



SCOTTISH EXECUTIVE

# **Analysis of External Consultation on, and the Scottish Executive's response to,**

'Reducing the Risk: Improving the Response to Sex Offending',  
the report of the Expert Panel on Sex Offending



SCOTTISH EXECUTIVE

Making it work together

## INTRODUCTION

1. This report analyses the responses to a consultation on the report 'Reducing the Risk: Improving the Response to Sex Offending' by the Expert Panel on Sex Offending. It also sets out the Executive's response to the Expert Panel's report.

2. The Expert Panel was established in 1998 under the Chairmanship of the Honourable Lady Cosgrove following the recommendations in the report 'A Commitment to Protect: Supervising Sex Offenders: Proposals for More Effective Practice', by the Chief Inspector of Social Work. The Chief Inspector's report provided an overview of the arrangements for sex offenders in the community and a broad assessment of their strengths and weaknesses together with recommendations for improvements.

3. The Panel's membership was drawn from a variety of organisations which have dealings with sex offenders. Individual members brought with them expertise from a wide range of disciplines including the judiciary, the prosecution service, the police, the prison service, social work and health, children's and psychological services. A full list of the membership is given at annex a.

4. The remit of the panel was to:

- Take forward work on the recommendations of the report 'A Commitment to Protect' as directed by the Chairman of the Panel;
- Advise the Secretary of State on any other relevant issues relating to sex offenders;
- Provide, for the Secretary of State, an annual summary of our past and planned future work.

5. The Panel's final report 'Reducing the Risk: Improving the Response to Sex Offending', was divided into the following six thematic areas:

1. Community and personal safety and prevention
2. Risk assessment
3. Access to personal change programmes (for both children and adults)
4. Monitoring sex offenders
5. Housing provision for sex offenders
6. Information management

The recommendations made by the Expert Panel fell into one of these six areas.

6. The consultation period ended on 4 September 2001. We consulted over 400 external organisations. A total of 58 external responses were received. A full list of responses is given at annex b. In addition there was an internal consultation which included the Scottish Court Service (SCS), the Crown Office and the Scottish Prison Service (SPS). The table below shows the agencies which responded to the external consultation:

<b>External Consultation: Type of organisation</b>	<b>Number</b>	<b>% of total</b>
Social Work, Medical and Mental Health	9	16
Local Authorities	25	43
Legal	4	7
Police	1	2
Voluntary	5	9
Housing	2	3
Education/Teaching unions	2	3
Panel members/sub-groups	2	3
General (other)	8	14
<b>Total</b>	<b>58</b>	<b>100</b>

The level of responses received from external organisations was disappointingly low.

### **Steering Group**

7. Many of the recommendations in the Expert Panel’s report require a range of organisations from diverse sectors to work together. The report supports the preparation of protocols, guidance and strategies across agencies to underpin improvements in working practices and the promotion of inter-agency training to improve information exchange between them. The Executive will set up a high level steering group which will bring together the key agencies needed to take forward the recommendations that require joined-up working.

### **The Victims of Sex Offending**

8. Many consultees were concerned about victims, and suggested that the recommendations did not consider the victims of sex offenders. The report however was concerned with reducing the risk and therefore did not deal with this matter. This is an important matter and one which we will return to in the context of taking forward the Victims’ strategy.

## GENERAL ANALYSIS OF RESPONSES

9. Respondents welcomed the report and generally supported the recommendations. They endorsed the report's conclusion that the problem of sex offending could not be eliminated completely. It could only ever be managed because an unknown number of sex offenders have not yet and might never come to the notice of the authorities. In addition there may be people who are potential offenders but who might never actually offend if a suitable opportunity to do so does not arise.

10. Consultees made many points in their responses which were relevant, not to a specific recommendation, but to the report generally. These are discussed below:

- ◆ All except one consultee gave support for the report's overall stance of vigilance and not vigilantism.
- ◆ Many of the measures will require funding and some have staff recruitment and/or training implications. This is recognised by the Expert Panel within the report for some, but not all, of the recommendations. The Panel took the view that most of the recommendations were about building on good practice rather than anything which was radically new and costly. For example, the training provided by individual agencies might benefit from being multi-disciplinary.
- ◆ Some recommendations might give rise to legal considerations, for instance under the European Commission on Human Rights (ECHR) or the Data Protection Act, such as:
  - ◆ Medical confidentiality issues, for instance in chapter two and chapter six (one health board said that sometimes professional sensitivities about the release of information might be valid and in the patient's interest).
  - ◆ In chapters one and two, there might be ECHR implications from the recommendations regarding disclosure of information, and intervening with suspected sex offenders against whom no charge has been proven.
  - ◆ In chapter six, there might be problems with the transfer of information due to the Data Protection Act.
- ◆ Consultees pointed out that recommendations that involve local authorities working with the Scottish Prisons Service (SPS) will need to take account of the changes in the way social work is provided in some prisons. The need to strengthen information exchange between SPS and local authorities was highlighted in responses as well as in the Expert Panel's report itself.
- ◆ The separate consideration of SPS and community based programmes in chapter three was not seen by all as helpful in addressing the problem of a lack of continuity and compatibility between these two types of programme. This should be addressed through close collaboration with SPS in the development of community based programmes.
- ◆ Recommendations that sought more comprehensive provision and availability of programmes did not take into account the difficulties an authority with a sparse

population might have in meeting them. This was particularly problematic because as one respondent said, these areas typically might have higher levels of abuse due to social isolation.

- ◆ The establishment of the Criminal Justice Social Work Accreditation Panel will improve the information available about the effectiveness of programmes for sex offenders.
- ◆ All educational material and intervention programmes should take account of all types of learning disabilities and should be suitable for all audiences, including all ethnic communities.
- ◆ The report does not always recognise that men as well as women (boys as well as girls) can be victims of sex offenders.
- ◆ Use of term 'sexually aggressive' could be misleading. Some behaviour might be problematic but not aggressive. There is a need to define certain terms.

And the following ideas came forward from consultees:

- ◆ Decisions made about people that will effect them should be open to challenge.
- ◆ There is a need to involve others in consultation and planning mentioned in the report. Some suggestions include:
  - ◆ Health should be significantly more involved in many of the initiatives and processes mentioned
  - ◆ Scottish Domestic Violence Partnership
  - ◆ 'Who Cares?' in development of materials in chapter one
  - ◆ Child Protection Committees
  - ◆ Community Safety Plans
- ◆ Materials developed must take account of the fact that much abuse is familial.
- ◆ It is important to continue to try to better understand sex offending through research.

11. Some consultees mentioned issues that were not covered by the remit of the Expert Panel. These were:

- ◆ Two authorities said that there are social features which effect sex offending and the extent to which such offending might be accepted or implicitly encouraged, and that the report did not address these issues. The Panel did take a comprehensive look at sex offending, but was concerned with direct actions that would reduce the risk from this behaviour. Amongst its recommendations, it suggests a public information strategy, a national conference and a series of local workshops. These can reach all members of the community. Action to effect social values beyond this is out of the scope of the Expert Panel's work.

- ◆ Consultees who expressed a view supported the appointment of a children's commissioner, as did the Expert Panel. Consultees also welcomed the awareness in the report of the problem of internet abuse. Although the Panel expressed a view on these issues, the first is outwith its remit, and the second became an issue late in the Panel's deliberations.



