

NORTH LANARKSHIRE COUNCIL

REPORT

TO : Social Work Committee	Subject : Internal Inquiry into the Case Management of Mr GP
DATE : March 7th 2000	
FROM : Jim Dickie, Director of Social Work	
PREPARED BY : John Scott, Principal Officer, Criminal Justice	
REF : JS / Co0067	

1. PURPOSE OF REPORT

The purpose of this report is to :

- Inform the Committee of the outcome of the Internal Inquiry into the Case Management of Mr GP.

2. BACKGROUND

The Internal Inquiry into the case management of Mr GP was instructed by the Director of Social Work, following critical comments made by a Sheriff, at Airdrie Sheriff Court, in September 1999, regarding the handling of the case of a sex offender, Mr GP, by the Council. The Sheriff had found Mr GP guilty of an offence of Breach of the Peace.

The Director of Social Work decided to invite an appropriately qualified external person, nominated by the Chief Inspector for Social Work Services in Scotland, to advise him on the conduct and outcome of the Departmental investigation, and to make recommendations on action to be taken in the light of this investigation. The arrangements put into place were supported by the Director of Housing and Property Services.

Mr P Begley was nominated by the Chief Inspector as an individual with the ability to provide expertise in this area of work. He was formerly Chief Social Work Officer in Stirling and has experience as an Inspector in the Social Work Services Inspectorate.

The legislative and guidance context for work with sex offenders informed the conduct of the Internal Inquiry and is outlined as Appendix 1, attached to this report.

3. THE INTERNAL INQUIRY

This section sets out the arrangements made for the Internal Inquiry and its findings.

3.1 The Role of the External Adviser

The role of the external adviser was to advise the Director of Social Work on the remit, process, approach and findings of the Departmental Inquiry into the management and practice

in the case, comment on its findings and to make recommendations on lessons to be learned in the future management of similar cases.

3.2 Scope and Conduct

It was agreed that the scope of the Internal Inquiry would include the following areas.

- The case management of Mr.GP, between July 1997 and September 1999.
- Compliance with National Standards and Objectives for Social Work in the Criminal Justice System.
- Managerial supervision
- Focus on sex offending and community safety
- Planning process and decision making
- Quality of assessment and intervention

The Internal Inquiry was conducted by the Principal Officer, Criminal Justice, the Principal Officer, Registration and Inspection, both Social Work Department, and the Service Development Manager, Housing and Property Services Department

The process of the Internal Inquiry involved three lines of examination :

- Interviews with relevant staff of the Social Work Department (8)
- Interviews with relevant staff of the Housing and Property Services Department (5)
- Interviews with the Owner of the private care company Aid-U and the carer appointed to provide service to Mr GP.
- Examination of written records - the Social Work case file and Housing Records.

3.3 Findings

This section sets out the main findings from the Internal Inquiry.

3.3.1 Social Work ~ Quality of Assessment and Intervention

Review of Social Work practice showed that, throughout the duration of the probation order, extensive and consistent effort was made to intervene positively with Mr GP in relation to both his offending and community care needs. Assessment was clear and focused, properly reflecting the degree and type of risk posed by Mr GP.

The conclusions reached were :

- That the Area Team was faced with an offender with entrenched attitudes, who also had significant community care needs. An offence focused approach was adopted and this was carried out by the staff allocated the case, extending to reporting to court that Mr GP

was refusing to comply with his probation order.

- The Court appears, however, to have given precedence to Mr GP's vulnerability over matters of community safety when disposing of the breach of probation, established in March 1999. This was very significant in reducing the authority of the Social Work Department, and reinforcing Mr GP's entrenched attitudes. It posed difficulty in working with Mr GP, who exercised his right to demand community based community care services, rather than residential provision, and was ignored by the Court who chose to criticise the Social Work Department when Mr GP later offended in the community.
- Following the Court's decision, the staff involved continued to invest substantial time and resources into dealing with Mr GP, although the statutory order had been revoked, endeavouring to meet his community care needs while struggling with the difficult behaviour and entrenched attitudes he exhibited.
- This case highlights the risks present for both the public and staff dealing with sex offenders.

