

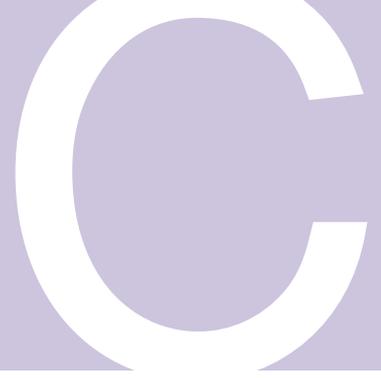


Reducing the Risk

Improving the response to sex offending

The Report of the Expert Panel on Sex Offending





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Introduction

Background

1. The Expert Panel on Sex Offending was established in 1998 under the Chairmanship of the Honourable Lady Cosgrove following the recommendations in the report 'A Commitment to Protect: Supervising Sex Offenders: Proposals for More Effective Practice', by the Chief Inspector of Social Work. This provided an overview of the arrangements for sex offenders in the community and a broad assessment of their strengths and weaknesses together with recommendations for improvements.
2. The Panel's membership was drawn from a variety of organisations which have dealings with sex offenders and individual members brought with them expertise from a wide range of disciplines including the judiciary, the prosecution service, the police, the prison service, social work and health, children's and psychological services. This provided the opportunity for the Panel to work across traditional boundaries and shaped both the way the Panel approached its work and the recommendations which follow. Appendix 1 sets out our membership.
3. Our remit has been to:
 - take forward work on the recommendations of the report 'A Commitment to Protect' as directed by the Chairman of the Panel
 - advise the Secretary of State on any other relevant issues relating to sex offenders
 - provide, for the Secretary of State, an annual summary of our past and planned future work
 - conclude our work 3 years after our first meeting.

Purpose of this Report

4. This is primarily a report to Ministers of the Scottish Executive in fulfilment of the remit which the Panel was given. But the Panel recognises the wide range of interests involved in this subject and so the report is also addressed to all those agencies with a role in managing, supervising or otherwise dealing with sex offenders. This includes not just statutory agencies but also voluntary organisations, community groups and housing associations. More generally, the report is intended for members of the public who are concerned about issues of protection and community safety. The purpose of the report is to set an agenda for the future where the protection of communities is paramount.
5. The term 'sexual offence' covers a wide range of offences, but our primary concern is with offences involving exploitation or assault. There can be little doubt that these offences are particularly disturbing and dangerous and that they cause the greatest

damage and fear. The cost of sexual offending is high, both in terms of the emotional and psychological damage done to victims, and in the risk that some victims may themselves become abusers.

6. The aim of the Panel has been to develop a cohesive framework for dealing with sex offending. Some of our 73 recommendations build on the policies and processes already in place in order to strengthen existing measures aimed at protecting communities from sex offenders. Other recommendations support the introduction of new measures and new arrangements which will help to deliver a safer environment. **It is important to acknowledge that the problem of sex offending is one which cannot be eradicated. There are however steps which can and should be taken to make communities safer.**

7. We have drawn on the growing body of research evidence and attempted to bring together the expertise of individual agencies by encouraging the exchange of skills, improving the sharing of information and promoting the adoption of best practice across the country. Improvement in the management and supervision of sex offenders is not primarily a matter of introducing major changes in policy, legislation or structural arrangements, but rather of implementing a number of practical steps to ensure consistency and precision at both the strategic and operational levels.

Working arrangements

8. We met on 22 occasions, the first on 16 March 1998 and the last on 26 March 2001. In our first year, the focus was on familiarising ourselves with the many facets of the subject. As part of this phase, we invited speakers to present information to the Panel. Other individuals and organisations provided written material and the Panel took part in a programme of visits. We also established a number of sub groups to undertake work on a range of specific issues. Appendix 2 provides more details of our consultations and the work and membership of the various sub groups.

9. The Committee on Serious Violent and Sexual Offenders chaired by Lord MacLean reported during the life of the Panel. The MacLean Committee's proposals deal with sentencing disposals for, and the future management and treatment of, a small group of high risk offenders, including high risk sex offenders. The scope of the Panel's work was different, being specific to sex offending and covering **all** sex offenders whatever the level of risk they pose. There were however areas of common concern and so we liaised with the MacLean Committee in the course of its work. Where there are areas of overlap, we are glad to note that the recommendations of our Panel are broadly consistent with those of that Committee. We also took account of the work of the Review of the Mental Health (Scotland) Act 1984, chaired by the Rt Hon Bruce Millan.

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10. Our work was assisted by a secretariat provided by the Justice Department of the Scottish Executive.

11. The Panel members wish to thank all of those who have assisted us in our work and increased our knowledge and understanding of the complex issues involved.

Overview of current provision and delivery

12. The figures for recorded crimes of sexual assault and lewd and libidinous practices towards children show a gradual increase over the past ten years. In 1990, there were 1,045 reported crimes of lewd and libidinous practices and this rose to 1,466 reported crimes in 1999. Figures for sexual assaults have also increased. In 1990 there were 1,458 sexual assaults recorded. This increased to 1,933 in 1999. This may, in part, be due to an increased willingness to report such crimes to the police.

13. 'A Commitment to Protect' recognised the difficulties which exist in dealing with sex offending. There are difficulties about measuring its extent: while there can be little doubt that there are far more sexual offences committed than are ever reported to the police, the degree of under-reporting is impossible to gauge. There can be difficulties in securing a conviction; sexual offences are almost always committed in private and the necessary corroboration of the victim's evidence can be difficult to obtain. There are also difficulties in dealing with convicted sex offenders, both in attempting to change their behaviour and in re-integrating them into the community once they have completed their sentence.

14. Despite these difficulties, the Panel found evidence of a growing expertise in criminal justice services in relation to their dealings with sex offenders. This is in large part due to the changes which followed the implementation of the Sex Offenders Act in 1998. Agencies have responded quickly to the requirements placed upon them by the Act and there are now stronger systems and better working practices in place to manage sex offenders. An increasing awareness of techniques for assessing risk and the use of these has been an important development. All of this has taken place against a background of growing public concern for positive action to protect communities from harm.

15. This does not mean that agencies can be complacent. There are still practical and operational difficulties to be addressed. Whilst we welcome the advances made in recent years, the need for better inter-agency working was a theme which ran through each of the areas we examined. A large number of agencies, including the police, prosecutors, courts, prison service, criminal justice social work, as well as housing, health and education authorities have a role to play. With some notable exceptions, such as the joint working arrangements being developed between the police and criminal justice social work services, there is a tendency for agencies to

focus their attention on improving their internal procedures. As sex offenders are manipulative individuals who will exploit any gaps in the system, it is essential for all those agencies and organisations who work with sex offenders to work together to overcome the risks which they present. Each organisation must have a clear understanding of its own role and responsibilities in relation to sex offenders and must also tackle those institutional barriers which prevent a more effective co-ordination of practices and integration of services. We do not underestimate the task involved but conclude that communities have a right to expect criminal justice agencies to provide a seamless service.

16. Communities should be at the centre of efforts to combat sex offending. While public concerns are understandable given that most sex offenders are living alongside us all in the community, there is convincing evidence that disclosure of information about convicted sex offenders does not promote community safety. We therefore do not support general notification of such information to communities. The duty lies with criminal justice agencies to deliver the safer environment which communities expect and deserve. This report seeks to identify ways in which this can be achieved, involving members of communities, wherever appropriate and possible.

17. We identify a number of important measures to strengthen the response to sex offending and to provide a framework to deliver a change for the better. There is a need for:

- improved understanding within communities about sex offending and the positive involvement of communities in the development of local strategies for the management of sex offenders
- better protection through the development of education based programmes and the provision of public information which deals with the dangers of sex offending
- a more consistent approach to risk assessment through the use of the structured clinical approach
- wider provision of personal change programmes and greater monitoring of their effectiveness and availability
- a more robust legislative framework to deal with the monitoring of sex offenders
- improvements in the quality and flow of information about individual sex offenders
- greater clarity about the contribution of individual agencies and a more collaborative approach to the delivery of services
- continued development of quality standards, particularly for training, both within and across agencies, delivered within a more structured framework.

Introduction

18. Reflecting these priorities we have made recommendations across **6 thematic areas**:

- **Community and personal safety and prevention**
- **Risk assessment**
- **Access to personal change programmes (for both children and adults)**
- **Monitoring sex offenders**
- **Housing provision for sex offenders**
- **Information management.**

19. These themes comprise the six chapters of our report. Each chapter sets out the background, the issues to be addressed, the approach we recommend, and a list of individual recommendations. The recommendations are listed in full in Appendix 3 together with the lead agency(ies) responsible for their implementation.

20. In the course of our work other themes emerged which are beyond our own remit but which we believe require further consideration. By far the most significant of these is the recent steady increase in the number of cases where the Internet has played a key part in facilitating sexual offences against children. The recent report published by the Internet Crime Foundation, set up following a review for the Department of Trade and Industry and Home Office, dealt with the issue of protecting children using Internet chat services. We refer again to this issue in chapters 1 and 4. The Report underlines the need for us all to remain vigilant in view of the changing methods used by sex offenders to contact children and the potential that exists for harm. This is undoubtedly an area which will require careful ongoing monitoring and considerable future work.

21. We understand that the Scottish Executive is considering a proposal for the appointment of an independent children's commissioner along the lines of the ombudsman for children operating in many Scandinavian countries. We support such an appointment and consider that the commissioner's role should include taking responsibility for highlighting issues about the safety of children and young people and for proposing and overseeing measures to improve their protection.

22. There is also a growing recognition of the needs of the victims of sexual offences. That issue should be taken into account when implementing our recommendations, possibly in the context of the Scottish Strategy for Victims.

Implementation

23. We propose an agenda for change which, if implemented, will improve society's response to sex offending. We urge the Scottish Executive and other agencies to respond positively to our recommendations so that early progress is made in taking them forward.

24. Successful delivery depends on the commitment of all the agencies and organisations involved. Our recommendations form an integrated package. If implemented only in part, or without proper co-ordination, the overall effect will be significantly diluted.

25. Since success will only be achieved if there is a firm commitment to make progress, we are particularly concerned to ensure that an effective and efficient review mechanism is put in place which will exert a strong influence on the implementation process. Individual organisations must be held to account for their performance in delivering the new agenda and it is important to maintain the momentum which has developed to ensure that the commitment to change is not lost.

26. We therefore recommend that the Justice Minister should assume responsibility for the implementation of our proposals and for reporting on progress in an annual report to the Scottish Parliament. In the first instance, we suggest that he should report by Autumn 2002 on the extent to which progress has been made and change achieved.

27. We commend this report to you.

A Long Term Strategy for Protection – The Community Perspective

Introduction

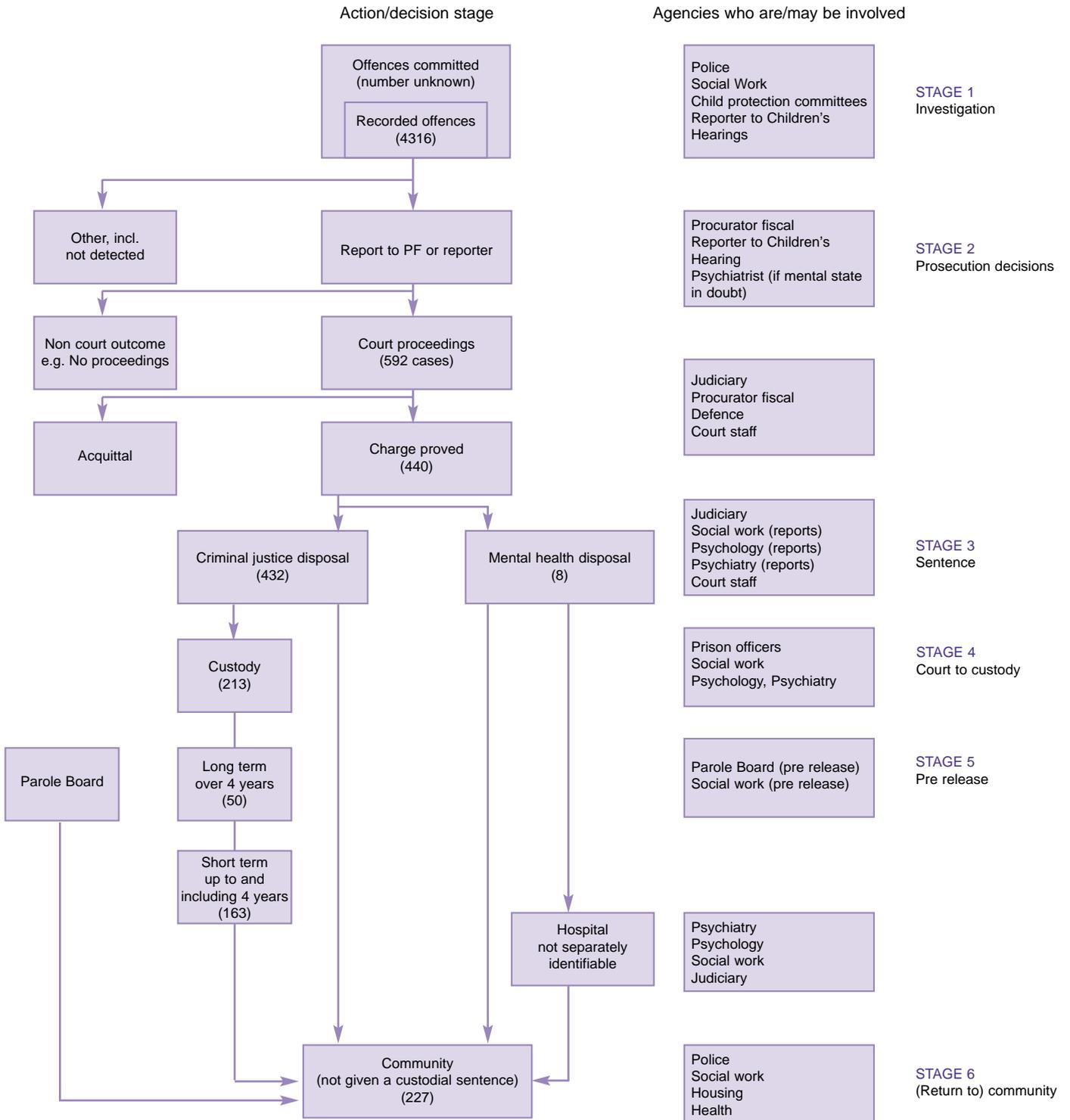
1. We start our report by considering sex offending as an issue for community safety. Each of our individual recommendations will improve the arrangements for supervising convicted sex offenders and strengthen the system for managing the risks which they pose. But our principal aim has been to develop a comprehensive approach in which all of our separate proposals, taken together, produce a cohesive strategy designed to protect both children and adults in the communities in which they live.

2. Sex offending is a crime which covers a wide range of criminal conduct characterised by a sexual motive or by inappropriate sexual behaviour. Sexual offences are particularly disturbing and invidious crimes which cause considerable damage and fear. Media reporting which focuses on dangerous paedophiles tends to inform the public perception of sex offending. But the reality is that most offenders do not abduct children who are strangers to them. Sex offenders are mostly known to victims in their home or in the community. Further, the widely held perception that all or most sex offenders are convicted of a criminal offence and serve a period of time in prison is mistaken. Many sex offenders remain unconvicted of any sexual offence. The most significant but not the only reason is that many victims do not report such offences to the authorities. As a result, only a relatively small percentage of those who have committed a sexual offence are likely to serve a custodial sentence. In any event, virtually all offenders are released into the community at the end of their sentence. **It follows that at any given time the majority of sex offenders are living alongside us in the community.** For this reason, the need to protect communities is paramount and our aim has been to produce recommendations for a national strategic approach to the prevention of sex offending.

3. The charts opposite and on the following page provide an overview by highlighting the flow of sex offenders through the criminal justice system and set out the latest figures for sexual offences.

