

**ANGUS COUNCIL**

**SOCIAL WORK COMMITTEE  
EDUCATION COMMITTEE  
HOUSING COMMITTEE**

**14 AUGUST 2001  
21 AUGUST 2001  
25 SEPTEMBER 2001**

**'REDUCING THE RISK IMPROVING THE RESPONSE TO SEX OFFENDING'  
THE REPORT OF THE EXPERT PANEL ON SEX OFFENDING  
(THE COSGROVE REPORT)**

**JOINT REPORT BY THE DIRECTORS OF SOCIAL WORK, EDUCATION AND HOUSING**

**ABSTRACT**

The purpose of this report is to inform members of the publication of the final report of the expert panel on sex offending chaired by the Honourable Lady Cosgrove. Comments on the 73 recommendations set out in the report have been invited. Members are asked to approve the appended Angus Council draft response to the recommendations. A copy of the Cosgrove Report has been placed in the Members Lounge.

**1. RECOMMENDATIONS**

It is recommended that the Social Work, Education and Housing Committees:

- i) note the contents of the Report of The Expert Panel on Sex Offending;
- ii) approve the draft comments on each of the 73 recommendations;
- iii) instruct the Directors of Social Work, Education and Housing to bring forward any future papers from the Scottish Executive relating to the implementation of the Expert Panel recommendations.

**2. BACKGROUND**

A review of arrangements for the supervision of sex offenders was carried out in 1997 and the report, "A Commitment to Protect" was produced in the same year. This report recommended the formation of the Expert Panel on Sex Offending with a broad remit to take forward recommendations of the report, to advise the Secretary of State on any other issues relating to sex offenders and to conclude the work within 3 years.

This expert panel, chaired by Lady Cosgrove, was established in 1998, and published its report on 12 June 2001.

The Scottish Executive has invited comments on the 73 report recommendations by 4 September 2001.

**3. RECOMMENDATIONS OF THE EXPERT PANEL**

Each of the 6 chapters of the report contains a number of recommendations. The main recommendations in each chapter are summarised as follows:

## **Chapter One**

### **A long term strategy for protection – the community perspective**

- School personal safety programmes should include information regarding the risk from sex offenders.
- The Executive & local authorities should devise a public information strategy involving publication of information regarding the incidence and behaviour of sex offenders generally and how the risk they pose is managed.
- Local authorities should develop a corporate approach, involving relevant agencies and local people, to the management of sex offenders in the community.
- The Scottish Prison Service should address the issue of the risks involved in children visiting convicted sex offenders.

## **Chapter Two**

### **Developing a risk assessment approach**

- There should be an extension of risk assessments prior to sentence and consistency of assessment methods across all agencies.

## **Chapter Three**

### **Delivering Programmes for Personal Change**

- There should be wide availability of personal change programmes for sex offenders delivered by adequately trained and supervised staff.
- Programmes should be available for individuals at risk of becoming sex offenders to enhance public safety.
- Improvements should be made to the range and quality of interventions provided by The Scottish Prison Service.
- Programmes should be available to children and young people.

## **Chapter Four**

### **Monitoring of Sex Offenders**

- A tightening of existing legislation is recommended to enhance public protection.
- Joint police / social work arrangements for managing risk should become statutory.

## **Chapter Five**

### **Housing of Sex Offenders**

- The Executive alongside Local Authorities and other housing providers should develop a national accommodation strategy based upon the explicit expectation that sex offenders will usually be accommodated in their home area.

## **Chapter Six**

### **Information Management**

- Better information should be provided to report writers to aid risk assessment process.
- Better systems between the Scottish Prison Service and other agencies to be set up to improve information transfer.
- Inter agency training to should be undertaken.

#### **4. SUMMARY OF KEY POINTS IN THE PROPOSED RESPONSE FROM ANGUS COUNCIL**

A draft response to the reports recommendations is appended to this report. In particular we welcome the emphasis in the Expert Panel's report on providing public information is welcomed. The need for resources to be provided to facilitate implementation of some recommendations is noted.

Some concerns regarding the impact of the proposed privatisation of prison social work upon the efficient transfer of information necessary to manage risk are expressed.

The proposals for improvements in services to manage risk, change behaviour and monitor sex offenders are all welcomed.

#### **5. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **6. HUMAN RIGHTS LEGISLATION**

There are no human rights implications arising from the recommendations contained in this report.

#### **7. CONSULTATION**

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

W B Robertson  
Director of Social Work

J Anderson  
Director of Education

R Ashton  
Director of Housing

**NOTE:** The undernoted background paper, 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 the above report.

Reducing the Risk. Improving the response to sex offending. The Report of the Expert Panel on Sex Offending 2001.

