



# Medicolegal work in SCOTLAND

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# Requests for medico-legal reports



## Mental Health / Capacity

- Assessment, treatment, detention
- Capacity: Welfare / Financial



## Children's Hearing System

- Care & protection
- Offence



## Criminal Justice

- Crown Office and Procurator Fiscal Service
- Courts

# Mental health



[Mental Health Tribunal for Scotland](#)

- Approved / Designated Medical Practitioners: second opinions, safeguarded treatments
- MWCScot monitoring (nonspecialist settings, increase urgent detentions + treatment)
- (very few children under criminal procedures)

# Capacity

Office of the  
Public Guardian (Scotland)



- Adults with Incapacity (16y+)
- Guardianships – application, renewals
- Power of Attorney – invocation
- Other matters: children's capacity to make decisions (12y)

# Children's Hearing

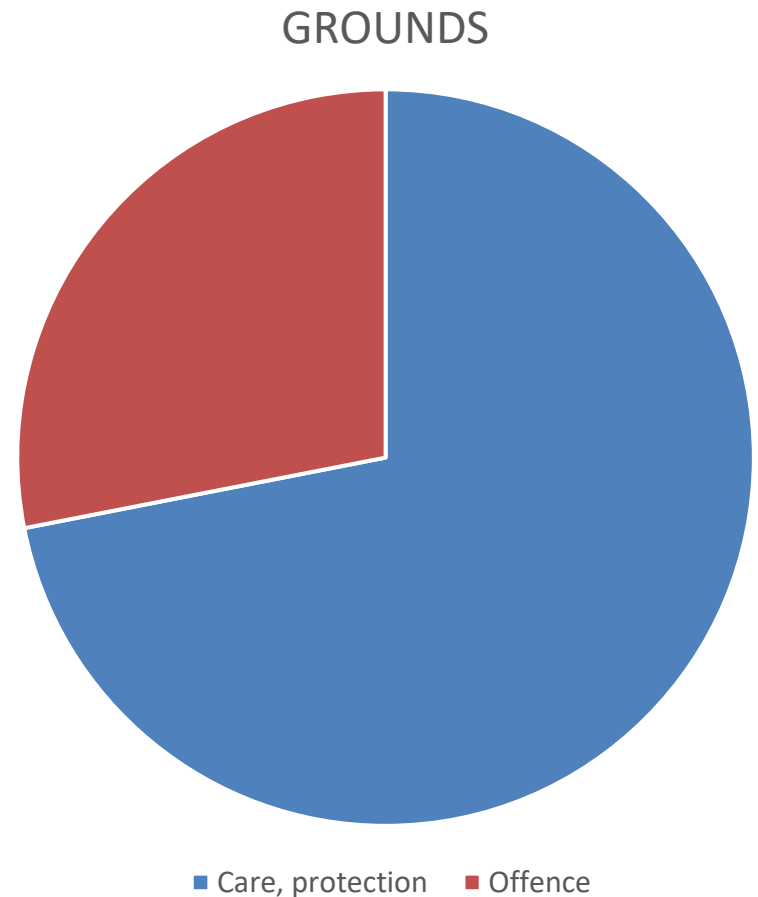
- Lay Tribunal; Referrals via Children's Reporter

## Grounds of Referral:

- Care + protection 0-15y
- Offence 12-15y
- Grounds accepted or proven (civil, Sheriff)

## Decision:

→ *Compulsory supervision (including secure order)*



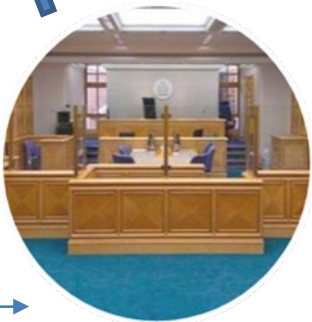
2022/23:10981 referrals (1.2% all children)