4. The first chapter of this report focuses on long-term preventative measures. These should sit within wider community safety strategies and have the prevention of sex offending and the protection of children and adults at their core. We all have a role to play in making our communities safer places to live and so it is important to involve local people. But action by communities is not always constructive or safe. The level of public concern and fear for children and families has, on occasion, resulted in some individuals becoming involved in vigilante activity. Whilst such activity often stems from legitimate concerns about community safety, it is in itself not helpful and is often carried out by a minority of people whose views do not necessarily represent those of the rest of the community. In some cases, it may even cause additional anguish to the victim. The responsibility for community protection cannot be passed to individual members of the

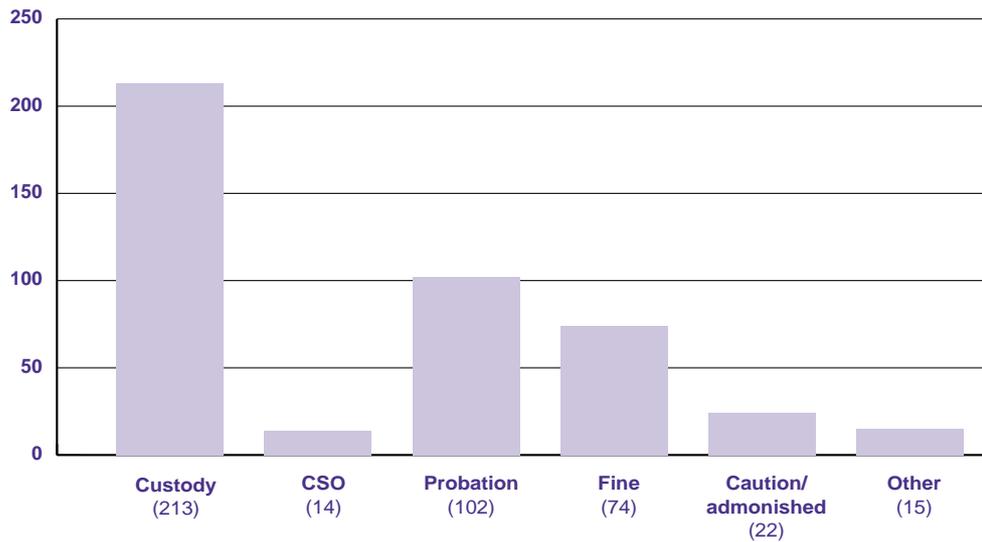
Overview of agencies, stages and outcomes in sex offences - 1998



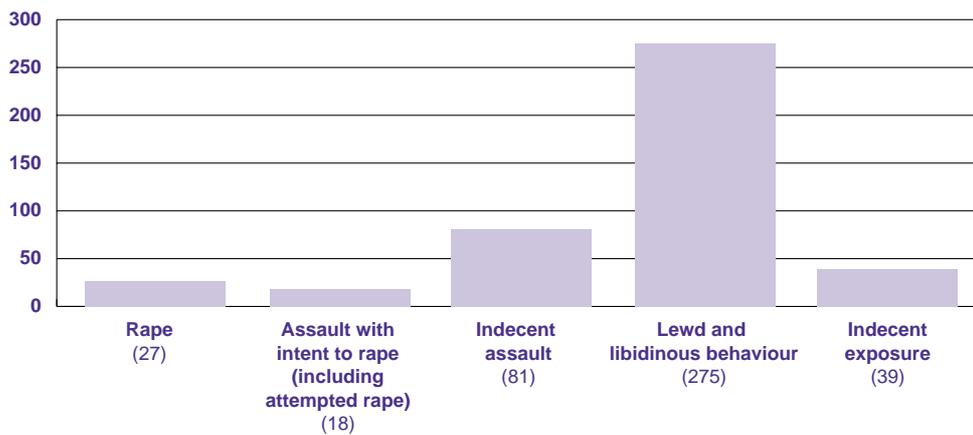
Notes: Figures are rounded. Offences recorded do not translate directly into court proceedings.

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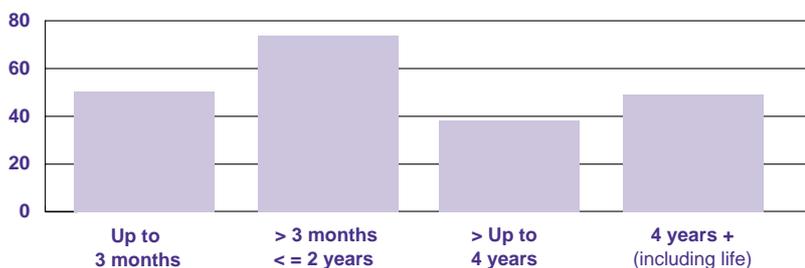
Main penalty imposed 1999



Persons convicted of a sexual offence 1999



Length of custodial sentences imposed, 1999



public. The monitoring and supervision of sex offenders must always be handled by public agencies. It is important however that the management of sex offenders commands public confidence and that communities are well equipped to play their part in promoting the safety of their most vulnerable members in ways which are both appropriate and effective. The need for vigilance, as opposed to vigilante action, underpins our proposals for building the community's response to the problems of sexual offending.

Background and context

5. Part of our original remit was to take forward recommendation 6 of 'A Commitment to Protect':

"The Scottish Office and local authorities should consider piloting projects specifically focused on developing the relationship and parenting skills of boys and men. The projects should be targeted but draw on general education provision.

All education authorities should have in place a Personal Safety programme promoting pupils' skills, knowledge and understanding to assist them in living safely and to feel empowered to reject inappropriate behaviours."

6. The Panel went beyond this remit and developed a strategic approach focusing on 4 themes for protecting children and young people:

- i. **Developing personal safety programmes to protect children and young people from all forms of abuse.** Personal safety programmes are the first element in our strategic approach. Children and young people need to be given access to information about the risks they may face. With suitable support, they can develop skills to keep themselves safe and be able to take increasing responsibility for this as they become more independent.
- ii. **Early identification of and intervention with young people demonstrating sexually aggressive behaviour through the promotion of safe and healthy relationships.** Targeting young people at risk of sex offending is also important because young people commit a significant proportion of all sexual crimes and adult sex offenders report that offending tends to start in adolescence.

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- iii. **Reviewing existing legislation and measures which protect children and young people from sex offenders outside the home.** An increasing awareness of the nature and extent of sex offending over the past ten to fifteen years has led to a range of measures aimed at improving the protection of children and young people. In any plan focusing on community safety it is essential that parents are aware of those measures which have been introduced with a view to protecting children and know how to gain access to them. The boxed section below sets out examples of legislative provisions.

- Day care services and supervised activities lasting more than 2 hours for children under 8 are subject to registration under the Children Act 1989.
- The Children (Scotland) Act 1995 makes provision for short term refuges in residential homes or in the community for children at risk of harm who may have run away from home or from their carers.
- The Children (Scotland) Act 1995 also makes provision for three orders for protecting children:
 - Child assessment order – for use when a local authority has reasonable cause to suspect that a child is suffering or likely to suffer harm but where access to the child is being denied
 - Child protection order – for use where the child is thought to be suffering, or likely to be suffering, significant harm. The order authorises the removal of the child from home and
 - Exclusion order – can be used to exclude a suspected abuser from a family home.
- Child Protection Committees have been established throughout Scotland to take a strategic role and to bring together the main agencies concerned with protecting children from abuse.

- iv. **Developing proposals to involve local people positively in community safety.** The final strand in this strategic approach to community safety is the need to empower and involve local people in making their communities safer places to live. In the past, action by communities has not always been constructive or safe. It is therefore important that the management of sex offenders commands public confidence and that communities are encouraged to become involved in a constructive fashion.

7. We consulted widely to help inform our recommendations. We conducted surveys, arranged focus groups, carried out a review of the literature and of community projects, and examined the current legislative framework in place to protect children. We also considered the positive contribution which communities themselves can make and drew on material commissioned by the Social Work Services Inspectorate which reviewed the arrangements for supervising sex offenders.

Issues to be addressed

8. The true extent of sex offending within communities is often hidden. Whilst many sex offenders are well known to the authorities, others are not. Their crimes go unreported and their victims have no relief. It is important to give parents access to information that helps them to make confident decisions about the safety of their children when outside the home, even when they are in the care of people in positions of trust. It is equally important to recognise the extent to which sexual offences against children are committed *within* the home. Our approach is designed to improve the safety of children both *within* and *outwith* the home situation.

Improving information and knowledge

9. A lack of informed knowledge is part of the problem. Measures to improve awareness and understanding will help.

10. Personal safety programmes should begin the process by assisting pupils in primary, secondary and special schools to develop the skills and confidence to help protect themselves. Children and young people need systematic access to information about the range of risks they face as they grow older; this includes information on the risk from sex offenders. Adults, and in particular teachers, have a role to play in helping children to develop the skills necessary to identify the danger signs and to show them that there are systems in place on which they can rely. With appropriate support, children and young people can develop the skills, knowledge and understanding they need to help keep themselves safe and to feel able to reject inappropriate behaviour. It is important however that children are not made to feel that they have the primary responsibility for protecting themselves.

Personal safety programmes

11. Our survey of all local authorities found that many schools and local authorities have personal safety programmes in place and some of these address the risk from sex offenders. But our research also indicated that the provision of programmes containing effective advice and education about such risk is patchy. The programmes

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provided by one third of authorities were related to general safety issues and did not include specific elements aimed at protecting children from sexual abuse. The same was true of personal safety programmes in independent schools. We also found variations in the ways in which schools inform and involve parents in their children's learning about sensitive issues such as child sexual abuse. Any failure to involve parents represents a lost opportunity both for engaging them in a positive way and for informing them of the issues involved.

12. Where personal safety programmes were in place, we found that they were not usually delivered consistently throughout a child's education. This, in our view, dilutes their impact. Whilst the training and support for teachers who deliver these programmes was well developed in some places, this was not consistently the case: twenty five per cent of authorities did not provide training for staff. Further, most programmes were delivered exclusively by class or guidance teachers, whereas the involvement of others, such as social workers, police officers or health professionals, would be likely to increase the effectiveness of the programmes.

13. Personal safety programmes for children and young people with special needs are also underdeveloped, as are those for children and young people who, because of their own circumstances, might be more likely than others to become victims of sex offending. This particular group is also less likely to have access to models of positive healthy relationships. The more vulnerable a young person, the greater their support needs.

Safe and Healthy Relationships

14. Prevention and early intervention should form part of a tiered approach in which issues concerning safe and healthy relationships are dealt with by the provision of information, education and support to all young people. There should be opportunities within the wider education system for all children and young people to reflect on and discuss safe and healthy personal relationships, gender roles and responsibilities. Although sexually aggressive behaviour may not present until adolescence, it is likely that it takes root much earlier. The universal provision which we advocate can be an important mechanism for early identification and intervention in relation to such behaviour. This is dealt with further in chapter 3. A comprehensive strategy should not overlook the needs of young women who are vulnerable, often through abuse and low self-esteem. They should be seen as a priority group.

Measures to protect children and young people in the community

15. There has been an increased awareness of the vulnerability of children in certain situations and the propensity of sex offenders to target them in community settings, such as leisure and sports clubs. It is now known that sex offenders infiltrate

themselves into situations which give them the opportunity for offending and that they tend to have medium to long term strategies for targeting their victims.

16. Voluntary organisations report an increase in calls from parents concerned about the safety of their children as a result of this increased awareness. This response presents an opportunity to encourage more active participation by parents in overseeing their children's safety in a variety of settings. It may be difficult to strike the right balance between encouraging their involvement without at the same time increasing their concerns about the presence of sex offending in the community to an exaggerated and unhelpful level. One way to resolve the problem is to ensure that parents have access to information which enables them to make confident decisions about the safety of their children when they are away from home.

17. Statutory authorities in social work, health and education, as well as voluntary childcare organisations may currently check with the Scottish Criminal Record Office as to any criminal background of those they are about to appoint to positions which give substantial access to children. Provisions contained in Part V of the Police Act 1997 (not yet in force) will introduce extended criminal record checks and there are plans to set up a statutory Index of persons deemed unsuitable to work with children. The Panel endorses these measures. It is important to ensure that everyone who works with children in either a paid or voluntary activity is screened. But given that a significant proportion of sex offenders are not known to the authorities, reliance should not be placed exclusively on police checks at the expense of other good practices. In this area, the safety of children depends on *both* screening *and* the use of safe recruitment and other measures.

18. There has been particular concern on the part of voluntary organisations about the likely cost of criminal record checks and we welcome the announcement by the Scottish Executive that these will be free of charge.

Community Safety

19. Communities have an important and positive contribution to make to safety strategies. While local authority community safety forums exist to promote crime prevention measures and other aspects of public safety, the direct contribution of local people is often limited. In many areas, there is a feeling that local agencies could work harder to harness the intelligence and commitment which exists. The first essential step is to build confidence and trust in the process. People in communities need to know that their views count. There are lessons emerging from models within existing community initiatives that encourage dialogue and improve co-operation between local agencies and the full range of local people.

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20. We welcome the Scottish Executive's proposals for strengthening the role of local authorities in the community planning process. We are however concerned to ensure that the process incorporates Community Safety Plans. Further, whilst there are already processes in place for dealing with crime reduction and prevention, these are often separate from those dealing with public safety and planning for child protection services and so they do not achieve the degree of integration which we consider desirable.

21. The present lack of public confidence in the management of sex offenders must be addressed directly and we looked at ways to achieve this.

Recommended approach

22. Our approach places measures for improving the supervision of sex offenders and managing the risks they pose within the community safety framework. It will allow local agencies to provide an integrated response to community concerns. We conclude that this multi-faceted and comprehensive approach is the way forward and this underpins each of our individual recommendations.

23. In practice, this will be achieved in a number of ways and through the participation of a range of local agencies, some voluntary and some statutory. Our approach involves the universal provision of personal safety programmes through the education system and the promotion of safe and healthy personal relationships within these programmes. It also encompasses the measures proposed by the Scottish Executive to protect children and young people in the community. We consider that these should remain high on the list of government priorities and should now be implemented without undue delay. Further, our approach requires action by local agencies to engage communities in a more constructive and inclusive manner. In particular, care should be taken to include members of any minority community, such as minority ethnic communities. The engagement of communities is especially important when issues arise about the housing of sex offenders. This is dealt with further in chapter 5.

24. Personal safety programmes in schools must be part of this longer-term preventative approach. It is important that education about protection from child abuse is linked to other aspects of the formal and informal curriculum. Personal safety programmes should be taught progressively throughout a pupil's school life. Isolated lessons are not enough on their own to teach children how to protect themselves and to recognise the warning signs. It is also important that pupils in independent schools and residential schools are given equal access to personal safety programmes. The needs of children and young people with learning difficulties should also be recognised. Special efforts should be made to engage with those children who are

less easy to reach, such as those with a history of truancy. For such children, programmes can be delivered through other forms of community activities. In all cases, the material used should reflect the social and cultural context of the children's lives.

25. Teachers and other professionals involved in the delivery of personal programmes should receive appropriate training and support in order to deliver effective programmes. Children can and do disclose information during these sessions. It should also be a core principle that these professionals work closely with parents or carers in the delivery of the programmes. Parents should be advised about the material being used and be given the opportunity to express any concerns. There should be links between the professionals delivering the programmes, whatever the setting, to ensure a common approach and to encourage the sharing of good practice and experience. Teaching should include guidance which helps children develop the necessary skills that will alert them to inappropriate behaviour. It should also be a key objective of any programme to ensure that all children understand that they can turn to adults for help; and they should be given guidance on how to do this safely.

26. Young people who are themselves causing concern because of sexually aggressive behaviour or offending will need programmes to assist appropriate personal change and this is dealt with in more detail in chapter 3.

27. We have identified the need for organisations which involve people working with children to have sufficiently robust screening and monitoring programmes in place and for agencies responsible for protecting public safety to work across sectors and internal divisions to share intelligence, knowledge and best practice. This will create the links that strengthen the future approach to sex offending.

Recommendations and their implementation

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.

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.

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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.

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.

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.

28. Young women can, by their own risky behaviour, make themselves vulnerable to young male sex offenders. Many have been abused, have low self esteem and are open to prostitution. This group of young women will benefit from an emphasis on healthy relationships in school and in community settings, and from remedial education in this context. They should also be seen as a priority for more targeted intervention. Specific materials and programmes should be developed for them, particularly those in a care setting, so that information on healthy relationships and sexual health is available for all young women looked after by local authorities.

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.

29. Our recommendations will ensure universal provision, through schools and youth work, of information, education and support to **all** young people and will take into account the different needs of different groups, including those likely to be particularly vulnerable to becoming a victim of sex offending. We also recommend that specific materials should be produced for those children and young people who may be displaying signs of sexually aggressive behaviour themselves. Whilst needs may vary, all programmes whenever and to whoever they are targeted, must be provided at a consistently high quality and to nationally agreed standards. Best practice standards and inter-agency co-operation are important in the preparation of materials and information.

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 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.

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.

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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.

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.