WBR/MH/ST

30 August 2001

Ms Elizabeth Carmichael  
The Cosgrove Report Consultation  
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Dear Elizabeth

**REDUCING THE RISK (COSGROVE REPORT)**

Please find attached the comments of Angus Council regarding the above report.

Yours sincerely

W B ROBERTSON  
Director of Social Work

## ANGUS COUNCIL

Comments on the Recommendations of the Cosgrove Report, "Reducing the Risk – Improving the Response to Sex Offending". The Report of the Expert Panel on Sex Offending. The Stationary Office June 2001.

### **General Comments:**

The content of the report and almost all of the recommendations contained therein are warmly welcomed by Angus Council. The recommendations and report content, with respect to improvement in the information to be provided to authors of pre-sentence reports, are considered particularly helpful.

Agencies within Angus have been developing a local protocol regarding the management of sex offenders for some time, and the suggestions made in the report on this are very much in line with local developments.

The multi-agency Angus Sex Offenders Monitoring Forum has developed a public relations strategy. The content of Chapter 1 of the report, which in recommendations 7 and 10, includes a strategic long term approach to community safety and sex offenders, is viewed in Angus as a bold and imaginative approach which is hoped will be embraced and advanced by the Executive with local authorities.

### **Recommendations: ( the Angus Council comments are in bold type )**

#### **Chapter 1 A long term strategy for protection – the community perspective**

##### **Recommendation 1**

*The Scottish Executive, with the local authorities, should issue guidance to ensure that each local authority has in place personal safety programmes that include addressing the risk from sex offending.*

**The Scottish Executive & Local Authorities**

**It is welcomed that the Scottish Executive are to issue guidance for local authorities to assist them in supporting local communities. This may balance the task of addressing the offending with longer term preventative measures. There may be resource implications of this recommendation. It is hoped that The Executive will be able to address these.**

##### **Recommendation 2**

*Learning and Teaching Scotland and Community Learning Scotland should prepare comprehensive personal safety materials that are specific to Scotland and include material which addresses issues of child sexual abuse and child safety.*

**Learning and Teaching Scotland & Community Learning Scotland**

**It is welcomed that personal safety materials and information will be drawn together. These need to be consistent across Scotland, and national guidance should be equally applicable to all schools (State and Private, Mainstream and Special) who should in turn be working closely with parents in addressing this issue.**

### **Recommendation 3**

*As an important preventative measure and to assist early identification of, and intervention with, sexually aggressive behaviour, schools should provide information, education and support to pupils on safe and healthy relationships.*

**Local Authorities**

**Recommendation 3 is welcomed, but should be accompanied by clear guidance to schools regarding how to deal with information received about incidents of sexual aggression. This recommendation may prove difficult to implement meaningfully unless significant funding for the necessary training is provided.**

### **Recommendation 4**

*Young people looked after by local authorities should receive more targeted support. The Association of Directors of Social Work and the Scottish Institute for Residential Childcare should convene a joint working group to develop a strategy for, and supporting materials on, safe and healthy relationships and assertiveness skills.*

**Association of Directors of Social Work & the Scottish Institute for Residential Childcare**

**This is welcomed and is viewed as so important that the aim should be for statutory guidance from the Executive to be the conclusion of the suggested work. It is suggested that The National Foster Care Association should also be involved in the proposed working group.**

### **Recommendation 5**

The strategy for early intervention with young sex offenders and those at risk of sex offending should take account of the needs of those young women who are particularly vulnerable to this group of sex offenders. These young women should also be a priority for more targeted intervention. For those vulnerable young women in a care setting, materials and a programme should be developed which promote healthy relationships and provide information about sexual health.

**Scottish Institute for Residential Childcare & Association of Directors of Social Work**

**This recommendation is welcomed, but again the National Foster Care Association could be involved in progressing this.**

## **Recommendation 6**

*Remedial and more intensive programmes and materials should be developed separately for:*

- I. Children and young people looked after by local authorities*
- II. Children and young people with special educational needs or in special schools and*
- III. Children identified as living with or affected by domestic violence.*

**Association of Directors of Social Work & Scottish Institute for Residential Childcare**

**This recommendation is welcome, again with the National Foster Care Association should also be involved in the proposed working group.**

## **Recommendation 7**

*The Scottish Executive and the local authorities, in consultation with community organisations, should devise a public information strategy on child sexual abuse and prepare and publish information on the following topics:*

- *The incidence of sex offending*
- *The behaviour of sex offenders*
- *The operation of the Sex Offenders Act 1997*
- *The responsibilities of statutory agencies to monitor and supervise offenders*
- *Government policy on disclosure*
- *Information about the risks which result from the provision of uncontrolled information to the to the public about individual sex offenders and their whereabouts.*