# Children who offend

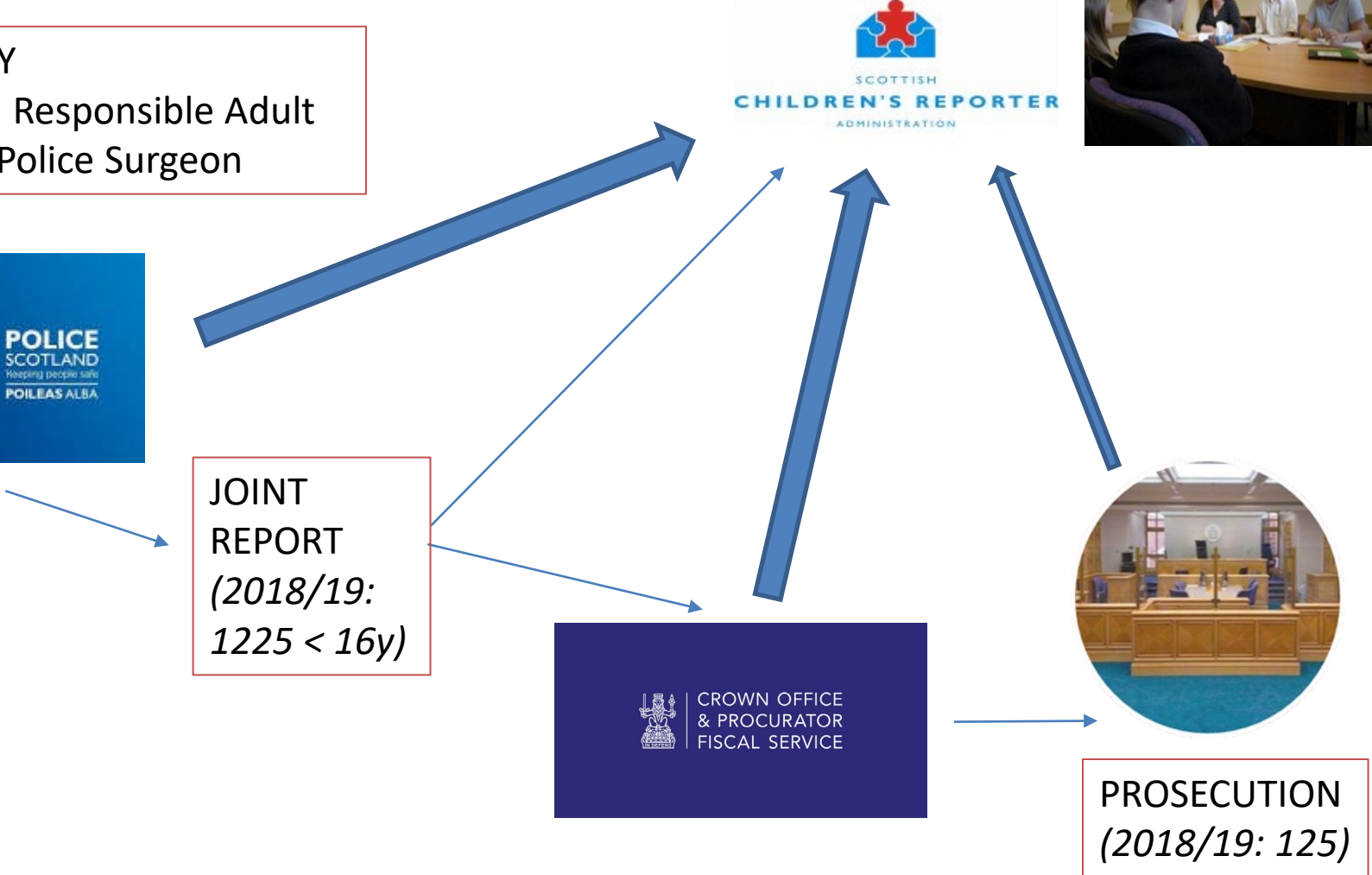
**CUSTODY**  
Support: Responsible Adult  
Fitness: Police Surgeon