Staff involved in work with sex offenders, subject to statutory orders or not, must hold safety as the priority, with risk factors effectively communicated between units of the Social Work Department and between Social Work and other agencies. This should include use of the alert facility on the revised Social Work Information System. The needs of the individual and his / her human rights to privacy and a home, as defined by Article 8 of the European Convention Human Rights, must be balanced with the needs and rights of others, with community safety and staff safety the priority.

- In addition to directly supervising the offender, the Department engaged the services of an independent sector provider in a befriending capacity, with the intention of extending the periods when the offender was accompanied and supported. This lessened the direct control of the Department. The Director of Social Work is satisfied that there was an appropriate exchange of information with the external agency at the start of its involvement. Nevertheless, it is noted that contrary to statements made during the Department's investigations, the agency now contends that it was not given all of the relevant information.

In future, independent sector providers should only be used within prescribed circumstances, where it has been demonstrated that they are competent in the management of high risk situations. The circumstances where they might be used should be set out in procedures which outline authorisations required for use, communication between agencies and arrangements for regular monitoring of work.

- Offence focused activity needs to be systematically recorded to demonstrate evidence of work undertaken to promote community safety.

3.3.2 Inter Agency Practice

The conclusions reached were :

- That the commitment of staff from the two Council Departments, in this difficult area of service, was clearly seen, but there is a need to ensure that this shared commitment is translated into effective joint planning and sharing of management information.

- Inter agency meetings held to plan care arrangements should be formal, with a primary focus on community safety, and assessment of risk to public and anyone involved in care provision agreed and recorded.
- Risk to care staff must be a high priority and should be put in writing by the Social Work Case Manager to other units / sections of the Social Work Department or other agencies involved.
- Accommodation solutions for sex offenders must acknowledge the lack of tolerance which exists in the public mind for this behaviour.

The areas for improvement noted above are crucial to the future effective management of cases. This case highlighted the need for improvement and greater formality in recording and communication, though there were no failures which were material in this particular case. This does not suggest complacency as it is clear that similar inconsistency of views between Departments or lack of formal minuting of risk / decisions could result in serious consequences in other cases.

A significant factor which undermined the Council's arrangements was the performance of the private organisation, engaged to provide befriending services to complement the core arrangements put in place by the two Council Departments.

4. FINDINGS BY THE EXTERNAL ADVISER

The external adviser has reported the following in relation to the Internal Inquiry undertaken within the Council.

4.1 Summary of Findings

- The findings of the Inquiry command his support.
- The conclusions reached in the Inquiry are well founded and should be acted upon.
- The charge that Social Work and Housing and Property Services acted 'very irresponsibly' cannot be sustained.
- While the Inquiry acknowledged that there are areas for learning and development, principally in relation to joint planning between agencies and the formal recording of such arrangements, there is objective evidence that the work undertaken by the different agencies was, with one specific exception, of an acceptable standard.
- In some instances the level of service provided by Social Work surpassed the requirements of National Standards for work with offenders, and there was evidence that the work was underpinned by Best Practice.
- The central criticism that North Lanarkshire Council placed Mr GP at Manse Avenue without taking account of community safety factors is unfounded.

The external adviser notes that the staff of Social Work and Housing and Property Services, involved in the provision of care, support, monitoring and resources to Mr GP did so in a co-ordinated, professionally competent fashion, informed by sound risk assessments, and underpinned by best practice. He states that 'the action taken by the Authority and Senior Managers in the wake of critical press reporting was timeous, thorough and comprehensive'.

4.2 Further points noted

The external adviser made the following additional comments in relation to the case

- It is important to remember that work with sex offenders is an area of developing knowledge and expertise, where fine judgements have to be made on the basis of existing knowledge and practice. These judgements cannot be divorced from the availability of appropriate resources.
- The task in this instance was made more acutely difficult in view of the particular constellation of personal difficulties evidenced by Mr GP. Despite sustained inter agency activity, organised and underpinned by considerable Social Work services, support and funding, Mr GP was either unable or unwilling to engage in any constructive processes to mediate his behaviour or actions.