## ANALYSIS OF CONSULTATION AND SCOTTISH EXECUTIVE'S RESPONSE

### CHAPTER ONE

#### Chapter One: Recommendations 1-3

**Recommendation 1:** The Scottish Executive, with the local authorities, should issue guidance to ensure that each local authority has in place personal safety programmes that include addressing the risk from sex offending.

**The Scottish Executive & Local Authorities**

**Recommendation 2:** Learning and Teaching Scotland and Community Learning Scotland should prepare comprehensive personal safety materials that are specific to Scotland and include material which addresses issues of child sexual abuse and child safety.

**Learning and Teaching Scotland & Community Learning Scotland**

**Recommendation 3:** As an important preventative measure and to assist early identification of, and intervention with, sexually aggressive behaviour, schools should provide information, education and support to pupils on safe and healthy relationships.

**Local Authorities**

12. Consultees supported these recommendations. Many emphasised the importance of getting these materials right: a variety should be produced so that suitable ones are available for children of all ages, at all stages of development. Central co-ordination and consultation on the development of materials was recommended by many and it was recognised that it was important to make use of existing expertise.

13. Since the Expert Panel reported, the functions of Community Learning Scotland have been taken over by Community Scotland and Youth Link. Some consultees mentioned specific existing projects, materials and other agencies that could help with the preparation of these materials. The Safe Strong and Free project (which can be undertaken by nursery children) and the 'Stop it Now' project (a North American project which is currently being piloted in Derby, England), materials prepared by the Young Women's Centre in Dundee and the 'Who Cares?' project were mentioned in this context. Teachers, other educational professionals, health care providers and other relevant agencies should also be consulted. It was suggested that the Scottish Executive report "Promoting Personal Safety and Child Safety in the Curriculum" could be useful.

14. Multi-agency Child Protection Committees, Community Safety Forums and Children's service planning processes might be involved in developing and delivering relevant aspects of this work.

15. It was pointed out a very broad approach should be taken to an information strategy facilitated through schools. All types of educational establishment and the needs of a wide range of children would need to be accommodated including private, public and special needs schools, children with learning disabilities and those not attending schools for official or unofficial reasons. It was suggested that the Scottish Council of Independent Schools (SCIS) should be involved in any national discussion. It was also important to accommodate the values and beliefs of all families and communities. Guidance might helpfully be produced for professionals who may come across sexually aggressive behaviour in other sorts of educational establishments, or those working in the voluntary sector.

16. Queries were raised about the status of centrally produced guidance and information, but the intention would be that it is not enforced on a mandatory basis and is available for

those schools who wish to make use of it. The use of other materials would not be prohibited.

17. The Scottish Secondary Teachers Association warned that the distribution of material on the methods used by sex offenders might be useful to offenders in avoiding detection. The Association also suggested, in relation to recommendation 3, that care was taken not to focus on the contrast between abusive relationships and ‘normal’ family relationships as this might exacerbate feelings of deprivation for those in less loving families. They also said that any consideration of ‘normal’ relationships should recognise same sex relationships.

18. Childline Scotland pointed out the importance of highlighting, in any material that is produced, that sexual abuse can take place within the family setting.

19. To aid the implementation of recommendation 3, one local authority suggested that child protection staff, allied to area child protection teams, could be recruited. Although this would reduce the need for teaching staff to be trained in these matters, it would reduce individual schools’ overall skill level on this issue.

20. Some consultees warned about potential sensitivities to the concept of education on sex offending in the light of the response to the repeal of section 2A of the Local Government Act 1986.

21. As with many of the recommendations, it was recognised that aspects of these ones, particularly recommendation 3, might require training.

**22. The Scottish Executive accepts these recommendations and plans to draft a Child Protection circular for issue to local authorities and will work with agencies to produce personal safety materials to fill any significant gaps in provision.**

## **Chapter One: Recommendations 4-6**

**Recommendation 4:** Young people looked after by local authorities should receive more targeted support. The Association of Directors of Social Work and the Scottish Institute for Residential Childcare should convene a joint working group to develop a strategy for, and supporting materials on, safe and healthy relationships and assertiveness skills.

**Association of Directors of Social Work & the Scottish Institute for Residential Childcare**

**Recommendation 5:** The strategy for early intervention with young sex offenders and those at risk of sex offending should take account of the needs of those young women who are particularly vulnerable to this group of sex offenders. These young women should also be a priority for more targeted intervention. For those vulnerable young women in a care setting, materials and a programme should be developed which promote healthy relationships and provide information about sexual health.

**Association of Directors of Social Work & the Scottish Institute for Residential Childcare**

**Recommendation 6:** Remedial and more intensive programmes and materials should be developed separately for:

- (i) Children and young people looked after by local authorities
- (ii) Children and young people with special educational needs or in special schools and
- (ii) Children identified as living with or affected by domestic violence.

**Association of Directors of Social Work & Scottish Institute for Residential Childcare**

23. The Association of Directors of Social Work (ADSW) and the Scottish Institute for Residential Childcare (SIRCC) have accepted these recommendations.

24. Other consultees showed a very high level of support for these recommendations. They recommended that other groups should be involved in these developments such as education (to ensure that work produced is consistent with that mentioned in the first three recommendations) and health interests. They also suggested that the National Foster Care Association (NFCA) and British Agencies for Adoption and Fostering (BAAF) should also be consulted. The Scottish Domestic Violence Partnership could be involved with recommendation 6.

25. As with the first three recommendations, multi-agency child protection committees and children's service planning processes might be involved in developing and delivering relevant aspects of this work.

26. Resource and training implications for the implementation of these recommendations were identified.

27. Aberdeen Council Housing and Social Work department thought that it would be valuable to allow young abusers to be 'fast tracked' through the legal system to allow them to enter intervention programmes sooner and tackle any inappropriate value system they might have. Supporting these recommendations, one consultee reported that targeted work with young offenders is potentially more effective than work with older offenders.

28. In implementing recommendation 5, it is important to recognise that vulnerable young men are also at risk from sex offenders.

**29. The Scottish Executive accepts these recommendations and the Education Department will work with the Association of Directors of Social Work and the Scottish Institute for Residential Care to develop special materials.**

## **Chapter One: Recommendations 7-11**

**Recommendation 7:** The Scottish Executive and the local authorities, in consultation with community organisations, should devise a public information strategy on child sexual abuse and prepare and publish information on the following topics:

- the incidence of sex offending
- the behaviour of sex offenders
- the operation of the Sex Offenders Act 1997
- the responsibilities of statutory agencies to monitor and supervise offenders
- government policy on disclosure
- information about the risks which result from the provision of uncontrolled information to the public about individual sex offenders and their whereabouts.

Local authorities and other agencies should draw upon existing expertise in child protection to provide supplementary information.

**Scottish Executive & Local Authorities**

**Recommendation 8:** As part of the wider information strategy, the Scottish Executive should publish a leaflet, based on the draft text prepared by the Expert Panel on Sex Offending which provides parents with information on which to base decisions about child safety in groups. It should be widely circulated to parents and carers.

**Scottish Executive**

**Recommendation 9:** The Scottish Executive should sponsor a national conference and a series of workshops on reducing risk from sex offending. These should help to facilitate discussion between communities and agencies. Workshops might be integrated into existing child safety awareness initiatives and should include providing information about how to keep children safe from sex offenders. Attention should be paid to accessibility, targeted publicity and low-cost admission to enable community participation.

