



Victim Support Scotland

1. Victim Support Scotland (VSS) is the largest charity supporting people, many of whom are children, affected by crime across Scotland through the provision of practical help, emotional support and essential information. As a key partner on the Age of Criminal Responsibility Delivery Reference Group, we welcome the opportunity to provide a statement on **The Age of Criminal Responsibility Bill**.
2. VSS agrees that raising the age of criminal responsibility to twelve will give clearer effect to the UNCRC and that this should be harmonised against the rights of victims.
3. We appreciate the protection of victims' rights and the provision of information to victims has been areas of focus throughout the policy development of the Bill.
4. VSS notes that the behaviour of children under the age of twelve will continue, where appropriate, to be addressed in the children's hearing system. However, a child aged eight to eleven will no longer be referred to that system on the grounds they have committed an offence. We are satisfied that Section 22 provides power for the Principal Reporter to disclose certain information about the reporter's response to certain behaviours on the part of a child. We consider latitude important so proportionality is applied and all the circumstances taken into account, including whether it is right in the circumstances to breach the child's Article 8 Rights. We believe with appropriate safeguards this flexibility will better protect the interests of victims, ensuring that victims of certain forms of behaviour are informed of the response to that behaviour.
5. We are supportive of updated information being provided for victims of harmful behaviour by children under the age of criminal responsibility. It is noteworthy that this will include eligibility for victims of harmful behaviour of children aged

eight to eleven, albeit under additional eligibility criteria. However, the information communicated with victims requires further careful consideration in order to protect the interests of the needs of those victims. As such, we are in dialogue with SCRA about extending our current Witness Service to witnesses attending Children`s Hearing Proofs at the Sheriff Court.

6. VSS concurs with the Scottish Government that it would be inappropriate to retain forensic samples taken from children under twelve beyond the immediacy of an investigation.
7. We understand the essence of the Bill is about creating child friendly processes for young people, especially in respect of less serious matters where state interventions would likely be less intrusive and we acknowledge the cross organisation/referral approaches taken in less serious cases. However, we are mindful of victims in all instances, and so we are encouraged, that Police will retain powers in some form for children under the age of twelve in exceptional and serious cases.
8. VSS is content that the rights and needs of victims will not be changed as a result of a change to the age of criminal responsibility and that existing support structures (e.g. behaviour can be dealt with by one of the sixteen existing “*care and protection*” referral grounds) will continue to be available even when the child is not held criminally responsible.

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