*Local authorities and other agencies should draw upon existing expertise in child protection to provide supplementary information.*

**Scottish Executive & Local Authorities**

**There should be Executive guidance to ensure that there is Scottish-wide consistency re public information. Local aspects should be reflected by the local authority multi-agency public protection forums recommended in “A Commitment to Protect” being responsible for producing public information strategies based on the Scottish Executive guidance. An initial Executive lead on this would be especially welcomed. This would be helpful in ensuring that the objective of raising awareness and promoting community safety would not be lost by acting in a way which might raise public anxiety.**

## **Recommendation 8**

*As part of the wider information strategy, the Scottish Executive should publish a leaflet, based on the draft text prepared by the Expert Panel on Sex Offending which provides parents with information on which to base decisions about child safety in groups. It should be widely circulated to parents and carers.*

**Scottish Executive**

**This is warmly welcomed. The previous draft leaflet was viewed very positively.**

#### **Recommendation 9**

*The Scottish Executive should sponsor a national conference and a series of workshops on reducing risk from sex offending. These should help to facilitate discussion between communities and agencies. Workshops might be integrated into existing child safety awareness initiatives and should include providing information about how to keep children safe from sex offenders. Attention should be paid to accessibility, targeted publicity and low-cost admission to enable community participation.*

*Scottish Executive*

**This is welcomed, but the sponsorship should be extended to allow local events to follow.**

#### **Recommendation 10**

*As part of their community safety plan, each local authority should develop a corporate approach (involving all the relevant departments) to the management of sex offenders in the community. This corporate approach should reflect the particular contribution each council department can make to enhancing public safety through the effective management of sex offenders. The plan should also draw on the skills and expertise of other stakeholders, including registered social landlords, voluntary sector agencies, the police and local people.*

*Local Authorities*

**A template has already been sent to local authorities and local protocols are currently being completed. The involvement of the public will require sensitive action within local authorities but is welcomed nonetheless. The lack of specific reference to the need for NHS involvement in this development, and with respect to other recommendations could be seen, however, as an omission.**

#### **Recommendation 11**

*The Scottish Executive should provide information and guidance about undertaking a police criminal record check on those adults who work with children in either a paid or voluntary capacity. If the proposed Index of adults unsuitable to work with children is compiled, the Scottish Executive should issue accessible information about its use and interpretation. Information should also be given on the link between the Index and the Scottish Criminal Record Office.*

**Scottish Executive**

**This recommendation appears eminently sensible.**

## **Recommendation 12**

*The Scottish Prison Service should actively develop a robust protocol to address the issue of the protection of child visitors to convicted sex offenders in prison.*

**Scottish Prison Service**

**This is welcomed, but even stronger measures are suggested. Any visits by children to imprisoned sex offenders should only ever occur after a full risk assessment and management plan is undertaken. This will necessitate exchange of information between local authorities and the Scottish Prison Service.**

## **Chapter 2 Developing a Risk Assessment Approach**

### **Recommendation 13**

In all cases prosecuted on indictment where an offender is convicted of a sexual offence, or an offence with a significant sexual element, the Court should be required to obtain both a social enquiry report and a psychological assessment. A social enquiry report should also be mandatory for offenders convicted at summary level of a sexual offence, or an offence where there is evidence of a sexual element or motivation; sheriffs dealing with summary cases should be alert to the possible need for psychological as well as social enquiry reports.

**Scottish Executive**

**This recommendation is supported.**

### **Recommendation 14**

*Report writers should consult with each other in order to reach an informed view about the degree of risk presented by the offender and about how best to address and manage the risk.*

**Scottish Executive, Court Service, Association of Directors of Social Work & Local Authorities**

**This recommendation is welcomed.**

### **Recommendation 15**

*The provisions of section 201(3) of the Criminal Procedure (Scotland) Act 1995 should be amended so that in sexual offence cases the single period during which the court may adjourn the hearing of the case after conviction and before sentence for the purpose of enabling inquiries to be made is increased. The current maximum of 3 weeks, where an accused is remanded in custody, and 4 weeks where he is remanded on bail or ordained to appear, should be increased to 6 weeks in all cases.*

**Scottish Executive**

**This is a sensible amendment, in line with the need for time to undertake a full assessment in such cases.**

### **Recommendation 16**

*All agencies involved in work with sex offenders should adopt the structured clinical approach to risk assessment and should use recognised structured tools as part of this approach. Each agency should undertake a regular audit of the use of such tools by its staff.*