**Scottish Executive**

**Recommendation 10:** As part of their community safety plan, each local authority should develop a corporate approach (involving all the relevant departments) to the management of sex offenders in the community. This corporate approach should reflect the particular contribution each council department can make to enhancing public safety through the effective management of sex offenders. The plan should also draw on the skills and expertise of other stakeholders, including registered social landlords, voluntary sector agencies, the police and local people.

**Local Authorities**

**Recommendation 11:** The Scottish Executive should provide information and guidance about undertaking a police criminal record check on those adults who work with children in either a paid or voluntary capacity. If the proposed Index of adults unsuitable to work with children is compiled, the Scottish Executive should issue accessible information about its use and interpretation. Information should also be given on the link between the Index and the Scottish Criminal Record Office.

**Scottish Executive**

30. Consultees welcomed these recommendations and all but one consultee congratulated the measured approach the Expert Panel proposed. One authority suggested that the Executive's recent campaign on domestic abuse, which included television adverts, was a good example of an information strategy that could be followed in this instance.

31. Consultees wanted to ensure full consultation as appropriate on recommendations 7-10. Health and Education interests were mentioned. Several local authorities commented that local aspects of a national strategy could be driven by multi-agency public protection (particularly child protection committees who could have a large role in implementation) and community safety forums. The Law Society pointed out that criminal justice agencies also had responsibility for many of these issues.

32. Some organisations suggested that the 'Stop it Now' campaign should be considered as a model. The Scottish Council for Single Homeless reported that this campaign has been successful in the USA and is about to be piloted in Derby.

33. Consultees expressed concern that it might be difficult to ensure the success of the public information strategy. One local authority mentioned the difficulties of constructive engagement with communities given the 'panic' that can arise on the issue of sex offending. The media can be very influential and it would be important to encourage their co-operation with the strategy.

34. Although the suggested campaign methods were broadly welcomed, it was mentioned that a one-off campaign might not be enough, for instance, the leaflet mentioned in recommendation 8 could be circulated annually.

35. In relation to recommendation 8, consultees were keen to ensure that the content of the leaflet was agreed between the relevant concerns, which would include parents. One authority suggested that the leaflet was sponsored by interested agencies to give the public added confidence in it. Some consultees mentioned that information on police checks for volunteers should be included in the leaflet. Following consultation on a document 'Protecting Children, Securing their Safety' the Executive is in the process of preparing a leaflet which suggests questions that parents can ask about clubs and their leaders, this leaflet will be modified to include the information suggested by the Expert Panel.

36. Consultees pointed out the importance of making the national conference and series of workshops accessible to all, both in terms of inclusively of all communities, and on a more practical level, to keep them affordable. Some consultees wanted to ensure that local events would follow the national conference.

37. In relation to recommendation 10, local authorities and the Association of Directors of Social Work (ADSW) were keen to ensure that clear boundaries were set for inter-agency working and that all involved knew their roles and responsibilities, particularly with regards to disclosure issues. Some consultees felt that Executive guidance was needed to clarify these issues.

38. Responding to recommendation 11, many consultees pointed out that there was no compulsion on voluntary sector organisations to undertake checks on employees or volunteers. Volunteer Development Scotland pointed out that someone unsuitable to volunteer to work with children should not be ruled out from other volunteer work.

**39. The Scottish Executive accepts these recommendations and plans to update the guidance on the implementation of the Sex Offenders Act 1997, revised in 2000, as appropriate, following the joint Scottish Executive/Home Office consultation on a review of the 1997 Act. A leaflet for parents on child safety will be published ahead of the 2002-03 school year. Legislation to set up a new system establishing an Index of adults unsuitable to work with children will be introduced during the current parliamentary session.**

## **Chapter One: Recommendation 12**

**Recommendation 12:** The Scottish Prison Service should actively develop a robust protocol to address the issue of the protection of child visitors to convicted sex offenders in prison.

Scottish Prison Service

40. This was accepted by consultees and the Executive. One Health board suggested that, in addition, a protocol was needed for children visiting known sex offenders in psychiatric settings, secure units and Intensive Psychiatric Care Units (IPCU). Many consultees recommended that a full risk assessment formed part of any protocol. They also suggested that other agencies were allowed to contribute to the process of creating these protocols, including local authorities and childcare agencies.

**41. The Scottish Executive accepts these recommendations. The Scottish Prison Service has already issued guidance to Governors on the matter.**



## CHAPTER TWO

### Chapter Two: Recommendations 13-15

**Recommendation 13:** In all cases prosecuted on indictment where an offender is convicted of a sexual offence, or an offence with a significant sexual element, the court should be required to obtain both a social enquiry report and a psychological assessment. A social enquiry report should also be mandatory for offenders convicted at summary level of a sexual offence, or an offence where there is evidence of a sexual element or motivation; sheriffs dealing with summary cases should be alert to the possible need for psychological as well as social enquiry reports.

Scottish Executive

**Recommendation 14:** Report writers should consult with each other in order to reach an informed view about the degree of risk presented by the offender and about how best to address and manage the risk.

Scottish Executive, Court Service, Association of Directors of Social Work & Local Authorities

**Recommendation 15:** The provisions of section 201(3) of the Criminal Procedure (Scotland) Act 1995 should be amended so that in sexual offence cases the single period during which the court may adjourn the hearing of the case after conviction and before sentence for the purpose of enabling inquiries to be made is increased. The current maximum of 3 weeks, where an accused is remanded in custody, and 4 weeks where he is remanded on bail or ordained to appear, should be increased to 6 weeks in all cases.

Scottish Executive

42. These recommendations were generally accepted by consultees. One suggested that the reports should be specifically forensic in nature. Consultees identified many other types of information that could usefully assist requests for reports, such as victim or witness statements and police reports. They also identified other agencies that could be consulted for the purposes of report writing such as SACRO.

43. A small number of consultees were concerned about increasing the delay before sentencing to prepare reports. But the majority of consultees accepted this as a consequence of improving and increasing the information available to sentencers. Others suggested that it was not necessary to make reports mandatory, but this was not the majority view.

44. There might be legal difficulties for some professionals involved in sharing information fully, for example from ECHR. One local authority expressed concern about the use of psychological reports by the defence. They felt that these reports can portray the offence from the offender's perspective.

45. One consultee suggested that a disclosure package with statements from both the victim and offender would be valuable, both for report writing and future work on offending behaviours.

**46. The Scottish Executive accepts these recommendations and has included provisions in the Criminal Justice (Scotland) Bill to provide the necessary legislative powers. This Bill was introduced on 25 March 2002.**

### Chapter Two: Recommendations 16-21

#

**Recommendation 16:** All agencies involved in work with sex offenders should adopt the structured clinical approach to risk assessment and should use recognised structured tools as part of this approach. Each agency should undertake a regular audit of the use of such tools by its staff.

All agencies working with sex offenders

**Recommendation 17:** Use of the risk assessment framework promulgated by Social Work Services Inspectorate (SWSI) should be rigorously audited to ensure that it is modified in the light of experience and in the light of future research.

**Local Authorities & Social Work Services Inspectorate**

**Recommendation 18:** Criminal Justice Social Workers must receive appropriate training in risk assessment procedures.

**Local Authorities**

**Recommendation 19:** The Scottish Executive should issue a national protocol outlining principles of good practice in risk assessment to be binding on all of the key agencies involved in such work with sex offenders.

**Scottish Executive**

**Recommendation 20:** Additional resources should be provided to recruit, train and employ more clinical or forensic psychologists and more forensic psychiatrists.

