other settings (e.g. through separate entrances or waiting areas).

The provision of person-centred support to children throughout the court process including via the court's decision. This could include multi-agency support and/or advocacy (as well as existing legal representation).

Having as few people in courts as possible.

Holding dedicated, separate courts for children.

I don't think they should make any changes

