



LETTER SENT BY E-MAIL ONLY

Audrey Nicol MSP
Convenor
Criminal Justice Committee
Room T2.60
The Scottish Parliament
EDINBURGH
EH99 1SP

26 September 2024

CE/086/2024

Dear Convener

Further information: Children in Custody and the Charging Policy for policing Services

The Authority attended an evidence session on 11 September 2024, on wellbeing and mental health in policing. I am writing to provide additional information requested at the meeting in relation to children in police custody and the charging policy for policing services.

Children in Custody

Russell Findlay MSP asked about the Authority's position on holding children in police custody.

There are only two reasons for any child under the age of 18 to be held in police custody:

1. to enable the full and thorough investigation of any crime, and
2. as a 'place of safety' where there is no suitable alternative.

For clarity, the Authority's position which Mr Findlay referred to, stems from a roundtable event hosted by the Authority and Police Scotland in November 2022. The purpose of the event was to bring together a wider

range of civic and civil society partners to discuss how we can work together to reduce the number of children under 18 who are held in police custody cells as the only available “place of safety” for them.

Suitable alternative places of safety are usually provided by local authorities in the form of residential units. Unfortunately, there are not enough of these to meet demand. As a result, children find themselves retained in police custody in the absence of any alternative.

Participants at the event in November 2022 included senior social workers from local authorities across the country, the Children and Young People’s Commissioner, the Children and Young People’s Centre for Justice, Social Work Scotland, Who Cares Scotland, Barardo’s, and the Scottish Violence Reduction Unit.

There was unanimous agreement at the event by all in attendance that holding children in police custody was not an appropriate place of safety and what was lacking is available suitable alternatives.

Further information, including the agenda and presentations given at the event is published on the Authority’s website at the following link [Children in Custody | Scottish Police Authority \(spa.police.uk\)](https://www.spa.police.uk/children-in-custody)

In June 2023, the Authority’s Policing Performance Committee considered a [report on the outcome of the event which highlighted discussions, findings and next steps](#).

In November 2023, the Children and Young People’s Centre for Justice and Social Work Scotland hosted a follow up event which again brought together professionals and experts to consider the issue. Further information about that event and the outputs are available here: [Place of Safety for Children and Young People in Conflict with the Law: Event Report - Children and Young People's Centre for Justice \(cycj.org.uk\)](https://www.cycj.org.uk/place-of-safety-for-children-and-young-people-in-conflict-with-the-law-event-report)

Charging for events and services

The Police and Fire Reform (Scotland) Act 2012, the Scottish Police Authority (Provision of Goods and Services) Order 2013 and other supporting legislation enables the Authority to both provide and charge for goods and services.

In 2013, the Authority approved a policy to fully recover the costs in relation to the charging for events and other services. This policy is in line with the Scottish Public Finance Manual.

The Police and Fire Reform (Scotland) Act 2012 states that “*any such charges may include amounts calculated by reference to expenditure*”

which is incurred, or expected to be incurred, otherwise than directly in connection with the provision of the goods or services concerned”.

Practically, this means that the Authority, must charge the full cost and cannot make a profit on providing policing services.

Every year Police Scotland provides updated calculations of the full cost of providing police officers and police staff. Charge out rates are calculated using [National Policing Guidelines on Charging for Police Services](#). An hourly charge rate is provided for each rank of police officer and grade of police staff member.

These rates are approved by the Authority as part of the annual budget setting process. Police Scotland must in turn apply these rates when charging organisations for police services. Information on the current charge out rates is available on the Police Scotland [website](#).

I trust this addresses the Committee’s further enquiries. Please do not hesitate to get in touch if you require more information.

Yours sincerely

A handwritten signature in black ink that reads "Lynn Brown". The signature is written in a cursive style with a period at the end.

LYNN BROWN OBE
Chief Executive