**Scottish Executive, Scottish Council for Post Graduate Medicine & Dental Education**

**Recommendation 21:** The Scottish Executive should provide guidance in relation to what constitutes high, medium and low risk.

**Scottish Executive**

47. Although consultees accepted these recommendations, many were concerned that some existing risk assessment materials were not reliable, that some might not be suitable for young sex offenders and that some had other limitations.

48. Some consultees suggested that it might be helpful if the Scottish Executive were to provide:

- ◆ Regulation and guidance (for health staff in particular);
- ◆ Central training and guidance on (the most effective) risk assessment tools; and,
- ◆ The universal use of an accredited risk assessment tool across Scotland.

49. Some consultees said that the structured clinical approach to risk assessment and the framework promulgated by the Social Work Services Inspectorate (SWSI) were not ideal. Recommendation 17 should improve the performance of this framework. Others pointed out that they had access to tools locally that they found successful. One authority suggested that the Risk Management Authority could monitor use of these tools.

50. There were several suggestions of other agencies that could be involved in the drawing up of a protocol, including Housing and Education interests, SPS and children's organisations such as 'Who Cares', SCRO (the Scottish Criminal Records Office), SCRA (the Scottish Children's Reporter Administration), SACRO, an independent consultant and various local authorities. The protocol should align with the standards set by the Risk Management Authority.

51. Consultees recognised the pressing need for additional psychologists and psychiatrists and welcomed the proposals to increase the numbers. The number of forensic adolescent psychiatrists and child and adolescent psychiatrists and psychologists in particular should be increased. Some pointed out that the increase might take time to affect the numbers in employment. A suggested short term solution would be to assist criminal justice social workers to undertake post qualifying training to help them assess sex offenders. As well as training for more clinical or forensic psychologists and more forensic psychiatrists, training might be needed for those using and interpreting risk management tools. Several consultees suggested multi-agency training. The Scottish Council for Post Graduate Medicine and Dental Education said that they supported recommendation 20. The Council has since

merged to form the new Special Health Board, NHS Education for Scotland. The Executive and the new Health Board are in discussion about increasing the provision of psychological services to NHS Scotland in general.

52. Although most consultees welcomed the definitions suggested in recommendation 21, some said it might be difficult to enforce and use these definitions as there are many tools available, some of which have specific and sometimes differing definitions built into them.

53. **The Scottish Executive accepts recommendations 17-20, and will give further consideration to recommendations 16 and 21.** Provisions to set up a Risk Management Authority (RMA) which will have responsibility for accrediting risk management tools and standards and for promulgating best practice guidance are included in the Criminal Justice (Scotland) Bill. The Executive plans to work with local authorities and SPS to strengthen existing arrangements for risk assessment and management. It will look to the RMA to advise on whether to adopt the structured clinical approach to risk assessment and the use of recognised structured tools.



## CHAPTER THREE

### Chapter Three: Recommendations 22-24

**Recommendation 22:** All local authority criminal justice social work services should make available specialist intervention programmes for those sex offenders who are subject to supervision in the community and are deemed suitable. All criminal justice social work services should review the skill mix of staff involved in the management of sex offenders and make formal arrangements with adjacent authorities to ensure that specific sex offender programmes are available as close as possible to the offender's domicile. A directory of personal change programmes for sex offenders should be collated, regularly updated and made available to all relevant agencies.

**Local Authorities**

**Recommendation 23:** Local authorities and the Scottish Executive should produce an agreed 'core' intervention manual for use with sex offenders in the community based on cognitive behavioural principles. STOP 2000 could form the basis for the manual but would require modification for community use and for different types of sex offender.

**Scottish Executive & Local Authorities**

**Recommendation 24:** Local authorities should establish arrangements for joint training in programme delivery with the aim of ensuring that, within each local criminal justice social work service, there is sufficient expertise to deliver the core components of personal change programmes based on a cognitive behavioural approach. This identified group should be responsible for developing:

- (i) minimum training standards for workers involved in the delivery of personal change programmes for sex offenders
- (ii) a strategy for ensuring adequate supervision and support for programme facilitators and
- (iii) a strategy for continuing professional development to ensure skills are retained and enhanced on a regular basis.

**Local Authorities**

54. Consultees welcomed these recommendations although many consultees were not content with the proposal to base a 'core' intervention manual on the STOP 2000 programme. Some consultees mentioned certain community based intervention programmes they ran or were aware of, some suggested that these could be used as a basis for the manual instead of the STOP programme. Some suggested that the Criminal Justice Social Work Development Centre might be able to play a role in developing the core manual.

55. Difficulties of ensuring continuity and compatibility between SPS and community intervention programmes might be eased if the SPS is involved in the development of the core manual. This manual should take into account the needs of all offenders including those with learning disabilities or other mental health problems. Intervention programmes, both in the community and in prisons, should be age appropriate.

56. Complying with the first of these recommendations is going to be difficult for smaller local authorities, those that are sparsely populated and those with island populations. Several local authorities pointed out the resource implications of many of the recommendations in this chapter.

57. One local authority expressed concern about the difficulties of allocating which authority has duties to a particular person (a difference between the Housing Act definition of "local connection" and the Community Care definition of "ordinary residence" was mentioned as a possible cause for this). They hoped that these concerns might be addressed by recommendation 52.

58. ADSW and about half of the authorities that responded, suggested the development of post-qualification training in working with sex offenders (and potentially dangerous offenders) as part of recommendation 24.

59. Several consultees mentioned that health agencies could be more closely involved in many of the recommendations in this chapter.

60. **The Scottish Executive accepts these recommendations and has included work with sex offenders in its guidance on National Priorities for criminal justice social work for the next 3 years.** It will explore whether the accreditation of sex offender programmes is a better way to proceed than the introduction of a core manual.

### **Chapter Three: Recommendation 25 and Recommendations 33**

**Recommendation 25:** Sentencers and the Parole Board should be provided with regularly updated information about the available provision of community based programmes for sex offenders.

**Local Authorities**

**Recommendation 33:** Sentencers and the Parole Board should be provided with regularly updated information about the programmes available for sex offenders in a custodial setting.

**Scottish Prison Service**

61. Consultees welcomed these proposals. They felt that the information should be provided centrally and should be available electronically. They felt that the information provided should include an account of the aims and objectives of programmes and an assessment of their effectiveness. In addition, central government or the National Development Centre might collate and disseminate relevant information to national bodies and circuit judges.

62. **The Scottish Executive accepts these recommendations and is developing ‘Information for Sentencers’ to improve information on the availability of programmes. This is being piloted in Edinburgh and Lothians.**

### **Chapter Three: Recommendation 26**

**Recommendation 26:** Consideration should be given to identifying and securing funding for risk assessment and personal change programmes for:

- individuals who have admitted sexually offending behaviour but without providing sufficient information to secure a conviction
- individuals who admit concerns that they may be at risk of sexual offending and convicted sex offenders who remain at risk but are not subject to statutory supervision and who require ongoing support/intervention to reduce the risk they present to the public.

**Scottish Executive**

63. Consultees approved of this idea but felt that it would be difficult to implement this on a non-mandatory basis. In particular, people might be reluctant to do so as it might jeopardise future court action (and indeed a solicitor might advise them not to take part). One authority suggested that this could be addressed as a public health issue.

64. Another authority suggested that research was carried out into voluntary treatment in other countries. Childline Scotland said that it had received a few calls from concerned adult abusers and they suggested that a helpline could be available, with a referral system to these programmes, attendance on which could be kept confidential.