**All agencies working with sex offenders**

**This is agreed. However there will especially need to be statutory regulation/guidance for health staff (psychological/psychiatric report authors in particular) to ensure adherence to this sensible policy.**

### **Recommendation 17**

*Use of the risk assessment framework promulgated by Social Work Services Inspectorate (SWSI) should be rigorously audited to ensure that it is modified in the light of experience and in the light of future research.*

**Local Authorities & Social Work Services Inspectorate**

**This is agreed.**

### **Recommendation 18**

*Criminal Justice Social Workers must receive appropriate training in risk assessment procedures.*

**Local Authorities**

**Agreed. Further risk assessment training to update the comprehensive training previously provided is currently being planned in Tayside.**

### **Recommendation 19**

*The Scottish Executive should issue a national protocol outlining principles of good practice in risk assessment to be binding on all of the key agencies involved in such work with sex offenders.*

**Scottish Executive**

**This recommendation is warmly welcomed.**

### **Recommendation 20**

*Additional resources should be provided to recruit, train and employ more clinical or forensic psychologists and more forensic psychiatrists.*

**Scottish Executive, Scottish Council for Post Graduate Medicine & Dental Education**

**This will need to be in place to facilitate previous recommendations.**

### **Recommendation 21**

*The Scottish Executive should provide guidance in relation to what constitutes high, medium and low risk.*

**Scottish Executive**

**This is supported.**

## Chapter 3 Delivering Programmes for Personal Change

### Recommendation 22

*All local authority criminal justice social work services should make available specialist intervention programmes for those sex offenders who are subject to supervision in the community and are deemed suitable. All criminal justice social work services should review the skill mix of staff involved in the management of sex offenders and make formal arrangements with adjacent authorities to ensure that specific sex offender programmes are available as close as possible to the offender's domicile. A directory of personal change programmes for sex offenders should be collated, regularly updated and made available to all relevant agencies.*

Local Authorities

**This is agreed. Angus, Dundee and Perth & Kinross benefit from comprehensive intervention programmes provided by Tay and Bridge Projects.**

### Recommendation 23

*Local authorities and the Scottish Executive should produce an agreed 'core' intervention manual for use with sex offenders in the community based on cognitive behavioural principles. STOP 2000 could form the basis for the manual but would require modification for community use and for different types of sex offender.*

Scottish Executive & Local Authorities

**The suggestion that the STOP 2000 programme could be a basis for a manual is not supported, but the general sentiment of the recommendation is welcomed. The use of the prison sex offenders programme instead of, for example, The Tay Project programme as a basis for the manual for community-based programmes would appear illogical.**

### Recommendation 24

*Local authorities should establish arrangements for joint training in programme delivery with the aim of ensuring that, within each local criminal justice social work service, there is sufficient expertise to deliver the core components of personal change programmes based on a cognitive behavioural approach. This identified group should be responsible for developing:*

- 1. Minimum training standards for workers involved in the delivery of personal change programmes for sex offenders*
- 2. A strategy for ensuring adequate supervision and support for programme facilitators and*
- 3. A strategy for continuing professional development to ensure skills are retained and enhanced on a regular basis.*

Local Authorities

The sentiment of these recommendations is welcomed. However, the continued pressure for higher and more exacting standards in all areas of work with sex offenders has never been matched by appropriate funding of Criminal Justice Social Work. Current funding often leaves social workers with caseloads so high that meeting National Standards is becoming difficult even without the extra demands placed on them with respect to sex offenders.

#### **Recommendation 25**

Consideration should be given to the introduction of a post-qualification award in work with perpetrators/risk management which would parallel the Child Protection Certificate.

*Sentencers and the Parole Board should be provided with regularly updated information about the available provision of community based programmes for sex offenders.*

**Local Authorities**

**This is agreed, but central co-ordination of dissemination of information by the Executive would be helpful.**

#### **Recommendation 26**

*Consideration should be given to identifying and securing funding for risk assessment and personal change programmes for:*

- *Individuals who have admitted sexually offending behaviour but without providing sufficient information to secure a conviction*
- *Individuals who admit concerns that they may be at risk of sexual offending and convicted sex offenders who remain at risk but are not subject to statutory supervision and who require ongoing support/intervention to reduce the risk they present to the public.*

**Scottish Executive**

**This is an excellent idea and could be taken forward under the umbrella of public health. There would be merit in considering this matter alongside the need to help men who are wanting support to deal with domestic abuse issues but also have not been convicted.**

#### **Recommendation 27**

*HM Inspectorate of Prisons should, towards the end of 2002, undertake a thematic inspection of the current availability and provision of personal change programmes for sex offenders who are in custody.*

