

## **Response to Scottish Government consultation on - Police Powers to Search Children and Young People for Alcohol**

### **1) Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public?**

No. We do not think that a new power to enable police to stop and search for alcohol is necessary.

We know that underage drinking can put children and young people's wellbeing at risk. In our original response to the Advisory Group we said:

*'We would be interested in wider discussion about this. Police should have the ability to search for, and remove alcohol from children and young people in line with GIRFEC principles, if the child or young person is putting their own health and safety at risk, this is a wellbeing concern and police should be able to deal with it as such'*<sup>1</sup>

However the recent breakdown of non-statutory stop and search, and the disaggregation of recording, as highlighted by the Advisory Group shows that most underage alcohol detections result from seizures rather than stop and search, suggesting that sufficient police powers are already in place. As noted in the consultation, it is clear that seizure powers are what allow the police, in the majority of cases, to remove alcohol from children and young people in order to keep them safe.

The consultation document also highlights that children and young people are not refusing to hand over alcohol to the police in relation to a seizure. We therefore believe that the current powers of seizure are sufficient for the purposes of managing and dealing with the risk to children of possessing and consuming alcohol.

However we would question whether a power of arrest is necessary in circumstances where a child or young person refuses to surrender alcohol if, as noted previously, children and young people are not refusing to hand over alcohol when asked by the police. The retention of this power of arrest has the potential to criminalise children and would not appear to be necessary.

We would suggest that the GIRFEC framework and the Named Person service would be the appropriate mechanism for Police to deal with issues relating to children and young people and alcohol. Police Scotland already work within the GIRFEC framework and treating underage drinking as a potential wellbeing concern, to be dealt with through the

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<sup>1</sup> [http://www.barnardos.org.uk/stop\\_and\\_search\\_response.pdf](http://www.barnardos.org.uk/stop_and_search_response.pdf) (4)

Named Person service, if appropriate, would be the right approach rather than one based on the power to arrest.

**2) Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation Paper?**

Yes. We are concerned that the creation of any new powers to search children for alcohol could result in an increase in the number of children being stopped and searched. This would be a backwards step considering the positive progress which has been made since the presumption against consensual stop and search was introduced.<sup>2</sup>

Stop and search disproportionately affects children and young people, especially those from poorer backgrounds and more deprived areas in Scotland. Young people from deprived backgrounds are more likely to come into contact with police and have negative experiences of police.

As noted by the Advisory Group, in the UK a power to search was deliberately not included in legislation relating to seizure of alcohol because of the potential to create tension and conflict between police and young people. Creating a specific power of search which only relates to children and young people (not adults) and relates to an issue which in itself is not, in most circumstances, a criminal offence (possession of alcohol) could lead to young people feeling targeted and singled out by police, leading to increased strains on relationships. The Advisory Group stated their desire to 'avoid the disproportionate targeting of children and young people' and introducing a new power of search would seem to run contrary to this desire.

**3) Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public?**

No. We agree with the view of the Children's Commissioner and Together (Scottish Alliance for Children's Rights) that the current powers of seizure are sufficient in this respect.

However we would like highlight the issue of adults buying alcohol for children in situations of exploitation, and note that it is important to consider the role this plays in their safety and wellbeing.

More often than not when children and young people are found with alcohol or under the influence of alcohol the assumption is that this is related to their own offending or anti-social behaviour. However the role of drugs and alcohol in the grooming of children and young people for exploitation is well documented and must therefore be considered in any scenario involving children under the influence of drugs and alcohol. Substance misuse can mask exploitation and create a cloak of criminality around the victim making adults less sympathetic to their situation.

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<sup>2</sup> <http://www.scottishlegal.com/2016/05/23/stop-and-search-figures-plummet-after-police-cut-consensual-searches/>

We would like to see the Scottish Government look at the range of ways to tackle this, for example licensing of premises selling alcohol and the need for training/awareness raising for those selling alcohol to be able to identify and report any concerns about adults buying alcohol for children with a view to exploiting them.

**For more information contact:**

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