

Children (Care and Justice) (Scotland) Bill

3rd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 22 to 30
Sections 31 and 32

Schedule
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 21

Martin Whitfield

207 After section 21, insert—

<Alternatives to detention of children

Duty of Scottish Ministers to promote alternatives to detention of children

- (1) The Scottish Ministers must promote the use of alternatives to the detention of children who plead guilty to, or are found guilty of, an offence.
- (2) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report setting out the steps taken under subsection (1) in the reporting period.
- (3) For the purposes of subsection (2), a reporting period is—
 - (a) the period of one year beginning with the day of Royal Assent,
 - (b) each subsequent period of one year.>

Martin Whitfield

208 After section 21, insert—

<Restorative justice for children

Duty of Scottish Ministers to promote restorative justice for children

- (1) The Scottish Ministers must promote the referral to restorative justice services of children who have, or are alleged to have, committed an offence.
- (2) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report setting out the steps taken under subsection (1) in the reporting period.
- (3) For the purposes of subsection (2), a reporting period is—
 - (a) the period of one year beginning with the day of Royal Assent,
 - (b) each subsequent period of one year.

- (4) In this section, “restorative justice services” has the same meaning as in section 5 of the Victims and Witnesses (Scotland) Act 2014.>

Martin Whitfield

209 After section 21, insert—

<Rehabilitation and reintegration of children guilty of offences>

Duty on Scottish Ministers to promote rehabilitation and reintegration of children guilty of offences

- (1) The Scottish Ministers must promote the rehabilitation and reintegration into the community of children who plead guilty to, or are found guilty of, an offence.
- (2) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report setting out the steps taken under subsection (1) in the reporting period.
- (3) For the purposes of subsection (2), a reporting period is—
 - (a) the period of one year beginning with the day of Royal Assent,
 - (b) each subsequent period of one year.
- (4) In this section, “rehabilitation” means the elimination or reduction of future offending.>

Pam Duncan-Glancy

210 After section 21, insert—

<Training for criminal justice agencies>

Duty of Scottish Ministers to secure training for criminal justice agencies working with children

- (1) The Scottish Ministers must secure the provision of appropriate training for members and employees of a criminal justice agency working with children.
- (2) Training under subsection (1) must include training on—
 - (a) child development,
 - (b) children’s rights,
 - (c) domestic abuse.
- (3) In this section, “criminal justice agency” means—
 - (a) the Lord Advocate,
 - (b) the Scottish Ministers,
 - (c) the chief constable of the Police Service of Scotland,
 - (d) the Scottish Courts and Tribunals Service,
 - (e) the Parole Board for Scotland.>

Pam Duncan-Glancy

211 After section 21, insert—

<Multi-agency approach

Duty of Scottish Ministers to promote multi-agency approach

- (1) The Scottish Ministers must promote a multi-agency approach to supporting children who are involved in criminal proceedings.
- (2) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report setting out the steps taken under subsection (1) in the reporting period.
- (3) For the purposes of subsection (2), a reporting period is—
 - (a) the period of one year beginning with the day of Royal Assent,
 - (b) each subsequent period of one year.>

Ross Greer

212 After section 21, insert—

<PART

SECURE TRANSPORTATION

Standards for provision of secure transportation

- (1) The Children and Young People (Scotland) Act 2014 is amended as follows.
- (2) After section 90 insert—

“PART 16A

SECURE TRANSPORTATION

90A Secure transportation: duty of Scottish Ministers to prepare and publish standards

- (1) The Scottish Ministers must prepare and publish standards applicable to any service (a “secure transportation service”) which consists of or includes providing secure transportation—
 - (a) for persons—
 - (i) who have not attained the age of 19 years, and
 - (ii) in relation to whom the taking to or the placing, keeping or detention in secure accommodation is authorised or required under or by virtue of a relevant enactment, and
 - (b) for the purpose of transporting those persons to or from secure accommodation.
- (2) The standards—
 - (a) must include the minimum standards to be met by a provider of a secure transportation service which may, in particular, relate to—
 - (i) the manner in which, and the extent to which, the service provider is to have regard to the rights of the persons mentioned in subsection (1)(a) who require to be transported to or from secure accommodation,
 - (ii) the establishment of measures and procedures to prevent or minimise a risk of a serious incident occurring,

