

To: SOCIAL WORK (OPERATIONS & SERVICES) SUB COMMITTEE		Subject: SCOTTISH EXECUTIVE CONSULTATION ON THE DRAFT SEXUAL OFFENCES ACT 2003 (NOTICE OF RELEASE OR TRANSFER)(SCOTLAND) REGULATIONS 2006
From: DIRECTOR OF SOCIAL WORK		
Date: 20 th February 2006	Ref: KG	

1. PURPOSE OF REPORT / INTRODUCTION

1.1. To seek homologation of the draft response prepared by North Lanarkshire Council in relation to the Scottish Executive consultation on the draft Sexual Offences Act 2003 (Notice of Release or Transfer)(Scotland) Regulations 2006 (attached as an appendix to this report).

1.2. Responses are to be returned to the Scottish Executive by 15 February 2006.

2. BACKGROUND

2.1. Part 2 of the Sexual Offences Act 2003 came into force, in Scotland, on 1 May 2004. The legislation made several changes to the notification requirements (in terms of the sex offender register) for sex offenders who are convicted (or receive another finding) in respect of relevant sexual offences listed in Schedule 3 of the 2003 Act.

2.2. There are penalties for offenders who fail to register when released back into the community. Notification is suspended when a relevant offender is serving a period of custody or is in a hospital setting.

3. PROPOSALS / CONSIDERATIONS

3.1 The Scottish Executive is recommending the draft regulations would:

- Require responsible persons in prisons and hospitals to inform one another when transferring a sex offender that the notification requirements (registration) apply on their release.
- Require responsible persons in prisons and hospitals (when an offender is detained in hospital), to inform the Police of the release of a sex offender when the release period is three days or more in the community (including indefinitely), and that the notice should be 14 days in advance or as soon as practicable thereafter.

3.2 The Council welcomes the tightening of existing arrangements and that such developments contribute to community safety.

4. FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

4.2 There are no immediate implications. However, if such recommendations are implemented it will impact on the joint arrangements with the Police via the local sex offender protocol as such cases will require discussion and review on a regular basis. However, the Police having information on such sex offenders will contribute to the overall goal of community safety.

5. RECOMMENDATIONS

5.1 Committee is asked to:

- (i) Agree the response to the consultation attached as an appendix to the report and;
- (ii) Otherwise note the contents of the report.



Jim Dickie
Director of Social Work
27th January 2006

For further information on this report please contact Jim Scullion, Service Manager, Justice TEL:(01698 332040) or Keith Gardner, Senior Officer, High Risk Offenders

*** A copy of the Consultation Paper is available in the member's library**



North Lanarkshire Council

Response to the Scottish Executive Consultation on the Draft Sexual Offences Act 2003 (Notice of Release or Transfer)(Scotland) Regulations 2006

1. North Lanarkshire Council welcomes this proposed legislative development from the Scottish Executive as it addresses an identified loophole in existing arrangements.
2. If implemented, this will ensure that the process of information transfer between the responsible agencies is clear and unambiguous
3. The arrangements, as described, will afford agencies in the community who have responsibility for the management of sex offenders more robust information in respect of tracking and planning for discharge into the community
4. These new arrangements are in keeping with recent national and local policy developments
5. As outlined in the consultation paper, such measures will contribute to community safety