

Minister for Children, Young People and The Promise
Ministear airson Clann, Daoine Òga is An Gealladh
Natalie Don-Innes MSP
Natalie Don-Innes BPA



T: 0300 244 4000
E: scottish.ministers@gov.scot

Convener
Equalities, Human Rights and Civil Justice
Committee
By email: ehrcj.committee@parliament.scot

Convener
Education, Children and Young People Committee
By email: ecyp.committee@parliament.scot

Convener
Criminal Justice Committee
By email: justice.committee@parliament.scot

17 December 2025

Dear Convener,

Age of Criminal Responsibility (Scotland) Act 2019 – Section 78 – Review of Age of Criminal Responsibility.

I am writing to inform the committee of the statutory report laid in Parliament in line with [Section 78](#) of the Age of Criminal Responsibility (Scotland) (2019) Act (“the Act”).

The Act was passed unanimously by the Scottish Parliament on 7 May 2019 and received Royal Assent on 11 June 2019.

The Act commenced in phases and was fully commenced on 17 December 2021, taking Scotland’s age of criminal responsibility to the highest in the United Kingdom.

Section 78 of the Act contains a requirement for the Scottish Ministers to carry out a three-year review of the operation of the Act generally, and with a view to considering the future age of criminal responsibility. It also requires the Scottish Ministers to prepare and publish a report on that review and to lay that report before the Scottish Parliament no later than 12 months after the end of the review period on 16 December 2024.

[The Age of Criminal Responsibility Advisory Group](#) was established to assist Ministers to undertake the review.

I would like to express my appreciation for the time, expertise, and dedication the Advisory Group committed to the work during the three-year review period and the development of their review report.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew’s House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE
We invest in people Silver



Following that review, I now have pleasure in attaching the Scottish Ministers' report, laid in the Scottish Parliament on 16 December 2025.

Yours sincerely,

Natalie Don-Innes MSP
Minister for Children, Young People and The Promise

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



Age of Criminal Responsibility (Scotland) Act 2019

Statutory Review Period Report to Scottish Parliament December 2025

Introduction

The Age of Criminal Responsibility (ACR) (Scotland) Act 2019 ('the Act') fully commenced on 17 December 2021. [Section 78 of the Act](#) requires Ministers to review the operation of the Act generally, and with a view to considering any future raise in the age of criminal responsibility.

The three-year review period started on 17 December 2021 and concluded on 16 December 2024. Section 78 also requires Ministers prepare and publish a report on the review and lay it before the Scottish Parliament no later than 12 months after the end of the review period. This report fulfils that statutory commitment.

Advisory Group

[The Age of Criminal Responsibility Advisory Group](#) was established to support Scottish Ministers with the three-year comprehensive statutory review of the Age of Criminal Responsibility (Scotland) Act 2019, which raised the minimum age of criminal responsibility in Scotland from 8 to 12 years and made important other changes to children's and criminal justice systems and services. Members included senior professionals from a wide range of disciplines in the children's rights, care and justice sectors.

The Act provided that the review must include a general review of the effectiveness of the Act since its full commencement (from 16 December 2021) and an evaluation of the issues attending any future change to the age of criminal responsibility.

The UN Committee on the Rights of the Child published its [Concluding Observations](#) on United Kingdom and Northern Ireland in June 2023 and urged the State party to bring its child justice system fully into line with the Convention and other relevant standards. This includes the recommendation of raising the minimum age of criminal responsibility to at least 14 years of age.

[The Promise](#) following the Independent Care Review states that Scotland must aim for an age of minimum criminal responsibility 'in line with the most progressive global Governments', alongside efforts to prevent criminalisation of all children.

[The Advisory Group report](#) took into consideration; i) the rights of children whose behaviour causes serious harm; and ii) the rights of the public, including other persons who have been, or are at risk of being, harmed by that behaviour. In addition the Group has taken into consideration other policy and legislative developments which have commenced over the review period, or were due to be delivered in the coming years.

The Advisory Group's focus was on four key areas, with dedicated sub groups producing their own thematic reports: i) data and research, ii) victim support, iii) community confidence and iv) operational implications of moving to a higher age. The Scottish Ministers are very grateful for the detailed reporting put forward by the Advisory Group, which has provided crucial insights into the challenges surrounding this important and complex issue, including reflections on the prevalence and seriousness of harmful and offending behaviour among children, community and professional perspectives, and the capacity and readiness of services and systems to cope with further change.

Conclusions of Advisory Group Statutory Review

The Advisory Group's review of the Act has provided valuable insights into the current state of youth justice and connected sectors in Scotland, and into the potential for successful further reform. Since the Act's full commencement in December 2021, significant progress has been made in reducing the criminalisation of young people, shifting the focus further towards rehabilitation and child welfare, protecting rights, and offering safeguards where appropriate.

The Advisory Group's report concluded that raising the age of criminal responsibility further, potentially to 14, 15, or even 16, was possible, and would align Scotland with jurisdictions at the leading edge of international standards, enhance the rights of children, and reinforce Scotland's position as a leader in progressive, rights-respecting policies.

