

Minimum Age of Criminal Responsibility

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous)
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No



Minimum Age of Criminal Responsibility Written Evidence from YouthLink Scotland *June 2016*

About YouthLink Scotland

YouthLink Scotland is the national agency for youth work. We are a membership organisation, representing over 100 regional and national youth organisations from both the voluntary and statutory sectors. We champion the role and value of youth work and represent the interests and aspirations of our sector.

Scotland's youth work sector is as rich and diverse as the nation itself. Our sector has a workforce in excess of 80,000 – including over 75,000 adult volunteers. We reach in excess of 380,000 young people in youth work opportunities each week. The youth work sector work has three essential and definitive features:

- Young people choose to participate
- Youth work must build from where young people are
- Youth work recognises the young person and the youth worker as partners in a learning process

The activity, venue, and approaches utilised to deliver this are varied – and include youth clubs, youth projects, specialist or targeted provision, social activism, outdoor learning, awards programmes, uniformed organisations, and democratic participation. YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector for the benefit of our young people. Our vision is of a nation which values its young people and their contribution to society, where young people are supported to achieve their potential.

About this Response

This response is made on behalf of the youth work sector and our membership. This response does not claim to be the position of any one individual member or of all member organisations. Individual member organisations may hold views which differ from the perspectives presented here. This is not the response of young people, but of youth work professionals who work with and for young people.

YouthLink Scotland is not an authority on legal or criminal matters, we make this response giving consideration of the best interests of young people in Scotland. We have therefore only responded to questions where we feel we can make a valid contribution to the consultation, and to the considerable work already achieved by the Advisory Group.

Consultation Questions

Age of Criminal Responsibility

Do you agree with the Advisory Group's recommendation that the age of criminal responsibility in Scotland should be raised from 8 to 12 years of age?

Yes

YouthLink Scotland supports raising the age of criminal responsibility in Scotland. We believe this is long overdue, and that the Scottish Government must take action to increase the age of criminal responsibility if it is to achieve its vision of Scotland being the best place to grow up. Raising the age of criminal responsibility will contribute to the following national outcomes:

- Our children have the best start in life and are ready to succeed
- We have improve the life chance for children, young people and families at risk

We do have reservations that raising the age to 12 years simply assigns another arbitrary age on a milestone for young people. We understand that this age has been proposed as it is the minimum age considered acceptable by the United Nations Committee on the Rights of the Child. We would challenge the Government and the members of the Advisory Board to consider if Scotland wants to be a place that accepts the minimum or which strives towards a higher level of moral responsibility towards its young people.

We would however support the raise to age 12 to align with the current age of prosecution – but with the hope, aspiration and commitment of Government to review this age in the coming years.

Care Protection & Risk

Information Provision

How should the Scottish Government best publicise a change in the minimum age of criminal responsibility? Please include details of the audiences you think publicity and/or information materials should reach.

We believe that this is a complex issue which must be effectively communicated to the many facets of Scotland's society and communities. Communication must focus on the moral imperative as well as the legal arguments for increasing the age of criminal responsibility. Community members must understand the relationship between harm caused to children and young people engaged in criminality and the harm that they can cause others.

National conversations must take place for society to understand the rational for the age increase not simply communicating that the age has increased. We would be anxious that some parts of

our communities will view this change negatively, and negative impacts and perceptions of young people may grow deeper should any significant crime be committed by an 8-11 year old.

Community and grassroots communication methods may be most effective to facilitate these discussions, and youth work organisations are well placed to facilitate this dialogue with young people.

The Scottish Government should consider a national information campaign which is devoid of technicalities but which sets out the moral argument and which promotes and respects young people's dignity and rights.

Consultation

Consultation with Children and Young People

Please tell us about the groups of children and young people you believe should be consulted as part of this consultation process

All children and young people should have the opportunity to be consulted as part of this process. We welcome the commitment to engage with members of the Children's Parliament and Scottish Youth Parliament.

We would urge the Government to consider a targeted approach to consultation with individual or groups of young people to be conducted in a safe, respectful and dignified manner. This may include the views of young people who are currently subject to child protection measures, looked after children, children affected by parental imprisonment, young offenders, children and young people engaged with the children's hearing system. The Government may also wish to consult with Police Scotland's Youth Volunteers and the Police Scotland Young People's Advisory Panel.

In addition high quality consultation materials which can be facilitated by youth workers and other educators through universal approach such as youth projects, primary and secondary schools and colleges should also be made available. It is important that consideration is given to the [General Comment No.12](#) (The right of the child to be heard) with particular regard to ensuring that the views are heard in a means appropriate to the age and maturity of the child, and that participation is considered as a process not just a one-off event – with basic requirements for implementing the right to be heard being set out in Point 134 of the General Comment.

*For further information please contact
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