- (iii) the establishment of measures and procedures to deal with, and prevent the recurrence of, a serious incident,
 - (iv) the circumstances in which restraint or control of persons mentioned in subsection (1)(a) who require to be transported to or from secure accommodation may or may not be appropriate,
 - (v) the provision of training and support to staff to ensure the safe transportation of the persons mentioned in subsection (1)(a) to or from secure accommodation,
 - (b) may include such further provision in connection with the provision of a secure transportation service as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers may make different provision for different kinds of secure transportation service.
- (4) The Scottish Ministers—
 - (a) must publish the first standards under subsection (1) no later than one year after the day on which section (*standards for provision of secure transportation*) of the Children (Care and Justice) (Scotland) Act 2024 comes into force,
 - (b) must keep the standards published under subsection (1) under review,
 - (c) may, under subsection (1), publish revised standards whenever they consider it appropriate to do so, and
 - (d) must lay a copy of the first published standards, and any published revised standards, before the Scottish Parliament.
- (5) Before publishing the standards or any revised standards under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.
- (6) In this section—
 - “relevant enactment” means the following enactments—
 - (a) the Children (Scotland) Act 1995,
 - (b) the Criminal Procedure (Scotland) Act 1995,
 - (c) the Adoption and Children (Scotland) Act 2007,
 - (d) the Children’s Hearings (Scotland) Act 2011,
 - “secure accommodation” has the meaning given by section 202(1) of the Children’s Hearings (Scotland) Act 2011,
 - “secure transportation” means transportation which provides such additional security and support measures as are required to prevent or minimise a risk—
 - (a) to the health, safety or welfare of a person mentioned in subsection (1)(a) who is being transported to or from secure accommodation,
 - (b) which that person may pose to the safety of any other person.
 - “serious incident” includes an incident involving a person mentioned in subsection (1)(a)—
 - (a) absconding or attempting to abscond,

- (b) suffering harm (including self-harm) or ill-health (whether physical or mental),
 - (c) causing harm to another person, or
 - (d) causing (whether directly or indirectly) damage to property,whilst being transported to or from secure accommodation.
- (7) The Scottish Ministers may by regulations modify the definition of “relevant enactment” in subsection (6) by—
 - (a) adding an enactment,
 - (b) removing an enactment for the time being listed in it,
 - (c) varying a reference to an enactment for the time being listed in it.

90B Secure transportation: duty of providers to meet standards

- (1) The provider of a secure transportation service must meet the applicable standards.
- (2) The persons mentioned in subsection (3) must, when making arrangements with another person for the provision of a secure transportation service, ensure that the service meets the applicable standards.
- (3) The persons are—
 - (a) a local authority,
 - (b) the Scottish Ministers.
- (4) The Scottish Ministers may by regulations modify subsection (3) by—
 - (a) adding a person or description of persons,
 - (b) removing a person or description of persons for the time being listed in it,
 - (c) varying a description of a person for the time being listed in it.
- (5) In this section and in section 90C—
 - “applicable standards” means the standards, or (as the case may be) any revised standards, published under section 90A(1) which apply to the secure transportation service being provided,
 - “secure transportation service” has the meaning given by section 90A(1).

90C Secure transportation: reports

- (1) Subsection (2) applies where a relevant person has, during the reporting period—
 - (a) provided a secure transportation service,
 - (b) made arrangements with another person for the provision of a secure transportation service.
- (2) The relevant person must, as soon as reasonably practicable (and in any event no later than 3 months) after the end of the reporting period—
 - (a) prepare a report on—
 - (i) how the relevant person monitored the secure transportation service provided or arranged by the relevant person to ensure that the service met the applicable standards during the reporting period,

