



Spotlight on Schedule One Offences

What is a Schedule 1 offence?

Schedule 1 is a list of offences stated in Part 1 of the Criminal Procedure (Scotland) Act 1995, or any offence under Sections 12, 15, 22 or 33 of the Children and Young Persons (Scotland) Act 1937. Schedule 1 offences are actions that cause harm to a child. In that legislation, a child is someone under the age of 17.

Part 1 of the legislation includes various sexual offences. Schedule 1 offences include offences involving assault, ill-treatment, neglect, exposure, abandonment or any offence involving bodily injury manner likely to cause unnecessary suffering. Section 12 includes a range of offences defined as 'cruelty' to someone under the age of 16, which is 'wilfully' committed by someone who is 16 or over – there is specific case law that defines wilful as a deliberate, intentional act. Section 15 covers causing or allowing someone under 16 to be used for begging. Section 22 involves exposing children under seven to risk or burning or scalding. Section 33 involves prohibiting someone under 16 taking part in performances endangering life or limb.

What is a Schedule 1 offender?

Schedule 1 offenders are people who have been convicted of an offence under Part 1 of the Criminal Procedure (Scotland) Act 1995, or any offence under sections 12, 15, 22 or 33 of the Children and Young Persons (Scotland) Act 1937. These are offences which cause harm to children.

What is the difference between a Schedule 1 offender and a sexual offender?

Not all Schedule 1 offences are sexual offences. Not all sexual offences involve children. If the sexual offence is against an adult, then the person that committed that offence will be managed as a sexual offender. If a sexual offence is committed against a child, then the person that committed that offence will be managed as a sexual offender AND a Schedule 1 offender.



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What does it mean for people who have committed a Schedule 1 offence?

- The local authority and Police will keep a record of the person's Schedule 1 status – there will be a marker on the case record to highlight this.
- The person will be asked to co-operate with relevant agencies to assess and reduce the future risk of harm to children.
- The person is unlikely to be able to get paid, unpaid, or voluntary work with children.
- If they live with someone who has parental rights and responsibilities for children, a disclosure about the offending may be made to that person, and children in that household may be referred to Social Work and the Children's Reporter.
- Their offending might be shared with other agencies on the following grounds:
 - Promoting the safety of a child or children
 - Promoting the safety of vulnerable people
 - Promoting the safety of staff
 - Promoting their own safety.

What is the role of professionals involved with someone who has committed a Schedule 1 offence and their family?

If someone is convicted of a Schedule 1 offence, Justice Social Work will be asked to prepare a Court Report which will include a risk assessment and exploration of sentencing options. The person might get a community sentence, or a custodial sentence. If the offence was sexual in nature, then the Justice Social Worker will work with our partners in Police Scotland to manage the risk the person poses. If the person is given a custodial sentence, Justice Social Work will work with the Scottish Prison Service and prison-based social work to assess and manage the risk the person poses.

The welfare of the child is paramount and overrides all other considerations. Any child who is in contact with, or living with, a person who has committed a Schedule 1 offence (whether that person's child or another child) will be referred to one of the 'core agencies' for consideration of the need for assessment and intervention under local Child Protection Procedures. An Inter-agency Referral Discussion will involve information sharing, assessment and decision-making to ensure a child is protected. A referral will likely be made at an early stage of the investigation into the circumstances of the alleged incident(s) and may be before any charges have been brought.

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The needs of anyone else in contact with the Schedule 1 offender should also be considered (for example, a vulnerable adult), and it is important to take that wider Public Protection lens. This highlights the need for effective information sharing across all services.

The Children's Reporter may receive and investigate a referral about a child where a Schedule 1 offence has been committed in relation to a child. This may be in the case where there is a named Schedule 1 offender who has been convicted, or someone has been charged with a Schedule 1 offence but there has not yet been any prosecution of that person.

The Children's Reporter may decide to arrange if there is sufficient, relevant evidence to support at least one of the grounds for referral, and if there is a need for compulsory measures of supervision. There are specific grounds for referral in relation to Schedule 1 offences. A Children's Reporter may decide to arrange a Children's Hearing in (any one of) the following circumstances - a child who is the victim of a Schedule 1 offence (or is a member of that child's household, or likely to become a member of their household) or has (or is likely to have) a close connection with someone who has committed a Schedule 1 offence.

It is not 'automatic' in a case where there is a Schedule 1 offence, that the child will be referred to a Children's Hearing. An assessment of the level of risk and concern about the child's welfare, protective factors, co-operation and impact of any intervention in place will always be considered alongside the evidence to satisfy the specific ground for referral.

Want to know more?

[Schedule 1 - Criminal Procedure \(Scotland\) Act 1995](#)

[National Guidance for Child Protection in Scotland 2021](#)

[Role of the Reporter – SCRA](#)

[SCRA Practice Direction - Decision Making and Drafting the Statement of Grounds](#)