

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2196](#): Address early sexual offending in Scotland, lodged by Leanne Kelly on behalf of Root The Rot

Brief overview of issues raised by the petition

The petition calls for the Scottish Parliament to urge the Scottish Government to act on early sexual offending in young people and prevent future offending.

The petitioner believes this should be done by:

- taking tougher action on gateway offences such as unsolicited sexual images and peer assaults
- educating young people about consent and online harms at school
- creating a culture of parental accountability
- introducing a youth monitoring register for offences committed by young people
- providing real support for victims of all sexual offences.

Background

Legislation

[Section 2 of the Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#)

made it an offence to disclose, or threaten to disclose, an intimate photograph or film. The penalty for this offence is up to 12 months' imprisonment and/or a fine of up to £10,000 if convicted on summary procedure. If someone is convicted on indictment, they can be sentenced to a period of imprisonment up to five years and/or an unlimited fine.

The [Sexual Offences \(Scotland\) Act 2009](#) (the 2009 Act) sets out a range of sexual offences. This includes the offence of [sexual assault by penetration](#) in section 2 of the Act and [sexual assault](#) in section 3. It also includes the non-contact offence of [communicating indecently](#) in section 7.

Sections 28 to 39 of the 2009 Act relate to offences against "older children", that is a child who is older than 13 but less than 16 years of age. The person alleged to have committed these offences must be at least 16 years old.

[Section 39](#) sets out the potential defences to these offences and includes, for certain offences only, where the difference between the suspect and the victim's age does not exceed two years.

[Schedule 2 of the 2009 Act](#) sets out the penalties for the various offences set out within the Act. For the non-contact offence of communicating indecently or causing a person to see or hear an indecent communication the penalty is up to 12 months' imprisonment and/or a fine of up to £10,000 if convicted on summary procedure. If someone is convicted on indictment, they can be sentenced to a period of imprisonment up to 10 years and/or an unlimited fine.

Where these non-contact offences are against an older child, the penalty on indictment is a period of imprisonment up to five years and/or an unlimited fine.

Data

In response to written questions ([S6W-40860](#) and [S6W-41616](#)) by Pam Gosal MSP, asking the Scottish Government to publish detailed statistics regarding youth perpetrated sexual offences, the following provisional management information was provided by Police Scotland:

Table 1: Number of accused aged under 18 at the date of the offence

Crime type	No. of accused ¹	
	01/01/24 – 31/12/24	01/01/25 – 30/09/25
Rape & attempted rape	240	246
Sexual assault	593	429
Causing to view sexual activity or images	207	184
Communicating indecently	96	91
Threatening to or disclosing intimate images	89	87
Indecent photos of children	158	121
Crimes associated with prostitution	0	0
Other sexual crimes	186	116
Total	1,569	1,274

Within the answer to written question [S6W-41616](#), the Scottish Government advised that “data for earlier years are not available from the single standardised national system used by Police Scotland to gather details of those involved in crime, which became fully operational from January 2024”.

Notification requirements for, and monitoring of, people convicted of sexual offences

¹ The number of accused are not necessarily all unique individuals as it is possible for an accused to have committed more than one sexual crime during the period. Furthermore, the figures are not a total of sexual crimes as some crimes may have had multiple perpetrators.

Notification requirements for those convicted of sexual offences are set out within [Part 2 of the Sexual Offences Act 2003](#) (the 2003 Act). These requirements automatically apply where someone is convicted of certain offences. These offences are listed in [Schedule 3 of the 2003 Act](#) and include offences such as rape and sexual assault as well as non-contact offences such as communicating indecently and causing a person to see or hear an indecent communication. Where these non-contact offences are committed against an older child, the accused must be 18 or over or have been sentenced to a period of imprisonment.

It also includes any other offences that the court determines that there was “a significant sexual aspect to the offender’s behaviour in committing the offence”.

The notification requirements imposed include that someone must notify the police of details including their name, and other names used, address, date of birth and passport details.

The length of time for which the requirement applies depends on the sentence imposed. [Section 82 of the 2003 Act](#) sets out the notification periods, and that these are halved where someone is under the age of 18 years old at the date of conviction.

Those made subject to notification requirements under the Sexual Offences Act 2003 are also subject to multi-agency public protection arrangements (MAPPA) under [section 10 of the Management of Offenders etc \(Scotland\) Act 2005](#).

Children’s hearings system

Currently, the children’s hearings system mainly deals with children under the age of 16. However, some young people aged 16 and 17 are also dealt with through the hearings system. This can happen where they are still subject to supervision requirements imposed by a children’s hearing, or where their case is remitted to the hearings system for disposal following conviction by a criminal court.

