

## DISCUSSION DOCUMENT

### CHILDREN'S CARE AND JUSTICE – ADVOCACY, SUPPORT AND ASSISTANCE FOR AGE OF CRIMINAL RESPONSIBILITY (S) BILL INTERVIEWS

Please send your replies, and any comments to  
[CYPAdvocacy@gov.scot](mailto:CYPAdvocacy@gov.scot) .

Responses by 1 March 2019 would be very welcome.

For further information, for wider comments and questions or to arrange  
a more detailed conversation, please contact:

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#### 1. Purpose

1.1 To seek views on certain aspects of children's hearings advocacy, and on the proposal to provide specialist legally-trained children's 'advocacy workers' during investigative interviews of certain children, as proposed in the Age of Criminal Responsibility (Scotland) Bill. In particular, to seek views on the appropriate terminology, support and governance arrangements to be applied in respect of those practitioners.

This paper consists of 3 parts:

**Part 1** covering children's advocacy services in relation to children's hearings.

**Part 2** covering legally-qualified 'advocacy workers' proposed in the Age of Criminal Responsibility (Scotland) Bill.

**Part 3** containing questions, and a point of response.

### PART 1

#### 2. Children's advocacy services in relation to children's hearings

##### Background

2.1 Article 12.1 of the UN Convention on the Rights of the Child states that a child "who is capable of forming their own views" shall assured by the state "the right to express those views freely in all matters affecting [the child]...". Article 12.2 goes on to state that "for this purpose, a child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." Evidence shows that the availability of a skilled, independent advocate for children referred to children's hearings is demonstrably very positive - both for the children and young people themselves, and more generally for children's panel members and other children's hearings system partners<sup>1</sup>.

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<sup>1</sup> action research projects commissioned in relation to advocacy services (see paragraph 2.5 in this consultation)

2.2 When section 122 of the Children’s Hearings (Scotland) Act 2011 (‘the 2011 Act’) comes into force, it will provide that the chairing member of the children’s hearing must inform the child of the availability of children’s advocacy services unless he or she considers that it would not be appropriate to do so, taking into account the child’s age and maturity.

2.3 “Children’s advocacy services” are defined in that section of the 2011 Act as “services of support and representation provided for the purposes of assisting a child in relation to the child’s involvement in a children’s hearing.”<sup>2</sup>

2.4 Most of the other 2011 Act provisions were commenced in June 2013. Implementation of section 122 has been held back until this time to enable the development of a sustainable initial model of advocacy provision. The intention is to deliver added value to children and young people beyond the other participation and rights supports available in the modernised children’s hearings system.

### **Development of a national model**

2.5 Since 2015, the Scottish Government has worked closely with interested professionals and organisations<sup>3</sup> to develop a sustainable model that will offer the desired benefits to children and young people. A range of approaches have been tested since, with practice research projects having been set up and evaluated in a number of areas across Scotland. We are grateful for partners’ support in developing a new service model and practice model. Ministers have been clear that the new arrangements must provide consistency to children, and must also fit with ongoing hearings system improvement work – conducted through individual agencies’ efforts and on a collaborative, multiagency basis via the Children’s Hearings Improvement Partnership’s ‘Better Hearings’ programme.

2.6 The development of draft national practice and service delivery models was completed in March 2018.

2.7 In autumn 2017, Scottish Ministers selected a delivery model which will see a single national organisation (planned as a dedicated resource within Scottish Government) responsible for support to advocacy service providers, who will deliver advocacy services to children and young people by a combination of local and national providers in order to offer robust Scotland-wide coverage. The advocacy service will initially be offered to children and young people aged from 5 years up to

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(Who Cares? Scotland Research – <https://www.chip-partnership.co.uk/2017/07/12/research-reports-on-advocacy-services/>)

Griesbach & Associates Evaluation Report - <https://www.chip-partnership.co.uk/wp-content/uploads/2016/07/Barnados-Childrens-Hearings-Advocacy-Service-Action-Research-Project.pdf>

Barnardo’s Report – <https://www.chip-partnership.co.uk/wp-content/uploads/2016/07/Barnardos-Advocacy-Research-Report-2016.pdf>

<sup>2</sup> 2011 Act, section 122(7)

<sup>3</sup> Stakeholders include Barnardo’s Scotland, Who Cares? Scotland, Your Voice, Inspiring Scotland and Griesbach & Associates.

the age 18 who are, or are about to be, referred to the Children's Hearings System or who are already subject to a Compulsory Supervision Order. The purpose of children's hearings advocacy is to ensure that young people are supported to express their views within a Children's Hearing. National implementation of the children's hearings advocacy service is expected to be early 2020.