30. We have noted the concerns expressed by local communities about sex offenders living in their area. Emotive responses may be understandable but they are counter-productive. It is important for lead agencies to engage local communities by helping them to understand the risks posed when a sex offender goes underground, making it more difficult for the police to keep track of him. It is far better for communities to be involved in finding solutions as part of a strategic plan than feeling that they themselves must take on what is likely to be a less effective response in a way that does not reduce the risk posed by the offender. Our recommendations will help to involve communities, although the statutory responsibility for community protection must remain with the appropriate agencies.

31. The public information strategy which we advocate will help to inform communities. Closer links between communities and those agencies involved in child safety/crime prevention issues will also help to build confidence and increase the credibility of the information provided, helping to reduce tensions at times of difficulty. The aim should be to harness the concerns of local communities through open dialogue.

32. The Panel acknowledges that parents need the best information possible to enable them to make confident decisions about the safety of their children and has prepared an outline of a leaflet on child safety. It deals with issues such as the nature of child sexual abuse, its frequency, warning signs and what action parents can take.

33. The proposed national conference should be supported at community level by a series of workshops. The local workshops should be offered at low cost in order to ensure maximum involvement from all community groups.

34. We note that the Executive and local authorities already work closely together to promote community planning in all areas. This provides the framework for local authorities to build the strategic vision for the area in partnership with other public sector agencies such as the police, health services, the private and voluntary sectors, registered social landlords and local people. The response from individual local authorities to the management of sex offenders should be located firmly within the context of this community-planning role, especially in relation to the development of a Community Safety Plan. It is an ideal mechanism for building on existing activity. A key element of the model is strong community participation.

35. A corporate approach of this kind will work across departmental and other structural boundaries. We believe that the preparation of such plans across council services will also draw on the experience of local authorities in relation to the Children Act 1989 and the improved linkages which have followed implementation of the Sex Offenders Act. It will provide a better opportunity for sharing best practice and improving safety strategies across the country. A community planning approach thus provides the means to respond to community concerns on sex offending in a co-ordinated and needs led rather than service led way.

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.

36. The measures in Part V of the Police Act 1997 for enhanced record checks and the proposed Index of adults unsuitable to work with children are welcomed. But this is just one part of a range of measures necessary to ensure child safety in the community. Having in place good recruitment and selection procedures and safe working practices is just as important as being able to carry out police or Index checks. Parents and voluntary organisations and sport groups leaders need accessible information about where the risks lie and how to promote the safety of children in the community. They also need good information and guidance about when, how and under what circumstances they should undertake a police check, as well as training and guidance on how to interpret any information they then receive.

A Long Term Strategy for Protection – The Community Perspective

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.

37. Our final recommendation in this chapter involves the prison service. There appears to be little control over convicted sex offenders having child visitors while in prison or being present whilst other offenders are visited by children. Further, information on the victim status of any child visitor in relation to a particular prisoner is not readily available to the Scottish Prison Service. This recommendation seeks to address this issue.

38. In summary, our recommendations will help to deliver a stronger and better system for developing a national, long-term strategy based on community protection. The objective is to help reduce risk, prevent crime and gain the confidence of the public.

39. The recent report from the Internet Crime Forum on protecting children using Internet chat services supports the Panel's approach. Whilst the Forum concludes that the danger of online solicitation by a stranger is likely to be much lower than the offline risk from someone known to the victim, the Report recommends preventative strategies for protecting children. It also recommends a focused education and awareness programme aimed at parents and other carers to advise them of the potential risks to children using chat room services and appropriate steps they can take to protect them.

Developing a risk assessment approach

Introduction

1. In chapter 1 we focused on the central role of communities in delivering protection from sex offenders. This chapter focuses primarily on the assessment of risk. Whilst there is an increasing use of risk assessment techniques across agencies, difficulties can arise from the use by different agencies of different types of risk assessment for different purposes and at different points in the criminal justice system. This can result in a situation where one agency's assessment of the level of risk does not coincide with that of another agency. Such differences can lead to confusion and may hamper the identification and management of risk in individual cases.
2. Most of the risk assessment tools available have been developed for use in a particular context, and whilst some may be suitable for use across different professional disciplines or agencies, this is not always the case. In addition, no tool is capable of predicting risk with complete accuracy in each individual case.
3. This chapter recommends ways in which improved information flows, coupled with greater use of risk assessment techniques, can help improve the management of sex offenders and contribute to improved public safety.

Background and context

4. Criminal justice social work services, the police service and other professional groups are increasing their understanding and use of structured tools to assess the differing levels of risk presented by sex offenders. There is evidence of the development of effective collaborative approaches to the task, for example, between the police and social work services as a result of the requirements placed on them following implementation of the Sex Offenders Act 1997.
5. We drew on documents which had been considered by the Panel and on the professional experience of Panel members, especially those closely involved in the practice of risk assessment. We also examined other aspects of delivery, in particular, the training and support needs of those involved in applying risk assessment techniques and considered how an appropriate training model might best be developed and applied. Our comments take account of the proposals contained in the MacLean Committee Report in respect of risk assessment issues.
6. The increasing importance of risk assessment methodologies at each stage in the criminal justice system is now evident. We therefore looked specifically at ways of improving the application of risk assessment techniques, particularly through improved information flows and through common standards. For example, we considered how risk assessments may be utilised in assessing the suitability of an individual for a particular personal change programme, or for parole. We endorse fully the MacLean Committee's view that:

“the role of risk assessment in sentencing, management and release needs to be more clearly acknowledged, and the different types of risk assessment and management need to be better integrated.”

7. Despite an increasing emphasis on developing skills and expertise in risk assessment on the part of many of the key agencies, there has been relatively little focus on the critical and related issue of **risk management**. Risk assessment is only one part of the wider process of risk management which encompasses the whole range of actions agencies might take to deal with the type and severity of assessed risk in each case. Agencies charged with responsibility for dealing with sex offenders, particularly those working with offenders in the community, would be assisted in this task by guidance on core risk management principles and examples of best practice.

Issues to be addressed

Approach to risk assessment

8. The structured clinical approach favoured by academics and practitioners is now used by psychologists throughout the Scottish Prison Service. It is also being adopted by many social workers and by psychologists and psychiatrists working within health settings. It is an approach based on the use of validated tools designed to produce an effective and reliable indicator of some dimensions of risk and has been shown by research to offer more accurate assessments than other techniques. Training and assistance is required to ensure that the structured clinical approach to risk assessment is adopted across all agencies to ensure the best possible practice.

9. The differing roles of agencies working with sex offenders means that there may be a difference of emphasis within their assessments. The different professions will also often use different assessment tools. We do not advocate that risk assessment tools should necessarily be standardised. It is reasonable for each profession to have its own risk assessment tool reflecting its own area of work, provided that the tool fits within the structured clinical approach. The current lack of consistency in approach contributes to difficulties of interpretation and understanding between professions and to less effective implementation and use of existing tools.

Extending risk assessment

10. Current legislation requires the court to ask for a report from a social worker before passing sentence in certain specified situations. For example, a report is required before placing any offender on probation or community service, before imprisoning an adult offender for the first time and before imposing a custodial sentence on an

Developing a risk assessment approach

offender under 21 years of age. Although the court *may* request a report in any other case, some sex offenders are sentenced without a report being prepared.

11. In paragraph 20 we explain the advantages of obtaining a pre-sentence report in all sex offender cases, whatever the ultimate disposal by the court. Where a custodial sentence is imposed, a report containing an informed risk assessment at the beginning of the sentence assists with prioritising suitable individuals for prison programmes. In addition, these assessments provide, at the earliest stage, a useful baseline against which to measure subsequent assessments of risk throughout the sentence. In some cases a report from a social worker may provide an opportunity to identify, as a result of a full risk assessment, whether additional measures such as the extended sentence may be necessary to protect the public where the offender is otherwise likely to present a risk of serious harm on release.

Information transfer

12. Report writers need good quality information to produce high quality risk assessments. If risk assessments are not based on all available information they may not best reflect the likely risk presented by an individual. A consultant whom we commissioned to examine the flow of information through the criminal justice system identified two problems surrounding the transfer of information.

13. Firstly, information may exist in one part of the system but there may be no suitable mechanism for transferring that information to another part of the system. This is perhaps best illustrated, and arguably most acute, at the point of sentencing an offender. The court will have information about the precise nature of the offence of which the offender has been convicted but there is currently no system for transferring this to those preparing pre-sentence reports for the court.

14. Secondly, there can be a reluctance on the part of many of those involved in the assessment and management of sex offenders to share information with others. This reluctance to share information may relate to concerns about whether disclosure of information would breach agency rules or professional codes of conduct. The confidentiality rules of individual agencies may be more stringent in the context of sharing with other professionals than the legislation requires. As a result, some agencies have been excluded from contributing to risk assessments.

Recommended approach

15. We want to build on the good work that has already been put in place by a number of agencies and extend the pre-sentence risk assessment process to all sex offender cases. Elsewhere in this report we recommend that social workers, psychologists and others charged with the duty of preparing a social enquiry report for the court should be provided with information as to the circumstances of the offence.

In cases which proceed upon a plea of guilty, we recommend the transcription of the tape recording of the relevant part of the proceedings, whilst in cases proceeding to trial, we recommend that the trial judge produce a brief summary of the facts upon which the conviction proceeded.

16. Although a wide range of risk assessment tools are in use across the professions, this is appropriate **provided** they are used within the overall framework of the structured clinical approach. The Risk Management Authority proposed by the MacLean Committee might have a role in ensuring this becomes standard practice across all disciplines.

17. Our approach to improving the application of risk assessment techniques is underpinned by improved information exchange across and between the full range of agencies involved, and through a greater common understanding and appreciation of the techniques applied. We want to ensure that the standard is of the highest quality and is delivered consistently throughout the country and across the professions.

18. Achieving the desired standard and consistency depends upon the common application of expert knowledge and training and the use of a national approach across all agencies. Our recommendations require some agencies to change practice to achieve a more consistent approach to risk assessment and risk management in accordance with the requirements of a structured clinical approach.

19. To achieve the consistency which we advocate, the structured clinical approach to risk assessment should be used at each of the key stages in the progress of an offender through the criminal justice system. It should also be used in circumstances where an individual who gives cause for concern has come to the attention of the authorities but has not been prosecuted for an offence.

Recommendations and their implementation

Reports for the court

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.

Developing a risk assessment approach

20. There are sound reasons for requiring the preparation of a social enquiry report prior to sentence in any case of offending which is sexual in nature. We agree with the view expressed in the MacLean Report that the sentencing of sex offenders ought to reflect the particular level of risk the offender presents. Sex offenders are not a homogeneous group and individual offenders may present very different levels of risk. The preparation of a social enquiry report offers an opportunity to gather factual information about an offender's circumstances, including his personal and family relationships, employment, lifestyle, any history of alcohol or drug misuse and any pattern of offending. All of these factors will inform the structured risk assessment which should be a central element of a social enquiry report in such cases. In the course of interviewing the offender the social worker also has the opportunity to explore the offender's attitude to the offence, including the extent to which he takes responsibility for his offending. Such an explanation is a critical component in assessment of the likelihood of re-offending and the risk of harm presented by the offender which can assist the court to reach an informed view about issues of risk and public protection in each case. Since these attitudes cannot be explored with the offender prior to conviction, a report prepared on a pre-trial basis can make little useful contribution to the assessment of risk.

21. We also endorse the view expressed in the MacLean Report that risk assessment should be seen as an aid to making decisions as to what combination of controls and interventions should be applied to a person in order to manage the risk he or she presents. A social enquiry report is a means of providing the court with information about the availability of community-based interventions. There may be a greater prospect of achieving change if intervention occurs at an early stage, and effective early intervention following less serious offending may prevent escalation to a more dangerous level. As we have previously noted, even where the court is considering imposing a custodial sentence, the information and assessment contained within a social enquiry report may assist the court in determining whether an extended sentence may be necessary to manage the risk presented on the offender's eventual release. Where a custodial sentence is imposed, the social enquiry report can provide useful information for sentence planning purposes, as well as providing a baseline against which to measure any changes in risk throughout the sentence.

22. Forensic or clinical psychologists also have a key contribution to make to the assessment of risk in individual cases. In particular, through the use of psychometric and other tests, they can bring improved understanding of those attitudes and personal characteristics which may support an individual's sexual offending and thus provide an even more informed understanding of the level of risk involved. We are aware that at present forensic or clinical psychological services are not available uniformly across the country and we address this issue later in this chapter.

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.

23. We think that it is important that where different professionals are involved in preparing reports for the court they should consult one another prior to presenting those reports in order to reach the most informed understanding of the individual offender and the risk he presents. These consultations will provide an opportunity to exchange information and share different professional perspectives on the offender, whilst continuing to allow each discipline to focus on its own particular area of expertise.

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.

24. We recognise that the transfer of detailed offence information to report writers and the completion of the full risk assessment process, including the multi-agency consultation, which we advocate will be difficult to achieve within the current maximum statutory periods. We therefore recommend that these be extended. In chapter 6 we make further recommendations relating to the speed of transfer of information.

An approach to risk assessment

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.

25. Current research evidence suggests that the structured clinical approach to risk assessment provides a more accurate assessment than either the actuarial or clinical approach. Assessment frameworks which use actuarial information in a structured way to enhance professional judgements based on knowledge of the offender's personality, habits and lifestyle and analysis of the circumstances of the offence offer the best

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prospects both for risk assessment and for the management of identified risks. It is essential that best practice is disseminated throughout the relevant professions and agencies, and that staff adopt a consistent approach to this task based on research evidence. Regular audit by agencies of the structured clinical approach and associated tools used by their workers will help ensure that best practice is maintained throughout each organisation.

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.

26. The Scottish Executive has not advocated the use of a particular risk assessment tool by social workers, although many local authorities base their approach to risk assessment around the Risk Assessment Guidance and Framework (RAGF) promulgated by Social Work Services Inspectorate (SWSI). This is often used in tandem with other tools, especially the Level of Service Inventory – Revised (LSI-R). Recent Home Office research showed that LSI-R has a 65% accuracy rate in predicting re-offending and predicts serious re-offending at better than chance levels, although not well enough for it to be the main method for assessing dangerousness. The licence for LSI-R is held by a commercial company, and the tool may be used only following payment of a fee and specialist training.

18:

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

27. We are aware that when the RAGF was first made available to local authorities SWSI provided a programme of ‘training for trainers’ to facilitate appropriate use of the structured approach by workers. Training in the use of this structured approach should be mandatory before any worker begins to use it. A system to audit the use and value of the RAGF should also be introduced at a national level to assist future modification in the light of experience and future research findings.

28. Training in the use of specialist risk assessment tools is essential but it is equally important that social workers and others involved in the assessment of risk are trained in the core principles of effective risk assessment derived from evidence-based practice. Although many local authorities offer training in aspects of risk assessment, we see merit in the development of a national training programme to equip workers with the necessary knowledge and skills to undertake this crucial task. This might best be

achieved through a joint approach by the Scottish Executive and the Association of Directors of Social Work and the local authorities.

A national protocol

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.

29. Each agency should understand the contribution others can make to the emerging and changing assessments of risk and a shared understanding of both processes and terminology is required. This could best be achieved through the development of a cross-cutting protocol spanning social work, health, police and prison interests. The protocol would also be relevant to other interests, such as housing and education. It might contain additional guidance about the responsibilities of agencies and of individual employees, along the lines of the Royal College of Psychiatrists Report on Clinical Assessment and the Management of Risk.

30. If the Risk Management Authority proposed by the MacLean Committee is established with a wider remit than the small number of cases envisaged by that Committee, it could provide the vehicle for delivering the national protocol as part of its regulatory and advisory function. The proposed Risk Management Authority might also issue guidance on best practice and other advice to assist local agencies in the management of high profile cases or high risk cases, although operational responsibility for the management of *individual* cases should continue to rest with the appropriate authorities at a local level. This approach has the advantage of not adding to the number of management tiers to which operational staff are subject.

Additional resources

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

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31. Forensic and clinical psychologists have a key contribution to make to the assessment of risk by administering psychometric and other tests. We are aware that there is already insufficient provision of forensic and clinical psychology services in some parts of the country to the extent that there have been difficulties in obtaining post conviction reports for the court. The current lack of provision is unlikely to improve unless there is substantial additional investment in the recruitment and training of psychologists, particularly in the light of our recommendation 13 and the increased involvement of psychologists in the delivery of community based personal change programmes which we advocate. Substantial additional resources will be required to meet the demand for these services. The Scottish Council for Postgraduate Medical and Dental Education should therefore carry out an early review of the availability of clinical psychology places. They should also consider whether the two existing courses offered at Edinburgh and Glasgow Universities can accommodate additional places.