Where a child is referred to the children’s hearings system, a decision on the referral is taken by the Children’s Reporter. The outcome of this decision can include:

- to take no action (this can be due to the current measures in place)
- referral to the local authority on a voluntary basis
- arranging a children’s hearing, which can result in the imposition of a compulsory supervision order.

The Reporter can also deal with referrals that are jointly reported to them and the Crown Office and Procurator Fiscal Service (as set out in The [Lord](#)

[Advocate's Guidelines: Offences committed by children](#)), where the Procurator Fiscal decides that the referral is to go to the Reporter.

When the relevant sections are in force, the [Children \(Care and Justice\) \(Scotland\) Act 2024](#) will make a number of amendments to the Children's Hearings (Scotland) Act 2011 including:

- allowing all children under the age of 18 to be referred to the children's hearings system
- additional measures that can be included within a Compulsory Supervision Order, including preventing the child entering a specific place or prohibiting the child in communicating with a specific person.

Education

The Scottish Government fund Rape Crisis Scotland to develop the [Equally Safe at School](#) (ESAS) programme through their Delivering Equally Safe fund. ESAS was co-created by Rape Crisis Scotland and the University of Glasgow and is an online intervention which supports secondary schools across Scotland to take a whole school approach to addressing gender-based violence.

Schools also provide [Relationships, Sexual Health and Parenthood](#) (RSHP) education. This includes elements around (un)healthy relationships (including online relationships), consent and respect, as well as a focus on online, social media, and the sending and sharing of images.

Scottish Government action

Harmful sexual behaviour by children

The Scottish Government established an expert group on preventing sexual offending involving children and young people to respond to the growth in sexual crime by young people. The group published [Harmful sexual behaviour by children and young people: Expert Group report](#) in January 2020. The report set out findings relating to the nature, causes and frequency of harmful sexual behaviour by children, highlighted existing best practice and set out 19 proposals for further action.

The National Child Protection Leadership Group set up a [Harmful Sexual Behaviour Delivery Group](#) to progress the implementation of the expert group's proposals. The delivery group concluded its work at the end of 2024.

In response to a written question ([S6W-40859](#)) by Pam Gosal MSP on 30 September 2025, on whether the Scottish Government would recognise peer-on-peer harmful sexual behaviour as a safeguarding priority, Natalie Don-Innes MSP, Minister for Children, Young People and The Promise, responded that:

“The Scottish Government is committed to preventing all types of harmful sexual behaviour involving children and young people. We recognise that children and young people displaying harmful sexual behaviour are a complex group with diverse needs which cannot be addressed by a ‘one size fits all’ model of service provision.

To inform our response, Scottish Government set up a Harmful Sexual Behaviour Delivery Group which carried out work to deliver on the [recommendations](#) made by the Expert Group on Preventing Sexual offending Involving Children and Young People in 2020.

As part of this work the group developed a detailed guidance document, published in 2024: [Working with children and young people who have displayed Harmful Sexual Behaviour: Evidence based guidance for professionals working with children and young people](#), which focuses on contextual safeguarding, assessment and intervention.”

Victims, Witnesses, and Justice Reform (Scotland) Act 2025

The Victims, Witnesses, and Justice Reform (Scotland) Act 2025 received Royal Assent on 30 October 2025. It includes provision to set up a Victims and Witnesses Commissioner. The [Policy Memorandum](#) for the Bill (para 8) stated that:

“The Commissioner will champion the rights and views of victims and witnesses and encourage policy-makers and criminal justice agencies to put their voices at the heart of justice. The Commissioner will monitor criminal justice agencies’ compliance with the Standards of Service and the Victims’ Code, and promote best practice and trauma-informed approaches.”

Children (Care and Justice) (Scotland) Act 2024

Where a child who has committed a sexual offence is referred to the Scottish Children’s Reporter Administration, the Children (Care and Justice) (Scotland) Act 2024 (once [section 8](#) is in force) will introduce a requirement for victims of offences to be informed of their right to request information.

The Act will also extend the information that can be shared to include not only information on the decision making in terms of the referral and whether a Compulsory Supervision Order was made at a hearing, but further information around measures included in the order around communication with the victim or if a secure accommodation authorisation has been included in the order.

Section 8 would also enable the following information to be shared with a victim:

“... other information necessary to assist safety planning by or in relation to the person who made the request or, where the person is a

relevant person, the child in relation to whom that person is a relevant person.”

[Section 9 of the 2024 Act](#) (once in force) will introduce a regulation-making power for Scottish Ministers to make provision for support services for these victims of offences.

Kirsty Deacon
Senior Researcher
18 November 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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