

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: PROTECTING CHILDREN: GUIDANCE ON THE IMPRISONMENT AND PREPARATION FOR RELEASE OF SCHEDULE 1 PRISONERS
From: DIRECTOR OF SOCIAL WORK		
Date: 24 February 2004	Ref: RW/JJ	

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1 To advise Committee of the content of the Scottish Executive Justice Department Circular No. SEJD 18/2003 on Protecting Children: Guidance on the Imprisonment and Preparation for Release of Schedule 1 Prisoners.

2. BACKGROUND

- 2.1 The Circular is issued jointly by the Scottish Executive Justice Services Department and the Scottish Prison Service and supersedes Circulars SWSG 11/94 and SPS 60/94.
- 2.2 The guidance within the Circular aims to assist Local Authorities, the Scottish Prison Service and other agencies in dealing with prisoners who may pose a threat to children because of their involvement, or suspected involvement, in a Schedule 1 Offence.
- 2.3 A Schedule 1 Offender is a person who has committed an offence listed under Schedule 1 of the Criminal Procedure (Scotland) Act 1995 viz. an offence against a child under the age of 17 years.
- 2.4 Current procedures provide guidance in relation to prisoners serving a sentence of imprisonment following the commission of a Schedule 1 Offence. The Circular extends the guidance to encompass prisoners who are sentenced to custody, or remanded in custody, in respect of an unrelated offence but who have previously been imprisoned for a Schedule 1 Offence.
- 2.5 The Circular underlines the importance of working in partnership with other agencies and complements recent work to strengthen Throughcare practice and improve public protection.
- 2.6 The Circular also gives guidance for the Procurator Fiscal Service and for the Police.
- 2.7 The new arrangements were scheduled to take effect from 1 December, 2003.

3 PROPOSALS / CONSIDERATIONS

- 3.1 The Circular extends the procedures on prisoners convicted and imprisoned in respect of a Schedule 1 Offence or remanded in respect of a Schedule 1 Offence, to include those prisoners convicted of an unrelated offence, or remanded in custody in respect of an unrelated offence, but who have previously been imprisoned for a Schedule 1 Offence.

- 3.2 Prisoners in the latter category will be treated as if in custody for a Schedule 1 Offence, although it is permitted to apply the Schedule 1 procedures wholly or in part, dependent on the assessed risk to children and other members of the community.
- 3.3 However, procedures must be instituted in full in respect of :
- Prisoners who are remanded or serving a custodial sentence for a sexual offence against children.
 - Those who have committed an offence where the behaviour and surrounding circumstances suggest that the prisoner is likely to constitute a risk to children or to a specific child.
 - Prisoners who are subject to statutory supervision on release.
- 3.4 The Circular makes clear that such prisoners require initial and ongoing assessment of the risk they constitute to children on their release and that they should be offered access to Risk Reducing Programmes on release.
- 3.5 It is explicitly stated that the needs of the child are paramount and while recognition is given to the balance that must be struck between the interests of the child and those of parents, families and offenders, the needs of the child supersede all others.
- 3.6 Co-operation between agencies is crucial, particularly between prison Social Work units and the Council Throughcare Team. It is vital that staff in all agencies, who become aware of a Schedule One Offender being in prison, alert the relevant teams immediately outlining the level of perceived risk.

4 POLICY, PERSONNEL, FINANCIAL/LEGAL IMPLICATIONS

- 4.1 There are no personnel or financial implications for the Council.
- 4.2 The exchange of information between Agencies is recognised in the Circular as weakening the rules on confidentiality. It will be appropriate to seek advice from the Solicitor to the Council in this matter and on implications for the Council's obligations under the Data Protection Act, as appropriate.

5 NORTH LANARKSHIRE POSITION

- 5.1 As a consequence of the new Throughcare provisions prescribed in Scottish Executive Circular 12/2002 (the subject of a previous report to the committee) additional funding was released by the Scottish Executive to fund the Justice Throughcare Team, managed by North Lanarkshire Council on behalf of the Lanarkshire Criminal Justice Grouping.
- 5.2 The Central Throughcare Team has been established and consists of 1 Senior Social Worker, 3 Social Workers, 2 Social Work Assistants and 2 Clerical Assistants.
- 5.3 This team has responsibility, on behalf of the two Lanarkshire Council's, for monitoring and supervising all prisoners serving four years or more from the point of sentence until three months after release, at which point responsibility passes to the Area Justice Team, in which the client then resides.
- 5.4 The Team will work within the National Objectives and Standards for Throughcare Framework and will ensure compliance with the respective Councils protocols in relation to Sex Offenders and Child Protection.
- 5.5 Arrangements are in place for the exchange of information between the Prison Social Work Units and the Council's Throughcare Team to ensure that a risk assessment is carried out and that effective and appropriate arrangements can be made for the prisoner on return to the Community.

- 5.6 The Throughcare Team will pursue information held on Schedule 1 Offenders by prisons and area Social Work teams. In terms of the Lanarkshire Justice Grouping a clear access route to information held by South Lanarkshire Council is being identified and formalised. A protocol is presently being devolved by officers of both Councils.
- 5.7 The Throughcare Team will require to identify prisoners to whom the Circular applies, initiate risk assessments, liaise with area teams about such assessments and supervisory arrangements required on a prisoner's return to the community.
- 5.8 The Throughcare Team information system will clearly identify all Schedule 1 Offenders, including those to whom the Circular refers.
- 5.9 Prison Social Work Units will have a responsibility to identify prisoners to whom the Circular refers and notify the relevant Authorities. Within North Lanarkshire, the Social Work Unit at Shotts Prison (North Lanarkshire Council staff) exercises this responsibility.

6 RECOMMENDATIONS

6.1 Committee is requested to:

- (i) note the contents of the report.



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Director of Social Work
30 January 2004

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