**HM Inspectorate of Prisons**

**This is supported. It is strongly suggested that such an inspection should involve unannounced visits to ensure a true picture is gathered. Observation of delivery of programmes by SPS staff should be included in the inspection. Also included should be records of a prisoner's progress on programmes and how these are passed between prisons and to community based supervisors. Equally this inspection might usefully contain an inspection of prison warrant files to assess ease of access to relevant information.**

## **Recommendation 28**

*The Scottish Prison Service should ensure the availability of sex offender intervention programmes for every convicted sex offender including those given a custodial sentence of 2 years or less. The Scottish Prison Service should also set out a timetable for achieving this and key performance indicators should be put in place to monitor progress towards achieving this target.*

**Scottish Prison Service**

**This proposal has merit . However the Executive should ensure that the achievement of numerical targets for prison programme provision, are not pursued without reference to quality of delivery. The Executive may need to ensure that the Scottish Prison Service acknowledges the value of joint work in delivery of programmes by social workers/prison officers/psychologists etc, and that a collaborative approach is taken. There is doubt as to whether there is always sufficient emphasis placed on ensuring that programmes are delivered in accordance with the needs and abilities of prisoners. The Executive may need to acknowledge the resource implications of this recommendation for the Scottish Prison Service.**

## **Recommendation 29**

*The Scottish Prison Service should build on its existing training strategy for staff involved in the delivery of personal change programmes for sex offenders by developing a strategy for continuing professional development. The Scottish Prison Service should also develop enhanced training to support those delivering programmes to sex offenders who deny their offending or who refuse to accept any responsibility for their behaviour.*

**Scottish Prison Service**

**A training strategy for prison staff should be more extensive and at a similar level to the proposed PQ award for social work staff. The delivery of sophisticated programmes to sex offenders would, ideally involve prison social workers, whose need for further training would be considerably less than for most prisoner officers.**

## **Recommendation 30**

*The Scottish Prison Service should identify an individual (or group of individuals) to take responsibility for co-ordinating all the intervention programmes which are available to sex offenders. This should take place both at a central strategic level and within individual prisons. The role should include the following responsibilities:*

- 1. Identifying which interventions are required and which should take priority*
- 2. Monitoring waiting lists*
- 3. Monitoring completion and drop out rates*
- 4. Monitoring the overall effectiveness of the programmes through the use of standard psychometric tests.*

**Scottish Prison Service**

**This is welcomed.**

### **Recommendation 31**

*The Scottish Prison Service should develop a strategy for the management of offenders who deny their sex offending and/or refuse to participate in personal programmes.*

**Scottish Prison Service**

**We would hope that any strategy would include educative programmes for total deniers/refusers which research has shown can be very effective.**

### **Recommendation 32**

*The Scottish Prison Service should establish a working group to consider how best to monitor personal change and, with external agencies, how best to disseminate that information.*

**Scottish Prison Service**

**Information dissemination by SPS is extremely problematic at present. An SPS sponsored working group may not be an effective way of tackling this. The Executive should take a lead to ensure detailed, high quality, relevant information about programmes undertaken by prisoners (and their response to the programmes) are made available and passed between prisons and from prisons to social work services and the police.**

### **Recommendation 33**

*Sentencers and the Parole Board should be provided with regularly updated information about the programmes available for sex offenders in a custodial setting.*

**Scottish Prison Service**

**Again as in Recommendation 25, central co-ordination of this may be appropriate.**

### **Recommendation 34**

*The Scottish Executive should review current provision in relation to assessment and intervention programmes and provision for children and young people who have committed a sexual offence or who are displaying sexually aggressive behaviour.*

**Scottish Executive**

**This is welcomed and is in line with “Managing the Risk”.**

### **Recommendation 35**

*The Scottish Executive should develop a national strategy for a specialist assessment and intervention service for children and young people who offend or who display sexually aggressive behaviour.*

*This service should include access to a robust and comprehensive risk and needs assessment and to offence-specific personal change programmes to be available both in the community and in secure and non-secure residential settings. The national strategy should specify the skills mix of staff which would be required to deliver the service and should set out rigorous standards for training, competence, supervision, continuity of professional development and programme content and evaluation.*

**Scottish Executive**

**This is fully supported. There are likely to be resource implications for local authorities, however, which will need to be acknowledged if maximum progress is to be achieved.**

### **Recommendation 36**

*All children and young people identified as at risk of sex offending or who are displaying sexually aggressive behaviour should have access to an appropriate personal change programme.*

**Local Authorities**

**This is agreed. However, an addition to this might be “The Executive to consider the need for additional funding to ensure this recommendation is fully implemented”.**