### **3 Children's Hearings Advocacy Service – Service Providers**

3.1 The objective is to support eligible children and young people with a professional advocacy service, independent of other key system actors, as set out in the relevant section of the 2011 Act. A service provider will provide independent representation, support, preparation and follow-up for children and young people who are referred to a Children's Hearing or subject to a Compulsory Supervision Order which is to be reviewed by a Children's Hearing.

3.2 Advocacy support is to be provided before, during and after the Children's Hearing. There are no set rules about the number and duration of contacts each child or young person would require to adequately prepare for and participate in their Children's Hearing – each child and young person is unique and will have varying levels of familiarity with children's hearings' procedure.

3.3 Where the child or young person is already engaged with a local advocacy worker outwith the scope of the new children's hearings advocacy service, the first preference would be for the same advocacy worker to provide support to the child or young person before, during and after their involvement with the Children's Hearings system. This will maximise continuity of relationships and avoiding a situation of multiple different advocacy workers being allocated to a child wherever possible.

3.4 The service is to be provided to children and young people who are due to be referred to a Children's Hearing, on a one-to-one basis. The service will be offered at the earliest possible point, alongside or following referral to, the Reporter.

3.5 The service providers will be expected to meet the following requirements, depending on the child/young person's wishes, needs and circumstances:

- I. Providing information to the child/young person about the advocacy service, their rights and options;
- II. Confirming and supporting the child's understanding of the Children's Hearings process, including the courts where applicable
- III. Providing information to those involved in the care of the child/young person about the advocacy service;
- IV. Communicating with the child/young person referred and their family, guardians, friends, carers and others to establish the scope and nature of their needs;
- V. Communicating with the child/young person in a way appropriate to their age and stage of development, to ascertain their individual views, wishes, questions and concerns;

- VI. Supporting the child/young person to speak up themselves, or speaking on the child's behalf with their permission if they do not wish or are unable to do so themselves;
- VII. Negotiating on behalf of the child or young person with others to address issues of concern.

#### **4. National Practice Model 2018**

4.1 Central to the production of the National Practice Model has been the support of Who Cares? Scotland, of care-experienced young people and an Expert Reference Group comprising advocacy providers, their representatives and wider system partners.

4.2 The National Practice Model sets out 4 **principles** for the children's hearings advocacy service. Those principles are further developed into measurable **practice standards** and **indicators** aimed at offering measurement points for quality assurance and for service delivery. The Model is expected to make sure the children's hearings advocacy service delivers a high quality service, offering good value for public money and working in a fair, consistent, manner for children and young people.

#### **5. Regulations required to support the National Practice Model**

5.1 In terms of section 122 of the 2011 Act, Scottish Ministers are empowered to make regulations, which will make provision for or in connection with:

- the provision of children's advocacy services
- qualifications to be held by persons providing children's advocacy services
- the training of persons providing children's advocacy services
- payment of expenses, fees and allowances by the Scottish Ministers to persons providing children's advocacy services.

#### **6. Extension of Advocacy Service – future developments**

##### Advocacy for siblings of children referred to children's hearings and contact decisions

6.1 It may also be necessary to further develop the system to allow access to an advocacy worker for siblings of children who are due to attend a children's hearing and the matter of contact with siblings is to be addressed. The Scottish Government is considering further improvements to support the siblings of children referred to children's hearings. As policy develops, and possible new legislation is considered, respondents' views are invited as to whether advocacy workers could play a role in a wider package of measures to secure fair involvement for siblings – especially child siblings - in Children's Hearings proceedings.

## PART 2

### Children's 'advocacy workers' proposed in the Age of Criminal Responsibility (Scotland) Bill on introduction

#### 7 Background

##### Context of the Age of Criminal Responsibility (Scotland) Bill ('the Bill')

7.1 The Age of Criminal Responsibility (Scotland) Bill proposes 12 years as the new age of criminal responsibility for all children in Scotland. This Bill is currently progressing through the Scottish Parliament and is subject to separate scrutiny. <http://www.parliament.scot/parliamentarybusiness/Bills/107986.aspx>

7.2 The Bill provides for children's advocacy workers in relation to investigative interviews carried out as part of investigations into seriously harmful behaviour for which a child under 12 is thought to be responsible.