Definitions of risk

21:

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

32. Whilst there is increasing use of risk assessment techniques by a number of criminal justice agencies many of whom have their own definitions of high, medium and low risk, there is no national standard. Some criminal justice agencies, especially those for whom undertaking risk assessments may be a more recent development, have said that they would welcome national guidance on definitions of risk so that they are able to work within an agreed national standard. Whilst we recognise that risk is not an absolute term and that any guidance would need to reflect this, we accept the argument that national guidance would be beneficial.

33. The recommendations we make reflect the central importance of improving information flows and ensuring recognised quality standards and a shared understanding of the assessment processes and terminology. Different agencies undertake risk assessments for different purposes and may thus require different tools. The process of risk assessment should however be undertaken within a recognised national framework. This will assist each agency to deliver a consistently high standard of practice in risk assessment and to understand and appreciate the contribution of other agencies to this task.

chapter

2

Delivering programmes for personal change in the community and other settings

Introduction

1. Recommendation 4 of 'A Commitment to Protect' is in the following terms:

"The Scottish Office should consult on whether a specialist residential facility for assessment and personal change programmes should be established and, if so, how the facility should be funded and run, taking particular account of the potential for such a unit to assist both the Scottish Prison Service and local authorities.

Consideration should be given to establishing specialist provision for younger sex offenders, perhaps within one of the wings of the new secure unit planned to replace St Mary's Kenmure."

2. The Panel adopted the view that in order to explore the need for a residential facility providing assessment and personal change programmes for sex offenders, it was necessary to examine more broadly the current facilities for the management of sex offenders provided by criminal justice social work services and the Scottish Prison Service.
3. Whilst this chapter focuses primarily on the availability of programmes for offenders and, in the final part of the chapter, on those for children and young people, it should be set within the context of an offender's 'pathway' through the criminal justice system. We stress that our recommendations in this chapter must be viewed in conjunction with those in other chapters and in particular with those referring to appropriate risk assessment procedures and information flows, especially at the point of transition from custody into the community, as well as with effective monitoring and supervision arrangements.
4. There is a clear overlap with the work of the MacLean Committee in so far as it dealt with the management of high risk sexual offenders. The Panel has noted the recommendations in the 'Report of the Committee on Serious Violent and Sexual Offenders', published in June 2000. The Panel considered personal change programmes for sex offenders in general, rather than focusing solely on those offenders deemed to be high risk.
5. During the period 1989 to 1999, over 6,000 people in Scotland, almost all men, were convicted of at least one sexual offence ranging from relatively minor offences such as indecent exposure to the most serious forms of sexual assault. Most (93%) of these offenders were convicted of a sexual offence on only one occasion during that period. 35% of cases resulted in a custodial sentence with, at the other end of the scale, 28% resulting in a fine. Probation accounted for 21% of sentences and community service orders for 5%. Less than 1% of sex offenders are deemed to have a detainable

mental illness and are made the subject of a hospital order. It follows that in 56% of these convicted cases there was scope for offence specific work either in custody or in the community.

6. It is important that personal change programmes are not viewed as a panacea. They are a relatively new development and while there have been some positive research findings, few programmes, particularly those being delivered in the community, have been fully evaluated. Most programmes seem to be based on interventions which are regarded as effective for those who have committed offences against children, particularly intra familial abuse. The effectiveness of the programmes for those who offend against adults is currently being evaluated by the Home Office. It is clear however that whatever the success rate, some success is better than none.

7. In this chapter we consider the following **four separate topics**:

- personal change programmes for adult offenders in the community
- personal change programmes within the Scottish Prison Service
- the need for a specialist residential facility
- personal change programmes for young people who have committed a sexual offence or who show signs of aggressive sexual behaviour.

Delivering programmes for personal change in the community and other settings

PART 1: COMMUNITY-BASED PERSONAL CHANGE PROGRAMMES FOR ADULT OFFENDERS

Background and context

8. Community-based personal change programmes are provided to sex offenders subject to statutory supervision who pose a broad range of risk. They deal with offenders who have been convicted of less serious offences and who have been deemed suitable for probation and, at the other end of the scale, those offenders serving a life sentence and who have been judged suitable by the Parole Board for release on licence to the community. The programmes are usually delivered by individual criminal justice social workers or by specialist sex offender projects.

9. A cognitive behavioural approach to the management of sex offenders has been found to be effective within the North American and Canadian criminal justice systems. Most of the community-based programmes in Scotland are founded on this approach. It is also the theoretical underpinning of the Sex Offender Treatment Programme (SOTP) within the English prison service. The latter is being introduced in the Scottish prison system as STOP 2000 and a modified version is being piloted with mentally ill offenders at the State Hospital.

10. The aims of a comprehensive package for sex offenders identified in the literature are summarised below:

- reducing denial and improving personal acceptance of responsibility for offending behaviour
- modifying the cognitive distortions that sex offenders typically employ to justify or minimise their offending behaviour
- improving offenders' understanding of the impact of sexual offending on their victims
- improving interpersonal skills to enable offenders to form effective adult consensual relationships
- providing education about sex and sexuality
- modifying deviant sexual fantasies/arousal patterns
- addressing relapse prevention skills to enable offenders to identify the precursors of their offending and avoid risky situations.

11. The boxed section below provides detail of some specific projects providing cognitive behavioural programmes in the community for adults.

The Tay Project

This provides individual and groupwork modules. The programme comprises an induction period lasting from 3 to 6 months during which the offender is seen on an individual basis. Thereafter, the initial groupwork programme, 'Tackling Offending Behaviour' comprises 6 modules, each of 4 weeks duration, focusing on disclosure work, thinking errors, offence cycles, power and control, victim awareness and an introduction to relapse prevention. This is followed by a further period of individual work. Once these elements have been completed successfully, the offender may progress to an advanced relapse prevention group, again comprising 6 modules each lasting 4 weeks.

The Clyde Quay Project

This Glasgow project also provides 2 related but distinct groupwork programmes, separated by a 10 week period of individual work provided by the supervising officer and a specialist worker from the project. The primary programme comprises 2 weekly sessions, each lasting 3 hours, over a period of 10 weeks. The focus is on the individual offences and behaviours of the offenders, taking responsibility for their actions, offence cycles, victim awareness and relapse prevention strategies. The period of individual work is intended to consolidate and develop learning from the primary programme and to prepare for entry to the secondary programme. This programme comprises one 3 hour session per week for 10 weeks and builds upon earlier work undertaken in the community or in custody. It focuses on relapse prevention through the development of personal and social skills, anger management and coping strategies. A 'recall and maintenance programme' is planned to be provided to offenders who have completed the primary and secondary programmes and who are in their second year of supervision.

The Community-Based Change Programme in Fife

This programme is delivered by specialist criminal justice social workers based in the Community Protection Team, a joint initiative between the social work department and police to assess and manage the risk presented by individual offenders. The programme is delivered over 12-18 months and consists of 6 modules: taking responsibility; social skills; sex and gender issues; the role of fantasy in offending; victim awareness and relapse prevention. Each module lasts for between 6 and 8 sessions. The effectiveness of the programme is being evaluated by staff from the Wolvercote Clinic in England.

Delivering programmes for personal change in the community and other settings

12. In addition to these community-based programmes, the Sacro Intensive Supervision Service offers accommodation and supervision for offenders assessed as having a medium or high risk of re-offending and/or being at risk of harassment or media exposure. The boxed section below provides further information about this service.

Sacro Intensive Supervision Service

The Sacro Intensive Supervision Service (SISS) was established in Edinburgh in January 1997 and offers placements (of a maximum 6 months) including accommodation and intensive supervision (24 hour if required) for offenders assessed as medium or high risk of re-offending and/or at risk of harassment or media exposure.

As far as we are aware, this service is unique and as a result has attracted referrals from all over Scotland and parts of England. A total of 17 referrals have been received since January 1997. We were told that 8 of these had been assessed as suitable for the service, 5 had received a service and 2 were awaiting assessment. As the majority of referrals are from outside Edinburgh, they are not eligible for local authority housing in the area. This has created considerable difficulties for the project when the offender is discharged into the community.

Issues to be addressed

13. National Objectives and Standards for Social Work Services in the Criminal Justice System (National Standards) are issued by the Scottish Executive and contain expectations regarding the frequency of the sex offender's contact with the supervising social worker. A recent inspection of the management of sex offender cases in the community reported that 87% of the cases inspected were being monitored in accordance with, or in excess of, these standards. Whilst the National Standards set clear expectations about the process of supervision, they do not address the content of the supervision programme.

14. Many sex offenders have a complicated pattern of needs including difficulties with accommodation, anger management, alcohol or substance misuse and deficits in inter-personal skills. Whilst these are important *offence-related* issues which must be addressed in order to reduce the likelihood of offending, research shows that *offence-specific* interventions are essential to manage sex offenders effectively. In this part of the chapter we focus solely on offence specific personal change programmes.

15. We commissioned a survey of local authorities to gather information about the availability of structured personal change programmes specifically for sex offenders.

Of the 32 local authorities consulted, 25 responded. Of these, 19 either provided or purchased a structured programme. Six local authorities provided no specific sex offender programmes. The majority of the programmes were deemed unsuitable for sex offenders under the age of 16 and we deal later in this chapter with provision for that group. Most programmes were based on a cognitive behavioural approach to personal change. There were substantial variations in the length and intensity of programmes, although most took between 6 and 18 months to complete. Some specialist projects, such as the Tay Project in Dundee, provided a service to a number of local authorities. Others, such as Glasgow's Clyde Quay Project, delivered programmes only to that particular local authority. Other than the Tay Project, which began in 1993, most of the specific group based interventions were relatively new and to date only the Tay Project has been subject to an external evaluation; this was an evaluation of process rather than outcomes of the programme.

16. Some excellent community programmes are available which offer a range of individual and group based interventions for offenders against women and children. There is however evidence of geographical inequality and some local authorities provide no specific intervention programmes.

17. We learned that there are no agreed minimum training requirements before criminal justice social workers are able to deliver specialist intervention programmes for sex offenders. Our survey also found that only 50% of criminal justice social workers were required to undertake additional training before working with sex offenders. The length of time involved in this additional training varied from 3 to 9 days, with supplementary courses if required. Where specialist sex offender projects existed, almost all criminal justice workers had completed additional specific training in managing sex offenders. This was less likely to be the case where individual criminal justice social workers were delivering personal change programmes as part of a generic criminal justice service. In 2 out of the 25 local authorities who responded to our survey, sex offender programmes were delivered by non-qualified social workers. As we explain below, a potentially dangerous situation can arise where an inexperienced or untrained social worker with limited external supervision manages a high risk offender. This is an issue which we seek to address in our recommendations.

18. We found little evidence of multi-agency involvement in the delivery of personal change programmes. Psychologists may bring a wealth of skill and experience in cognitive behavioural psychology, the assessment of risk and the measurement of change associated with personal change programmes. The Integrated Sex Offender project in Edinburgh was an impressive example of a joint initiative between a health care trust and social work department to deliver personal change programmes. Such joint delivery can be particularly effective and we were very disappointed to learn that the project has had difficulty in recruiting to the psychologist post. It may be that the

Delivering programmes for personal change in the community and other settings

uncertain funding associated with this innovative joint project has contributed to its failure to attract a suitable candidate. It is a matter of great concern that no community based sex offender programme is presently available in the Edinburgh area.

19. 'A Commitment to Protect' notes that only 9% of sex offenders who are made the subject of a probation order have an additional condition of attendance for psychological treatment. In our view, this does not properly reflect the need for specific psychological input in the management of sex offenders. It may be that earlier involvement of psychologists in the assessment process would identify more offenders who would benefit from such input.

20. Sex offenders tend to minimise their offending and its effect on their victims. To ensure the worker's objectivity and the appropriate focus of the intervention, it is important that regular supervision is provided. The McManus Report (Report on Investigation into Aberdeen City Council Social Work Department's Handling of the Case of Mr Stephen Leisk) highlighted that even experienced criminal justice social workers require supervision by an appropriately qualified line manager. Where this expertise does not exist within the criminal justice social work department, arrangements require to be made with an external agency, for example a specific sex offender project. In addition, for high risk cases, the supervising social worker should have access to specialist consultancy advice to provide additional assistance in the management of such cases. In half of the local authorities which responded to our survey there was access to external consultancy but the frequency of its availability varied.

21. In our view, the majority of sex offenders subject to supervision in the community may be managed by an appropriately trained criminal justice social worker supervised by a line manager. This view is predicated upon two key principles: that workers have the opportunity to 'opt out' of working with sex offenders; and that line managers ensure that the caseload of those who are working with sex offenders is appropriately balanced. All cases need to be supervised *at least* in line with National Standards. Additional levels of supervision must be provided in accordance with assessed and changing levels of risk. For those who at any time become higher risk, more intensive supervision is required.

22. Many offenders come into contact with a number of local authority criminal justice social work services as well as the prison system and possibly voluntary sector agencies. Thus different programmes may be delivered at different points in an offender's contact with the criminal justice system. There is not always consistency between these programmes, nor do they all necessarily build on any progress already made by the offender. Additionally, the monitoring and evaluation of programmes currently focuses on outputs rather than outcomes. For example, the focus may be on the numbers participating rather than on the impact on the individuals who participate.

23. Where specialist interventions are dependent on having sufficient numbers prior to commencing groupwork, interim arrangements will be required to address offending behaviour on an individual basis prior to groupwork commencing. Where a group intervention is being delivered by a worker other than the supervising criminal justice social worker, effective communication between workers regarding any significant change in behaviour, attitude or risk is essential.

24. As noted in 'Managing the Risk', even those offenders who deny aspects of their offending may benefit from a cognitive behavioural approach. The training of criminal justice social workers in motivational interviewing may assist in engaging offenders to deal with difficult personal issues. However, if an offender persistently fails to engage in a collaborative approach to tackling offence specific issues, consideration should be given to breaching the probation order or reporting the matter to the Parole Board.

25. Most of the research on the effectiveness of cognitive behavioural programmes for sex offenders is from North America and is based on samples of offenders released from custody. We are aware of the ongoing research within the UK by Beckett et al but we consider that there is scope for more local research and, in particular, for the evaluation of the effectiveness of locally delivered community-based programmes.

26. In some parts of Scotland, senior criminal justice social workers, psychologists and psychiatrists are beginning to meet to discuss improvements in risk assessment and the design and delivery of personal change programmes and to make arrangements for the supervision of criminal justice social workers. These arrangements are usually informal but could provide a good basis for improving the assessment and management of sex offenders. We believe that this inter-agency collaboration is particularly important in the management of those individuals who are not subject to statutory supervision.

27. So far in this chapter we have discussed individuals who have been **convicted** of a sexual offence. We recognise that the risk to the public is not limited to this group and that accessing appropriate services for individuals who represent a risk of sexual offending, but do not have a conviction for a sexual offence, can be extremely problematic. This latter group includes:

- those individuals who have admitted to sexual offending behaviour but without providing sufficient information to secure a conviction
- those individuals who disclose concerns that they may be at risk of sexual offending (e.g. due to the deviant content of their sexual fantasies/interests).

28. In the main, personal change programmes addressing sexual offending behaviour have a remit that limits them to providing a service for convicted sex offenders subject to statutory supervision. Thus, potential or unconvicted sex offenders may not be able to access services, even when they are highly motivated to seek help. Furthermore, convicted sex offenders who are no longer subject to statutory supervision may also be restricted from accessing personal change programmes.

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Recommendations and their implementation

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.

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.

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:

- (i) minimum training standards for workers involved in the delivery of personal change programmes for sex offenders
- (ii) a strategy for ensuring adequate supervision and support for programme facilitators and
- (iii) a strategy for continuing professional development to ensure skills are retained and enhanced on a regular basis.

29. There is a significant body of evidence supporting the effectiveness of a cognitive behavioural approach. This has proved effective in North America and Canada and is the theoretical basis of the accredited programme in the prison services in the UK. We believe the continued extension of these same principles to other programmes will continue to build towards a more integrated service.

30. Community sex offending programmes must be directed specifically to the offender's sexual behaviour, whilst recognising that sex offenders are also likely to have

a variety of other lifestyle issues which require to be addressed. Well established intervention services for sex offenders, such as the Tay Project in Dundee, are likely to have a key role in the process of developing a 'core' intervention manual and such discussions should involve the Scottish Prison Service to ensure compatibility between prison and community based programmes.

