

Citizen Participation and Public Petitions Committee
Wednesday 11 March 2026
6th Meeting, 2026 (Session 6)

PE2139: Automatic expulsion for children charged with committing a crime against another child

Introduction

Petitioner Maria Giordano

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to introduce automatic expulsion for children charged on suspicion of committing a crime against another child.

Webpage <https://petitions.parliament.scot/petitions/PE2139>

1. [The Committee last considered this petition at its meeting on 28 January 2026](#). At that meeting, it was noted that the Children and Young People's Commissioner Scotland had not provided a response to the petition. Following the meeting, the clerks became aware that a response had been provided. Due to an administrative error, the response was not processed or provided to the Committee in advance of the meeting.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The written submission from the Children and Young People's Commissioner Scotland is set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 23 April 2025](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 80 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
March 2026

Annexe A: Summary of petition

PE2139: Automatic expulsion for children charged with committing a crime against another child

Petitioner

Maria Giordano

Date Lodged

20 January 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce automatic expulsion for children charged on suspicion of committing a crime against another child.

Background information

In previous cases, victims have been treated worse than the perpetrators because of the policies that protect young perpetrators.

This has created circumstances where a person accused of rape is sitting in a classroom with the alleged victim. Schools should be required to automatically expel a pupil if charges are brought against them.

I urge the Government to take a look at this as kids should be protected and should not have to be subject to this. Their education and the rest of their lives are put at risk by ignoring this issue.

Annexe B: Extract from Official Report of last consideration of PE2139 on 28 January 2026

The Convener: PE2139, which was lodged by Maria Giordano, calls on the Scottish Parliament to urge the Scottish Government to introduce automatic expulsion for children who have been charged on suspicion of committing a crime against another child. We last considered the petition on 23 April 2025, when we agreed to write to the Convention of Scottish Local Authorities, Connect, the Children and Young People's Commissioner Scotland, Together: the Scottish Alliance for Children's Rights, and the Scottish Youth Parliament.

Connect's response states that it does not feel qualified to comment on the petition in detail. It notes that parents' views are not homogeneous and that there will, therefore, be many different opinions on a challenging subject.

COSLA's response highlights the national approach, getting it right for every child, and notes that it is rooted in the United Nations Convention on the Rights of the Child. Its response acknowledges that the scenario that is set out by the petition is an example of the complexities that can arise when the rights of different children are in conflict. COSLA states that those circumstances demand a considered, thoughtful, skilled and multi-agency response in order to navigate a way forward. It notes that the petition calls for a sanction to be applied to a child before any due process under the judicial system has taken place, and it agrees with the position that has been articulated by the Scottish Government, which is that employing a policy of automatic exclusion without considering the individual circumstances of each case would not be helpful.

The clerks have confirmed that we did not receive a response from the Children and Young People's Commissioner Scotland, which I believe is unacceptable. The commission is an expensive additional level of government that the Parliament is required to fund, and it ought to have the courtesy to make a submission in response to a petition when requested. I would like to write to the Children and Young People's Commissioner Scotland to express the Parliament's dissatisfaction that a body that is funded by the Parliament was unable to respond on an important public policy issue. Notwithstanding that, do colleagues have any suggestions for action?

Fergus Ewing: Again, in view of the limited time that is available to us in the session—substantially because of that—we should close the petition under rule 15.7 of standing orders. The Scottish Government's position is that it would not be lawful to employ a policy of automatic exclusion without considering the individual circumstances of each case. It has no plans to change the law on exclusions, and the committee has undertaken detailed work on the broader issues relating to violence among young people. Plainly, nothing will change between now and 8 April—that is a matter of fact. In saying that, as Mr Golden said earlier, I am not supporting a review.

Indeed, I am bound to reflect that, in the individual circumstances to which our attention was drawn, the person accused of rape and the alleged victim were in the

same class. If that is the case, anybody can understand that that is an extremely difficult circumstance. I thought that COSLA's response was very general, whereas the issue raised by the petitioner was very specific, and it is difficult to generalise from a specific case. I do not think that the petitioner's case has been answered properly by COSLA, the Scottish Government or anybody else.

It is a very difficult area indeed, and I do not pretend that I have a magic solution, but I do not think that the issue is going to go away. It is rare that much time passes without the issue of violence in the classroom being raised in the chamber—it is raised very frequently.

The Convener: Would you prefer that we left this petition as one that we might consider on our shortlist of petitions to be carried forward?

Fergus Ewing: There is a case for doing that, but it is up to the whole committee.

If I were the petitioner and in the circumstances that have been described, which I have alluded to briefly, I would be very unhappy with COSLA's response. Indeed, by highlighting the United Nations approach and getting it right for every child—GIRFEC—the COSLA response is almost like a moral lecture that says that people who agree with the petition do not have the right attitude. The United Nations is a hell of a long way from the classrooms that we are talking about. When we are dealing with children, it is a very difficult area, but, nonetheless, I stress that it is an issue of growing concern around the country to parents, children and, frankly, everybody.