65. **The Scottish Executive accepts this recommendation.**

## Chapter Three: Recommendations 27-32

**Recommendation 27:** HM Inspectorate of Prisons should, towards the end of 2002, undertake a thematic inspection of the current availability and provision of personal change programmes for sex offenders who are in custody.

**HM Inspectorate of Prisons**

**Recommendation 28:** The Scottish Prison Service should ensure the availability of sex offender intervention programmes for every convicted sex offender including those given a custodial sentence of 2 years or less. The Scottish Prison Service should also set out a timetable for achieving this and key performance indicators should be put in place to monitor progress towards achieving this target.

**Scottish Prison Service**

**Recommendation 29:** The Scottish Prison Service should build on its existing training strategy for staff involved in the delivery of personal change programmes for sex offenders by developing a strategy for continuing professional development. The Scottish Prison Service should also develop enhanced training to support those delivering programmes to sex offenders who deny their offending or who refuse to accept any responsibility for their behaviour.

**Scottish Prison Service**

**Recommendation 30:** The Scottish Prison Service should identify an individual (or group of individuals) to take responsibility for co-ordinating all the intervention programmes which are available to sex offenders. This should take place both at a central strategic level and within individual prisons. The role should include the following responsibilities:

- (i) identifying which interventions are required and which should take priority
- (ii) monitoring waiting lists
- (iii) monitoring completion and drop out rates
- (iv) monitoring the overall effectiveness of the programmes through the use of standard psychometric tests.

**Scottish Prison Service**

**Recommendation 31:** The Scottish Prison Service should develop a strategy for the management of offenders who deny their sex offending and/or refuse to participate in personal change programmes.

**Scottish Prison Service**

**Recommendation 32:** The Scottish Prison Service should establish a working group to consider how best to monitor personal change and, with external agencies, how best to disseminate that information.

**Scottish Prison Service**

66. These recommendations were welcomed by consultees. It was suggested that the inspection of personal change programmes for those in custody should include: unannounced visits; observation of programme delivery; consideration of prisoners' progress; the recording of such progress and how these records are handed on when a prisoner goes back into the community; and, inspection of prisoner warrant files.

67. Consultees were keen to ensure that like community interventions, those delivered in custodial settings could meet the needs of all; they must be able to cater for the differing levels of ability of prisoners. Some felt that an inter-agency approach might improve the development of programmes.

68. Again, many consultees suggested the development of post-qualification training in working with sex offenders.

69. Consideration of a pilot project aimed at offenders who deny offending behaviour, might be useful in taking forward recommendation 31. This recommendation will require staff training. These recommendations will have resource implications for the SPS which can be met out of current funding.

70. **The Scottish Executive accepts these recommendations. SPS is setting up a Sexual Offender Strategy and Implementation Group to take forward these recommendations and the availability and provision of personal change programmes will be inspected.**

### **Chapter Three: Recommendation 33**

See Recommendations 25.

### **Chapter Three: Recommendations 34-39**

**Recommendation 34:** The Scottish Executive should review current provision in relation to assessment and intervention programmes and provision for children and young people who have committed a sexual offence or who are displaying sexually aggressive behaviour.

**Scottish Executive**

**Recommendation 35:** The Scottish Executive should develop a national strategy for a specialist assessment and intervention service for children and young people who offend or who display sexually aggressive behaviour.

This service should include access to a robust and comprehensive risk and needs assessment and to offence-specific personal change programmes to be available both in the community and in secure and non-secure residential settings. The national strategy should specify the skills mix of staff which would be required to deliver the service and should set out rigorous standards for training, competence, supervision, continuity of professional development and programme content and evaluation.

**Scottish Executive**

**Recommendation 36:** All children and young people identified as at risk of sex offending or who are displaying sexually aggressive behaviour should have access to an appropriate personal change programme.

**Local Authorities**

**Recommendation 37:** The Scottish Executive should produce a specialist resource pack following the review for use with sexually aggressive young people. This pack should be piloted in a few centres.

**Scottish Executive**

**Recommendation 38:** Local authorities should examine the interface between children and family services and criminal justice services to ensure that those children and young people who are sexually aggressive or at risk from sex offending get a service determined by their need and not by their point of access to the system.

**Local Authorities**

**Recommendation 39:** There should be a national programme of training for staff in young offenders institutions and Secure Units who deliver personal change programmes. The programme should build on the proposed universal developments in schools and community education.

**Scottish Prison Service**

71. These recommendations were supported by consultees, although some of them raised concerns. One local authority education department suggested that teachers do not have the counselling and psychiatric support skills to intervene with pupils whose behaviour is causing concern. One consultee questioned the use of the term 'sexually aggressive behaviour', saying it was not broad enough to include all inappropriate or problematic behaviour which may not be aggressive in nature.

72. One local authority said that the national strategy should be developed with the input of children's groups and other authorities said that it should take account of local services, children's service planning and that it should be integrated into child protection procedures and training.

73. Barnardo's pointed out that it might be worthwhile to engage with a problem pupil's family, that any intervention should take a wide approach to consider the possible causes of behaviour, and that social workers might be able to contribute to this process. They emphasised that local authority intervention programmes used for children should be specifically geared towards youngsters rather than being adapted from adults programmes, and pointed out that the strategy needed to consider how to deal with young people who do not co-operate with or respond to programmes. Barnardo's thought it might be useful to study the outcomes of young people's intervention programmes. Others added that research should be done about any links between domestic violence (involvement in or witnessing of) and future offending.

74. One local authority pointed out that a multi-disciplinary approach to youth crime advocated by the Youth Crime Review and accepted by the Scottish Executive (which covers preventative measures) might aid the implementation of recommendation 38.

75. Three local authorities suggested that the training described in recommendation 39 should lead to a recognised qualification. One suggested that the qualification could be incorporated in the new residential childcare qualification. Another said that the training should be available to staff in schools for children and young people with emotional and behavioural difficulties.

76. SPS have agreed to take forward this training in young offenders institutions. It is the SIRCC's responsibility to take this forward in secure units.

**77. The Scottish Executive accepts these recommendations. The Education Department and Social Work Services Inspectorate will be responsible for developing this part of the strategy.**



## CHAPTER FOUR

### Chapter Four: Recommendations 40-47

**Recommendation 40:** Section 2 of Schedule 1 of the Sex Offenders Act should be amended to broaden the scope of offences to which the notification requirements apply.

**Scottish Executive**

**Recommendation 41:** The requirement to provide notification under the Sex Offenders Act 1997 should be extended to include any offender convicted of any crime containing a sexual element, at the discretion of the sentencing judge.

**Scottish Executive**

**Recommendation 42:** Offences under sections 106 and 107 of the Mental Health (Scotland) Act 1984 should be included in Schedule 1 to the Sex Offenders Act 1997.

**Scottish Executive**

**Recommendation 43:** The notification requirement should be extended to include:

- (i) any British national convicted of a relevant sexual offence outside the UK who returns to the United Kingdom and,
- (ii) any foreign national, similarly convicted, who has come to the United Kingdom following conviction.

**Scottish Executive**

**Recommendation 44:** Sex offenders who are subject to the notification requirements should be required to attend in person at a police station in order to provide the appropriate notice and should at the time of doing so also be required to furnish reasonable proof of identity.

**Scottish Executive**

**Recommendation 45:** Sex offenders who are subject to the notification requirements should be required to notify the police within 5 days:

- (a) when they intend to be away from their home address for more than 5 days,
- and
- (b) of any address in the UK where they reside or stay longer than 5 days.