31. Sex offenders are generally a sophisticated and demanding group of offenders who are well accustomed to denying their offending and its effect on their victims. They can also be highly manipulative. Social workers charged with supervising them require to be skilled and well trained to deal with this; they also require effective supervision to help them cope with the demands of the task. There are many advantages to ensuring that specialist training programmes are available for all social workers dealing with sex offenders and that their content is consistent. This will make it easier to identify where training is required and to target it more effectively. There are also advantages in the joint training of social workers, psychologists and other professionals in order to establish the development of a shared understanding of the task.

25:

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

32. It is important to ensure that accurate and up to date information about the availability of programmes in the community is provided for sentencers. This information is also important for the writers of reports containing proposals for the management of sex offenders.

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.

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33. This recommendation seeks to minimise the risk presented to communities by those individuals who are not currently within the scope of existing community-based programmes but who may be at risk of offending or re-offending. Service provision for these individuals requires collaboration between criminal justice services and the National Health Service. As general practitioners or local social work services are likely to be the first port of call for individuals seeking help on a voluntary basis, it is extremely important that these services are made aware both of available resources and appropriate referral mechanisms. National resources, such as the State Hospital and the Douglas Inch Clinic, may have a consultative role in developing such services.

PART 2: PERSONAL CHANGE PROGRAMMES WITHIN THE SCOTTISH PRISON SERVICE

Background and context

34. The Panel sought to outline the map of personal change programmes within the Scottish prison system. Throughout the three years of the Panel's existence there were substantial changes in the availability of programmes within different institutions and we found it difficult to capture a snapshot of the current provision without it quickly becoming out of date.

35. There are substantial inherent difficulties in providing a custodial environment for sex offenders: the opprobrium attached to this group means that in a mixed custodial setting they tend to spend long periods in their cells to avoid contact with other prisoners; on the other hand, placing them all together in one institution may be viewed as undesirable because of the risk of networking. Many sex offenders deny their offending or refuse to accept any responsibility for their behaviour. This poses particular problems for the delivery of personal change programmes directed to their sex offending. We felt that HMP Peterhead, where we saw evidence of committed work with convicted sex offenders, was coping effectively with these difficulties and that staff at all levels were showing commitment to tackling various difficult issues, not least in delivering programmes. We consider it would be unfortunate if this environment and expertise which have been developed over the last 10 years were lost.

36. We were told by the Scottish Prison Service (SPS) of their current aspirations but remain uncertain as to when and to what extent these will become reality. In view of the rapidity of change within the Scottish prison system, many of our recommendations are designed to ensure that the current aspirations of the Service are realised. It is also important that there should be no hiatus in the provision of personal change programmes as a result of any changes.

Adults serving a custodial sentence of 4 years or more

37. It is our understanding that all male adult sex offenders given a custodial sentence of 4 years or more serve most of their sentence at HMP Peterhead. A programme for managing sex offenders, derived from the seminal work of Professor William Marshall of Canada has been in place in Peterhead for many years. This programme has been amended and renamed STOP 2000 and has been brought into line with the Sex Offender Treatment Programme (SOTP) developed by HM Prison Service in England and Wales which has been subject to robust evaluation. Long-term prisoners who deny their offending and refuse to engage in sex offender treatment at Peterhead are transferred to HMP Glenochil. We were informed that prison officers at Glenochil were being trained in motivational interviewing in an effort to engage sex offenders in the STOP 2000 programme. Where this is successful, the prisoner will be transferred back to Peterhead to take part in the STOP 2000 programme.

38. STOP 2000 consists of an average of 160 hours of group work. We have been told that social workers at Peterhead, Barlinnie and Edinburgh prisons have been trained to assist in the delivery of the programme. The Scottish Prison Service (SPS) document 'Intervention and Integration for a Safer Society' (SPS 2000) sets out plans for the future development of programmes for sex offenders over the coming years which will provide a more structured approach to catering for a range of needs. This includes plans for an adapted programme for offenders with a learning disability and an extended programme for high risk offenders which it is intended to introduce at Peterhead by March 2002.

Adults serving a custodial sentence of under 4 years and young offenders

39. The situation with regard to adult male sex offenders serving a sentence of under four years is more complex particularly for those serving between two and four years. We were informed that offenders serving a sentence of less than two years would be able to benefit from offence related personal change programmes but would be unlikely to benefit from STOP 2000 because of the length of that programme.

40. SPS intends to introduce STOP 2000 to establishments holding adult sex offenders serving short term sentences (ie under 4 years) and to young offenders institutions. When this decision was taken, existing short programmes for sex offenders which had not been accredited were suspended or withdrawn in Edinburgh, Barlinnie, Inverness and Polmont. The suspension of these programmes resulted in a regrettable gap in the provision of sex offender programmes in these establishments from the spring of 2000. We have been advised that SPS has a timetable for implementation of STOP 2000 more widely across the prison estate, but that further difficulties have

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already emerged in relation to programme provision. In particular, we understand that in both Inverness and Edinburgh prisons it has proved difficult to identify sufficient short term prisoners to warrant delivery of the groupwork programme. We recognise this difficulty but consider that in the absence of groupwork programmes for any reason, SPS must ensure that individual work is commenced with sex offenders to begin to address their offending behaviour.

Issues to be addressed

Programme delivery and availability

41. There is a general perception that sex offenders will receive ‘treatment’ of some kind while in prison. The reality is that even if suitable programmes are available during their sentence, not all sex offenders are willing to engage in these. Further, a significant percentage who are initially willing to join a programme fail to complete it. Every determinate sentence prisoner will eventually be released from custody, whether or not he has agreed to participate, let alone complete, a sex offenders programme and short term prisoners are less likely to have the opportunity to do so. Such considerations may not influence a sentencer’s decision as to disposal, but it is important that any decision is not predicated upon false assumptions.

42. Panel members visited Peterhead Prison in August 1999. At that time, it held 296 long term prisoners who were sex offenders. Sixty had completed the STOP programme and 40 were currently on the programme. The number of long term prisoners coming into prison who have been sentenced for a sexual offence will probably always be in excess of the programme capacity. It will therefore be necessary to prioritise the individual prisoner’s access to a programme. At Peterhead, priority was being given to ensuring that prisoners who would shortly be eligible for parole had access to the programme. Because of limited availability of places, some prisoners at an earlier stage of sentence could not access the programme, even though it might have been of more benefit to them at that point. We have since been told that there are now 50 places a year available on the STOP 2000 programme and that the allocation of places is now based both on a risk/need assessment and the stage of the offender’s sentence.

43. We were also concerned at the relatively high drop out rate of about 30 per cent. It appears that since 1993, of the 254 prisoners who commenced a STOP programme, 77 failed to complete it.

44. The Panel acknowledges the difficulties facing the prison service in the delivery of these programmes. Many offenders remain unwilling to acknowledge their offending and are unwilling to participate in any such programme. Further, around one third of those who do commence a programme fail to complete it. Since the early stages of the prison programme tend to focus on issues such as the targeting and grooming

of victims, those who drop out may potentially be more dangerous than they were previously. Those responsible for assessing the risk presented by such a sex offender once released into the community should be alert to this.

45. We are concerned that there are no plans for specialist intervention programmes for those serving sentences of less than two years. We consider that this is a lost opportunity to attempt intervention with those offenders who may still be amenable to change.

Training and supervision

46. Sex offenders are often demanding and manipulative individuals. It is therefore important that those delivering specialised programmes are adequately trained both in the content and delivery of these and are also sufficiently skilled to deal with the particular behaviours, such as denial and minimisation, which are the hallmark of the sex offender. We found that delivery of prison based programmes was mainly by prison officers and we had concerns about the adequacy of the level of their training. We have since been told that the Scottish Prison Service (SPS) has introduced an accredited programme of training which must be successfully completed by all staff prior to involvement in programme delivery; continuing support and supervision is also provided as part of this accredited approach. We have also been told that social workers, prison officers and psychologists are now trained to deliver the programme. We welcome this multi-disciplinary approach. The introduction of STOP 2000 more widely within the SPS may present particular challenges and it is important that existing expertise and experience in managing the introduction of a sex offender programme is not lost to the prison service.

Recommendations and their implementation

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.

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.

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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.

Developing a framework

47. Whilst the initiatives already planned by the Scottish Prison Service (SPS) to develop and expand the current provision of specialist programmes are to be commended, the improvements which the Panel advocates will only be achieved if these plans are implemented in full and no later than the timetable which has been set for rolling out the STOP 2000 programme. **In addition, we recommend that SPS should ensure the availability of specialist intervention programmes for every convicted sex offender who is assessed as suitable for change.** This approach to programme management for sex offenders will help to ensure that there is an action plan for change for each prisoner and that it begins at the start of his sentence. This will also help to inform the other agencies involved with the offender at different stages in the criminal justice system. The importance of establishing quality standards for sex offender programmes applies equally to the delivery of both prison and community-based interventions. The quality standards for prison programmes should cover a number of key areas including staff selection, training, supervision/support and programme delivery and should be kept under regular review by SPS. These recommendations provide a framework for developing an integrated and consistent approach to programme delivery which is dynamic and builds on existing plans and expertise.

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:

- (i) identifying which interventions are required and which should take priority
- (ii) monitoring waiting lists
- (iii) monitoring completion and drop out rates
- (iv) monitoring the overall effectiveness of the programmes through the use of standard psychometric tests.

48. It is important that there is an individual or group of individuals within the Scottish Prison Service (SPS) with overall responsibility for the co-ordination of available interventions. The Service should produce a map of its strategy to ensure that its aspirations can be translated into actual programmes which meet the needs of every convicted sex offender and should also ensure that a mechanism is in place whereby progress towards achieving the agreed targets is monitored. Performance against the key indicators (ii) to (iv) outlined in recommendation 30 should be reported in the Scottish Prison Service's Annual Report.

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 change programmes.

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.

49. We have noted the increasing evidence that even when in denial, offenders can gain from personal change programmes. It is important therefore that the denial of guilt does not exclude an individual from access to a programme. We welcome plans by SPS to pilot a programme for 'deniers' at Peterhead. We recognise that more intensive work with individual prisoners and enhanced training for those who deliver programmes is needed to equip them to undertake this task.

50. We consider it important to measure and monitor personal change. We understand that SPS intends to use similar outcome measures to those currently being used by Home Office researchers to evaluate the prison sex offender programmes being delivered in England and Wales. This evaluation uses the results of psychometric tests of individual prisoners who have completed the programme, to identify the extent to which the programme brings about personal change.

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

51. This, along with recommendation 25, will ensure that identical principles apply in relation to custodial and community programmes. SPS should make available for sentencers information as to the availability of sex offender programmes. This information should make clear that the availability of a programme does not guarantee that an individual offender will be either able or willing to access it.

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PART 3: THE NEED FOR A RESIDENTIAL TREATMENT FACILITY

52. As part of our consideration of how personal change can best be delivered we examined the particular question of whether there is a need for a specialist residential treatment facility.

Background and context

53. We examined the services offered by the Wolvercote Clinic in Epsom, Surrey, the only specialist residential facility for adult sex offenders in Great Britain.

The Wolvercote Clinic

The Wolvercote Clinic provides assessment and intervention programmes for adult male sex offenders against children. It is not a secure unit and does not cater for high risk offenders. The admission standards are stringent and exclusion criteria include:

- offenders with an active mental health problem
- offenders with an active drug or alcohol problem
- offenders with a learning disability
- predatory offenders who target stranger victims (eg abductors)
- offenders whose offence involved gratuitous violence or use of weapons.

The Clinic does provide a service for two particular groups for whom there is currently limited provision in Scotland:

- those who have admitted sexually offending behaviour but without providing sufficient information to secure conviction
- those who have completed a prison sentence and/or a period of supervision in the community but who remain at risk of committing a sexual offence.

The Clinic has 26 beds of which 18 are sponsored by the Home Office. The remaining beds are taken by offenders referred by health or social services or who are privately funded; one or two places are generally church-funded. Social services provide around 30% of all referrals to the Clinic, but usually only refer clients for the four week assessment period in the context of child care proceedings. Around 10% of clients do not have a conviction for a sexual offence. Non-contact offenders are accepted if there is evidence that their offending is likely to escalate.

The Clinic's programme has been evaluated by the STEP team of researchers who have been commissioned by the Home Office to evaluate community-based sex offenders treatment programmes in England and Wales and the prison-based programme which has now been adopted by SPS. This evaluation has provided strong evidence for the effectiveness of the programme in altering pro-offending attitudes and improving relapse prevention skills.

Issues to be addressed

54. We reached the view that the answer to the question of whether a specialist residential treatment facility for sex offenders is required in Scotland is dependent upon whether the existing gaps in the current service provision for sex offenders can be adequately filled. Previous sections of this chapter have examined the availability of specialist intervention programmes for sex offenders in the community through criminal justice social work services and within SPS. We have also considered the Intensive Supervision Service offered by Sacro in Edinburgh.

55. We consulted a wide range of organisations and individuals including SPS, the Association of Directors of Social Work and the Parole Board for Scotland about the need for a specialist residential treatment facility. The Parole Board responded as follows:

“ . . . the members of the Board are largely of the view that from a Scottish viewpoint a facility along the lines of that at Wolvercote is not essential. The members expressed the view that what is desirable is that each local authority in Scotland should accept responsibility for housing offenders whose usual place of residence is within their boundaries. The members concluded their discussion by agreeing that it is essential that such individuals are given an appropriate level of support and that preventative measures are in place in order to, so far as possible, reduce the risk of re-offending.”

56. Views expressed during the course of the consultation process included the following:

- high profile/high risk offenders would be better managed in lower profile accommodation out of the public eye
- the risk of bringing together a group of high risk sex offenders in one location
- the majority of sex offenders can be managed appropriately in non-specialist or mainstream accommodation with access to local programmes
- the cost-effectiveness of diverting disproportionate resources to such a facility from other non-residential community-based programmes
- there may be an insufficient number of sex offenders in Scotland requiring the intensity of intervention which a residential treatment facility would provide
- the practical problems of setting up a new facility in the face of community concerns

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- local authorities should remain responsible for meeting the accommodation, support and intervention needs of sex offenders living in their area.

Recommended approach

57. Having considered all the issues, we concluded that a specialist residential facility for sex offenders is not necessary in Scotland but this is predicated upon the availability of:

- a comprehensive risk assessment in all sex offender cases with the information shared between relevant agencies
- supervision of appropriate intensity to reflect the degree of risk the individual poses
- specialist intervention programmes for all convicted sex offenders assessed as suitable or amenable to change
- programmes for potential sex offenders and those individuals who are not subject to statutory supervision.

58. The majority of respondents to our consultation did not support the establishment of a specialist residential treatment facility for sex offenders in Scotland. We note that the MacLean Committee considered the provision of facilities for high risk offenders in a secure environment and we emphasise that Wolvercote does not provide such a resource. The Wolvercote model is community-based and is therefore not comparable with one specifically designed to provide a secure environment.

59. There is clearly scope for further development of community programmes of sufficient intensity which involve the necessary levels of supervision and surveillance to manage the risk posed. In particular, we endorse an inter-disciplinary approach to assessment and treatment in the community. The Sexual Behaviour Unit, a joint initiative between Newcastle NHS Trust and Northumbria Probation Service, provides a good model of effective multi-disciplinary working.

PART 4: PREVENTION, EARLY INTERVENTION AND PERSONAL CHANGE PROGRAMMES FOR CHILDREN AND YOUNG PEOPLE

Background and context

60. The Panel's recommendations for children and young people build on the integrated approach to providing information, education and support about safe and healthy relationships set out in chapter 1. This approach emphasises the importance of achieving a balance between supporting and protecting young people and the need to challenge their sexually abusive behaviour in order to promote change. We propose that all children and young people should have access to appropriate personal safety programmes. Where young people are beginning to demonstrate sexually inappropriate behaviour early intervention is required to prevent offending. Where young people have already offended in some way, the focus should be on specialist interventions and personal change programmes to tackle the problems of these young sex offenders.

61. We looked specifically at the issues associated with sexually aggressive young people for the following reasons:

- young people commit a significant proportion of all sexual offences. It is estimated that around 30% of all sexual offences are committed by young men under the age of 21
- sex offending or sexually aggressive behaviour tends to start in adolescence and can be a precursor to later sex offending.