The Convener: What are the committee's thoughts? I do not really feel that we have been given much information. But for the fact that this parliamentary session is about to conclude, we might have considered taking evidence to advance this petition. There is an argument for putting it on the shortlist of petitions that we might consider holding open. Are we content to hold the petition open at the moment and to see whether it is one that we recommend leaving open for the successor committee to take forward? I do not think that the aims of the petition will have become obsolete in the interim, and, as we might have been inclined to take evidence, it is possible that a successor committee might very much wish to do so.

Fergus Ewing: The Scottish Government's first argument, that a policy of automatic exclusion would not be lawful because it would need to consider every case, is fair enough. I have no doubt that that is true, and it is almost certainly true legally. However, the reframing of the aim could be that there should be a presumption that automatic exclusion would be appropriate in extreme circumstances, such as the one that I mentioned. I do not think that that would risk breaching the law, but I am thinking out loud here.

The Convener: That argument could be tested in evidence as well.

Fergus Ewing: Yes.

The Convener: We have an option. Which do we prefer to do?

Fergus Ewing: Hold it open.

CPPP/S6/26/6/6

The Convener: Do members agree with that suggestion?

Members *indicated agreement.*

The Convener: We will add PE2139 to the shortlist of petitions that we would like to consider carrying forward.

Annexe C: Written submission

Children and Young People's Commissioner Scotland written submission, 27 May 2025

PE2139/D: Automatic expulsion for children charged with committing a crime against another child

Thank you for the opportunity to comment on the above petition. We share the petitioner's concerns about the potential for children who have been harmed by a peer to find themselves in the same classroom as the person who harmed them. Our view is that such situations should be carefully managed to ensure that this does not happen. The child victim has a right to protected from further harm and to "physical and psychological recovery and social rehabilitation" (Article 39 UNCRC).

To be compatible with children's rights, such situations require careful balancing of the human rights of both children, including their rights to education (Article 28 and 29), to minimise the interference with those rights. Any decision should be made following multi-agency discussion, with an equal emphasis on the rights of both (or all) children involved. Any interference with any child's rights must be both proportionate and necessary. This requires individual consideration and as a result no policy of "automatic expulsion" or exclusion would be compatible with children's rights.

Where a child is accused of causing significant harm to another child, and their presence will cause continued distress, it may be appropriate for the accused child to be excluded from school¹ whilst these discussions take place, in order to protect the rights of the child victim.

The Cabinet Secretary has outlined the legal and policy position relating to exclusion in her submission to the Committee. This requires exclusion to be used only as a last resort, only where proportionate and for the shortest time possible. The Cabinet Secretary also highlighted the requirement that local authorities provide appropriate alternative arrangements for the education of any child who is excluded.² This ensures that whilst they may be excluded from attending their normal school, their right to an education continues to be fulfilled.

In 2023, the UN Committee on the Rights of the Child made a number of recommendations on the use of exclusions, including that they not be used in

¹ In this response we have used the term "exclusion" to mean a temporary exclusion from school. We note that it is extremely rare for a child to be permanently excluded (or expelled) from school in Scotland and where we mean permanent exclusion we will use that term.

² Cabinet Secretary for Education and Skills written submission. https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2024/pe2139/pe2139_a.pdf

primary school, that in secondary schools they should only be used as a measure of last resort and that their use must be carefully monitored.³

The Independent Care Review, in *The Promise*, recommended that: “Scotland must not exclude care experienced children from education or reduce their timetable to such an extent that they are denied their rights to education.”⁴

It is not acceptable for children to be permanently excluded from education for any reason. Where they are unable to attend school, including when temporarily excluded, they must be provided with appropriate alternative education. This may include access to online education, individual support or attendance at an alternative setting.

Support for child victims

We have previously raised concerns about the support that is available to child victims. Access to victim support can be limited to older children, or be aimed at parents rather than the child. Schools may not have access to the information they need to support the child, or be aware of services which can support them.

There is a lack of specialist support available in many areas and this can leave children feeling unsupported, particularly when contrasted with the type of close support which children in conflict with the law receive.

Whilst the Bairn’s Hoose will offer high quality support to child victims when fully implemented, there is an urgent need for holistic services to support child victims in areas where no Bairn’s Hoose is currently in operation.

³ UN Committee on the Rights of the Child, 2023. *Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland : Committee on the Rights of the Child*. <https://digitallibrary.un.org/record/4013807?ln=en&v=pdf>

⁴ https://www.carereview.scot/wp-content/uploads/2020/03/The-Promise_v7.pdf p72