**Scottish Executive**

**Recommendation 46:** Sex offenders who are subject to the notification requirements and are of no fixed abode should be required to report to a police station every 7 days.

**Scottish Executive**

**Recommendation 47:** Where an offender has failed to register timeously, the Court having jurisdiction in the place of his last known address should have the power to grant a warrant for his arrest in respect of the commission of an offence under section 3 of the 1997 Act.

**Scottish Executive**

78. These recommendations were broadly welcomed. Some of the areas they cover were also considered by a joint Home Office and Scottish Executive review of the Sex Offenders Act 1997. The recommendations made following this review have been subject to a consultation exercise.

79. The Panel recommended that the restrictions on the requirement to register for sexual assault cases should be broadened and that the age limit be removed. The joint review proposed limiting the requirement to sexual assault cases which attracted a sentence of imprisonment, or a supervision order of more than twelve months.

80. All consultees except two supported recommendation 41. One consultee said that it was important that the record of conviction should mention why the offence merited notification. The Law Society supported the recommendation and suggested that an order should be served on the accused to inform them that the sexual aspect of the case will be

considered. They also suggested that the requirement to notify should form part of the sentence and therefore be subject to appeal.

81. Recommendations 42 and 47 were supported by consultees and not considered by the joint review.

82. The Expert Panel acknowledged that implementing recommendation 43 might be problematic. The joint review suggested the introduction of an Order to register as a Sex Offender which could then be made use of in relation to the people described by categories (i) and (ii) of the Expert Panel's recommendation. The Law society supports the joint review recommendation in favour of the Expert Panel's.

83. Consultees supported recommendation 44 which is similar to that made in the joint review. One consultee pointed out that arrangements must be in place to manage a situation when an offender is unable to attend in person due to illness or accident.

84. Consultees supported recommendation 45. The Law Society stated that it preferred the joint review's suggested 8-day period after a change of address to the 5-day period prior to a move suggested by the Expert Panel. We will consider this following the outcome of the joint review. The Association of Chief Police Officers in Scotland suggested that sex offenders leaving the country should also be required to notify the police how they intend to travel and where from to ensure, for instance, that they do not travel next to unaccompanied children on a long haul flight.

85. Recommendation 46 caused some concern that the burden upon those of no fixed abode to register was greater than that on all others and that this may breach the European Commission on Human Rights. Consultees supported the aim of the recommendation but some, including the Law Society, suggested that the Home Office recommendation, which would allow such people to register the place at which they regularly stay, was a less invasive way to achieve the desired result.

86. The Association of Chief Police Officers in Scotland said that these proposals will have a significant impact on the level of resources required to monitor sex offenders.

**87. The Scottish Executive accepts recommendations 40, 41, 44 and 45 in principle, has fed the views of the Panel into the joint review process and will decide on how best to take forward in the light of the outcome of the joint review consultation. The Executive favours the approach taken by the joint review in relation to recommendations 43 and 46. This will ensure a consistent UK approach which is in line with the views of the Expert Panel. Recommendations 42 and 47, which did not form part of the joint review, will be taken forward separately by the Executive.**

#### **Chapter Four: Recommendations 48-51**

**Recommendation 48:** Sex offenders, whether or not subject to the notification requirements of the Sex Offenders Act 1997, should be required to comply with the risk assessment process to the extent of making themselves available to the appropriate agencies for interview and of allowing access to their home for the purpose of risk assessment.

**Scottish Executive**

**Recommendation 49:** A statutory duty should be placed upon Chief Constables and Chief Social Work Officers to establish joint arrangements for assessing, monitoring and managing risk.

Scottish Executive

**Recommendation 50:** Hospital managers and the Scottish Prison Service should be required to give notification to the police on the release or transfer of patients or prisoners subject to the notification requirements of the Sex Offenders Act. The Scottish Executive guidance should be amended to reflect this change and should also take account of the situation where a detained patient is granted leave of absence from hospital.

Scottish Executive

**Recommendation 51:** The Scottish Executive should give further consideration to providing a legislative base to allow for the use of electronic monitoring for the highest risk offenders on their release to assist in the monitoring process.

Scottish Executive

88. Recommendation 48 was supported by consultees although the Law Society suggested that this could be problematic under ECHR, and pointed out that the report does not explain at this point which offenders this recommendation will apply to.

89. Consultees approved of the aim of recommendation 49, but some said that it was unnecessary to impose a statutory duty for this since most areas already have such an arrangement in place. Others asked for clear guidelines outlining the roles of the two agencies these people represent.

90. Recommendation 50 was welcomed by many. Some felt that a mandatory requirement should be placed on hospital managers to achieve this. The Mental Welfare Commission for Scotland was concerned that this requirement was opposed to the notion of medical confidentiality. They pointed out that such notification *can* already happen, and they felt it should remain a discretionary power.

91. Consultees supported recommendation 51, although it was pointed out that a cautious approach must be taken with this monitoring as “[sex offenders] are known to often be both superficially compliant and to offend against individuals they know well” according to one local authority.

**92. The Scottish Executive wants to give more consideration to recommendation 48. It accepts recommendations 49 and considers it will be helpful to have a statutory duty in place and supports recommendation 50, agreeing with many consultees who suggested that the requirement to notify the police of release should take effect at least fourteen days before release. Provision has been made in the Criminal Justice (Scotland) Bill to allow electronic monitoring as a condition of release on licence (recommendation 51).**



## CHAPTER FIVE

### Chapter Five: Recommendations 52-54

**Recommendation 52:** The Scottish Executive, Scottish Homes, the local authorities and the Scottish Federation of Housing Associations should develop a national accommodation strategy to assist the management of sex offenders in the community. This strategy should be based on the key principles articulated in the guidance issued by the Chartered Institute of Housing in Scotland (CIHS) and on the explicit expectation that sex offenders will be accommodated outwith their home area **only in exceptional circumstances**. A central clearing house arrangement should be established to deal with these exceptional cases in the interests of community safety.

**Scottish Executive, Scottish Homes, the Local Authorities & the Scottish Federation of Housing Associations**

**Recommendation 53:** The Scottish Executive should provide funding to enable the local authorities, the Scottish Federation of Housing Associations and the relevant professional bodies to develop an education and training programme on good practice in housing sex offenders in the community. The programme would be targeted to housing providers and their management bodies. This should be based on the guidance developed by the Chartered Institute of Housing in Scotland, should address stakeholder concerns about the responsibilities and limitations imposed on the police, social work and other agencies through implementation of the Sex Offenders Act and should locate good practice within the context of community safety.

**Scottish Executive, Scottish Federation of Housing Associations & other professional bodies**

**Recommendation 54:** The Homelessness Task Force should ensure that any new guidance relating to the Housing Bill<sup>1</sup> and the revision of the Code of Guidance on Homelessness take appropriate account both of the need to house sex offenders and of the particular challenges this presents.

**Homelessness Task Force**

93. Consultees approved of the national accommodation strategy and the central clearing house. The City of Edinburgh council and the Howard League for Penal Reform did not support the expectation that sex offenders should be accommodated outwith their home area only in exceptional circumstances. The Howard League suggested that an offender might prefer to resettle in a new area and that to do so might be safer. The council said that from its experience, those who have served custodial sentences might form links with new areas, through college or work placements during their sentence, and might prefer to reside in these areas on release.