### **Recommendation 37**

*The Scottish Executive should produce a specialist resource pack following the review for use with sexually aggressive young people. This pack should be piloted in a few centres.*

**Scottish Executive**

**This is welcomed.**

### **Recommendation 38**

*Local Authorities should examine the interface between children and family services and criminal justice services to ensure that those children and young people who are sexually aggressive or at risk from sex offending get a service determined by their need and not by their point of access to the system.*

**Local Authorities**

**This is agreed.**

### **Recommendation 39**

*There should be a national programme of training for staff in young offenders institutions and Secure Units who deliver personal change programmes. The programme should build on the proposed universal developments in schools and community education.*

**Scottish Prison Service**

**There is merit in the Executive leading a move to not just training those who provide programmes, but ensuring a recognised qualification as per Recommendation 29 comment above.**

## **Chapter 4 Monitoring Sex Offenders**

### **Recommendation 40**

*Section 2 of Schedule 1 of the Sex Offenders Act should be amended to broaden the scope of offences to which the notification requirements apply.*

**Scottish Executive**

**This is warmly welcomed.**

### **Recommendation 41**

*The requirement to provide notification under the Sex Offenders Act 1997 should be extended to include any offender convicted of any crime containing a sexual element, at the discretion of the sentencing judge.*

**Scottish Executive**

**This is fully supported.**

### **Recommendation 42**

*Offences under sections 106 and 107 of the Mental Health (Scotland) Act 1984 should be included in Schedule 1 to the Sex Offenders Act 1997.*

**Scottish Executive**

**This is fully supported.**

### **Recommendation 43**

*The notification requirement should be extended to include:*

- 1. Any British national convicted of a relevant sexual offence outside the UK who returns to the United Kingdom and,*
- 2. Any foreign national, similarly convicted, who has come to the United Kingdom following conviction.*

**Scottish Executive**

**This is supported.**

### **Recommendation 44**

*Sex offenders who are subject to the notification requirements should be required to attend in person at a police station in order to provide the appropriate notice and should at the time of doing so also be required to furnish reasonable proof of identify.*

**Scottish Executive**

**All of these have been addressed through recent legislative change, which is welcomed.**

#### **Recommendation 45**

*Sex offenders who are subject to the notification requirements should be required to notify the police within 5 days:*

a) *When they intend to be away from their home address for more than 5 days,*

*And*

b) *of any address in the UK where they reside or stay longer than 5 days.*

**Scottish Executive**

**All of these have been addressed through recent legislative change, which is welcomed.**

#### **Recommendation 46**

*Sex offenders who are subject to the notification requirements and are of no fixed abode should be required to report to a police station every 7 days.*

**Scottish Executive**

**All of these have been addressed through recent legislative change, which is welcomed.**

#### **Recommendation 47**

*Where an offender has failed to register timeously, the Court having jurisdiction in the place of his last known address should have the power to grant a warrant for his arrest in respect of the commission of an offence under section 3 of the 1997 Act.*

**Scottish Executive**

**All of these have been addressed through recent legislative change, which is welcomed.**

#### **Recommendation 48**

*Sex offenders, whether or not subject to the notification requirements of the Sex Offenders Act 1997, should be required to comply with the risk assessment process to the extent of making themselves available to the appropriate agencies for interview and of allowing access to their home for the purpose of risk assessment.*

**Scottish Executive**

**This has not yet been addressed via legislative change, but should be.**

## **Recommendation 49**

*A statutory duty should be placed upon Chief Constables and Chief Social Work Officers to establish joint arrangements for assessing, monitoring and managing risk.*

Scottish Executive

**This is agreed – local protocols are in place with Tayside Police and Angus, Dundee City, and Perth & Kinross Councils.**

## **Recommendation 50**

*Hospital managers and the Scottish Prison Service should be required to give notification to the police on the release or transfer of patients or prisoners subject to the notification requirements of the Sex Offenders Act. The Scottish Executive guidance should be amended to reflect this change and should also take account of the situation where a detained patient is granted leave of absence from hospital.*

Scottish Executive

**This measure is welcomed and the need for implementation urgent. A positive amendment would be to change “on the release or transfer” to “a minimum of 14 days prior to release”. The requirement could usefully be extended to cover cases where Scottish Prison Service grant temporary release, home leave, work placements, etc.**

**It is of serious concern that the way the parole system (including/especially after recall) operates, means that dangerous offenders can be released with only a few hours notice being given to local authority Criminal Justice Social Work and Police. This mitigates against public safety and requires urgent review.**

**It may also be appropriate for The Executive to examine the use of open prisons for the placement of sex offenders , and the risk assessments which are undertaken prior to decisions to place thes offenders in open conditions.**