Given the long standing difficulties of working with Mr GP, evidenced in a number of settings, the Social Work service is to be applauded for 'sticking with Mr GP' providing him with a range of services and resources, and for acting, with others, in a proactive and professional way to ensure that he remained in a supervised and supportive environment.

- It was clearly the intention of all those involved that planned arrangements would meet Mr GP's social needs while providing a significant measure of monitoring and supervision aimed at obviating potential risk to the community.
- It is unfortunate and regrettable that what was a considered inter agency package of care was undermined by Mr GP himself and the actions of the external care agency engaged to provide additional support.
- An earlier court revoked Mr GP's Probation order due to his failure to comply with its conditions, but allowed him to remain in the community. Social Work and other services continued to provide support rather than leave Mr GP to his own devices. Despite the unequivocal Social Work view that Mr GP was highly likely to commit further offences and had already breached his Probation order, the Court determined that his offences and degree of risk to the public did not warrant his removal from the community. It appears to have concluded that the nature of his offending was at the lower end of the spectrum of serious sexual / violent offences.
- Any reasonable view of the decision of Housing and Property Services to place Mr GP in Manse Avenue would conclude that, notwithstanding the limitations of the location and the proximity of schools, it was a careful and considered one, community safety balanced against available resources and the level of security which the resources provide.

Given the requirement to accommodate Mr GP in the community, the nature and incidence of his offending, the level of security and monitoring available in Manse Avenue, when compared with other resources, offered the best available compromise.

- It must be remembered that Mr GP was under no compulsory order to work with the Council, that the Council had no powers to compel Mr GP to work with the Departments, and had no authority to restrict his actions, behaviour or movements. **The Council did, however, have a statutory obligation to provide him with accommodation.**
- Issues of communication noted in the Inquiry, which require greater formality, did not affect the outcome of this case.

4.3 Recommendations of the External Adviser and Comment / Action by North Lanarkshire Council

1. The External Adviser makes recommendations on a range of issues :

- That the Lanarkshire Executive be asked to consider the development of and joint funding of radical and imaginative proposals to augment the range of initiatives available to monitor and supervise sex offenders in the community.

Comment - the Social Work Department agrees that additional resources need to be provided to both local authorities and police to fund the services needed to meet public and political expectations in relation to the effective monitoring of this difficult client group.

- That protocols be developed on an inter agency and intra authority basis for the identification, exchange, dissemination, and control of information crucial to the effective management of sex offenders in the community.

and

That the Housing Service be included as an equal partner in planning for and managing sex offenders, including the receipt of essential intelligence and information.

Comment - the Social Work Department has agreed a protocol with Strathclyde Police for the sharing of information between the agencies, but wishes to strengthen this by the involvement of Housing and Property Services as an equal partner with the other two agencies. Current guidance precludes this.

In addition, Social Work staff contribute, through the Association of Directors of Social Work to a national joint ADSW / Association of Chief Police Officers group concerned to comment on guidance and improve co-ordination of services, and to a national group, with Housing representation, concerned to improve practice between Social Work and Housing Departments.

- That joint planning and resource development initiatives be explored, and where appropriate, be established between neighbouring authorities.

Comment - work has already begun on the development of a Criminal Justice Grouping for Lanarkshire, including the establishment of a Strategy Group for work with sex offenders, involving Social Work, Police, Housing and Health Services. Intervention programmes for sex offenders are currently being reviewed with the

aim of developing joint arrangements for service delivery.

- That sex offenders be allocated a consistent and experienced professional irrespective of Departmental designations.

Comment - staff from Community Care settings are being trained in the formal risk assessment process introduced in North Lanarkshire and reported to an earlier Committee. Managers ensure that a member of staff experienced in work with sex offenders is available to offer advice to colleagues working with such individuals.