In addition, the needs of young sex offenders and children and young people displaying sexually aggressive behaviour are different and distinct from those of adult sex offenders. As they are still developing emotionally and socially, they may be more amenable than adult offenders to learning new attitudes, behaviours and skills. This is an important consideration in developing services for those young people; personal change programmes for this group need to be consistent with their stage of development.

62. We found that the voluntary sector and some local authorities are developing expertise in the assessment of and intervention with sexually aggressive young people, although a recent survey of personal change programmes for young sex offenders indicated that few authorities have a *specific* policy or procedure on addressing their needs. The impetus to reduce risk and improve monitoring and supervision of adult sex offenders over recent years has produced a body of skills and experience in criminal justice social work services which is now being used in their work with young people. Whilst this type of work is less well-developed in local authority services for children and families, there is some evidence that criminal justice social workers and

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workers in children and family teams are undertaking joint assessment and offence focused work. This flexible and collaborative approach to the assessment and 'treatment' of young persons tends to take place on an *ad hoc* basis, but where it does occur, it represents good practice ensuring that the young person is being managed by those with most expertise.

63. The relatively small number of identified young sex offenders within any one geographical area tends to militate against the development of specific group programmes. We were however impressed by two projects with specific programmes for young people, both of which provide good models for future developments: the Bridge Project in Dundee and St Mary's Kenmure. The Bridge Project focuses on working with young sexual abusers and those who show sexually inadequate behaviour, offering community-based risk assessment, personal change programmes and training packages for social workers, teachers and other project workers. In addition, it also works with young people who are released from secure accommodation to help them reintegrate into the community.

64. St Mary's Kenmure is a purpose built facility providing secure accommodation which includes a specialist unit for male sex offenders between 14 and 18 years of age. An initial assessment is followed by specific intervention programmes. At the end of a treatment cycle and depending on progress, the young person will either remain at St Mary's, be transferred to a young offenders institution or to less secure accommodation.

Issues to be addressed

65. There is little skilled specialist provision for young people who have shown themselves to be at risk of committing a sexual offence. The provision which does exist tends to be concentrated in the central belt.

66. There is evidence that many of these young people have a degree of learning difficulty for whom the approach adopted with adult offenders is neither appropriate nor effective without significant adaptation. Many of the young people assessed as presenting a risk of sex offending are already known to local authority social work departments and are themselves often victims of abuse and neglect. Since they usually have extensive personal needs, programmes should address their welfare needs, as well as their criminal and sexually aggressive behaviour.

67. Most of the specialist resources which do exist, whether in a secure or community setting, tend to focus on those young people whose behaviour is already dangerous, persistent and entrenched. But young people beginning to be identified as sexually aggressive, although not yet deemed to present serious risk to others, offer the best hope of remedial success. There is a need for specific personal change programmes to target these young people.

68. A survey of community-based programmes for sex offenders in 'A Commitment to Protect,' showed that only 40% of local authority programmes were considered by their providers to be suitable for young people under 16 years of age. Even where services exist, we are not aware of any national strategy document which outlines the shape of a specific sex offender service for children and young people. This has resulted in the *ad hoc* development of services. Although some of these specialist services are impressive, there is evidence of geographical inequality in their provision. The prevention of further offending by recognised young sex offenders is too important to be left to individual enthusiasm.

69. There are also some young people whose behaviour does not change despite access to specialist provision. Their needs and management should not be overlooked in the development of integrated services for young people who are sexually aggressive.

70. Assessing the risks posed by young people and identifying those most at risk of developing persistent sex offending is skilled and complex work. It can be made even more complex by the number of different agencies involved at any one time and where communication and the exchange of information is poor.

71. The Social Work Services Inspectorate Report 'Managing the Risk' considered the provision of services to sexually aggressive young people. It found that childcare workers do not always pay sufficient regard to the need for personal change programmes for sexually aggressive children, nor do they necessarily have the skills to undertake work of this kind. We share the concerns expressed in that Report that information as to the scale and severity of sexually aggressive behaviour by children is not effectively used and we agree that this impedes resource planning and targeting for this group.

72. There should be stronger links between workers who deliver programmes and those who provide services to this group. Service provision should start from the needs of the young person and focus on their welfare as well as on the need for personal change.

Recommended approach

73. In chapter 1 we recommend a strategic approach to the long-term prevention of sex offending, starting with early identification and intervention in sexually aggressive behaviour in young people. Remedial programmes are an important aspect of such work and guidelines and supporting materials should be produced. These form part of a broad framework for specialist intervention programmes and for sharing information on young people displaying signs of sexually aggressive behaviour or convicted of a sexual offence.

74. Our approach builds on programmes and initiatives already in place, such as the Bridge Project and St Mary's Kenmure. The Bridge Project carries out a

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comprehensive assessment process encompassing: the young person's family background; social identity; attitude towards gender; violence and sexuality; sexual knowledge; attitude towards sexually abusive behaviour and an assessment of victim empathy. The risk assessment enables social work, education and housing departments to collaborate in developing a clear strategy to ensure an appropriate level of care for the young person and also to ensure public protection. The personal change programme at St Mary's Kenmure has been derived from two years of research and information gathered in the United Kingdom and North America and each programme is tailored to the young person's needs. The comprehensive assessment and treatment packages designed by the Bridge Project and St Mary's Kenmure offer useful templates to inform the national debate regarding standards of service and programme content. It is especially important however that specialist services of this kind complement other provision which is designed to meet the wider needs of this group.

Recommendations and their implementation

- 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.
- 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.
- 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.
- 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.

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.

75. These recommendations, along with those in chapter 1, form a comprehensive strategy for the prevention of offending through early intervention and personal change programmes for those at risk of sex offending and for young sex offenders. They involve a targeted response to the needs of these children and young people. Strategies that tackle the problems as they first emerge in adolescence offer the best opportunity for change and are a sound investment. Young people who offend sexually should be able to access services which include a robust risk and needs assessment and offence-specific personal change programmes, both in the community and within residential accommodation. The national strategy should also be sufficiently flexible to address and manage the needs of those who, despite access to specialist provision, continue to present a risk.

76. Appropriate training and support for professionals must also be provided. It should be delivered in ways which improve the links between all professions providing personal safety programmes.

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.

77. Earlier in the chapter, we make recommendations on training for professionals who deliver programmes for adult offenders. This is equally important in the context of young offenders institutions and Secure Units.

Conclusion

78. Our approach to personal change programmes is based on a shared model for managing sex offenders. The working practices of the various agencies having contact with sex offenders, that is to say, the prison service, local authority criminal justice social work services and voluntary sector agencies, should be compatible and integrated. We advocate the use of cognitive behavioural programmes delivered in a consistent way throughout the country; these must be capable of responding to the needs of the individual offender. Ideally, each component of a programme should be available to an offender both as and when required and for as long as is necessary. It is also important that all programmes, both in custody and in the community, are delivered in accordance with quality standards.

Monitoring sex offenders

Introduction

1. In chapters 2 and 3 we highlight the need to *minimise* the risk posed by sex offenders and we aim to achieve this through the use of effective risk assessment techniques and the development and greater availability of personal change programmes. This chapter deals with how best to *manage* the risk by ensuring that known sex offenders who are living in the community are sufficiently well monitored. We look in particular at ways in which monitoring by the police can be made more effective.

2. The aim of the notification requirements imposed by the Sex Offenders Act 1997 is to provide the police with up-to-date information on the whereabouts of sex offenders which will allow better assessment and management of the risk such offenders pose to the public. The existence of a register of sex offenders is an increasingly effective means of strengthening public protection: the knowledge that he is being monitored may act as a deterrent to an offender; monitoring is also an intelligence tool which helps the police to develop a fuller profile of the activities of the individual offender and of his pattern of offending.

Background and Context

3. The Sex Offenders Act 1997 imposes a requirement on certain categories of sex offenders who were convicted on or after the date on which the Act came into effect, or who were serving sentences, or were under post-release supervision at that date, to notify the police of their names and addresses. This requirement lasts for periods of time that vary according to the seriousness of the offence. The Act also makes it an offence by such a person to fail to register, or to fail to update the information in the light of any subsequent change. These provisions set the framework for the legally enforceable monitoring of sex offenders in the community. A sub-group of the Panel undertook consultation with those involved in their operation and examined the scope of the provisions and, in particular, the circumstances in which there is a notification requirement, the process of notification and subsequent monitoring. Our recommendations reflect the sub-group's findings and are designed to strengthen the legislative provisions and overcome operational difficulties which have been encountered.

4. We welcomed the opportunity to share our thinking on these issues with the Scottish Executive and the Home Office during the period in which they were reviewing the operation of the Act. Many of the Panel's proposals to deal with the difficulties have now been incorporated in the provisions of the Criminal Justice and Court Services Act 2000. We have identified other measures which we consider will strengthen the legislation and ensure that it becomes an even more effective tool for providing protection for the public.

5. The monitoring and surveillance role of the police can extend beyond those people required to register under the provisions of the Sex Offenders Act and includes those suspected of sex offending activities who are considered to present a risk to children or vulnerable adults ('Guidance for Agencies' produced by the Scottish Executive). The Panel looked at the role of all agencies in assisting the police to monitor the whereabouts of such individuals.

Issues to be Addressed

6. We have identified issues which we consider require to be addressed in relation to the **scope of the notification requirements** and the **notification process**. There are also weaknesses in relation to the provision of information to the police at the time of the release or transfer of an offender from hospital or custody. Further, the absence of any duty on an offender to co-operate may hamper the risk assessment process which the police are required to carry out.

Recommended Approach

7. Legislative change will provide a stronger framework for the monitoring and management of sex offenders but will not in itself achieve all that we consider is possible. The recommendations we make in chapter 6 relating to improved information flows are also essential and form part of our comprehensive strategy for tackling sex offending and keeping communities safer from harm.

8. The work we have done in relation to sex offenders should also be linked to other important aspects of community safety and to crime prevention measures. We have therefore made a specific recommendation in this chapter which relates to the extension of electronic monitoring to the highest risk offenders on their release from custody. Electronic monitoring can contribute to the effective management of such offenders and although it cannot guarantee public safety, it may have a deterrent effect.

Recommendations and their Implementation

The scope of the notification requirements

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.

Monitoring sex offenders

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

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.

43: The notification requirement should be extended to include:

- (i) any British national convicted of a relevant sexual offence outside the UK who returns to the United Kingdom and,
- (ii) any foreign national, similarly convicted, who has come to the United Kingdom following conviction.

9. Those offences to which the notification requirements apply are set out in Schedule 1 of the Act. In the case of three of the specified offences, namely (i) abduction of a woman or girl with intent to rape; (ii) assault with intent to rape or ravish; and (iii) indecent assault, where every person involved in the offence other than the offender was 18 or over, the offender only becomes subject to the notification requirements if he is sentenced to a period of imprisonment for a term of thirty months or more (or is admitted to hospital subject to a restriction order).

10. We understand that the rationale for these particular exceptions was that the provisions were intended primarily to apply to the most serious offences and to those committed against children. In our view, these exceptions should now be reconsidered so that the notification provisions are effective in respect of offenders who commit a violent sexual offence against a victim of any age. We also consider that where an offender is convicted of any offence which is not an offence specified in the Schedule but where the evidence discloses that there was a significant sexual element in the offender's behaviour, such as to warrant additional measures to protect the public from the risk posed by the offender, the court should have a discretionary power to order notification, subject to a right of appeal against such an order by the offender.

11. Section 106 of the Mental Health (Scotland) Act 1984 is designed to protect mentally handicapped females from sexual exploitation and section 107 similarly protects females suffering from mental disorder who are patients in a hospital or nursing home. We consider that the omission of these offences from Schedule 1 is anomalous.

12. We are pleased to note that in terms of section 4 of the Criminal Justice and Court Services Act 2000 the Secretary of State is given power to make regulations requiring persons subject to the notification requirements of the Sex Offenders Act leaving the United Kingdom to give notice before they do so of the date on which they will leave and the country to which they will travel and of their subsequent return to the United Kingdom. We welcome these provisions since we consider it is important that the police are able to monitor the whereabouts of individual sex offenders disposed to travel to and from the United Kingdom. There is at present no requirement on any offender convicted of a Schedule 1 offence abroad to provide any notification to the police on his return to this country. Operational experience indicates that there have been a number of cases of individuals who have been deported from countries including Australia, Canada and the United States after serving part of their sentence for a relevant offence where no official notification was received of their return to Scotland. We acknowledge the practical difficulties involved in implementing recommendation 43, but in our view consideration ought to be given to ways of addressing this problem, particularly in respect of British nationals.

The Notification Process

13. The following recommendations are designed to address weaknesses in the notification process:

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 identity.

45:

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

- (i) when they intend to be away from their home address for more than 5 days, and
- (ii) of any address in the UK where they reside or stay longer than 5 days.

Monitoring sex offenders

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.

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.

14. The Sex Offenders Act creates a requirement on certain persons convicted of a specified offence to provide notification to the police of their name and home address. The Notice of Requirement to Notify the Police served on an offender under section 2 of the Act (prior to its amendment by the Criminal Justice and Court Services Act 2000) provided that notification be given to the police of the offender's name and home address within 14 days and that the notification of any change of name or home address be given within 14 days after the date of the change. Notification could be provided by going in person to the police station or by sending notification in writing.

15. We are pleased that as a result of our representations, the Criminal Justice and Court Services Act 2000 provides that offenders are now required to attend in person at a police station in order to comply with the notification requirements and must now do so within a reduced period of three days. An additional requirement is also imposed to the effect that a person giving notice shall, if requested by the police to do so, allow an officer to take his fingerprints and his photograph. Moreover, the maximum penalty for failure to comply with the notification requirements has now been increased to a period of five years. These changes allow for closer supervision of offenders and reduce the opportunity for evasion of the statutory requirements. We consider however that the additional requirement of providing proof of identity would assist those administering the register to ensure that the information being recorded is wholly accurate.

16. Offenders are currently required to notify the police of any change of home address within 14 days after the date of the change. They are also required to notify the police of any address in the UK where they reside or stay longer than 14 days; this means either 14 days at a time, or a total of 14 days in any 12 month period. The effect of the latter provision is that an offender can move from address to address and, provided he does not remain at any one address for longer than 13 days, evade the notification requirements. Further, the combined effect of the two provisions is that significantly longer periods can elapse before an offender is required to give notification of a change of address. We have considered how these provisions could be amended to allow more continuous monitoring in these cases. Our recommendations are designed to achieve this without placing an undue administrative burden on the police service.

17. Sex offenders subject to the notification requirements who do not have permanent accommodation and are of no fixed abode often present an increased risk of re-offending linked to a lack of the stability that might otherwise be provided by suitable permanent accommodation. In chapter 5 we consider the accommodation needs of sex offenders and make specific recommendations for meeting the housing needs of this group. We recognise that there will nevertheless be offenders who, for a variety of reasons, cannot or will not be accommodated in mainstream housing and who will remain of no fixed abode. The current legislation does not contain any specific provision to deal with such individuals and the transient nature of their lifestyle can cause difficulties for the police in keeping track of their movements. Our recommendation in this regard is designed to assist monitoring in such cases.

18. Failure to register timeously is an offence in terms of section 3 of the 1997 Act. Proceedings under the section may commence “in any court having jurisdiction in any place where the person charged with the offence resides or is found”. Operational difficulties have been encountered in cases where a person has failed to register, although required to do so, and has then moved to another area. We consider that the monitoring process would be assisted by a provision enabling the court having jurisdiction in respect of his last known address to grant a warrant for the individual’s arrest.

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.

19. Following registration, the process begins of gathering the information necessary to assess the risk posed by an offender. The process involves close liaison between the police and social work and other agencies. Although the Guidance issued to police forces by the Scottish Executive requires the police to carry out risk assessments for both registered and, in certain circumstances, non-registered sex offenders, the 1997 Act does not confer any specific powers on the police in this regard, nor is any responsibility placed on the offender to comply with the process. It may be necessary, in order to carry out a risk assessment, for the police to visit an offender at his home. Although most offenders do co-operate with such home visits, the statutory provisions confer no right of entry on the police or any other agency and operational experience suggests that some offenders are becoming aware of this and are increasingly likely to adopt an obstructive attitude. A refusal to co-operate frustrates the assessment process and impedes the proper monitoring and supervision of those offenders.

Monitoring sex offenders

Wider Issues

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.