**JOINT  
REPORT**  
(2018/19:  
1225 < 16y)



**PROSECUTION**  
(2018/19: 125)

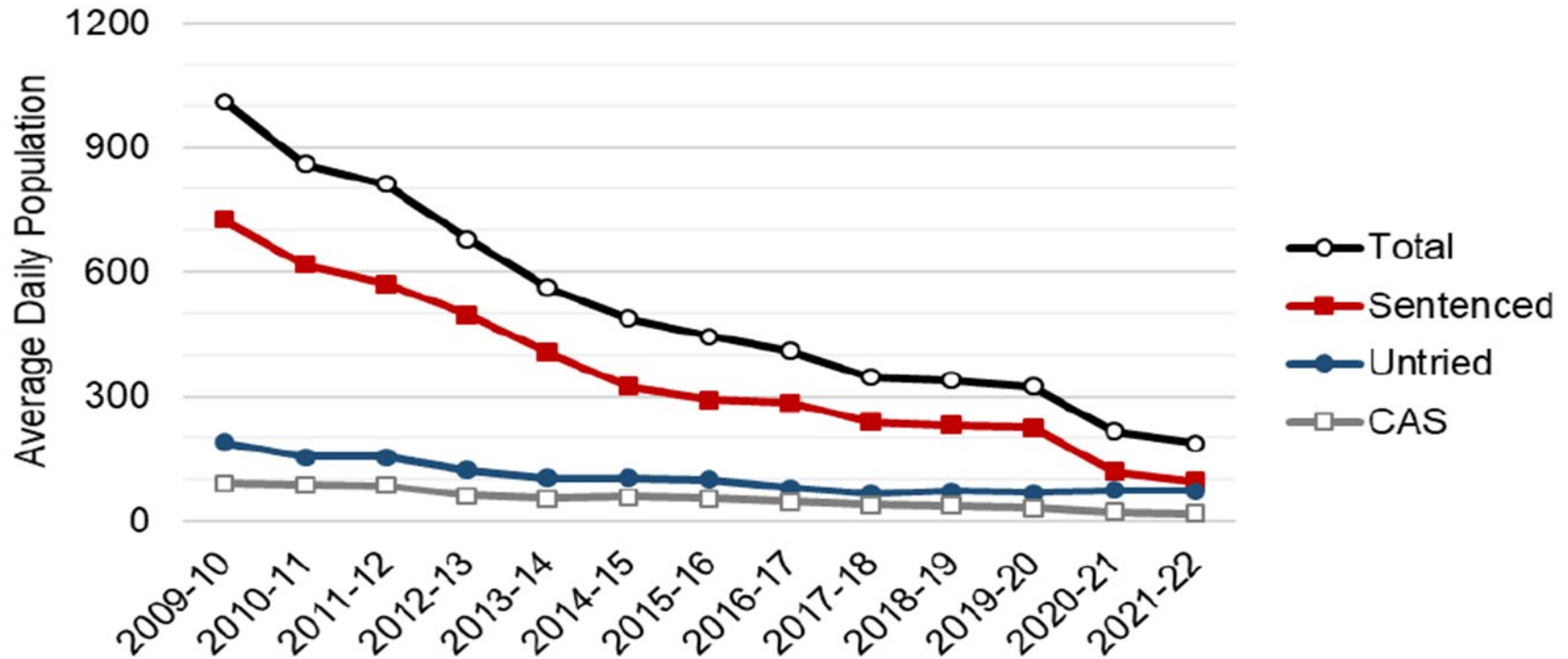


# Criminal prosecution of children 12y+

- Lord Advocate instructions
- Solemn/Summary Proceedings
- Anonymity / vulnerable accused witness
- Otherwise as for Adults:
- Fitness for trial
- Criminal responsibility  
(Diminished responsibility)



# Decriminalisation of children: fewer under 21y in prison



- 16y/17y: 2020/21 Untried 12; sentenced 7, awaiting sentence 2
- 16y/17y: 2021/22 Untried 10; sentenced 3, awaiting sentence 2



# Psychiatric advice

Reporter /  
Children's  
Hearing

- Make referral
- Grounds
- Recommendation
- ?Compulsory supervision

COPFS /  
Court

- Diversion from prosecution
- Participation in trial
- Psychiatric defence
- Mental health "Disposal"

# Capacity

- Population >5million ; 20% <19y
- Urban / Remote-Rural
- ~100 consultants in CAMHS
- One local community Forensic CAMHS
- One national secure inpatient development
- Phased regional IPCU development
- Children from other jurisdictions/systems



# Meeting the need

## Access to:

- Expert opinion
- Specialist advice & support
- Suitable (secure) inpatient provision



## Capacity- building

- Training / Professional development
- Bespoke care
- *Rights respecting practice*