

NORTH LANARKSHIRE COUNCIL

SOCIAL WORK DEPARTMENT

Social Work Committee : August 19th 1997	Subject : REVIEW OF ARRANGEMENTS FOR THE SUPERVISION OF SEX OFFENDERS
From : Jim Dickie, Director of Social Work Prepared by : John S Scott, Principal Officer, Criminal Justice	

1. **PURPOSE OF REPORT**

The purpose of this report is to :

- seek the approval of the Social Work Committee to forward comments to the Scottish Office in relation to arrangements for the supervision of sex offenders.

2. **BACKGROUND**

While still Secretary of State for Scotland, Michael Forsyth announced that the Scottish Office intended to consult with interested parties on arrangements for the supervision of sex offenders. Local Authorities have been included in this exercise, and comments prepared by the Social Work Department in consultation with the Housing and Education Departments are attached to this report.

3. **COMMENTS**

Comments made cover a wide range of issues, but seek to recommend that comprehensive arrangements are put in place for :

- the identification of sex offenders.
- national guidelines for the accommodation of sex offenders.
- intervention to modify their behaviour.
- ongoing surveillance.
- effective multi-agency practice.
- clarity in the roles of the agencies which deal with sex offenders, particularly in relation to the differences between intervention and surveillance.
- the provision of sufficient resources to make these arrangements effective.

4. **RECOMMENDATION**

The Committee is asked :

- to approve the comments made as suitable to forward to the Scottish Office.



Jim Dickie
Director of Social Work
August 12th 1997

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NORTH LANARKSHIRE COUNCIL

Review of Supervision Arrangements for Sex Offenders

Comments to Scottish Office

August 1997

1. INTRODUCTION

The Council has been invited by the Scottish Office to make comments on supervision arrangements for sex offenders. This review was initiated by the then Secretary of State Michael Forsyth.

Over the last few months, the council has been invited to make comments on a number of matters concerning sex offenders. These included

- A consultation paper issued by the home office on "Sex Offenders: A Ban on Working with Children".
- A consultation document on proposals for a national system of accreditation and vetting information for adults working with children and young people in Scotland.
- A consultation document entitled "On the Record in Scotland" concerning increased access to criminal records.
- The White Paper "Crime & Punishment".

The above documents all relate to supervision arrangements for sex offenders and comments made by the department in relation to these documents are included within those noted below. Whilst mainly concerned with the involvement of the Social Work Department, this paper also incorporates the views of the Housing and Education Departments.

2. IDENTIFICATION OF SEX OFFENDERS

Effective arrangements for the supervision of sex offenders cannot be realised unless sex offenders are properly identified. There are currently a number of difficulties, and the following is proposed.

2.1 Investigation and Prosecution

It should be noted that in Scotland many sex offenders are prosecuted in terms of breach of the peace, rather than under a specific sexual offence. This makes it impossible for employing organisations to adequately vet people as detailed information on the circumstances of the offence is not available from the Scottish Criminal Records Office. To be effective, legislation in relation to sexual offences will have to be reviewed, to ensure that the police can charge someone in terms of an appropriate sexual offence, or there should be a review of police practice on this issue, with appropriate guidelines issued.

It is recommended that those individuals who are not convicted, but are found responsible in civil proceedings through the children's hearing system in Scotland as being responsible for the committal of sexual offences against children, should be included in any measures to provide additional control. While this is not a conviction, there will have been a finding in court proceedings of responsibility for the injury to a child, and this should be deemed sufficient to include this group in any comprehensive measures.

It is also recommended that guidance be given to the Crown Prosecution Service that sexual offending is not suitable for consideration for Diversion. Inclusion in Diversion schemes might prevent ongoing identification and appropriate controls, as there will be no record of conviction.

3. SUPERVISION

There are several strands to supervision arrangements for sex offenders, prosecuted through the courts. These are dealt with in terms of the disposals available to the courts.