7.3 Where a child who is not criminally responsible for his or her harmful behaviour due to his or her age when the behaviour occurred, the police and other relevant agencies may still need to be able to investigate. While they will have the right not to answer questions, the child must also be given an opportunity, and every reasonable support, to provide their own account of events.

7.4 Although the Bill seeks to raise the Age of Criminal Responsibility and to decriminalise all under 12s' conduct, there may still rarely be cases where a child is thought to have behaved in a seriously harmful way that demands an investigation and an appropriate range of responses. Evidence suggests that such cases are likely to be uncommon but will include situations where a child is suspected of seriously violent or seriously harmful sexual conduct.

7.5 Due to the nature and impact of those behaviours and the concerns they will likely raise about child wellbeing and safety, it will be appropriate for the police to be involved in that investigation. The Bill creates a new system that will allow the Police to do this in a child-centred way that prevents the child from feeling like they are the subject of a criminal investigation

7.6 The Bill ensures that these powers only available in the most harmful cases - where there is reasonable cause to suspect that a child has caused (or risked causing) death or serious injury by acting in a violent or dangerous way, or that the child has harmed (or risked harming) someone with sexually violent or sexually coercive behaviour.

7.7 The Bill requires all persons carrying out the powers or duties under the relevant investigatory provisions – including the police, sheriffs, social workers and advocacy workers – to treat the need to safeguard and promote the child's wellbeing as a primary consideration.

7.8 The Bill provisions do not prevent or restrict the investigative responsibilities of agencies to assess children's behaviours and needs in relation to child protection and wellbeing issues, including less serious harmful conduct. It is expected that the need for the new powers of investigation in relation to serious behaviour by a child

who is not criminally responsible for that behaviour, in terms of the Bill, will arise in only a small number of cases for children under 12.

### **Legal requirements and children's rights on interview in terms of the Bill**

7.9 Where the police have been able to satisfy a Sheriff<sup>4</sup> that it is necessary for them to interview a child under the age of 12 about seriously harmful behaviour, the Bill as introduced provides a number of safeguards including the right for the child to have an advocacy worker and an adult supporter.

7.10 The Sheriff must be satisfied that the proposed interview is necessary. It might be required to establish what has happened, including whether the child was actually involved in any way and if so, to what extent. The interview can also gather evidence about the involvement of others, who may separately be subject to criminal justice system, in relation to the incident under investigation. The interviews can help to ensure that all necessary steps can then be taken to keep the child and others safe.

7.11 The Bill contains provisions<sup>5</sup> for interviewing certain children and includes specified rights for the child (to not answer questions, to have a supporter, to have an advocacy worker, to be accompanied during interview, to receive appropriate information and to have it explained to them, and for appeal against the decision to grant an order to interview).

### **Role of the 'advocacy worker' in the investigative interview**

7.12 The Bill sets out what support and assistance is to be provided from the advocacy worker in the context of interviews:

- (a) helping the child to understand – (i) the purpose of the interview, (ii) the child's rights in relation to the interview (including the child's rights to refuse to answer questions), and (iii) what may happen as a result of the interview;
- (b) being present with the child in the room in which the interview is being conducted;
- (c) communication on the child's behalf with the person conducting the interview or otherwise supporting the child in communicating with that person;
- (d) questioning whether the interview is being conducted-
  - (i) in accordance with the child interview order authorising the interview or otherwise fairly,
  - (ii) in a way that treats the need to safeguard and promote the wellbeing of the child as a primary consideration.

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<sup>4</sup> A sheriff must be satisfied that there are reasonable grounds to suspect the child has (i) by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person, or (ii) by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person, and that it is necessary to have an investigative interview to properly investigate the child's behaviour and the circumstances surrounding it.

<sup>5</sup> The Policy Memorandum to the Bill at paragraphs 154-178 covers the proposed interviews in more detail [https://www.parliament.scot/S5\\_Bills/Age%20of%20Criminal%20Responsibility%20\(Scotland\)%20Bill/SPBill29PMS052018.pdf](https://www.parliament.scot/S5_Bills/Age%20of%20Criminal%20Responsibility%20(Scotland)%20Bill/SPBill29PMS052018.pdf)

## Possible consequences of the Bill interviews for children under 12

7.13 The child cannot be the subject of criminal proceedings related to the behaviour which is the subject of the interview. The child is not being interviewed as a criminal suspect.

7.14 The interview is intended to provide information to find out what has happened; to help identify any additional support or protection needs that the child may have and to protect the lives or safety of others.

