

ANGUS COUNCIL

SOCIAL WORK COMMITTEE18 November 1997

**REPORT BY THE DIRECTOR OF SOCIAL WORK ON THE
IMPLEMENTATION OF THE SEX OFFENDERS ACT 1997**

ABSTRACT

This report outlines the key elements of The Sex Offenders Act 1997 and its implications for Angus Council.

1 RECOMMENDATION

It is recommended that the Social Work Committee:

1. Notes the main provisions of The Sex Offenders Act 1997 and its implications for local authorities
2. Agrees to the Director of Social Work seeking a further period of three months from the Scottish Office before commenting fully on the effectiveness of the Acts implementation.

2 INTRODUCTION

The government implemented the Sex Offenders Act 1997 on the 1 September 1997 as one of a number of legislative and policy measures which, when all are put in place, will improve the arrangements for the monitoring and supervision of sex offenders in the community. It is the Government's intention that the information notified to Police under the Act should be used for the prevention of crime, the protection of children and/or vulnerable adults and the enhancement of public safety.

In order to put vigorous measures in place to monitor the whereabouts of known sex offenders, guidance was issued to police forces throughout the United Kingdom. In view of the need for swift action and their important contribution in making the Act work effectively, the government issued interim guidance to local authorities in Scotland about how they should manage information about sex offenders.

The government is seeking comment from local authorities on the interim guidance and the early experiences in implementing the act by 1 December 1997.

3 CONTENT AND IMPLICATIONS OF THE ACT

The Sex Offenders Act 1997 came into force on 1 September 1997. The Act places an obligation on offenders convicted of sexual offences to register their name and address with the Police. The broad purpose of the legislation is that the information notified to the police under the Act should be used for the prevention of crime and the protection of children and or vulnerable adults. Most sexual offences are covered by the Act but a small number of less serious offences are excluded from the requirement to notify.

Sex offenders convicted prior to 1 September 1997 and who were subject to a supervision order or in an institution at that date were required to register by 14 September or within 14 days after leaving prison, hospital or secure accommodation. For people convicted after 1 September 1997 they must report to the police within 14 days of conviction or within 14 days of leaving an institution sentenced to by the court. The responsibility for notifying the police lies with the offender who can be charged if he/she fails to do so. Following the initial notification, the offender must notify the police of any further changes of name or address.

The offender's address covers any premises where he/she resides for a period of 14 days or more, or two or more periods, in any period of 12 months which taken together amount to 14 days or more. Homeless offenders must keep the police apprised of places they visit regularly and where they can be contacted.

Sex Offenders required to register under the terms of the Act will remain subject to registration for periods of time which vary from five years where a non custodial sentence is imposed to an indefinite notification period where a life sentence for offenders under 18 years of age when convicted, the notification periods are halved and they cannot be imprisoned for failure to notify the police.

It should be noted that relevant offences committed abroad also place an obligation on the offender to notify the police in this country.

The principal implications of the Act for Angus Council are:

- In all circumstances the police and also social work will be made aware of all sex offenders required to register
- Effective communication and liaison systems are being developed between Tayside Police and Angus Council social work department to assess the risk each individual offender may pose to the community.

- Tayside Police will decide with the assistance of the social work department which other departments of the council should be involved in assessing the level of risk which the offender may present. It is expected that all relevant services will positively contribute to the effective risk management of such offenders.
- Notification to third parties will only rarely be made after other avenues for protecting the public have been explored.

Since the implementation of the Sex Offenders Act on 1 September, the social work department has fulfilled all of its obligations with regard to the registration of sex offenders in Angus.

The Director of Social Work and the Chief Constable are currently developing effective structures based on the interim guidance provided by the Scottish Office.

In view of the complex issues relating to this Act and its importance to community safety, the Director of Social Work believes that a further period of consultation is required before a full assessment can be made on the effectiveness of this Act.

The Director of Social Work welcomes the Government's initiative in addressing what is a complex and emotive subject.

4 FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5 CONSULTATION

The Chief Executive, the Director of Law and Administration, the Director of Finance, the Director of Education and the Director of Housing have been consulted in the preparation of this report.

6 CONCLUSION

This report outlines the current position in relation to the implementation of the Sex Offenders Act 1997. It is envisaged that a further report will be prepared in three months time when a more comprehensive review will be available.

31 October 1997

W B Robertson
Director of Social Work

NOTE

The undernoted background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing this report.

Circular SWSG 11/97
Implementation of the Sex Offenders Act 1997
Implications for Local Authorities