3.1 Disposals which allow the Offender to remain in the Community

Development of a range of comprehensive measures to ensure adequate scrutiny and control of this group demands that clear guidelines be established which ensure a consistent national approach. It is recommended that National Standards be developed with specific regard to this client group, to ensure

that effective programmes exist in all areas which will provide effective risk assessment for the courts, and will allow offenders to participate in structured, research informed programmes as the subject of probation orders.

Some offenders may not require to be sent to prison, but the level of risk which they pose may be such that living openly in the community whilst subject to a probation order would pose an unacceptable risk. To deal with such situations, and to contribute to a framework of adequate intervention measures, it is recommended that consideration be given to the development of a specialist unit(s), which will include the provision of supported accommodation, and the provision of intensive programmes which will tackle the offending behaviour.

3.2 Prison Disposals

Currently, clear structured programmes for working with sex offenders are run in a number of prisons within Scotland. These however, are established on a prison by prison basis, and do not contribute to a national framework. Involvement in the programmes available is also voluntary.

It is recommended that a national review of prison based programmes be undertaken, to ensure that an offender becomes involved in a clear accredited programme, wherever he/she may be in the prison system. Clearly this should be established alongside effective arrangements for sentence planning. It is also recommended that consideration be given to a compulsory requirement that sexual offenders participate in such programmes within prison. This would ensure that at the end of the prison sentence, a clear assessment of the degree of risk posed by the particular offender can be undertaken to inform what future measures of control are required. This is commented on further in later sections.

3.3 All Disposals

It is recommended that at the end of the period of intervention, either in the community or in prison, a risk assessment be undertaken to determine the level of risk still posed by the offender. This will inform the level of ongoing surveillance and supervision which will be required to minimise the risk posed by the offender, following the period of intervention.

It is also recommended that a review of arrangements for supervised release orders be undertaken. Currently additional conditions to the order can only be imposed at the time of sentence. Arrangements do not allow a review of requirements at the end of the period of imprisonment. It would be more satisfactory if the need for additional conditions were determined at the end of the period of imprisonment. Such consideration would be informed by the degree of co-operation shown by the offender when participating in prison based programmes. The need for additional conditions might be reviewed by the parole board, as currently happens with non parole licence.

4 SURVEILLANCE

The Social Work department supports proposals to establish a register for sex offenders, and agrees that this be administered by the police. The department however has concerns that the arrangements proposed would not lead to effective surveillance. It is recommended that sufficient resources be provided to back up the register through periodic visits to the offender. This would clarify not only where the offender was living, but the circumstances, including contact with children. It is proposed that the level of contact required in relation to a particular offender be determined by the level of risk assessed at the time of conviction, and re-assessed at the end of the period of intervention. i.e the period of intervention in the community, in prison, or the period of statutory supervision following imprisonment. Such an arrangement would offer a logical follow through from the period of intervention with the offender, to the period of ongoing surveillance.

Proposals for long term supervision of sex offenders following release from prison were contained in the Crime and Punishment Act, 1997. These extend the period to which a sexual offender is subject to statutory supervision. This Authority is concerned that this confuses the roles of Police and Social

Work, who will be both be involved with the offender, Social Work through statutory supervision, and the Police, through maintenance of a register. It is recommended that there be a review of proposals to ensure that there is a clear distinction between the role of Social Work in providing intervention programmes which seek to modify the behaviour of offenders, while providing an element of control, and that of the Police in terms of longer term surveillance.

The nature of sexual offending, and research associated with this behaviour, suggests that surveillance is likely to be life long. This will clearly demand a substantial allocation of resources. Comprehensive arrangements for intervention, surveillance, and continued vetting in relation to employment flow from this basic premise.

5 VETTING ARRANGEMENTS

The consultation documents "On the Record in Scotland" and "Consultation on Proposals for a National System of Accreditation and Vetting Information for Adults Working with Children and Young People in Scotland" both relate to measures required to prevent sex offenders establishing contact with children through organisations.

The view of the Social Work Department, and the council is that a national system of accreditation and vetting must be compulsory, and must be externally monitored to ensure effectiveness. Options contained in the consultation document which included voluntary accreditation were considered too loose to be part of an effective structure.