- (ii) the extent to which the service met the applicable standards during the reporting period,
 - (b) publish the report, and
 - (c) send a copy of the report to the Scottish Ministers.
- (3) Reports prepared under subsection (2) are to be published in such manner as the relevant person considers appropriate (and, in particular, reports may be published together with, or as part of, any other report or document).
- (4) The Scottish Ministers must, as soon as reasonably practicable (and in any event no later than 6 months) after the end of the reporting period —
- (a) prepare a report (“the consolidated report”) on—
 - (i) how the relevant persons to whom subsection (1) applies have ensured that the secure transportation services provided or arranged by those relevant persons have met the applicable standards during the reporting period,
 - (ii) the extent to which those services met the applicable standards during the reporting period,
 - (b) publish the consolidated report in such manner as the Scottish Ministers consider appropriate, and
 - (c) lay a copy of the consolidated report before the Scottish Parliament.
- (5) Where the Scottish Ministers have provided or made arrangements for the provision of a secure transportation service during the reporting period, the consolidated report must include a report on—
- (a) how the Scottish Ministers monitored the service to ensure it met the applicable standards during the reporting period,
 - (b) the extent to which the service met the applicable standards during the reporting period.
- (6) The consolidated report may include such other information as the Scottish Ministers consider appropriate.
- (7) The Scottish Ministers may by regulations prescribe information that reports prepared under subsection (2) must contain.
- (8) In this section—
- “relevant person” means a local authority,
 - “reporting period” means—
 - (a) the period of 3 years beginning with the day on which section (*standards for provision of secure transportation*) of the Children (Care and Justice) (Scotland) Act 2024 comes into force, and
 - (b) each subsequent period of 3 years until a date specified in regulations made by the Scottish Ministers.
- (9) The Scottish Ministers may by regulations modify the definition of “relevant person” in subsection (8) by—
- (a) adding a person or description of persons,

- (b) removing a person or description of persons for the time being mentioned in it,
 - (c) varying a description of a person for the time being mentioned in it.”.
- (3) In section 99 (subordinate legislation)—
 - (a) in subsection (1), after “order” insert “or regulations”,
 - (b) in subsection (2)—
 - (i) after “order” insert “or (as the case may be) regulations”,
 - (ii) after “section 71(5)(b)” insert—
 - “section 90A(7)
 - section 90B(4)
 - section 90C(9)”,
 - (c) in subsection (4), after “order” insert “or regulations”.>

Section 23

Roz McCall

108 In section 23, page 23, line 29, at end insert—

- <(3) Regulations under subsection (1) must provide that, where a secure accommodation service provides accommodation for children who have committed an offence, the service may only be approved if the accommodation for those children is separated according to the child’s sex.>

Roz McCall

109 In section 23, page 23, line 29, at end insert—

- <(3) Regulations under subsection (1) must provide that, where a secure accommodation service provides accommodation for children who have committed an offence, the service may only be approved if that accommodation is separate from any accommodation for children who have not committed an offence.>

Sue Webber

221 In section 23, page 23, line 29, at end insert—

- <(3) Regulations under subsection (1) must provide that a secure accommodation service may only be approved if the service can ensure that a child’s accommodation is separate from that of any child who has been affected by the child’s offence or behaviour.>

Miles Briggs

155 In section 23, page 23, line 29, at end insert—

- <(3) Regulations under subsection (1) must provide that a secure accommodation service may only be approved if it can demonstrate that all staff working with children will undertake training on—
- (a) the use of restrictive practice, and
 - (b) de-escalation techniques.>

Miles Briggs

156 In section 23, page 23, line 29, at end insert—

- <(3) Regulations under subsection (1) must provide that a secure accommodation service may only be approved if it can demonstrate that all staff working with children will undertake training on learning disabilities and complex needs.
- (4) For the purposes of subsection (3), complex needs includes where a child, in addition to having a learning disability—
- (a) is autistic,
 - (b) has a mental health diagnosis,
 - (c) has a forensic need,
 - (d) is described as demonstrating challenging behaviour which is of such intensity, frequency or duration as to threaten the quality of life or physical safety of the child or any other person.>

Natalie Don

110 In section 23, page 23, line 37, after <support> insert <—

- (i)>

Natalie Don

111 In section 23, page 23, line 38, at end insert <, and

- (ii) that takes account of the effects of trauma which the children may have experienced,>

After section 23

Martin Whitfield

213 After section 23, insert—

<Provision of services to children in secure accommodation

- (1) A secure accommodation service must ensure that any child detained in its establishment is provided with appropriate—
- (a) advocacy services,
 - (b) education,
 - (c) emotional and mental health support,
 - (d) health care,

- (e) support to maintain contact with the child’s family,
 - (f) transition and aftercare support.
- (2) In this section, “secure accommodation service” has the meaning given in section 202(1) of the 2011 Act.>