7.15 Interviews could, however, lead to consequences for the rights of the child or for other people, so that the interview must not only be rooted in a welfare-based approach, but also be robust and transparent to ensure that children's rights are protected and that any evidence arising from the interview has integrity and utility.

Possible consequences for the child include:

### (i) Being referred to the Principal Reporter on non-offence grounds

Notes:

- Interviews are expected to be unnecessary in many cases, given the lower civil evidence standard required to support children's hearings non-offence grounds proceedings.
- The interview alone will not determine the most appropriate outcome for child. Minimum intervention principles enshrined in the children's hearings system and Whole System Approach to youth justice practice ensure that appropriate protection, guidance, treatment and control can be provided, if required, without the need for compulsory intervention.
- The children's hearings system, where compulsion is being considered or may be required, provides established mechanisms for children's participation and rights protection during the process, including legal representation at a children's hearing and in any related court proceedings
- Children above the age of criminal responsibility who are suspected of committing an offence, are provided with legal representation at interview during the investigative stage, under criminal procedure.

### (ii) A criminal investigation into another person or another child's referral to a children's hearing. In other words, this may mean that the child being interviewed may have to be a witness in any legal proceedings that occur for that other person

- Information provided at interview may be required as evidence in proceedings, both criminal and children's hearings' court proceedings
- If the child is required as a witness in these legal proceedings, legislative provision for the support and protection of vulnerable witnesses applies to any child witness.

### (iii) Information given by the child at interview later being provided as "Other Relevant Information" (ORI) on a disclosure check.

- Disclosure provisions as these relate to children are currently the subject of proposed legislative change<sup>6</sup> and the Bill proposes that an independent reviewer would screen any ORI before any proposed disclosure. The independent reviewer will be able to gather information from a range of sources before determining whether the disclosure of information is relevant and should be made.
- The person subject to the disclosure check will also be able to make representations to the independent reviewer.

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<sup>6</sup> The Age of Criminal Responsibility (Scotland) Bill proposes protection for children under the age of criminal responsibility in respect of disclosure at Part 2.

- The outcome of any proceedings for the child will no longer be treated as a conviction for the purposes of disclosure. Following the scrutiny of the independent reviewer, it is theoretically possible that information from an interview could be considered 'Other Relevant Information' as part of a disclosure application. However, it is understood that Police Scotland have never disclosed any ORI information in respect of under 12s.

### **Additional distinct characteristics for legally-qualified 'advocacy workers' for investigative interviews**

7.16 These proposed legally-qualified 'advocacy workers' have additional roles to other types of advocacy workers<sup>7</sup> which will require additional specialist knowledge, skills and experience related to the interview and the possible consequences, in order to sufficiently protect children's rights in this specific context.

7.17 Children under 12 need professional independent support, delivered in an accessible and child-centred manner that is appropriate to the young age of the children concerned and the non-criminal context of the interview.

7.18 A pre-existing relationship between child and 'advocacy worker' is less likely here. That preparatory relationship-building work is usually possible outwith the scenario of the investigative interview and the 'advocacy worker' is likely to have to carry out their role in a sub-optimal, demanding, highly-charged context.

7.19 This places high demands on the abilities of the worker to perform effectively in this environment. The Bill requires any investigative interview to be the subject of collaborative planning between the Police and the local authority. Guidance will be developed on the planning and conduct of investigative interviews. The Bill does not require the investigative interview to take place in an unnecessarily quick timescale.

7.20 If possible, early identification of the 'advocacy worker' who will assist the child may allow for them to be involved in the planning of the interview and to meet with the child, their family and others involved - in advance of the interview itself.

7.21 The 'advocacy worker' must assist in ensuring that the child understands that he or she does not face punitive sanction but that things may happen after, or as a result of, the interview - including that a children's hearing may be convened should they themselves be assessed as likely to need compulsory supervision, or potentially giving evidence in court in relation to another person.

7.22 A primary role of the 'advocacy worker' is to ensure procedural fairness, enabling informed and confident participation by the child if that is what the child wishes, while ensuring the child is protected from unfair, leading or coercive approaches in the interview. This would include giving advice and raising any issues of concern with the interviewers directly.

7.23 In practice, the 'advocacy worker' would likely also have an important implicit role in supporting the child's supporter to act in a way that encourages the best possible experience and outcome for the child. The child has a right to an adult supporter in terms of the Bill. This person is predicted to be a parent or carer where

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<sup>7</sup> The Bill contains provisions specifying what the role of advocacy workers for investigative interviews related to child interview orders must entail (see paragraph 7.11 above for the detail of this).



the individual supporter's involvement is appropriate in the individual circumstances of the case.

