

PARLIAMENTARY BUREAU**REFERRAL OF A BILL AT STAGE 1: CHILDREN (CARE AND JUSTICE)
(SCOTLAND) BILL****Introduction**

1. The Children (Care and Justice) (Scotland) Bill was introduced in the Parliament on 13 December 2022 by the Cabinet Secretary for Education and Skills, Shirley-Anne Somerville MSP.

Discussion

2. The Bill makes a wide range of provisions related to the care of children in the non-criminal system and the treatment of children in the criminal justice system.
3. This includes changing the definition of “child” in the children’s hearings system from someone under 16 to someone under 18. Additional guidance is also offered to children who turn 18. This definition is then carried through to other parts of the Bill relating to the criminal justice system.
4. Changes to criminal procedure in relation to children are also proposed in the Bill. This includes preventing the use of young offenders institutes and prisons to detain children under 18 and restricting what information can be reported about a child suspected of a crime. It also makes changes to court and custody arrangements for children.
5. The Bill also alters regulatory requirements around Scottish care placements for children from other parts of the UK. It also repeals Parts 4 and 5 of the Children and Young People (Scotland) Act 2014, related to named persons and child plans.
6. The Bill falls within the remit of the following committees:

Education, Children and
Young People Committee

The remit of the Education, Children and Young People Committee includes to consider and report on matters relating to the Cabinet Secretary for Education and Skills. The Bill relates to the care and treatment of children in the criminal and non-criminal system. The remit of the Education, Children and Young People Committee is therefore engaged.

Criminal Justice Committee

The remit of the Criminal Justice Committee includes to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans. The Bill relates to aspects of the criminal justice system in

relation to children. The remit of the Criminal Justice Committee is therefore engaged.

Local Government, Housing and Planning Committee

The remit of the Local Government, Housing and Planning Committee includes to consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy. As local authorities play a role in relation to the Children's Hearing system and placement of children in secure accommodation, the remit of this committee is also engaged.

7. It is understood that the Education, Children and Young People Committee has the main interest in this Bill.
8. It is understood that the Criminal Justice Committee wishes to consider elements of the Bill related to their remit. It is recommended that this committee be designated as a secondary committee. Formal designation as a secondary committee does not oblige the committee to consider or report on the Bill but it is understood that it is the Criminal Justice Committee's intention to do so.
9. Lack of a formal designation does not prevent any other committee whose remit is engaged from considering the Bill if it so wishes.

Recommendation

10. It is suggested that the Bureau recommend to the Parliament that—

- the Education, Children and Young People Committee be designated as the lead committee.
- The Criminal Justice Committee be designated as secondary committee.

Parliamentary Business Team
January 2023

DRAFT MOTION

Designation of Lead Committee: That the Parliament agrees that the Education, Children and Young People Committee be designated as the lead committee, and that the Criminal Justice Committee be designated as secondary committee, in consideration of the Children (Care and Justice) (Scotland) Bill at stage 1.