## **Recommendations 51**

*The Scottish Executive should give further consideration to providing a legislative base to allow for the use of electronic monitoring for the highest risk offenders on their release to assist in the monitoring process.*

Scottish Executive

**Care needs to be taken in using “tagging” with respect to sex offenders. These offenders are known to often be both superficially compliant and to offend against individuals they know well. The risk in using electronic monitoring may be that a false impression of safety is given. Further developments should comply with the findings of the Evaluation of Electronically Monitored Restriction of Liberty Orders 2000.**

## **Chapter 5 Managing the housing needs of sex offenders**

### **Recommendation 52**

*The Scottish Executive, Scottish Homes, the local authorities and the Scottish Federation of Housing Associations should develop a national accommodation strategy to assist the management of sex offenders in the community. This strategy should be based on the key principles articulated in the guidance issued by the Chartered Institute of Housing in Scotland (CIHS) and on the explicit expectation that sex offenders will be accommodated outwith their home area only in exceptional circumstances. A central clearing house arrangement should be established to deal with these exceptional cases in the interests of community safety.*

**Scottish Executive, Scottish Homes, the Local Authorities & the Scottish Federation of Housing Associations**

**All seem to be entirely appropriate and in line with other developments. However this will require careful consideration at the local level. The merit of involving the private housing sector is worth considering.**

### **Recommendation 53**

*The Scottish Executive should provide funding to enable the local authorities, the Scottish Federation of Housing Associations and the relevant professional bodies to develop an education and training programme on good practice in housing sex offenders in the community. The programme would be targeted to housing providers and their management bodies. This should be based on the guidance developed by the Chartered Institute of Housing in Scotland, should address stakeholder concerns about the responsibilities and limitations imposed on the police, social work and other agencies through implementation of the Sex Offenders Act and should locate good practice within the context of community safety.*

**Scottish Executive, Scottish Federation of Housing Associations and other professional bodies**

**All this seems to be entirely appropriate and in line with other developments.**

### **Recommendation 54**

*The Homelessness Task Force should ensure that any new guidance relating to the Housing Bill and the revision of the Code of Guidance on Homelessness take appropriate account both of the need to house sex offenders and of the particular challenges this presents.*

**Homelessness Task Force**

**This seems to be entirely appropriate and in line with other developments.**

## **Chapter 6 Information Management**

### **Recommendations 55**

In sexual offence cases prosecuted on indictment, where a plea of guilty is tendered and accepted, the tape recording of the Crown's narrative of the facts of the offence upon which the plea has been agreed, together with anything said on the accused's behalf, should be transcribed and made available to report writers. In summary cases, similar arrangements should be put in place.

**Scottish Executive**

**These measures are long overdue but warmly welcomed nonetheless. They link with Recommendation 15 regarding extended deferral timescales.**

### **Recommendation 56**

*Where a sexual offence case has proceeded to trial and conviction, a brief note should be prepared by the trial judge. This should set out the circumstances of the offence as established by the evidence. This note should accompany the request from the court to each report writer.*

**Scottish Executive**

**These measures are long overdue but warmly welcomed nonetheless. They link with Recommendation 15 regarding extended deferral timescales.**

### **Recommendation 57**

*As recommended in chapter 2, any information from the Court and all material gathered by report writers should be routinely shared between report writers. Those writing reports should prepare their reports in consultation with each other.*

**Scottish Executive**

**These measures are welcomed.**

### **Recommendation 58**

*A system should be introduced for flagging, on an offender's record, the existence of a sexual element in any case where the charge is not itself a sexual offence.*

**Scottish Executive**

**This is supported.**

### **Recommendation 59**

*The Crown should ensure that in all sexual offence cases it appends to the notice of previous convictions the extract of any previous convictions where it considers that there are factors relating to that previous conviction which ought to be before the court in deciding on the appropriate disposal.*

**The Crown Office**

**This is supported.**

## **Recommendations 60**

*The Scottish Prison Service, local authorities, hospitals and the Scottish Court Service should build on their existing liaison arrangements to establish effective systems for the transfer of information. Targets for the speed of transfer of information should be set. The effectiveness of transfer arrangements and targets should be monitored.*

**The Scottish Prison Service, Local Authorities, Hospitals and the Scottish Court Service**

**These are sensible suggestions which will require detailed multi-agency arrangements. However, the process being undertaken by the SPS to put prison social work out to private tender is very unlikely to promote healthy “liaison arrangements” with local authorities. To address this problem, the Executive may consider bringing prison social work in to the 100% funding arrangements for Criminal Justice Social Work.**