- That representations be made to the Scottish Executive to develop a national strategic approach to the development of specialised resources and services, including consideration of the types and locations of 'housing environments' to provide socially acceptable and appropriate levels of support and care for offenders, and protection from communities.

Comment - North Lanarkshire supports this recommendation and has strongly advocated for a national accommodation strategy on a number of occasions. There are indications that the Scottish Executive are showing interest again in this area, but no timescale has been set. The Director of Social Work has participated in discussion at national level, with the Scottish Executive, on this matter. It is recommended that the Council write again to the Scottish Executive to express concern at the continuing gap in strategy and resources.

- That consideration be given to the development of a Council Strategy to promote safer communities and joint service policies to monitor and overview work with those who constitute a risk to the public.

and

That a review of the criteria for the allocation and the nature of tenancy agreements be initiated.

Comment - Community Safety Strategy already exists, and joint service policies concerning the work undertaken between Social Work and Housing and Property Services fit within that strategy. Housing and Property Services have reviewed their policies and procedures in the area of tenancy agreements.

- That consideration be given to a senior manager within the Social Work service holding a functional responsibility, on behalf of the Council, for the co-ordination and oversight of the development of policies and protocols for work with sex offenders.

Comment - As noted, protocols and work agreements are in place between Social Work and the Police and between Social Work and Housing and Property Services.

The Principal Officer (Criminal Justice) in the Social Work Department takes this role when required. This work is supported by the Tenancy Services and Accommodation Section of Housing and Property Services, who co-ordinate arrangements for the accommodation of sex offenders.

- That consideration be given to the relevance of the Care Programme approach in dealing with sex offenders.

Comment - it is agreed that the principles of this approach provide a structure for the provision of support to individuals, consistent with the approaches developed to supervise offenders. The Care Programme Approach has particular relevance to those offenders who are also in receipt of Community Care services.

- That consideration be given to the establishment of a protocol with the Judiciary to ensure that in matters which impinge on public safety Sheriffs are provided with information to brief them on the actions of the authorities in respect of Community Safety. This should be separate from that relating to the Social Enquiry Report.

Comment - this matter will be raised in liaison meetings with Sheriffs, but the provision of information outwith the Social Enquiry Report and normal court processes must not be seen to prejudice the independence of the Judiciary and may be in breach of the Convention of Human Rights.

- That consideration be given to initiatives to develop protocols and briefings for the Press in matters of public concern and interest.

Comment - the Social Work Department agrees that the public interest is best served by having available information which informs them of the work of the Council, its powers, and the constraints within which services are developed and managed. This will help to promote mature debate on the many difficult areas of work in which the Council has to engage. Public Relations will support work to establish the best means of carrying this recommendation forward.

- That the Scottish Office be asked to reconsider the funding arrangements for those on the Sex Offenders Register who are not the subject of a statutory order.

Comment - the Social Work Department supports this recommendation and recommends that the Council write to the Scottish Executive on this matter.

5. OTHER ACTION

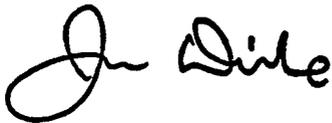
This section comments on further action taken and proposed :

- The Social Work Department has taken action to ensure that independent sector providers are only used within prescribed circumstances, where it has been demonstrated that they are competent in the management of high risk situations.
- The recommendations made by the external adviser will be of interest to the Chief Inspector of Social Work and to the Expert Panel on Sex Offending chaired by Lady Cosgrove, established following the publication of the consultation document 'A Commitment to Protect.' It is proposed that the Council advise these parties of the recommendations made.

6. RECOMMENDATION

The Committee is asked to :

- Note the findings of the Inquiry and of the external adviser.
- Approve the action being taken to ensure the effectiveness of practice in the assessment and management of sex offenders in North Lanarkshire.
- Remit this report to the Housing and Property Services Committee for its interest.
- Approve that the recommendations of the external adviser be reported to the Scottish Executive and to the Expert Panel on Sex Offending.