Proposals contained in "On the Record in Scotland" were welcomed, and these, if adopted, will extend access to the Scottish Criminal Records Office to voluntary organisations who work with children. The council expressed concerns about other measures in the document, in particular proposals to introduce a criminal conviction certificate for those seeking employment, but these concerns do not relate to sex offenders.

5.1 Legislation

The consultation document "Sex Offenders a Ban on Working with Children" introduced proposals which seek to control the opportunities for those responsible for sexual offences against children to seek to work with others. The document centers around proposals which would make it an offence to seek employment or offer services which would involve access to children.

The document is complex and includes such issues as the range of qualifying offences, the length of ban, whether the ban should be automatic, and arrangements for appeal. The council's response to this document is included as an appendix. The main points made by the department, and by the council were based on the premise that sex offenders pose a life long risk. Accordingly it was proposed that the ban should be automatic, should be life long and should include those found responsible in civil proceedings as well as those prosecuted through the criminal justice system.

5.2 Sharing Information

Currently information is held by those agencies directly involved in work with the offender. Principally this involves social work, the Scottish Prison Service and in the early stages of investigation and prosecution, the police. There is a presumption of confidentiality, with information only shared with other agencies such as housing, education or health, when demanded by individual circumstances. These may relate to the provision of accommodation, or involvement in child protection procedures. No information is shared with the general public.

It is recommended that arrangements be introduced to allow a greater sharing of information between certain key agencies. Those involved would be social work, housing, leisure services, education, the police and health services. These agencies will have a concern about sex offenders in a number of ways, for example in relation to the provision of suitable accommodation, in relation to the

vulnerability of their client group, in relation to the opportunities their organisation might present the sex offender seeking to access children, or in relation to surveillance. A wider circulation of information however demands clear guidelines on the use of that information, and the level in the organisation to which information is provided to ensure effectiveness combined with confidentiality. The provision of information to the general public is not regarded as appropriate, as it is likely to deflect from the effectiveness of measures proposed in this document.

6 OTHER ISSUES

6.1 Housing

Currently clear difficulties exist with the provision of accommodation for sex offenders, and it is perhaps the most urgent issue requiring national guidance in the whole area of supervision of sexual offenders. The degree of difficulty varies from authority to authority in relation to their interpretation of the Homeless Persons Act. In particular there is variation on the view of whether release from prison in itself is a measure of vulnerability. This of course applies to the wider group of ex-prisoners and not simply to sex offenders. This issue requires guidance from the Scottish Office to local authorities on expectations of housing policy in relation to ex-prisoners. Sex offenders however pose particular problems. Much temporary accommodation provides for a range of client groups, from the vulnerable individual person to family groups which include vulnerable children. It is not appropriate to place sex offenders in accommodation which places them in close proximity to other vulnerable groups. Accordingly it is necessary to establish a national arrangement to deal with this client group. This may include supported accommodation for those who are released from prison, or released from specialist intervention units as described earlier and who require ongoing support, to the provision of individual flats or houses for those deemed suitable for the provision of accommodation through the homeless persons act, or through normal housing allocation policy.

The current position in North Lanarkshire is that all applications for accommodation from known sex offenders will be dealt with on an individual basis by the Director of Housing, following joint assessment with Social Work.

7 CONCLUSION

This paper seeks to bring together comprehensive arrangements for identification, assessment, intervention, and surveillance in relation to sex offenders. It seeks to ensure that there is a continuous process which should operate nationally to ensure that all sex offenders identified are given the opportunity to address their offending behaviour and that there is an ongoing assessment of the risk they pose. The degree of risk posed will inform the level of surveillance measures required.

The arrangements are based on the premise that sex offenders pose a life long risk to children, and that their rights need to be subjugated to the rights of children to be protected. Longer term research may show that sex offenders can be helped to fully modify their behaviour. Currently, it is not possible to be confident about this, and accordingly the establishment of a range of extensive controls seems appropriate.