7-MINUTE BRIEFING -ACRA

What is the Change?

The age of criminal responsibility changed from 8 to 12 years on 17th Dec 2021. 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.

ACRA 2019

7

What does this mean?

2

The Act is underpinned by the key principles that a child cannot be held criminally responsible for harmful behaviour that amounts to a crime or offence which occurred when the child was aged under 12. The child cannot be arrested or charged with offences. The use of language is important. References must relate to the child's behaviour, wellbeing and welfare needs, and risks and not to criminality

3

How does this link to practice?

Guidance

The number of children likely to be affected by ACRA is tiny and some experts have argued that the age of criminal responsibility should be higher than 12.

Operational guidance related to ACRA can be found here

Age of Criminal Responsibility Act 2019 (ACRA)

ACRA IRD

An ACRA Inter-agency Referral
Discussion (IRD) is the beginning of the
formal process of information sharing, risk
and needs assessment, analysis and
decision-making, following the reported
concern about the child's behaviour
that has caused or has risked causing
serious physical harm and/or any kind
of sexual harm – physical, sexual,
psychological or otherwise to
another person.

5

Role of Agencies

Interagency working is essential at all stages. Effective communication is needed at key points where decisions & arrangements are made in relation to investigative interviews & associated processes. Children may be known to social work, health & education services & a joint approach to planning is required to ensure that the needs and wellbeing of the child are paramount considerations.

- GIRFEC child-centred approach;
- Compatible with the ethos of the Children's Hearing system;
- The Promise highlighted the disproportionate criminalisation of care experienced children and young people.
 - It is compatible with UNCRC (Children's Rights), and;
 - The Whole system and Early & Effective Intervention approaches in Youth Justice

Does this link to anything else?

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