**What is the change?**

The age of criminal responsibility is moving from age 8 to 12. The reason is to protect children from the harmful effects of early criminalisation while ensuring that incidents of harmful behaviour by children under 12 can continue to be effectively investigated and responded to appropriately. Below are links to the operational guidance and a new awareness and information resource:

[Age of Criminal Responsibility Act 2019 Operational Guidance](https://socialworkscotland.org/publication/age-of-criminal-responsibility-scotland-act-2019-acra-operational-guidance-for-social-work-and-police/)

[New Resource Age of Criminal Responsibility](file:///%5C%5Cclackmannan.clacks.gov.uk%5Chome%5CHOMEF%5Casalter%5CTemp%5Cnotes824D19%5CNew%20Resource%20Age%20of%20Criminal%20Responsibility)

A child under the age of 12 cannot commit an offence and will therefore no longer be stigmatised by being criminalised at a young age due to being labelled as an ‘offender’. Children are therefore not disadvantaged by having convictions for the purposes of disclosure which can adversely affect them in later life.

**01**

**What does this mean in practice?**

**02**



**7 Minute Briefing**

**Age of Criminal Responsibility**

**What is a place of safety?**

Social work must work in collaboration with police in relation to places of safety and investigative interviews and other key duties in the Act.

Social Work has the lead responsibility for enquiries relating to children who are experiencing or are likely to experience significant harm and assessments of children in need. Social work will continue to work with partners to assess a child's needs, identify risks and develop a plan to meet those needs and provide the support required for children.

**What is the role of social work?**

**06**

Police will be unable to charge a child under the age of 12 with an offence or treat them in any way as having committed an offence. Part 4 of the Act creates a package of powers to ensure that serious behaviours by any child under the age of 12 can be investigated and for such investigations to be carried out in a child centred way that is in keeping with the ethos of removing children from the criminal justice processes.

**05**

It links to Scottish Government policies and the Promise emphasising that families must be given support to overcome the difficulties they may encounter. It also incorporates the United Nations Rights of the Child which ensures a rights respecting approach.

**Does this link to anything else?**

**How does this link to other practice?**

The change supports trauma informed practice. Negative early life experiences can leave some children extremely vulnerable to pressures and these in turn contribute to the emergence of forms of harmful behaviours in childhood. The change ensures a holistic approach to understanding and responding to the needs of these children to make GIRFEC a reality.

**03**

In the most serious of cases where Police believe that it is necessary to manage an immediate risk of significant harm to another person a child can be placed in a place of safety up to a maximum of 24 hours. Local authorities and other partners must identify suitable premises to use for this purpose

**07**

**What is the role of services?**

**04**

**01**

**02**

**03**

**04**

**05**

**06**

**07**