Options to be considered for a possible change to the ACR could include:

- 1.) Maintain ACR at 12**
- 2.) Raise the minimum age of prosecution to 14, whilst retaining the current ACR of 12.**
- 3.) Increase ACR to 14.**
- 4.) Increase ACR incrementally.**
- 5.) Increase ACR to 15.**
- 6.) Increase ACR to 16, 17 or 18.**

While the benefits of raising the age of criminal responsibility are clear, the review itself, and perspectives from a number of agencies and system duty bearers offered over the review's timeframe, have also highlighted key considerations that Ministers are bound to consider. These are relevant, particularly in relation to the potential operational and practical challenges, and the importance of securing a critical mass of professional and public confidence in Scotland's response to harmful and offending behaviour, including in respect of the most serious cases. These include effectively managing the serious behaviour of children just above the age of criminal responsibility threshold, the scope for positive and sustainable change in later adolescence, and also include concerns about cases involving children responsible

for serious harm nearing adulthood and only being able to access youth justice responses for an unacceptably short period and ensuring that victims of harm feel reassured, protected and respected by Scotland's response. In addition, there is a need to ensure that every child receives appropriate support and supervision without being subject to multiple supervision systems on reaching adulthood.

In this context, the Advisory Group called for enhanced victim support, including the development of national guidelines to ensure a consistent and restorative approach to victim care. Additionally, more robust public engagement and communication about the rationale behind age of criminal responsibility reforms will be essential to build community confidence and address concerns.

With regard to community confidence, the review carried out media tracking, data analysis, polling, developed a toolkit to engage with communities, while also linking with other interested parties to gain different perspectives of community confidence. All this work has underpinned a number of recommendations split across three key thematic areas, 1. Messaging and engagement, 2. Better investment to combat root causes, and 3. Wider support needs.

The collective view of the Advisory Group recommended a continued commitment to exploring the potential for further increasing the age of criminal responsibility, with careful attention to the needs of both children who harm and those who are harmed, as well as a clear focus on enhancing the welfare-based approach that has proven successful within Scotland's Children's Hearings System and the wider Whole System Approach to youth justice.

In terms of operational implications, raising the age of criminal responsibility with the right policy development, cross-agency collaboration, and lessons learned from the initial increase to 12, alongside necessary reforms to operational systems and victim support frameworks, and resource would strengthen Scotland's commitment to child rights, rehabilitation, and social justice.

It is clear from the work carried out across the workstreams under the multi-agency Advisory Group, that any age increase will require a commitment to ensuring there is sufficient resource in place across the relevant agencies and services to manage the increase in demand on children's systems and services when cases are displaced from criminal justice. In addition, this applies to training for all relevant practitioners and the reassurance that the right information systems, tailored services and adapted structures are in place across Scotland to ensure children are supported, whether they have been harmed or have caused harm.

Post-commencement lessons learned from the Act

There have been three annual learning events to support the review of the Act. The events enabled key partners to collaborate, reflect and highlight and consolidate the learning since commencement of the Act in December 2021.

The first event took place in January 2023, and its aim was to explore pre and post commencement, reflecting on the learning and operational challenges. [Read the full report.](#)

The January 2024 event focused on the learning from year 2 of commencement and to prioritise next steps for the final year of the review period of the Act. [Read the full report.](#)

The final learning event took place in February 2025. The event allowed delivery partners to discuss the learning from the final year of the review and to discuss what is required to support a future age of criminal responsibility. [Read the full report.](#)

During the review period, it became apparent that specific elements of the Act have not yet had the opportunity to be fully tested to ensure those elements can be comprehensively assessed and build confidence that practice is supported and developed as intended. Some elements have had limited use, for example, Child Interview Rights Practitioners (ChIRPs), or have not been tested at all, for example applying for a court order for an investigative interview.

In terms of learning from ACR Investigative interviews (only eight interviews have been held over the three year Review period), those have identified an unintended consequence in relation to the circumstances and timing of when a child's supporter should be present. This aspect of the legislation requires further clarification.

Although a training programme has been followed, the small numbers of investigative interviews and the limited use made of other powers in the Act means that Police Constables, Social Workers and ChIRPs have not had the opportunity to apply the new practice expectations, build confidence or consolidate their learning.

There remains a need for further clarity on the demarcation between, and the interactions between, ACR processes as opposed to Child Protection procedures. However, there is not yet robust data as to how many times the ACR threshold has been considered and dismissed, with the Child Protection route being followed instead. Data must be gathered which evidences instances where interagency referral discussions (IRDs) result in no need for an ACR Investigative interview.

A number of further issues also need to be prioritised for consideration:

- Resource implications of an increase in the age of criminal responsibility.
- The Children's Hearings system's response to seriously harmful behaviour, and challenges between community safety and confidence and preserving that system's welfarist ethos.
- The 24-hour limit for keeping a child in a place of safety.
- Harmful behaviour in Scotland by children from outside Scotland.
- The process for obtaining court orders outside of office hours.

Ministers' Observations

The wellbeing and future of Scotland's children and young people is of the utmost importance. This especially applies to children affected by trauma, adversity and disadvantage – who are over-represented in referrals to formal child care systems and criminal justice responses. The Scottish Government is fully committed to taking the necessary steps to ensure that any decisions taken on any future age of criminal

responsibility are based on a solid understanding of the evidence. In the next period, we will look closely at what works in the best interests of Scotland's children, and what approach will have long-lasting, positive impacts.

Ministers recognise the need to carry out a full public consultation with a view to ascertaining views on an incremental future increase in the Age of Criminal Responsibility. At this stage in the Parliamentary cycle, Ministers consider that this would most appropriately be conducted in the next Parliamentary term, should the new Administration be similarly minded.

Scottish Ministers will continue to gather information, address outstanding areas of concern to ensure the current Act is fit for purpose and has not produced any other latent unintended consequences, especially where evidence on those issues is not yet apparent due to limited or no use of the powers. Ministers will support continued collaboration with key organisations on an incremental increase to the ACR, and to advise on potential amendments to existing primary legislation.

Minister for Children, Young People & The Promise
December 2025