

To: SOCIAL WORK (OPERATIONS & SERVICES) SUB COMMITTEE		Subject: SECTION 15 OF MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005 – DELIVERY OF THROUGH-CARE SERVICES FOR SEX OFFENDERS SENTENCED TO PERIODS OF CUSTODY BETWEEN 6 MONTHS AND LESS THAN 4 YEARS (JUSTICE DEPARTMENT CIRCULAR SEJD 19/2005)
From: DIRECTOR OF SOCIAL WORK		
Date: 21 st February 2006	Ref: KG	

1 PURPOSE OF REPORT / INTRODUCTION

- 1.1 To advise Committee in respect of the introduction of new legislation in the form of Section 15 of the Management of Offenders Etc. (Scotland) Act 2005 – “Delivery of Throughcare Services for Sex Offenders Sentenced to Periods of Custody between Six months and less than Four Years” and the implication of the guidance in the Scottish Executive Justice Department Circular SEJD 19/2005 for the Department.
- 1.2 The Circular 19/2005 sets out guidance in relation to the statutory supervision of sex offenders sentenced to periods of custody between six months and four years.

2 BACKGROUND

- 2.1 The Management of Offenders etc. (Scotland) Act 2005 was passed by the Scottish Parliament on the 3 November 2005 and given royal assent on 8 December 2005.
- 2.2 Section 15 comes into effect on 1 February 2006 and is aimed at two specific groups of prisoners:
 - Those individuals already in custody serving a sentence (of the said duration) for a sexual offence who will be released from prison on or after 1 February 2006
 - Those individuals sentenced to a period of custody (of the said duration) for a sexual offence on or after 1 February 2006
- 2.3 The SEJD Circular gives guidance on Justice Throughcare arrangements for sex offenders serving short-term sentences for sexual offences as defined by the notification arrangements specified in Part II of the Sexual Offences Act 2003 to both local authorities and the Scottish Prison Service.

- 2.4 In many ways the Circular replicates, for short-term sexual offenders, established arrangements for long-term prisoners / subject to Supervised Release Orders and those on Extended Sentence as defined by Circular 12/2002 (as amended in May 2004) and Circular SWSG 14/1998 respectively. Arrangements are already in place in North Lanarkshire for the supervision of this group of offenders. North Lanarkshire manages the Justice Throughcare team for the Lanarkshire Justice grouping.
- 2.5 The new arrangements are being introduced as a response from the First Minister in 2005 at which point he stated that it was wrong for short terms sex offenders to be released from prison without any form of supervision. The First Minister stressed that these new arrangements were the Scottish Executive's remedy to this situation and this commitment has been implemented via the management of Offenders etc. (Scotland) Act 2005.

3 PROPOSALS / CONSIDERATIONS

3.1 The main areas for action are:

- The allocation of a supervising authority for each offender
- The identification of specific tasks for prison-based Social Work staff – including specified levels of contact
- The allocation of a supervising officer – and clarification of role and tasks for that individual
- Pre-release processes including Home Background Reports
- The need for a risk assessment and risk management plan to be developed for each offender
- Community-based supervision plans to be produced

3.1 Many of the tasks and duties outlined in the Circular are already established practice having been in place since the introduction of Circular 12/2002. However, the introduction of this legislation means that the volume of sex offenders being processed via Justice Throughcare will increase.

3.2 This increase in service demand will also be at area team level who will, in the majority of cases, take over the community-based supervision of these offenders for the duration of their sentence.

3.3 The increase will also impact on other internal Social Work systems, such as Children and Families (Child Protection) and the relationship with partner agencies such as the Police (via the local Sex Offender Protocol mechanisms).

4 FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

4.1 The legislation comes into effect on 1 February 2006 and the Justice Throughcare team has already been advised of offenders who will be subject to these new arrangements. Across the Lanarkshire grouping there will be seven offenders being released under these arrangements in the next six months.

4.2 The new requirements will place additional responsibilities on a range of existing resources, with some additional funding likely to come from the Scottish Executive.

5 RECOMMENDATIONS

5.1 Committee is asked to:

- i Note the content of this report and;
- ii Request further reports on the operation of the new legislation.



Jim Dickie
Director of Social Work
27 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 circular is available in the member's library**