20. We found during our consultation that effective working relationships have been established between agencies responsible for the monitoring and management of sex offenders. In many areas the police and social work services have developed protocols for joint working and risk assessment and we acknowledge these and commend the good work which has been done. We feel it is important to ensure continued co-operation between the police and social work services by providing a statutory basis for future joint work in this field. There are also large numbers of sex offenders who are not subject to the notification requirements (for example, those who had completed their sentence before commencement of the statutory provisions and those whose period of notification has expired). Such offenders may continue to pose a risk to the community in which they live. The police and other agencies must also take care to ensure effective joint working in relation to these individuals. The creation of a statutory duty to work together to monitor and manage sex offenders would emphasise the importance of this task and ensure that services continue to make resources available to prioritise such work.

21. Legislation in England and Wales requires the relevant authorities to monitor and review their arrangements for joint working and to report publicly on these arrangements each year. We think there is considerable merit in these requirements as a means of ensuring that the arrangements in each agency are as effective as possible and also enhancing public confidence about the capacity of the key agencies to manage the risk presented by sex offenders in the community.

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.

22. There is at present no duty on hospital managers or the Scottish Prison Service to give notification to the police of the release or transfer of patients or prisoners subject to the notification requirements of the Sex Offenders Act, although they are encouraged to do so. The onus is presently on offenders when liberated from either prison or hospital to register with the police.

23. The Criminal Justice and Court Services Act 2000 gives Ministers power to make regulations which would require notice to be given to the police by the person who is responsible for the offender of any occasion when the offender is released or of a different person becoming responsible for him. We consider these regulations should be made in early course.

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.

24. The Panel has also considered the suitability of electronic monitoring for use in relation to sex offenders. As the technology in this area becomes more advanced, there is likely to be greater scope for its use in a wider range of circumstances.

The Internet

25. We are aware of increasing evidence of cases where the Internet has played a key part in facilitating sex offences against children. We are also aware of the abuse of the Internet as a means of communication between sex offenders, including the posting of pornographic images and indulging in on-line conversations relating to sexual encounters with children. Such activities which feed the fantasies of such offenders may also encourage a feeling of legitimacy on their part. We have no specific recommendations to make in this regard but note that any attempt to police the Internet presents considerable challenges and suggest that this area should be kept under review. The recent report published by the Internet Crime Forum recommends that relevant UK legislation be kept under constant and comprehensive review to ensure that it can meet changing circumstances, both online and offline, to protect children from abuse. We commend this approach and are glad to note that the Forum's concerns about possible loopholes in the law have been referred to a team which is currently reviewing sex offending legislation on a UK basis. We also welcome the setting up of the new UK task force to identify and implement the best ways in which children can be better protected when using the Internet. The Scottish Executive should keep itself informed of the work of this task force with a view to devising a strategy for Scotland on the misuse of Internet.

Managing the housing needs of sex offenders

Introduction

1. This chapter focuses on how best to respond to and manage the accommodation needs of sex offenders living in the community. An effective response by housing providers to the accommodation needs of sex offenders is critical both to the management of offenders and to the protection of communities.
2. The sensitivity which surrounds the issue of the housing of sex offenders highlights a particularly important aspect of our work: the recommendations we make in this chapter and elsewhere must not be viewed in isolation. To move forward in one area without making progress in others will not achieve the desired improvement in community safety.

Background and context

3. Although housing was not a specific part of our initial remit, it is clear that housing issues are central to the successful management of sex offenders in the community. During the period of our work there have been some significant developments in relation to housing issues and we have sought to take due account of these, as well as looking at how training can help to deliver consistent best practice throughout the country.
4. In particular we have taken account of the following developments:
 - the establishment of a Homelessness Task Force by the Scottish Executive
 - the consideration being given by many local authorities, including Glasgow, to the transfer of their housing stock to registered social landlords
 - the introduction of a Housing Bill containing a number of important proposals including:
 - a new statutory duty on local authorities to produce strategies to prevent and tackle homelessness in their areas
 - new arrangements for funding housing support in order to be more responsive to individual need than is currently the case
 - extending the duty of local authorities to provide temporary accommodation and advice and assistance in finding permanent accommodation
 - bringing the homelessness functions of local authorities within a regulation and monitoring system to ensure quality and consistency across all local authorities.

5. These developments will provide both opportunities and challenges to housing providers and are likely to have a significant long term impact on the nature and scale of social housing provision in Scotland. We looked at how best to ensure that housing providers understand the contribution they can make to community safety and, in particular, considered how training might improve understanding and awareness, especially on the part of registered social landlords.

Issues to be addressed

6. The housing of sex offenders is a contentious and sensitive subject; it involves balancing the housing rights and needs of sex offenders with public concerns and considerations of public safety.

7. We identified a number of issues relating to the provision of housing to sex offenders including inconsistent practice on the part of housing providers and other key agencies, resistance by local communities and individuals and the need for effective inter-agency work. The Social Work Services Inspectorate Report 'Managing the Risk' also noted obstacles which need to be overcome:

“public and media hostility and the risk of local vigilante activity, resistance from elected members, legitimate concerns about public safety, lack of suitable accommodation for sex offenders and concerns about the confidentiality and exchange of information between different departments or agencies.”

8. These are issues which continue to cause problems. There have been recent well publicised examples of community resistance and hostility towards the housing of sex offenders in local communities. Such demonstrations of resistance can have a significant impact on the attitudes of individuals, including local councillors, MPs and MSPs, and on the policies of agencies, such as local authority housing departments and registered social landlords. There is a need for political leadership on this issue at both strategic and local level. In the absence of such leadership, there is a danger that vociferous individuals who claim to speak for local communities may seek to exercise undue influence over both policy and practice.

9. There are examples of exemplary practice by some local authorities and other housing providers in the allocation of accommodation for sex offenders but there is considerable variation in practice across the country. Although some local authorities are working in line with the guidance from the Chartered Institute of Housing in Scotland (CIHS), others are still working towards the implementation of that guidance. Further, there appears to be variation in the way in which individual authorities interpret their duties under the homelessness legislation and associated guidance, leading to differential practice in relation to the accommodation of recently discharged prisoners.

Managing the housing needs of sex offenders

10. Whilst some local authorities make considerable efforts to accommodate high risk or high profile sex offenders in their area with proper regard to issues of public protection, others are not inclined to do so and routinely seek accommodation for offenders outside their home area. This can result in sex offenders either being relocated by local authorities to other, often urban, areas or sex offenders themselves finding private accommodation outside their 'home' local authority area. This is a vital issue because the monitoring of the whereabouts and activities of sex offenders becomes more difficult under these circumstances. Similar problems arise if housing providers adopt blanket exclusion policies such as have been applied to sex offenders by some housing associations and independent housing providers. These agencies are likely to become increasingly important providers of social housing in the next few years and it is therefore important that their policies and procedures reflect best practice in the management of sex offenders.

11. Many staff within key agencies have understandable concerns about housing sex offenders in the community. For housing association staff and other registered social landlords these concerns can be compounded by a lack of information about local protocols between the police, social work and others in relation to the sharing of information and other issues. Variations in the way police services have interpreted their responsibilities under the Sex Offenders Act 1997, particularly in relation to the exchange of information with housing providers, may have exacerbated these difficulties. The revised guidance on the respective roles of agencies in relation to the Act, issued by the Scottish Executive last year, should help to address these issues. It is likely however that many housing staff will have unrealistic expectations about the level of detail of any information which may be disclosed by the police and, as a consequence, may seek unattainable levels of certainty on which to base their decisions.

12. We are aware of concerns about the use of Anti-Social Behaviour Orders which can result in the eviction of an individual from social housing. A rigid response to sex offenders through the use of Anti-Social Behaviour Orders may be counter-productive. Sex offenders must be subject to the same housing rules and regulations as others but extra caution is needed when pursuing an eviction action against a sex offender. Evictions can result in an offender 'going underground' thereby increasing the level of risk he presents. The interests of community safety are best protected when sex offenders are in stable accommodation and their whereabouts known to the authorities.

Recommended approach

13. It is our view that the majority of sex offenders released from prison or subject to community supervision can be safely managed in mainstream accommodation **provided that comprehensive risk assessment and appropriate risk management strategies are in place to support this.**

14. Housing providers can make a vital contribution to community safety through the provision of appropriate mainstream housing for sex offenders. It is crucial however that such housing allocations are based on informed and individual assessment of risk and that decisions are taken in conjunction with other key agencies such as the police and social work services. Effective collaboration in the interests of community safety can only be achieved if all partners are clear about their respective responsibilities. Close collaborative working between housing providers, the police and other agencies is essential in the interests of risk assessment and management.

15. We support the key principles set out in the Chartered Institute of Housing in Scotland's guidance:

- sex offenders should not be given special housing treatment merely because they are sex offenders
- sex offenders should normally be accommodated in mainstream housing in the public and independent sectors within the local authority areas from which they originate
- any additional or unusual arrangements made to accommodate a particular offender should be in the context of managing risk and improving public safety
- blanket exclusions of sex offenders are unhelpful.

16. There will be some occasions when it proves impossible to accommodate a sex offender in his or her own area. This may be because, following a full assessment of risk, it is clear that appropriate accommodation or support is not available in that area, or because all available options have been tried; exceptionally, the notoriety of the offender may be the problem. Some local authorities already operate informal arrangements to re-house sex offenders from other areas where the need arises. Our recommendations advocate a national strategy to underpin this practice and deal effectively with exceptional cases.

17. Training and education are necessary to increase awareness and understanding amongst all housing providers of the contribution which they must and do make to protecting communities.

Recommendations and their implementation

- 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.

Managing the housing needs of sex offenders

18. Many of the difficulties we have identified arise as a result of inconsistent practice between the agencies involved in managing the risk presented by sex offenders living in the community. These inconsistencies can only be addressed through the development of an agreed national approach to the policy and practice of housing sex offenders. This policy should be predicated on sex offenders usually being housed in their home area or where they have a local connection. They are most likely to be able to access stable accommodation in these circumstances because it is on the local authority of their home area that any housing duty falls. Furthermore, agencies charged with specific responsibilities for supervising or monitoring the behaviour of sex offenders are best able to exercise those responsibilities when offenders are in stable accommodation.

19. Decisions surrounding the allocation of housing to sex offenders must be taken with great care. In particular, we recognise that there are serious dangers in co-locating numbers of sex offenders in one place, such as a tower block or a property with a warden or concierge. Whilst this option might occasionally be appropriate, such locations should not become the sole or main source of accommodation for sex offenders.

20. We note the view of the MacLean Committee that

“[the availability of] hostels and half-way houses . . . enhances supervision and monitoring and decreases the risk”.

We have given careful consideration to this view but we do not consider that an expansion of hostel accommodation is an appropriate way of dealing with the accommodation needs of most sex offenders, even on a short term basis. Even if it were to prove possible to secure planning permission for more hostels, which seems unlikely, we think there are serious dangers in placing numbers of sex offenders together in one location. We do however recognise that hostel accommodation might be appropriate in some individual cases.

21. We also recognise that on some occasions it will prove impossible to accommodate a sex offender in his or her own area. It is essential that more formal arrangements are established between local authorities as part of the development of a more comprehensive national strategy for the housing of sex offenders. We look for early progress in implementing this 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.

22. The development of an agreed national approach to housing sex offenders is essential but must be underpinned by a similarly consistent approach to the provision of information and training for public and independent providers of social housing and for those to whom such agencies are accountable. Such a training programme must be set within the overall context of public safety and should provide basic information about sex offenders and their behaviour, as well as setting out core principles and good practice in relation to accommodating sex offenders.

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.

23. The current developments in general housing policy will provide both opportunities and challenges to housing providers and are likely to have a significant long-term impact on the nature and scale of social housing provision in Scotland. These changes will form the backdrop against which the development of a national accommodation strategy for sex offenders must take place. In order to reduce the scope for the development of inconsistent practice, official guidance should make clear that existing and new housing duties apply in relation to sex offenders in the same way as they do to other housing applicants. Such additional guidance will help to improve understanding between agencies and, in particular, will help to overcome some of the information issues we have identified in relation to local authority and other housing providers.

24. These recommendations are intended to tackle variations in practice which have been identified throughout the country and to assist the development of a coherent and consistent approach to the provision of housing to sex offenders in the community. The approach is based on best practice and is set within the overall context of promoting community safety.

Information management

Introduction

1. The efficient and effective flow of information is an essential element in the management and supervision of sex offenders and underpins many of the recommendations in the earlier chapters of this Report. If our proposals for new legislation, stronger national structures and improved techniques for risk assessment and risk management are to be fully effective, it is necessary to have the right information in the right place at the right time. **The management of information which is the focus of this chapter is of critical importance to the various measures designed to improve public protection which we propose.**

Background and context

2. The need for access to robust sources of information is particularly acute in the supervision and management of sex offenders since this is a group characterised by a propensity to minimise or deny their involvement in offending. Problems arise when the information available is limited to the offender's own account. Independent and full information is necessary for the effective management of sex offenders and also for the process of risk assessment and for planning interventions through personal change programmes. Recognising this, the Panel went beyond the original recommendation in 'A Commitment to Protect' which related only to the availability of information for report writers. We consider that information issues permeate all stages of the decision making process about sex offenders and also impact on the nature of the work undertaken with them. Further, the availability and effective use of information provides a good indicator of the quality of multi-agency working arrangements.

3. We looked at information needs at each stage in the process and considered measures to improve the flow of information between agencies and to ensure its greater use. This work covered availability and dissemination, purpose and application, as well as the different needs for different items of information at different stages in the process. We undertook extensive consultation with representatives of the procurator fiscal service, the judiciary, police, Parole Board, prisons and social work. We also commissioned work on the flow of information and on identifying the impediments which reduce its availability and hinder the effectiveness of its use.

The flow chart opposite illustrates information flows throughout the criminal justice system relating to sex offenders – from conviction/sentencing/presence in the community, etc.

Information flows throughout the criminal justice system

Stage 1 Investigation and pre-investigation

Links between some or all agencies listed below, but always including police and social work.

- | | |
|--------------------------------|-------------------------------------|
| Police (inc records) | Other agencies or individuals |
| Education | Social work – children and families |
| Social Work – criminal justice | Reporter to the children’s hearing |

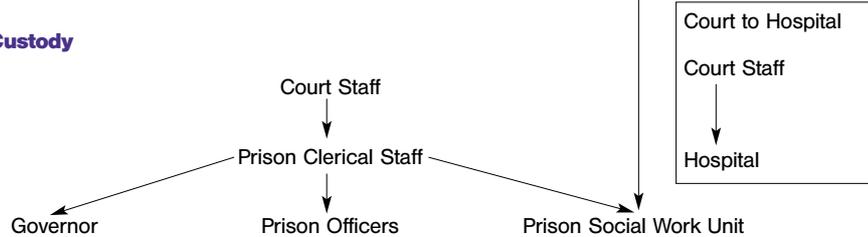
Stage 2 Prosecution



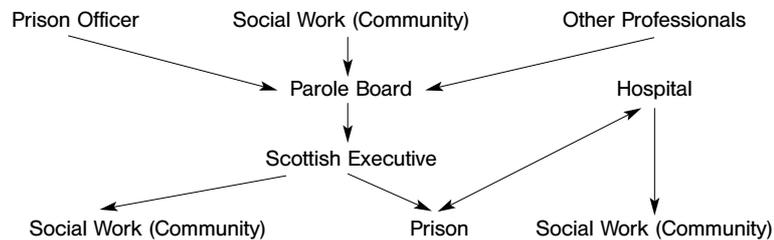
Stage 3 Sentence



Stage 4 Court to Custody



Stage 5 Pre release



Stage 6 Community



Information management

MacLean Committee

4. We took account of the work of the MacLean Committee. We specifically endorse recommendation 14 of the MacLean Report on the development of a system for recording information about offences which would be relevant in future decision making in sexual cases. Our recommendations 58 and 59 reflect this. We also support their recommendation 13 that the judge should prepare a report, promptly after sentence, setting out the circumstances of the offence in all cases of a sexual nature prosecuted on indictment. Our recommendation 56 deals with the pre-sentence stage and recommends provision of a judicial summary to assist report writers. That summary could form the basis for the post-sentence report.

Issues to be addressed

5. Agencies may hold a great deal of information about sex offenders in sexual cases. However, the quality of this information is variable and it is held in different ways both by and within different agencies. Some information flows and exchanges work well, but difficulties exist in some areas and, in particular, problems can arise in the transition of information from one point of the process to the next. The most problematic areas include, the preparation of reports for the courts, the transition of information from court to prison, the preparation of reports for the Parole Board and the handover of information from prison to community on release. It is important to note that the areas of difficulty are often due to complex considerations. The difficulties we have identified include:

- inability to obtain essential information
- insufficiently detailed information
- inappropriate use of information due to misunderstanding
- information which is out of date
- information which uses the technical terminology of an agency which is unfamiliar to another agency
- loss of high value information because it is submerged in other, less useful material.