7.24 This role is not therefore fully encompassed by the well-understood role of a solicitor acting on the instructions of a client, with the distinctive additional features discussed below. The Law Society of Scotland publishes standards of service and conduct for all solicitors in Scotland<sup>8</sup>

## **8 Proposal for advocacy workers for interviews conducted under a child interview order to be 'legally qualified'**

8.1 It is proposed that these 'advocacy workers' must be solicitors who are also registered on the Scottish Legal Aid Board's Children's Legal Assistance Scheme<sup>9</sup>. The experience and perspectives of child clients and system partners of the practice of legal representatives in the Children's Legal Assistance Scheme since 2013 suggests that there are distinct challenges for, and additional legitimate expectations of, solicitors operating in children's hearings and connected proceedings. The 2016 CELCIS / SLAB research into solicitors operating in the modernised children's hearings system discusses those issues in more detail.<sup>10</sup>

8.2 The Scottish Government considers that this proposal will enable 'advocacy workers' for the investigative interviews to operate safely, and with confidence, from commencement should the Bill be passed.

8.3 Appropriate learning for legally-qualified 'advocacy workers' will be developed if the Bill is passed. This will include the context and consequences of interviewing children under the age of criminal responsibility. Sufficiently certain, robust and professionally accountable mechanisms are needed.

## **9 Recent policy developments following Stage 1 evidence, Committee report and Parliamentary debate 13 November 2018**

9.1 As discussed above, provisions in the Bill at section 40 amend section 122 of the 2011 Act to allow the national advocacy service to deliver support and assistance to a child in connection with or during their participation in an investigative interview, as authorised by a child interview order under the Bill.

9.2 Following Stage 1 scrutiny and stakeholder engagement leading to further development of the policy, the Scottish Government now considers that it is no

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<sup>8</sup><https://www.lawscot.org.uk/for-the-public/client-protection/standards-for-solicitors/>

<sup>9</sup> The Children's Legal Assistance Scheme is a state-funded legal representation scheme for children's hearings. Solicitors and solicitor's firms need to register to provide children's legal assistance. ([https://www.slab.org.uk/export/sites/default/common/documents/profession/practitioner\\_info\\_guides/ChildrensRegisterandDuty/Code\\_of\\_Practice\\_in\\_relation\\_to\\_Childrenxs\\_Legal\\_Assistance\\_February\\_2013.pdf](https://www.slab.org.uk/export/sites/default/common/documents/profession/practitioner_info_guides/ChildrensRegisterandDuty/Code_of_Practice_in_relation_to_Childrenxs_Legal_Assistance_February_2013.pdf))

<sup>10</sup> <sup>9</sup> [https://www.celcis.org/files/8514/7576/7298/CELCIS-The\\_role\\_of\\_the\\_solicitor\\_in\\_the\\_Childrens\\_Hearing\\_System\\_-\\_2016.pdf](https://www.celcis.org/files/8514/7576/7298/CELCIS-The_role_of_the_solicitor_in_the_Childrens_Hearing_System_-_2016.pdf)

longer appropriate or necessary this role to be carried out by “advocacy workers”. As a result, there is no requirement for the Bill to amend the 2011 Act.

9.3 It is clear from prospective children’s hearings [non-legally qualified] advocacy providers and from solicitors engaged in the Children’s Legal Assistance scheme alike – that there are concerns around the use of the title “advocacy worker” for practitioners providing legal assistance to children attending interviews under the Bill. There are concerns about confusion and blurring of roles, particularly when the children’s hearings service is only just emerging and requires a clear, distinct and additional identity.

**Provision required – solicitor ‘interview rights practitioners’ rather than advocacy workers?**

9.4 The Scottish Government therefore seeks views on the proposal to remove the term “advocacy worker” from the Bill, and replace it with the term “interview rights practitioner”. The Government wants to maintain a clear distinction between representation in criminal proceedings, to avoid any child feeling like they are ‘in trouble’ and to discourage any unhelpful inferences being drawn by professionals between these interviews and criminal investigations. Other suggestions are invited in the questions at Part 3 below.

9.5 The functions and practical operation of the role as specified in subsections 40(1) to 40(6) of the Bill remain applicable. Further detail on the operation of the role will be provided in guidance to be developed in 2019.