Jim Dickie

Director of Social Work

February 18th 2000

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

Appendix 1

Legislation / Policy

The legislation, policy documents, procedural documents, and reports to the Social Work Committee of North Lanarkshire Council relevant to the Inquiry are listed below.

The context of work with Sex Offenders is founded on arrangements for the implementation of the Sex Offender Act, 1997, Guidance from the Scottish Executive for that Act, and National Standards for Social Work Services in the Criminal Justice System. The Act and associated guidance establish arrangements for the sharing of information between Social Work and Police for the risk assessment of sex offenders subject to registration under the Act, and National Standards provide minimum standards for the supervision of offenders, including sex offenders subject to statutory orders managed by Social Workers.

Current guidance is very unsatisfactory in this field of work.

- The initial guidance on the Sex Offenders Act was seen by both Police and Social Work to be poor and the then Scottish Office agreed to produce revised consolidated guidance to agencies involved. The formal consultation period on the draft consolidated guidance was completed in September 1998. North Lanarkshire, directly, and through the Association of Directors of Social Work responded to this. Eighteen months later, the consolidated guidance has still not been issued.
- In the spring of 1998, two significant documents in this area of work were issued. The first, 'A Commitment to Protect', was a consultation document from the Chief Inspector of Social Work in Scotland, on supervision of sex offenders subject to statutory orders. This document introduced, amongst other measures, the Expert Panel on Sex Offending, chaired by Lady Cosgrove. North Lanarkshire again responded to the consultation, directly and through ADSW, but 18 months later, no guidance or response has been received from the Scottish Executive. The ADSW Standing Committee on Criminal Justice has been unsuccessful in establishing, with the Scottish Executive, whether the proposals for supervision, proposed in the document, are to be established as guidance. It is believed, however, that the Expert Panel may issue a report on their work in the near future, but no timescale is available.

Around the same time as publication of 'A Commitment to Protect', Aberdeen City Council circulated, for the information of local authorities, an Inquiry Report into the handling of the case of Stephen Leisk, a sex offender who murdered a child, Scott Simpson, in the city. The report carries no formal status for North Lanarkshire, but was reported to Committee and the findings considered in relation to work in this authority.

- Overall, there are significant gaps in the guidance and resources available to work with sex offenders. Currently, the Police have responsibility for monitoring those on the Sex Offender Register, and Social Work has responsibility for supervising those on statutory orders, and for providing information to the Police, in relation to those on the Sex Offender Register who may have been previously known to Social Work. The Police have no responsibility to deal with sex offenders convicted before September 1997, and Social Work has no responsibility, and is not resourced, to supervise those who are not subject to a statutory order. There are a significant number of sex offenders who are neither on the register nor on a statutory order, and neither agency has formal responsibility to monitor them in the community.

Social Work

- National Standards for Social Work Services in the Criminal Justice System.
- The Scottish Office consultation document 'A Commitment to Protect' prepared by the Chief Inspector of Social Work.
- The report into the handling, by Aberdeen Council, of the case of Stephen Leisk.
- The Sex Offender Act, 1997
- Scottish Office guidance to Social Work Departments and Police Forces on the implementation of the Sex Offender Act 1997.
- The Strathclyde Police Protocol for the management of those on the Sex Offender Register, agreed between the 12 Directors of Social Work and the Chief Constable of Strathclyde Police Force.
- North Lanarkshire Council Social Work Department process for Risk Assessment of Sex Offenders.

Social Work and Housing

- The Housing (Scotland) Act 1987 in relation to the housing of homeless persons and tenancy agreements.
- Draft proposals for the management of sex offenders within North Lanarkshire - currently under discussion between the Social Work and Housing Departments, and Police in North Lanarkshire
- Arrangements between the Social Work and Housing Departments of North Lanarkshire Council for the provision of accommodation for sex offenders.
- The NHS and Community Care Act, 1994