Miles Briggs

157 After section 23, insert—

<Use of restrictive practices in secure accommodation: guidance

- (1) The Scottish Ministers must prepare and publish guidance on the use of restrictive practices on children in secure accommodation.
- (2) Guidance under subsection (1) may include information on—
 - (a) the types of restrictive practices which may be used,
 - (b) the circumstances in which restrictive practices may be used,
 - (c) assessing the risks to the physical and mental wellbeing of the child of the use of restrictive practices,
 - (d) de-escalation techniques.>

Miles Briggs

158 After section 23, insert—

<Use of restrictive practices in secure accommodation: duty of local authorities to collect data

- (1) A local authority must collect data on the use of restrictive practices on children in secure accommodation.
- (2) Data under subsection (1) must include—
 - (a) the type of restrictive practice used,
 - (b) the reason for the use of the restrictive practice,
 - (c) where and when the restrictive practice was used,
 - (d) the length of time the restrictive practice was used,
 - (e) the known impact on the child of the use of the restrictive practice, including any injuries or risks to the physical or mental wellbeing of the child,
 - (f) the characteristics of the child, including—
 - (i) age,
 - (ii) gender,
 - (iii) sex,
 - (iv) disability,
 - (v) race,
 - (g) whether any relevant family member or carer was notified of the use of the restrictive practice,
 - (h) the outcome of any incident review, and

- (i) the involvement of the child in any incident review.
- (3) A local authority must publish the data in a manner it considers appropriate.>

Miles Briggs

159 After section 23, insert—

<Assessment of needs of a child placed in secure accommodation

- (1) The Scottish Ministers must ensure that any child placed in secure accommodation—
 - (a) at the point they enter secure accommodation, is assessed for any learning disabilities and complex needs, and
 - (b) receives appropriate and timely support for any learning disabilities and complex needs identified in an assessment under paragraph (a).
- (2) The Scottish Ministers must, no later than one year after the date of Royal Assent, prepare and publish a report on the steps they have taken under subsection (1).
- (3) For the purposes of this section, complex needs includes where a child, in addition to having a learning disability—
 - (a) is autistic,
 - (b) has a mental health diagnosis,
 - (c) has a forensic need,
 - (d) is described as demonstrating challenging behaviour which is of such intensity, frequency or duration as to threaten the quality of life or physical safety of the child or any other person.>

Miles Briggs

160 After section 23, insert—

<Report on children in secure accommodation with learning disabilities and complex needs

- (1) A local authority must as soon as reasonably practicable after the end of each reporting period, prepare and publish a report on the steps it has taken during the reporting period to reduce the use of, or length of time spent in, secure accommodation for children with learning difficulties and complex needs.
- (2) For the purposes of subsection (1), complex needs includes where a child, in addition to having a learning disability—
 - (a) is autistic,
 - (b) has a mental health diagnosis,
 - (c) has a forensic need,
 - (d) is described as demonstrating challenging behaviour which is of such intensity, frequency or duration as to threaten the quality of life or physical safety of the child or any other person.
- (3) For the purposes of subsection (1), a reporting period is—
 - (a) the period of one year beginning with the day of Royal Assent,
 - (b) each subsequent period of one year.>

Miles Briggs

161 After section 23, insert—

<Children in secure accommodation with learning disabilities and complex needs: duty of local authority to collect data

- (1) A local authority must collect data on the number of children in secure accommodation with learning disabilities and complex needs.
- (2) Data under subsection (1) must include—
 - (a) the learning disabilities and complex needs of the child,
 - (b) the age of the child, and
 - (c) the number of days the child spent in secure accommodation.
- (3) A local authority must publish the data in a manner it considers appropriate.
- (4) For the purposes of this section, complex needs includes where a child, in addition to having a learning disability—
 - (a) is autistic,
 - (b) has a mental health diagnosis,
 - (c) has a forensic need,
 - (d) is described as demonstrating challenging behaviour which is of such intensity, frequency or duration as to threaten the quality of life or physical safety of the child or any other person.>

Section 25

Natalie Don

112 In section 25, page 25, line 40, leave out from beginning to line 28 on page 26 and insert—

<() in subsection (1), for “as if it were such an order” substitute “in Scotland”,
() for subsection (2) substitute—

