There are some key questions to consider as we move towards full implementation of the Act in **Autumn 2021**.

**1. Place of Safety (s28)**

The Act creates a specific power authorising a police constable to take a child to a place of safety in cases where the child is behaving (or is likely to behave) in a way that is causing or risks *causing significant harm* to another person and the child’s removal is necessary to protect the other person from an immediate risk of such harm.

Once removed to a place of safety, the child can be kept in the place of safety for a maximum of 24 hours.

The child can only be kept in the place of safety for as long as one of the following reasons applies:

* Arrangements have not yet been made for the child’s care or protection, such arrangements may be as simple as returning the child to his or her home or to a relative’s home, but in other cases might involve steps such as a child protection order being applied for
* An order authorising the taking of an intimate sample is being sought by police

Places of safety include:

* residential or other establishments provided by local authorities
* hospitals or surgeries
* the dwelling of any suitable person
* police stations

The power to use police stations as a place of safety under section 28 is subject to certain limitations and the use of suitable alternatives will support the intention of the Act to minimise further trauma for a child.

Section 28 does not affect any other powers currently in place ie police may use the power under the 2011 Act to take the child to a place of safety rather than the section 28 power depending on the circumstances.

Scottish Ministers are required to compile and maintain a list of places of safety (including the times at which each place of safety is available for use). In doing so, they must consult the Police Scotland and each local authority (and any other persons they consider appropriate, which might include, for example, other organisations which provide children’s services).

Points to note:

* Ministerial Guidance is currently being developed
* Police are asking for clear definitions of ‘significant harm’
* Scottish Government need to develop a list of Places of Safety and are planning local engagement on this

Points to consider:

* local areas will need to identify premises for places of safety – local discussions at CPP/CPC will support this

**2. Investigative Interviews**

The Act authorises the conduct of an investigative interview if certain tests are met ie a constable has reasonable grounds to suspect that a child by behaving in a violent or dangerous way, caused or risked causing serious physical harm to another person or, by behaving in a sexually violent or sexually coercive way, caused or risked causing harm (whether physical or not – so including psychological harm) to another person.

The second test is that the constable considers that an investigative interview is necessary to fully investigate the incident which involved suspected harmful behaviour by the child.

A child and a parent can agree to an investigative interview being conducted or a Child Interview Order (CIO) can be sought by police.

Key points to note:

* Ministerial Guidance is currently being developed
* Police and SWS are currently developing operational guidance
* Police are asking for clear definitions of ‘serious harm’ and threshold for interview
* Police and Social Work have agreed that the decision making will sit within an IRD process

Points to consider:

* Role of social workers in investigative interviews
* Use of JII trained workers to undertake investigative interviews
* Quality assurance / oversight of processes
* Social work role in other duties, such as facilitating police in the delivery of the child interview notice and/or child interview orders to the child and their parent
* Local suitable premises for interviews (link to JII)
* Alignment with CP processes
* Out of hours processes

**3. Training**

Points to note:

Police have decided to use JII trained officers and are keen to develop joint training, aligned to current JII training plans in local areas and consider links to the National Project

Points to consider:

* Training requirements of social workers preferably linked to JII training (jointly with police) for Investigative Interviews
* Training for IRD participants (health and education staff)
* Requirements for training for C&F / YJ workers, out of hours staff

**4. Local processes**

Points to consider:

* Any changes, additional guidance or processes required
* Local consideration of structures (such as role of Youth Justice, C&F teams; EEI processes / local Girfec arrangements)

**5. Out of hours processes**

Points to consider:

* Involvement of out of hours social work – what is needed for readiness?

**6. General**

* What do SW/ LA need from police/ Scottish Government or others to support readiness?
* Ensure alignment with other current processes
* Need for local discussions (are MOU’s needed?)
* Identify local implementation leads to act as a conduit for information as we progress implementation
* Consider requirements that fulfil duties in the short term ie by the end of this year and then further consideration of future linkages (such as Barnahus developments and National JII project plans as this rolls out across the country)
* Reporting and data requirements for processes/ outcomes (for example - build into local data set for CPCs)

**7. Increase in Age of Criminal Responsibility beyond 12**

The Act provides that the Scottish Ministers must carry out a review within 3 years of the commencement of section 1 of the Act (Autumn 2021). The review is to evaluate the operation of the Act as well as to consider a future age of criminal responsibility.

An Advisory Group is assisting Scottish Ministers in undertaking this review. There are several sub groups focussing on key areas to consider for an increase in the age of criminal responsibility.

Alison Cowper and Sharon Glasgow sit on Advisory Group for SWS.

Information is required from social work to consider the practice implications for a future rise in age of criminal responsibility. This will require significant focus and involvement from local areas to inform future developments and provide robust data and information to the Advisory Group of implications for social work.

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