



Barnardo's

SCOTLAND

GIVING CHILDREN BACK THEIR FUTURE

ASBOs for under 16s

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The Act and young people

- Electronic monitoring
- Parenting Orders
- Dispersal of Groups
- ASBOs
- Selling spray paint
- Local authority – supervision requirements and education



ASBOs for under 16s

1. Context
2. Concerns
3. How it will work
4. Discussion



1. Context

- Putting Our Communities First (*Scottish Executive, June 2003*)
 - between 200/01 and 2001/02 - 26% increase in referrals to the Children's Reporter on grounds of being 'out of parental control'
 - increases in number of persistent young offenders



1. Context

- Dealing with Offending by Young People – (*Audit Scotland, December 2002*)
 - number of young people being referred to the children's reporter on offence grounds remained fairly steady in late 1990s but fell by 5% in 2000/01
 - 'a small number of young people commit a large proportion of offences; but the evidence about whether this problems is growing is inconclusive'



1. Context

- Increasing concerns about youth crime
- Lack of faith in children's hearings system?
- Antisocial behaviour or persistent young offenders?
- Need to be seen to be tough on crime



2. Concerns

2.1 Role of Children's Hearings

2.2 Consequences of breach

2.3 Role of RSLs



2.1 Role of Children's Hearings

- Move towards 2 track system
- Use of interim ASBOs
- Having the hearing first



2.2 Consequences of breach

- Introduction of tariff system?
- Need for support
- Links with tenancy arrangements



2.3 Role of RSLs

- Should RSLs be able to apply for ASBOs for under 16s?
- Housing management or Youth Justice?



3. How it will work

- Differences for under 16s - application
 - RSL must consult with local authority before making an application in relation to an under 16
 - Must be a children's hearing to give advice before sheriff can decide on ASBO for an under 16
 - For interim ASBOs, sheriff must consult with the Principal Reporter before deciding



3. How it will work

- Differences for under 16s – breach
 - Would be joint referral to Fiscal and Reporter
 - Under 16s cannot be detained
- Differences for under 16s – other orders
 - Power of sheriff to refer to children's hearing
 - Power of sheriff to make Parenting Order



4. Discussion

- In what situations do you think an ASBO for a person under 16 may be useful?
- What will be the challenges in implementing the new system?
- What else is required to deal with antisocial behaviour of young people?