“(2) Regulations under subsection (1) may in particular—

- (a) provide that a non-Scottish order is to have such effect only—
 - (i) in specified circumstances,
 - (ii) for specified purposes,
 - (iii) subject to specified conditions,
- (b) provide that a non-Scottish order is—
 - (i) to have effect as if it were a compulsory supervision order, or
 - (ii) to have such other effect as may be specified,
- (c) include provision—
 - (i) requiring specified persons to provide or share specified information,
 - (ii) requiring specified persons to provide, or make arrangements for the provision of, any services which are needed to support a child who is the subject of a non-Scottish order,

- (iii) requiring specified persons to meet the costs incurred in relation to, or as a consequence of, giving effect to a non-Scottish order in Scotland,
 - (iv) in connection with the safeguarding and promotion of the welfare of a child who is the subject of a non-Scottish order,
- (d) make provision for or in connection with—
- (i) the monitoring of whether any condition specified by virtue of paragraph (a)(iii) is being met in relation to a non-Scottish order,
 - (ii) the consequences of such a specified condition not being met,
 - (iii) the monitoring of whether any requirement imposed is being complied with in relation to a non-Scottish order (where compliance with the requirement is not a condition specified by virtue of paragraph (a)(iii)),
 - (iv) the consequences of failing to comply with such a requirement.

(2A) Regulations under subsection (1)—

- (a) may modify any enactment in its application by virtue of the regulations to a non-Scottish order, including—
 - (i) the Social Work (Scotland) Act 1968,
 - (ii) the Children (Scotland) Act 1995,
 - (iii) this Act,
- (b) are subject to the affirmative procedure.”.>

Michael Marra

214 In section 25, page 26, line 3, at end insert—

<() after paragraph (a) insert—

“(aza) may provide that a non-Scottish order may only have effect if it is in the best interests of the child.”.>

After section 25

Natalie Don

113 After section 25, insert—

<Regulation of cross-border placements

- (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) After section 33 insert—

“33A Regulation of cross-border placements

- (1) The Scottish Ministers may by regulations make provision in relation to cross-border placements.
- (2) Regulations under subsection (1) may in particular include provision—
 - (a) requiring specified persons to provide or share specified information,

- (b) requiring specified persons to provide, or make arrangements for the provision of, any services which are needed to support a child who is the subject of a cross-border placement,
 - (c) requiring specified persons to meet the costs incurred in relation to, or as a consequence of, a cross-border placement,
 - (d) requiring a cross-border placement to be kept under review,
 - (e) in connection with the safeguarding and promotion of the welfare of a child who is the subject of a cross-border placement.
- (3) Regulations under subsection (1)—
- (a) may modify any enactment in its application by virtue of the regulations to a cross-border placement, including—
 - (i) the Social Work (Scotland) Act 1968,
 - (ii) this Act,
 - (b) may make any incidental, supplementary, consequential, transitional, transitory or saving provision that the Scottish Ministers consider appropriate for the purposes of, in connection with or for giving full effect to the regulations,
 - (c) are subject to the affirmative procedure.
- (4) In this section, “cross-border placement” means the placement of a child in a residential establishment in Scotland where—
- (a) the child was, immediately before the placement, resident in England, Wales or Northern Ireland, and
 - (b) the placement is authorised under the law in England and Wales or, as the case may be, in Northern Ireland by virtue of—
 - (i) an order made by a court in England and Wales or in Northern Ireland,
 - (ii) any provision made by or under an Act of Parliament, an Act of Senedd Cymru, or Northern Ireland legislation (as defined by section 98(1) of the Northern Ireland Act 1998), whenever passed or made.”.>

Michael Marra

215 After section 25, insert—

<Cross-border placements: provision of services for children

- (1) The 2011 Act is amended as follows.
- (2) After section 190 insert—

“190A Provision of services for children subject to orders made outwith Scotland

Where a child is subject to a non-Scottish order, the Scottish Ministers must ensure that the child has access to appropriate support in relation to—

- (a) education,
- (b) health,
- (c) trauma-recovery,
- (d) maintaining contact with the child’s family.”.>