94. Edinburgh City Council and the Scottish Council for Single Homeless felt that it might be appropriate to prioritise sex offender's housing needs. They said that in order to complete a treatment programme an offender will benefit from a stable home base. Also, not ensuring stable housing for sex offenders could be seen to go against the principles of risk management. However, this was not seen to be contrary to the Chartered Institute of Housing's key principles. These respondents took the view that, although sex offenders should not be given special housing treatment merely because they are sex offenders, particular arrangements can be made to accommodate an offender in the context of managing risk and improving public safety.

95. Barnardo's said that accommodation for young people unable to stay at home and those leaving care should be considered as part of the strategy. Several consultees said that they would like to see a range of accommodation available to suit different categories of offender across Scotland. Some were concerned that registered social landlords and private sector housing companies should not be entitled to have blanket policies refusing sex offenders.

---

<sup>1</sup> The Housing Bill became an Act when it received Royal Assent on 18 July 2001, after these recommendations were drawn up.

96. Generally, these recommendations were welcomed. Consultees pointed out that there are other issues around registered social landlords that need to be considered, such as disclosure of information. The education and training programme should include private sector housing providers.

**97. The Scottish Executive accepts these recommendations. The Scottish Executive supports the expectation that offenders will *normally* be housed within their home area, but of course this will not mean they cannot move to a different authority. In July 2001 the Executive published a review and consultation paper on Criminal Justice Accommodation Services and it will publish its response shortly. The Accommodation Strategy will include the issues which need to be addressed in relation to the housing of sex offenders.**

## CHAPTER SIX

### Chapter Six: Recommendations 55-57

**Recommendation 55:** In sexual offence cases prosecuted, on indictment, where a plea of guilty is tendered and accepted, the tape recording of the Crown's narrative of the facts of the offence upon which the plea has been agreed, together with anything said on the accused's behalf, should be transcribed and made available to report writers. In summary cases, similar arrangements should be put in place.

**Scottish Executive**

**Recommendation 56:** Where a sexual offence case has proceeded to trial and conviction, a brief note should be prepared by the trial judge. This should set out the circumstances of the offence as established by the evidence. This note should accompany the request from the court to each report writer.

**Scottish Executive**

**Recommendation 57:** As recommended in chapter 2, any information from the Court and all material gathered by report writers should be routinely shared between report writers. Those writing reports should prepare their reports in consultation with each other.

**Scottish Executive**

98. Respondents welcomed these recommendations. As the comments in relation to recommendations 13-15 make clear, some consultees would like *more* information to be made available to report writers such as victim or witness statements.

99. It was suggested that a cheaper alternative to recording would be to require either the Procurator Fiscal and defence to submit a written summary of the facts and mitigation plea to report writers, or for Social Workers to attend court and take notes which could be forwarded to report writers. However, the principle was supported and the alternatives suggested would incur increased costs for other parts of the system.

100. Also echoing comments made in relation to those earlier recommendations, one consultee pointed out that the requirement on a judge to prepare a brief note would add to the delay before sentencing. One local authority suggested that a timescale be laid down for judges to produce this note. The Law Society suggested that the note should include mitigating factors and that both the prosecution and defence should be invited to comment on a draft of it.

101. Another local authority suggested that information should only be shared on a need to know basis as some might be personal and not of interest to anyone except the report writer, for example information required to complete a substance misuse assessment. Conversely, another suggested that information gathered for the purpose of report writing should become the property of the court. This would allow complete sharing of information. The Law Society suggested that sentencing should be informed by a full risk assessment based on the current case and informed by the antecedents of the offender and previous convictions (not previous allegations).

**102. The Scottish Executive accepts these recommendations. Provisions to legislate for recommendations 55 and 56 are included in the Criminal Justice (Scotland) Bill and recommendation 57 will be taken forward along with the implementation of recommendations on better procedures for sharing information.**

## Chapter Six: Recommendations 58-59

**Recommendation 58:** A system should be introduced for flagging, on an offender's record, the existence of a sexual element in any case where the charge is not itself a sexual offence.

**Scottish Executive**

**Recommendation 59:** The Crown should ensure that in all sexual offence cases it appends to the notice of previous convictions the extract of any previous convictions where it considers that there are factors relating to that previous conviction which ought to be before the court in deciding on the appropriate disposal.

**The Crown Office**

103. Although welcomed by consultees, several suggested that there should be a system of appeal against the flagging of a sexual element in a case and that it should trigger a risk assessment of the offender. Some consultees asked under what circumstances this information would be disclosed.

**104. The Scottish Executive accepts these recommendations and a working group will consider the development of a flagging system. The Lord Advocate has already issued instructions concerning information in relation to previous convictions.**

## Chapter Six: Recommendations 60-62

**Recommendation 60:** The Scottish Prison Service, local authorities, hospitals and the Scottish Court Service should build on their existing liaison arrangements to establish effective systems for the transfer of information. Targets for the speed of transfer of information should be set. The effectiveness of transfer arrangements and targets should be monitored.

**The Scottish Prison Service, Local Authorities, Hospitals & the Scottish Court Service**

**Recommendation 61:** The social enquiry report and any psychological and psychiatric reports should be made available to the Scottish Prison Service when a prisoner enters custody. The warrant travelling with the prisoner should clearly set out which reports were provided. This should be checked by the Scottish Prison Service and missing reports obtained promptly. The Scottish Court Service should ensure that the trial judge's report is passed on as soon as possible thereafter and the Scottish Prison Service should monitor receipt of these, pursuing outstanding reports as necessary.

**Scottish Court Service & the Scottish Prison Service**

**Recommendation 62:** The Scottish Court Service and the Scottish Prison Service should ensure that staff training and procedures cover information transfer and they should monitor the accuracy of recording of information.

**Scottish Court Service & the Scottish Prison Service**

105. These recommendations were welcomed although several consultees pointed out that data transfer must take account of the Data Protection Act. Other consultees noted their concern again about issues of confidentiality of the medical profession and disclosure issues. One local authority suggested that this recommendation should be imposed statutorily. Another local authority pointed out that police forces should be involved in these liaison arrangements.

106. The Law Society said that, under ECHR, prisoners should be made aware that this information was being passed to the prison service. Recommendation 61 should also include the provision of this information to the responsible medical officer if an offender is given a hospital disposal or undergoes treatment for mental illness in hospital. The SPS suggested that joint training with the Scottish Court Service would facilitate recommendation 62.

**107. The Scottish Executive accepts these recommendations and will set up a high level Steering Group to devise practical arrangements for improving the transfer of information between agencies.**

### **Chapter Six: Recommendation 63**

**Recommendation 63:** The Scottish Prison Service and local authorities should develop a national protocol determining the pertinent information which must be exchanged at the point of release from custody into the community.

**Scottish Prison Service & Local Authorities**

108. This recommendation was approved by consultees, and it was pointed out that privately operated prisons should be considered in developing this protocol. The protocol should form part of the National Standards. The protocol should consider early pre-release planning for more serious cases and should require that information of this nature is exchanged at least fourteen days before the release of the prisoner. NHS Argyll and Clyde said that the information should also be given to the primary healthcare team. Protocols for information sharing in the NHS are under consideration

**109. The Scottish Executive accepts this recommendation and will include this in the remit of the Steering Group which is being established on information transfer.**

### **Chapter Six: Recommendations 64-65**

**Recommendation 64:** Protocols to provide a framework for information sharing and joint working should be developed. These should draw on the best examples of current good practice and should be kept under review to ensure that they do not degrade and become less useful over time. The development of these protocols should involve liaison with relevant voluntary organisations.