9.6 At implementation, the Scottish Government considers that this role should be fulfilled by solicitors registered on the Children’s Legal Assistance Scheme who have experience of representing young children, and of the criminal justice system. Such solicitors are required to have knowledge and experience of children’s hearings and their context, work to a Code of Practice, undergo training as a requirement of registration in the scheme, and are subject to graduated peer review by the Scottish Legal Aid Board. The Board has a Quality Assurance Framework, in which 12 of the 19 criteria relate to the need for age-appropriate, timely, child-centred practice. Solicitors in the Scheme are required to assert certain child-centred values, knowledge and competencies, and to commit to relevant ongoing Continuous Professional Development.

9.7 It has been further suggested in some quarters that admission to this new scheme should require solicitors to be registrants both on the children’s legal assistance scheme and for criminal legal assistance. The rationale for that would be familiarity with the actors and additional specialism and competence in understanding the potential for connected proceedings – children’s hearings for the child and/or criminal proceedings for others.

9.8 At this stage, the Scottish Government considers that this cannot be framed as a straightforward extension to children’s legal aid, due to the age of the children involved and the complexities and sensitivities of investigative interviews under the

Bill. It is proposed that a discrete set of fees and oversight arrangements are established – reflecting and feeding into both Children’s Legal Assistance and Criminal Legal Assistance scheme governance and oversight arrangements operated by the Scottish Legal Aid Board.

9.9 The Scottish Government recognises the intense and disruptive nature of the calls likely to be made on solicitors in participating in this new scheme - the workload is expected to be small in volume, but demanding in terms of availability and involvement. We therefore propose that the fees and expenses scheme will reflect the rates put in place earlier in 2018 for the Police Station Duty Scheme under the Criminal Legal Assistance (Miscellaneous Amendments) (Scotland) Regulations 2017<sup>11</sup>.

### **Core common requirements for children’s advocacy workers – children’s hearings and ACR Bill investigative interviews**

9.10 The National Practice Model for children’s advocacy services (see Part 1 of this consultation) envisions new modes of working for current practitioners proposing to become children’s advocacy workers. The Scottish Government considers that they could also be useful for any specialist legally-qualified practitioners appointed under the Bill, but we invite views on that proposal. With reference to the standards required by the National Practice Model:

- Both will require a good knowledge base and expertise in formal processes to make sense of the complex legislative environment, and to do what is required.
- Both will require advocacy skills, in particular the ability to communicate effectively and sensitively with children and young people.
- Both will require an ability to liaise and communicate with children, families and other professionals.

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<sup>11</sup> <http://www.legislation.gov.uk/ssi/2017/466/contents/made>

**Part 3** **Questions**

**Children's Hearings Advocacy**

1. Do you think it is important to have agreed consistent principles and standards for all providers within the scheme to ensure the delivery of a quality service?
2. Do you agree with the proposed scope of the children's hearings advocacy scheme –i.e. being open to children aged 5-18 who are referred to the Reporter?

Yes/No and space for comment

3. Do you have any other suggestions for the future development of the children's hearings advocacy scheme?

Yes/No and space for comment

**Age of Criminal Responsibility (S) Bill – investigative interviews**

4. Do you agree that the existing title of “advocacy workers” at police investigative interviews should be changed?

Yes/No and space for comment

5. If yes, The Scottish Government proposes the term ‘interview rights practitioners’ rather than ‘advocacy workers’. Do you agree?

Yes/No and space for comment

7. Alternatively, it has been suggested that these professionals could be termed ‘child law practitioners’ or ‘independent legal rights workers’. Do you have any comments on those suggestions?

Space for Comment

8. Do you agree that the possible consequences for the child flowing from investigative interviews as identified are accurate and complete?

Yes/No and space for comment

9. Do you agree that Children's Legal Assistance Scheme-registered solicitors are the most appropriate group of solicitors to attend an investigative interview for children under 12 in terms of the Age of Criminal responsibility (Scotland) Bill?

Yes/No and space for comment

10. It has been suggested that solicitors registered on both the Children's Legal Assistance Scheme and the Criminal Legal Assistance Scheme would be best-placed. Would you support a proposal to require dual registration?

Yes/No and space for comment

**11. Rather than extending legal aid arrangements via the Scottish Legal Aid Board, the Scottish Government proposes to fund their work via discrete arrangements operated by the Directorate for Children and Families. Do you support that suggestion?**

**Yes/No and space for comment**

**12. An initial proposal on fees and expenses is that these would reflect the rates payable to solicitors under the Police Station Duty Scheme as updated in 2018. Do you support that suggestion?**

**Yes/No and space for comment**

Please send your replies, and any comments to  
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Responses by 1 March 2019 would be very welcome.

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