

NORTH LANARKSHIRE COUNCIL

SOCIAL WORK DEPARTMENT

Social Work Committee : March 1998	Subject : Scottish Office Consultation on Proposals for the development of measures to deal with Sex Offenders 1. "A Commitment to Protect" 2. Crime and Disorder Bill
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 :

- Inform Committee of the proposed development of measures designed to provide more effective control over sex offenders.,

2. BACKGROUND

There have been a number of consultation exercises in the past year in relation to dealing with sex offenders. This report concentrates on proposals for the future development of control measures.

3. SCOTTISH OFFICE REPORT - A COMMITMENT TO PROTECT

The Scottish Office have circulated this report for consultation. It makes proposals for the improvement of arrangements for the supervision of sex offenders. Comments are to be returned to the Scottish Office by the end of February., and a draft of these are included for consideration by the Committee.

Supervision is proposed to be activity undertaken by Social Work, which includes assistance provided to the offender, the delivery of programmes which seek to effect personal change in the individual, and measures which seek to provide oversight of the conduct of the individual in the community.

Monitoring is seen as maintenance of the Sex Offender Register by the Police.

The Social Work Department welcomes the report, recognising it as a further step in improving the methods used to deal with sex offenders, and in further improving co-ordination between agencies. The Department has commented on a number of issues, but has concerns in two crucial areas. These are :

- **Identification of Sex Offenders**

The report has failed to propose any changes to the Sex Offender Act which would close gaps in the identification of offenders.

- **Responsibility for the surveillance element of supervision**

The Social Work Department agrees that there is a need for measures which will improve levels of contact and surveillance of sex offenders, and has no difficulty in supporting this as an element which requires to be developed. The Department, however is not convinced that the measures proposed are those which will be most effective.

- It is the view of the Social Work Department that the surveillance element of supervision should relate to the period of registration in terms of the Act.
- It is the view of the Social Work Department that Social Work is not the agency best suited to the surveillance element of supervision. Rather surveillance in relation to sex offenders should be undertaken by the Police whose ethos, training and structure is best suited to this activity.

The role of Social Work in this scenario would be to work closely with the Police in relation to the assessment of risk, and the provision of assistance and personal change programmes for the individual.

The Committee will wish to note several other points :

- The report reinforces the point that disclosure of information in terms of the Sex Offender Act should be tightly controlled, and that there is no evidence that public disclosure improves public safety.. At two points the report makes clear that there should be no routinised provision of information to elected members.
- The report refers to the need for a national, strategic development of supported accommodation for sex offenders, and of the need for a national facility to provide personal change programmes within a controlled residential environment. The Social Work Department supports both of these proposals which were included in our earlier submission.
- The further development of supervision will require the allocation of additional resources to make this possible.

4. **CRIME AND DISORDER BILL**

The Bill includes two measures concerning sex offenders.

- Late in 1997, the Government announced its intention to include Sex Offender Orders within the Bill. These are designed to allow the Police or Local Authority to make application to the Sheriff Court for an order in situations where an offender poses a risk through his / her activities e.g. where there is evidence that an offender needs to be kept away from schools or play areas. At this stage there is little information available on how these will be enforced.
- The Bill also includes measures to extend the period of supervision to which sex offenders can be subject, following discharge from prison. The measures will only apply to those sentenced to four years and more. The period of extended supervision may be for a maximum of ten years.

5. RECOMMENDATION

The Committee is asked to :

- Note the contents of the report from the Scottish Office.
- Approve the comments as suitable for submission to the Scottish Office.
- Note the measures in the Crime and Disorder Bill which relate to sex offenders.



Jim Dickie
Director of Social Work
January 28th 1998

For further information contact John S Scott, Principal Officer, Criminal Justice (01698 332029)

NORTH LANARKSHIRE COUNCIL

SOCIAL WORK DEPARTMENT

CRIMINAL JUSTICE

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Comments

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**A Commitment to Protect
Supervising Sex Offenders :
Proposals for More Effective Practice**

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February 1998

1. INTRODUCTION

North Lanarkshire Council welcomes the opportunity to comment on the report 'A Commitment to Protect' issued by the Scottish Office. The supervision of sex offenders is an area of concern to this, as to most authorities, and there is a commitment to ensuring the application of policies and practice which are effective in reducing offending and maximising public safety.

North Lanarkshire Council commented on arrangements for supervision of sex offenders in summer 1997, and these further comments are intended to contribute in a positive manner to developments.

2. GENERAL COMMENTS

The following general comments are made in relation to the report :

- The proposal that there should be no public disclosure of information is supported.
- North Lanarkshire Council supports those proposals which seek to improve the identification, monitoring and supervision of sex offenders, but has some concerns at the proposals made for implementation of these.

These are commented on below.

3. IDENTIFICATION

- The guidance given to the Procurators Fiscal to try wherever possible to prosecute in relation to a sexual offence rather than an alternative which does not readily identify the offender as a sex offender is welcomed.
- The provisions of the Act might be tightened to allow the registration of those who are convicted of other offences where there is a sexual element. This remains a major gap in arrangements for the identification of offenders.
- Those who accept responsibility or are established to be liable for the committal of sexual offences in Children's Hearings Civil proceedings should be included in arrangements for registration.

4. SUPERVISION

This Authority agrees that the range of activities recommended in the report are appropriate to improving practice in relation to management of risk, but has some difficulty with proposals for their implementation.

The following comments are offered :

- It is correct that there should be an extension of supervision / surveillance of sex offenders, but the period of surveillance should relate to the requirement to register under the Act and not only to the period of statutory supervision.
- The element of surveillance should be carried out by the Police in close relation to the responsibilities of the Police to maintain effective systems for the monitoring of offenders through the register. The Police, as an agency, are more geared to this form of activity in terms of their ethos, training, and structure than are Social Work Departments.
- The role of Social Work should be to work closely with the Police during the period of statutory supervision, to be involved in risk assessment and the planning of arrangements, and to ensure that work undertaken to assist the individual and to engage him / her in personal change programmes is complementary to the degree of surveillance required.

These proposals would strengthen arrangements for the supervision of offenders. They would fit with proposals for the longer supervision of the most serious offenders, and would ensure continued surveillance beyond the period of the statutory order, and in those cases where e.g. a fine, or short period of imprisonment with no statutory supervision has been imposed.

In relation to other areas concerning supervision :

- The proposal to make greater use of probation is supported.
- The proposal to make greater use of Supervised Release Orders is supported. Their effectiveness would be strengthened, however, by the consideration of relevant conditions at the point of discharge rather than at the point of sentence.
- The recommendation that greater use should be made of psychologists in the development and evaluation of personal change programmes is welcome, but would demand the allocation of additional resources.
- The proposal to explore ways of providing information to those involved in the delivery of personal change programmes is welcome. The absence of detailed information is a major gap in current arrangements.
- Proposals that there should be a National Residential Facility for sex offenders is strongly supported, as are comments that supported accommodation should be developed on a strategic, national basis.
- The proposal to make use of a unit in Kenmure St Mary's for young sex offenders is welcome as a protection to other young vulnerable people placed in secure accommodation.

5. CONCLUSION

North Lanarkshire Council supports the broad thrust of the proposals contained in the report, and believes that they will improve public safety if properly implemented. We are not convinced that the proposals for implementation contained in the report are those which will be most effective and ask that these be reconsidered in the light of the comments noted in this response.

The implementation of these proposals will depend upon the allocation of additional resources.