Michael Marra

216 After section 25, insert—

<Cross-border placements: duty to produce a cross-border placement plan

- (1) The 2011 Act is amended as follows.
- (2) After section 190 insert—

“190A Duty to produce a cross-border placement plan

- (1) The Scottish Ministers must, no later than one year after Royal Assent, prepare and publish a plan on cross-border placements.
- (2) A plan under subsection (1) must, in particular, include information on—
 - (a) the arrangements for the sharing of information about the support needs of children subject to cross-border placements,
 - (b) the measures that secure accommodation services will take to support the specific needs of children subject to cross-border placements.
- (3) In preparing a plan under subsection (1), the Scottish Minister must consult—
 - (a) UK Ministers,
 - (b) any other persons they consider to be appropriate.
- (4) For the purposes of this section, “cross-border placement” means the placement of a child in secure accommodation where—
 - (a) the child was, immediately before the placement, resident in England, Wales or Northern Ireland, and
 - (b) the placement is authorised by an order made by a court in England and Wales or in Northern Ireland.”.>

Michael Marra

217 After section 25, insert—

<Placement of children outwith Scotland

- (1) The 2011 Act is amended as follows.
- (2) After section 190A, insert—

“190A Placement of children outwith Scotland: duty to ensure equivalent provision and support

- (1) This section applies where—
 - (a) a child subject to a secure accommodation authorisation is to be placed in secure accommodation in England, Wales or Northern Ireland, and
 - (b) the child is currently resident in Scotland.
- (2) Before the child is placed in the secure accommodation, the Scottish Ministers must take all reasonable steps to ensure that the child will receive equivalent provision and support to that which they would have received had they been placed in secure accommodation in Scotland.”.>

Miles Briggs

162 After section 25, insert—

<Secure transportation services

Secure transportation services: duty of Scottish Ministers to produce standards

- (1) The Scottish Ministers must by regulations specify standards on the use of secure transportation services for children.
- (2) Regulations under subsection (1) must provide that—
 - (a) secure transportation services must only be used if, following a risk assessment, it is considered necessary to reduce the risk of—
 - (i) harm to the child being transported,
 - (ii) serious harm to any other person,
 - (b) where the child being transported is detained in secure accommodation by virtue of section 51(1)(a), 205(2), 208(1) or, as the case may be, 216(7) of the 1995 Act, that handcuffs of any kind—
 - (i) must not be used, or
 - (ii) may only be used if there is a significant risk of serious harm to the child or another person,
 - (c) any use of restrictive practices during the secure transportation of the child must be reported to the relevant commissioning body.
- (3) Any person providing secure transportation services for children must comply with the standards specified in regulations under subsection (1).
- (4) Regulations under subsection (1) are subject to the affirmative procedure.>

Miles Briggs

163 After section 25, insert—

<Secure transportation services

Use of restrictive practices during secure transportation: duty of local authority to collect data

- (1) A local authority must collect data on the use of restrictive practices during the secure transportation of a child.
- (2) Data under subsection (1) must include—
 - (a) the type of restrictive practice used,
 - (b) the reason for the use of the restrictive practice,
 - (c) where and when the restrictive practice was used,
 - (d) the length of time the restrictive practice was used,
 - (e) the known impact on the child of the use of the restrictive practice, including any injuries or risks to the physical or mental wellbeing of the child,
 - (f) the protected characteristics of the child, including—
 - (i) age,

- (ii) gender,
 - (iii) sex,
 - (iv) disability,
 - (v) race,
 - (g) whether any relevant family member or carer was notified of the use of the restrictive practice,
 - (h) the outcome of any incident review, and
 - (i) the involvement of the child in any incident review.
- (3) A local authority must publish the data in a manner it considers appropriate.>

After section 27

Martin Whitfield

218 After section 27, insert—

<PART

DATA COLLECTION

Duty on Scottish Ministers to collect data

- (1) The Scottish Ministers must by regulations set out the data that is required to be collected in order to monitor the operation and impact of this Act.
- (2) Regulations under subsection (1) must provide for the collection of data on the characteristics of children—
 - (a) referred to a children’s hearing,
 - (b) who plead guilty to, or are found guilty of, an offence.
- (3) For the purposes of subsection (2), the characteristics are—
 - (a) age,
 - (b) disability,
 - (c) gender reassignment
 - (d) race,
 - (e) religion or belief,
 - (f) sex,
 - (g) sexual orientation.
- (4) Regulations under subsection (1) must provide for the collection of data on—
 - (a) the number of children referred to a children’s hearing on the ground that they have committed an offence who go on to commit further offences,
 - (b) the number of children who plead guilty to, or are found guilty of, an offence who go on to commit further offences.
- (5) The Scottish Ministers must publish the data in a manner they consider appropriate.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.>