## **Recommendation 61**

*The social enquiry report and any psychological and psychiatric reports should be made available to the Scottish Prison Service when a prisoner enters custody. The warrant travelling with the prisoner should clearly set out which reports were provided. This should be checked by the Scottish Prison Service and missing reports obtained promptly. The Scottish Court Service should ensure that the trial judge’s report is passed on as soon as possible thereafter and the Scottish Prison Service should monitor receipt of these, pursuing outstanding reports as necessary.*

**Scottish Court Service & the Scottish Prison Service**

**This recommendation appears supported.**

## **Recommendation 62**

*The Scottish Court Service and the Scottish Prison Service should ensure that staff training and procedures cover information transfer and they should monitor the accuracy of recording of information.*

**Scottish Court Service & the Scottish Prison Service**

**This is supported, however there may be resource implications for the Scottish Court Service, which is known to be working at full capacity locally.**

## **Recommendation 63**

*The Scottish Prison Service and local authorities should develop a national protocol determining the pertinent information which must be exchanged at the point of release from custody into the community.*

**Scottish Prison Service & Local Authorities**

**The Executive need to take a lead on this to ensure early, full and consistent implementation. Again, the privatisation of prison social work, which the Scottish Prison Service have embarked upon, is inevitably going to result in a breakdown of existing relationships and make implementing this recommendation much more difficult. The**

**Executive could take a significant step forward to promote public safety by acting to ensure that local authorities, with all their existing knowledge and expertise continue to provide prison social work services. Again the term “point of release” is questioned. Putting risk management plans in to place takes time. Information is needed at least 14 days prior to release.**

#### **Recommendation 64**

*Protocols to provide a framework for information sharing and joint working should be developed. These should draw on the best examples of current good practice and should be kept under review to ensure that they do not degrade and become less useful over time. The development of these protocols should involve liaison with relevant voluntary organisations.*

**Scottish Executive**

**This is welcomed.**

#### **Recommendation 65**

*The importance of information sharing should be reflected in the key performance indicators of individual agencies.*

**Individual Agencies**

**This is generally positive. However the probability of private companies becoming involved in prison social work will make monitoring of this a much more difficult task.**

#### **Recommendation 66**

*The potential offered by the greater integration of the IT systems of individual agencies should be fully exploited to improve the overall management of information and to ensure that sex offenders can be readily identified.*

**ISCJIS Project Board**

**ISCJIS does require appropriate funding. However, this recommendation is welcomed.**

#### **Recommendation 67**

*The management of social work and other files should be improved through:*

- *a checklist of key information sources attached to the front of each file*
- *better section headings so that routine correspondence does not restrict access to important documents*
- *reduction of redundancy and repetition*

**Individual Agencies**

**This is accepted. It is intended that efforts will continue to be made within Angus, Dundee, and Perth & Kinross to share good practice and achieve consistency.**

### **Recommendation 68**

*The following terms should be developed and used by all agencies in order to ensure greater common understanding: registered; non-registered; un-registered; potential / suspected sex offenders; vulnerable adult; sexually aggressive young people.*

**Scottish Executive**

**This is welcomed.**

### **Recommendation 69**

*Criminal Justice social workers should attend meetings of the Parole Board as part of their training and factual information about the Board's functions should be made available to social workers. Supervising social workers should receive, as a matter of routine, the relevant parts of the parole dossier and the relevant sections of the Minutes of the Board.*

**Local Authorities**

**This is welcomed, especially the latter part.**

### **Recommendation 70**

*There should be joint training of agencies to facilitate the development of shared understanding and effective communication. Such training should be in the form of modules with clearly defined topics relevant and useful to individual agencies.*

**Individual Agencies**

**The sentiment of this is agreed. However, if left to individual agencies, there will be a lack of co-ordination. The Executive could aid implementation by naming agencies expected to participate.**

### **Recommendation 71**

*Information, guidance and training should be provided to prosecutors and the judiciary to increase understanding of the nature and special features of sex offending and its prosecution.*

**Judicial Studies Board**

**Timescales and details are required for this. Solicitors should be included.**

### **Recommendation 72**

*The Crown should consider leading evidence to assist the jury in a sexual offence trial to understand the likely behavioural impact on the victim of a sexual crime.*

**The Crown Office**

**This is a welcome recommendation.**

### **Recommendation 73**

*Good practice guidance for dealing with young witnesses should be available for the judiciary in sexual offence cases. Similar guidance should also be available for practitioners.*

**Training might be added to the guidance, but this is welcomed. Practitioners should include Victim Support, Witness Support Workers and other appropriate bodies. The Scottish Child Law Centre have produced a useful leaflet, which has been distributed in Angus Schools.**