**Scottish Executive**

**Recommendation 65:** The importance of information sharing should be reflected in the key performance indicators of individual agencies.

**Individual Agencies**

110. The first of these recommendations was welcomed and was requested by several consultees in response to recommendation 60. Several respondents suggested that new protocols and the KPIs could be incorporated into Public Protection or Community Safety frameworks.

111. Scottish Borders Council suggested that the national standards already spell out a requirement for this level of co-operation between agencies and that clarification about disclosure to third parties should be included in the protocols.

112. There was support for identified targets against which to monitor progress in improving information sharing. This could be done by KPIs, although West Lothian Council saw information transfer as something that would best be measured on a qualitative rather than quantitative basis.

**113. The Scottish Executive accepts the first of these recommendations. Further work will be done to establish the feasibility of KPIs and agency support for them under the aegis of the Steering Group on information transfer.**

## Chapter Six: Recommendations 66-69

**Recommendation 66:** The potential offered by the greater integration of the IT systems of individual agencies should be fully exploited to improve the overall management of information and to ensure that sex offenders can be readily identified.

**ISCJIS Project Board**

**Recommendation 67:** The management of social work and other files should be improved through:

- a checklist of key information sources attached to the front of each file
- better section headings so that routine correspondence does not restrict access to important documents
- reduction of redundancy and repetition.

**Individual Agencies**

**Recommendation 68:** The following terms should be developed and used by all agencies in order to ensure greater common understanding: registered; non-registered; un-registered; potential/ suspected sex offenders; vulnerable adult; sexually aggressive young people.

**Scottish Executive**

**Recommendation 69:** Criminal justice social workers should attend meetings of the Parole Board as part of their training and factual information about the Board's functions should be made available to social workers. Supervising social workers should receive, as a matter of routine, the relevant parts of the parole dossier and the relevant sections of the Minutes of the Board.

**Local Authorities**

114. Consultees supported these recommendations but many noted that the use and integration of IT systems across agencies was a general problem. Resources, training and time were needed to resolve these problems and clear guidance from the Executive might be beneficial. South Lanarkshire council thought that this integration should be considered as part of the modernising government agenda. The 'Integration of Scottish Criminal Justice Information Systems' (ISCJIS) through encouraging the integration of IT systems should address some of these problems. It was noted that the management of files was part of a larger problem of information management generally, a problem that might be dealt with by the new criminal justice social work local authority groupings.

115. Consultees suggested that the shared and defined terminology mentioned should be used in training. One consultee suggested that the Executive should consult with all agencies in establishing this terminology and others felt it was important to ensure that all agencies had bought into the terminology. Fife Council were concerned about labelling young children as sex offenders and questioned the relevance of the phrase 'normal sexual behaviour' for these children. They were also keen to see the phrase 'sexually inappropriate behaviour' defined.

**116. The Scottish Executive accepts these recommendations. The Steering Group will consider how best to use IT to improve existing systems. The proposed Risk Management Authority will also have a remit in relation to ensuring a better understanding of the terminology.**

## Chapter Six: Recommendations 70-73

**Recommendation 70:** There should be joint training of agencies to facilitate the development of shared understanding and effective communication. Such training should be in the form of modules with clearly defined topics relevant and useful to individual agencies.

**Individual Agencies**

**Recommendation 71:** Information, guidance and training should be provided to prosecutors and the judiciary to increase understanding of the nature and special features of sex offending and its prosecution.

**Judicial Studies Board**

**Recommendation 72:** The Crown should consider leading evidence to assist the jury in a sexual offence trial to understand the likely behavioural impact on the victim of a sexual crime.

**The Crown Office**

**Recommendation 73:** Good practice guidance for dealing with young witnesses should be available for the judiciary in sexual offence cases. Similar guidance should also be available for practitioners.

**The Crown Office**

117. These recommendations were supported by respondents. In particular, it was noted that although training should be local, central initiative would be helpful in driving it. Many authorities said that some joint training of this nature was already in place. Consultees suggested that raising awareness with the judiciary and prosecutors about sex offending could form part of the joint training and that others, such as solicitors, other defence agents, children’s reporters and Victim and Witness Support should also be involved with this. The Law Society suggested that guidelines should be prepared to assist judges in exercising discretionary powers.

118. In relation to recommendation 72, The Law Society said that the Crown can only lead information that is relevant to the case or to the sentence being considered. They said that general information about the likely behavioural impact could only be given if it is relative to an aspect of the case.

119. Consultees wanted child victims as well as witnesses to be considered in the best practise guidance suggested in the final recommendation. Childline Scotland echoed this and supported this recommendation saying that “young people calling Childline Scotland often cite their fears about giving evidence as a reason for not formally disclosing that they are being abused”. Many suggested practitioners who should also be given the guidance, such as teachers, Victim and Witness support and the Scottish Children’s Reporter.

**120. The Scottish Executive accepts these recommendations. The Steering Group will also consider issues in relation to inter-agency training. Recommendation 73 is being taken forward as part of the work of the Child Witness Implementation Group. This group is concerned with all child witnesses including those who are victims and those for the prosecution and the defence. The group will report on:**

- **The support and preparation of child witnesses;**
- **Interviewing child witnesses;**
- **Taking evidence from child witnesses.**



## **Full List of Respondents**

### ***Social Work, Medical and Health***

Association of the Directors of Social Work

Health Boards:

*Argyll & Clyde*

*Fife*

Mental Welfare Commission

NHS Scotland Common Services Agency

NHS Trusts:

*Ayrshire & Arran Primary Care*

*Highland Primary Care*

Royal College of Physicians

Scottish Association of Health Councils

### ***Local Authority***

Chief Executives:

*North Ayrshire*

*West Dunbartonshire*

Directors of Social Work:

*Aberdeen City*

*Aberdeenshire*

*Angus*

*East Lothian*

*Edinburgh City*

*Glasgow City*

*Inverclyde*

*North Lanarkshire*

*Renfrewshire*

*Scottish Borders*

*Stirling*

Directors of Education:

*Perth & Kinross*

*South Lanarkshire*

Criminal Justice Social Work Managers:

*Argyll & Bute*

*Clackmannanshire*

*Dundee City*

*East Ayrshire*

*East Dunbartonshire*

*Fife*

*Shetland Islands*

*South Ayrshire*

*South Lanarkshire*

*West Lothian*

***Legal***

Judicial Studies Committee  
Law Society of Scotland  
Scottish Law Commission  
Sheriffs Association

***Police***

Association of Chief Police Officers in Scotland

***Voluntary***

Barnado's Scotland  
Capability Scotland  
Howard League for Penal Reform  
Scottish Association for the Care Resettlement of Offenders  
Victim Support Scotland

***Housing***

Scottish Federation of Housing Associations  
Scottish Council for Single Homeless

***Others***

Brenda McGilliard  
Childline Scotland  
Children 1<sup>st</sup> (The Royal Scottish Society for the Prevention of Cruelty to Children)  
Justice for Victims (Scotland)  
Scottish Children's Reporter Administration  
Scottish Consumer Council  
Scottish Institute for Residential Childcare  
Young Women's Centre, Dundee

***Education and Teaching Unions***

Association of Headteachers in Scotland  
Scottish Secondary Teachers Association

***Panel Focus Groups & Sub Groups***

HALT Project  
Volunteer Development Scotland