<PART

REPORTING REQUIREMENTS

Report on outcomes for children

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report on the outcomes for children—
 - (a) referred to a children’s hearing,
 - (b) who plead guilty to, or are found guilty of, an offence.
- (2) A report under subsection (1) must, in particular, include information on—
 - (a) the characteristics of the children mentioned in subsection (1)(a) or (b),
 - (b) the provision of social work services to children mentioned in subsection 1(a) or (b),
 - (c) the outcomes for children subject to a compulsory supervision order with a movement restriction condition,
 - (d) the outcomes for children subject to a compulsory supervision order with a secure accommodation authorisation,
 - (e) the outcomes for children detained in secure accommodation after pleading guilty to, or being found guilty of, an offence.
- (3) For the purposes of subsection (2)(a), the characteristics are—
 - (a) age,
 - (b) disability,
 - (c) gender reassignment,
 - (d) race,
 - (e) religion or belief,
 - (f) sex,
 - (g) sexual orientation,
- (4) For the purposes of subsection (1), a reporting period is—
 - (a) the period of one year beginning with the day of Royal Assent,
 - (b) each subsequent period of one year.
- (5) In this section—

“compulsory supervision order” has the meaning given by section 83 of the 2011 Act,

“movement restriction condition” has the meaning given by section 84 of the 2011 Act,

“secure accommodation” has the meaning given by section 202(1) of the 2011 Act,

“secure accommodation authorisation” has the meaning given by section 85 of the 2011 Act,

“social work services” has the meaning given by section 48 of the 2010 Act.>

Schedule

Natalie Don

114 In the schedule, page 29, line 3, at end insert—

<PART

CHILDREN'S HEARINGS SYSTEM

Children's Hearings (Scotland) Act 2011

- (1) The 2011 Act is amended as follows.
- (2) In section 73 (child's duty to attend children's hearing), in subsection (3)(b), for "physical, mental or moral welfare" substitute "health, safety or development".
- (3) In section 103 (child's duty to attend hearing unless excused), in subsection (3)(b), for "physical, mental or moral welfare" substitute "health, safety or development".>

Natalie Don

115 In the schedule, page 30, line 4, at end insert—

<*Social Work (Scotland) Act 1968*

- (1) The Social Work (Scotland) Act 1968 is amended as follows.
- (2) In section 27(1) (supervision and care of persons put on probation or released from prisons etc.), in paragraph (b)(vb), for "16" substitute "18".>

Natalie Don

116 In the schedule, page 30, leave out lines 9 to 11 and insert—

<() for subsection (2C) substitute—

"(2C) In a case where subsection (2A) applies and the single term mentioned in that subsection is of four or more years, this Part applies to the person as if the single term were an equivalent sentence of detention or, as the case may be, imprisonment.">

Natalie Don

117 In the schedule, page 31, line 22, leave out paragraph 12

Natalie Don

118 In the schedule, page 32, line 30, at end insert—

<PART

LOCAL AUTHORITY DUTIES IN RELATION TO DETAINED CHILDREN

Social Work (Scotland) Act 1968

- (1) The Social Work (Scotland) Act 1968 is amended as follows.
- (2) In section 5 (powers of Scottish Ministers), in subsection (1B)(f), for "section 51" substitute "sections 44, 51 and 216".

Public Services Reform (Scotland) Act 2010

- (1) The 2010 Act is amended as follows.
- (2) In schedule 13 (social work services functions: specified enactments), “Section 51 of the Criminal Procedure (Scotland) Act 1995 (c. 46)” is repealed.>

Section 31

Pam Duncan-Glancy

220 In section 31, page 27, line 29, at end insert—

- <(2A) The Scottish Ministers may not lay before the Parliament regulations under subsection (2) until the end of the period of one month beginning with the day on which they comply with subsection (2B).
- (2B) The Scottish Ministers must lay before the Parliament a report setting out why they consider that there are a sufficient number of members of the Children’s Panel for the other provisions of this Act to come into force.>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on the
Scottish Parliament website at

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@scottish.parliament.uk