6. Information may exist but its availability may be limited: a social worker preparing a report might obtain relevant information about an offender's family relationships not available to a psychologist preparing a report in the same case; a social work file may not disclose that a psychiatric report has been prepared for the court. The information may also be insufficient: the Panel saw social work files for

offenders on post release supervision which contained no detail whatsoever about the circumstances of the index offence.

7. Professional sensitivities can restrict the exchange of information about an individual. Decisions to disclose information about an offender or alleged offender must be made on a case by case basis and be consistent with legislative provisions, in particular the Data Protection Act 1998 and with professional codes of conduct. There are, for example, particular constraints relating to patient confidentiality that raise issues for health professionals but their duty to patients should be balanced against the wider considerations of community protection. The General Medical Council (GMC) informed us that they encourage doctors to disclose information promptly to an appropriate person or authority where failure to do so would put the patient or someone else at risk of death or serious harm. Any doctor who, on discharging a patient, judges that the patient poses a risk of serious harm to others should disclose that information to the police. The GMC made it clear that they would include in this category information about any sex offender considered to be at risk of reoffending.

8. There are useful models for the exchange of information between professionals such as the case conference developed by many police forces to assist in implementing the Sex Offenders Act 1997. This model allows the sharing of professional assessments without compromising professional confidentiality and we commend it.

9. There is evidence that agencies do not always value the contribution which other agencies make. This can limit the usefulness of reports and result in missed opportunities to develop fuller profiles of offenders. This issue is made more acute by the lack of an overall strategy for the sharing and use of information. The way in which training is delivered, mainly within but not between agencies, contributes to a focus which is undesirably narrow.

10. Information which exists can get lost in certain situations such as when an individual moves from one institution to another. Further, information which does exist may be made available too slowly to be useful. Prisons, hospitals and social work services need information in relation to the offence in order to make assessments and plan interventions but information from the court is not always made available in good time either to the institution or supervising social worker. In particular, the relevant documents do not always accompany a prisoner when he begins his sentence. Anecdotal evidence suggests that there have been instances where prison staff have had no information about the details of the prisoner's offence other than what they have gleaned from press reports.

11. Social enquiry reports which contain information about the offender's background, his attitude to the offence and an assessment of the likely level of risk he presents are not always requested by the court. We looked at details of prisoners

Information management

convicted of sex offences and sentenced to a period of imprisonment of 4 years or more arriving at Peterhead Prison over a one year period. A social enquiry report was sought in about two thirds of cases and either a psychological or psychiatric report (or both) in two fifths of cases. These figures are not surprising since the judge may have considered that a risk assessment was not necessary where a substantial custodial sentence was inevitable. We explain in chapter 2 why we consider a post conviction social enquiry report ought to be obtained in all sexual offence cases.

12. Our case study also showed that in cases where those reports **had** been requested, around a quarter of social enquiry reports and a fifth of psychological or psychiatric reports were missing. The trial judge's report should have been prepared and passed to the prison in all cases. The majority of these reached the prison within 3 months of sentence but two had taken almost a year to do so. A further 4 (out of 61) had not been received within 6 months of sentence and in those cases the papers could not be located.

13. There can be particular problems in providing adequate information to the court at the point of sentencing. Risk assessment, which should form part of the report, depends on the availability of full information. Social workers, psychologists and psychiatrists are unanimously of the view that the quality of the report they provide for the court and, in particular, the risk assessment of the offender, is compromised if they do not have adequate information about the precise nature of the offence of which he has been convicted and his previous offending history. It is important to remember in this context that sex offenders are prone to deny or minimise the nature and extent of their offending behaviour.

14. Poor administration can hamper information flow and its usefulness. This is often greatest at the point of transfer from one part of the criminal justice system to another. There is little interface of IT systems between agencies, and whilst there are liaison arrangements in place, we believe they can be made more effective. We have also seen weaknesses in the management of information in files. This can result in more important issues being submerged by routine correspondence. Poor recording of additional or new information can produce an incomplete picture about an offender's behaviour or circumstances and may contribute to a failure to recognise worrying developments. The Panel is aware of at least one serious case where poor record keeping was a contributory factor in failing to identify the risk of further offending.

15. Information issues also arise prior to conviction. The securing of a conviction in a prosecution for a sexual offence will depend upon a variety of factors, not least of which is the truth and accuracy of the account given by the complainer. Whilst this is an area out with our remit, our interest in information issues extends to a consideration of how to ensure that the court's decision on the facts is informed by an understanding of the nature and effect of this type of offending and its impact on the victim.

Recommended approach

16. We emphasise the need to improve the framework for the flow, sharing and use of information both through immediate practical measures and longer term cultural changes in ways of working with others. Our approach focuses on delivery by the active involvement, co-operation and collaboration of all the agencies involved. The multi-agency approach which we advocate goes beyond traditional boundaries and encompasses such issues as joint modular training and education on clearly defined topics.

17. Our recommendations on the flow and use of information underpin much of our overall strategy and so will make an important contribution to making communities safer from sex offenders.

Recommendations and their implementation

Reports for sentencers

18. In chapter 2, we recommend that a social enquiry report should be mandatory in all cases, whether prosecuted on indictment or summary complaint, where an offender is convicted of a sexual offence or an offence with a significant sexual element; in cases prosecuted on indictment, a psychological assessment should also be mandatory.

19. The value of such reports to the court will be limited unless the report writers have, at the very least, good quality information about the index offence and about the offender's history of offending. Recommendations 55 to 59 (inclusive) are intended to secure the provision of that minimum level of information:

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.

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.

Information management

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.

20. These recommendations are designed to deal with the specific difficulty we have identified of report writers having less information available to them about the index offence and the offender's history than they need in order to provide a good quality report for the court, and in particular an assessment of risk. Report writers currently receive only a copy of the complaint or indictment and a list of previous convictions. There is little additional information either to challenge or to corroborate the version of events offered to the report writer by the offender. With only the offender's version, the report writer is unable to reach an informed view about the level of risk presented by the offender and thus about the services and resources which might be required to address the offending behaviour in the community, in custody or in hospital.

21. Elsewhere in this report, we note that good information is an essential pre-requisite for high quality risk assessments. The practice of providing a copy of the indictment or complaint, suitably amended to reflect the terms of the plea or conviction, goes some way to ensuring that the report writer has the necessary basic information as to the nature of the offence of which the individual has been convicted. An explanation of the precise circumstances of the offence would represent a significant improvement and would ensure that there was a reliable basis, independent of the offender's account, upon which to assess his situation. We have considered how this improvement could be achieved.

22. In cases in which a plea of guilty is tendered, the prosecutor will provide the court with an agreed narrative of the circumstances of the offence. The accused's representative will then have the opportunity to put before the court any information relevant to the accused's situation (although a full plea in mitigation will not usually be made until after any reports have been obtained). In cases prosecuted on indictment, these proceedings are tape recorded and we consider that the clerk of court should arrange for the transcription of the relevant part of the tape which should then accompany the request for the report. We recommend that similar arrangements be made in summary cases.

23. In cases which proceed to trial, there is no identifiable part of the proceedings which could be transcribed to reflect the precise facts which the jury or sheriff have found established. We consider that the only method of providing a suitable independent summary is by imposing a duty on the trial judge to provide a brief note setting out the salient facts. We are conscious that this recommendation will place an additional burden on the trial judge but feel that this is justified by the importance of the risk assessment process in these cases, not least in respect of sentence.

24. The recommendations are designed to secure the **minimum** which is necessary. Our proposals in recommendations 55 and 56 will enhance the quality of information available. If further sources of information become available in the future, we would support their use. In this context, we note and endorse the comments of the MacLean Committee about the use, in limited and clearly defined ways, of other relevant information from previous allegations and prior acquittals. Report writers may also be assisted by greater clarity about what is expected of them. It may, for example, be helpful for the court requiring a psychiatric report to use some form of ticklist (as is already done in some courts) to clarify what is sought from the report.

25. Our recommendations will ensure that report writers have access to an objective account of the offence and are aware of any points which the judge considers to be of particular importance. Recommendations 58 and 59 (below) are designed to ensure that fuller information on relevant previous offending, which is a major component of risk assessment, will also be available. Report writers will also have access both to the professional views of other report writers and any relevant information which has come to light through their investigations. Although it will not normally be necessary for report writers to meet, there are significant benefits from ensuring effective communication between them before their reports are finalised. In the most complex cases, multi-disciplinary case conferences may be one way of achieving such communication. The preparation of reports in this more collaborative way will, for some, involve changes in their professional ways of working. For others, it will provide additional support for their existing good practice. Professionals will wish to consider how best to implement Recommendation 57 in the light of its implications for their practice and ways of working.

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

26. We consider that a 'flagging' system should be introduced and that the Crown Office, as the national prosecuting authority, should take on this role. This would identify cases in which there was a sexual element in the offender's behaviour although the crime of which he was convicted was not itself a sexual crime. Such information would be relevant to the question of risk assessment in the event of a future conviction for a sexual offence.

59: The Crown should ensure that in all sexual offence cases it appends to the notice of previous convictions the extract of any previous conviction 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.

Information management

27. Following the decision in the case of *Riley v HMA* (1999 SCCR644), it is competent for the Crown to lay before the court the terms of the charge on which any previous conviction was based. It is important that the court in deciding on disposal in respect of an offender convicted of a sexual offence is in possession of whatever relevant information is available about the offender. The Crown should therefore ensure that the extract of any relevant conviction is appended to the notice of previous convictions and is before the court in any case where such information as to the background of the offender might be relevant to a proper disposal of the case. Such a situation might arise, for example, in the case of an offender convicted of rape who had previously committed a serious but non-sexual assault on a female. Crown decisions on the need for this information will be assisted by the flagging system referred to in recommendation 58.

Improving information transfer

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.

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.

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.

28. These recommendations are designed to deal with the issues identified above. In addition to the case study, Panel members studied individual case files and noted that although prison records were up to date and complete, information from the court was not always present and it was not always clear from the file whether or not it should

have been provided. The recommendations are practical measures designed to deal with practical difficulties in systems where goodwill, vigilance and effective management are required on the part of all agencies to ensure that adequate arrangements are established, monitored and maintained. It is of particular importance to ensure that information is received quickly by those agencies dealing with the offender post-sentence for assessment and planning of interventions.

Pre-release planning

- 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.

Wider issues

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

29. The development of good practice in a number of areas over recent years demonstrates that difficulties associated with information sharing are not insuperable and that it is possible to meet needs without compromising professional principles. We consider that this can be achieved effectively through protocols which establish shared expectations about the range of information to be exchanged and the manner in which it will be exchanged. These protocols should also assist and supplement the development of relationships of trust between agencies. We endorse the National Objectives and Standards on Throughcare and, in particular, the need for multi-disciplinary case conferences prior to release from custody of prisoners who are to be released on licence. Such case conferences should involve, as a minimum, the prisoner's personal officer, representation from the programme deliverers, the prison

Information management

social work unit and the social work service responsible for post release supervision. Participation in these should be treated as a priority. The police may often have an important role to play and consideration should always be given to inviting them to participate. The role of other agencies, such as housing providers should not be overlooked.

30. It is critically important that social workers responsible for supervising sex offenders on release are given detailed information about an offender's behaviour in prison and, in particular, his response to and the impact of any prison-based change programmes. Such issues should be addressed in the proposed national protocol and should also be reflected in the content of the multi-disciplinary pre-release meeting. There are already examples of good practice in information sharing, such as those associated with the care programme approach in the field of mental health and protocols agreed between the police and local authorities in pursuance of implementing the Sex Offenders Act.

31. The recommendations above emphasise the importance of protocols. We think they can set a framework, supplemented by discussion and training, which:

- provides clear expectations of the role of each agency
- protects professionals by providing them with a clear, agreed way of working
- maximises the flow of useful information in a way which is consistent with legislative and other requirements
- permits identification of and a means of addressing variations in quality
- helps to ensure more effective liaison arrangements so that offenders are more likely to receive the most appropriate interventions.

32. Progress towards achieving effective multi-agency systems of working is vital to the successful assessment and management of sex offenders. We therefore stress that this should be given due importance in the key performance indicators of individual agencies to signal high level commitment to the objective of improved information sharing.

Management of information

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.

- 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.

- 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.

- 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.

33. Recommendations 66 to 69 (inclusive) are practical measures designed to improve the way in which information is held and transmitted so as to increase its usefulness through improving quality, timeliness and access. Recommendation 69 is specifically intended to increase the understanding of social workers of the needs of the Parole Board with a view to enabling them to improve the quality of reports they produce for the Board.

Training

- 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.

34. The Panel is of the view that multi-disciplinary training can make a valuable contribution to increasing understanding of each agency's role, raising awareness of the issues, improving knowledge levels and facilitating joint working.

Information management

Our final recommendations relate to information issues in respect of the **trial procedure** in sexual offence cases.

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.

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.

35. Whilst significant numbers of sexual offence cases proceed to trial, particularly in the High Court, neither prosecutors nor the judiciary receive any information or training to increase awareness and provide guidance on relevant issues. These trials raise particular difficulties. The experience of giving evidence in court about intimate and distressing details of a sexual nature can be a harrowing one for complainers of all ages. The task of the prosecutor is to elicit an account of the conduct complained of which provides maximum clarity and accuracy for the court while causing minimum embarrassment to the complainer. Prosecutors ought to be provided with guidance and training to assist them to perform this task.

36. Specific issues may arise in these trials in relation to the victim's reaction to the offence. Entirely legitimate cross examination on behalf of the accused, designed to discredit the complainer's account in the eyes of the jury, is often directed to the nature of the victim's response, both to the accused and more generally. Care must be taken to avoid making unfair assumptions. It is, for example, unhelpful to assume that a victim will always react to an unexpected attack of a sexual nature by screaming loudly. Likewise, it ought not to be assumed that a young girl who is raped will immediately confide in her mother. Nor should the fact that a child has what appears to be an outwardly normal relationship with its father be taken to exclude the possibility of abuse by him. Complex emotions, including irrational feelings of shame and guilt, may influence reactions. The interests of justice require that prosecutors and judges involved in the trial of these cases have an understanding of such issues. Prosecutors ought to attempt to balance any inference adverse to the victim which is urged on behalf of the accused. Judges require to be alive to the need to consider including in their directions to the jury a warning against making any unsafe assumption when assessing the evidence.

37. A peculiar feature of many cases involving alleged child sexual abuse is the fact that the conduct complained of occurred many years ago during the complainant's childhood. The delay in disclosure is an issue which is often raised to challenge the complainant's credibility. When the reasons for the delay are explored, these may include a failure to understand what has happened, or fear of the abuser, often stemming from threats of adverse consequences for the child or a member of its family. Victims also speak of feelings of guilt which stem from the deliberate efforts of the abuser to make them feel responsible for what has taken place. Others speak of having confided in an adult and having been disbelieved. Ultimate disclosure often occurs only years later and often in the context of an emotional family atmosphere.

38. In these and other cases where the reaction of the victim is an issue at the trial, prosecutors ought to consider leading evidence from a suitably qualified witness, such as a psychologist with a view to explaining to the jury the probable behavioural impact on a victim of the conduct complained of and the likely range of responses to it. In the absence of an explanation of this kind the jury may not be in a position to make the informed and balanced assessment of the evidence which fairness requires.

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.

39. Trials involving allegations of sexual abuse where the complainant is a child pose particular challenges for all concerned. The availability of CCTV facilities and screens which enable child witnesses to give evidence without coming face to face with the abuser, and other measures, such as the removal of wigs and gowns, have gone some way towards making the experience of the child witness in such cases a less daunting one. There is room for further improvement to ensure good communication in these cases. A core of expertise in relation to child witnesses has been developed and efforts should be made to continue to build on that.

Conclusion

40. In this chapter we have focused on the importance of timely and effective exchange of information between the key agencies. Improving the availability and quality of information will ensure that those involved in the management of sex offenders are better able to make decisions about the degree of risk which an individual sex offender presents and will also help to ensure better understanding by all agencies of the role and contribution of others.

Appendix 1

Expert Panel on Sex Offending: Membership

The Honourable Lady Cosgrove (Chairman)

Mr Tim Davison, Chief Executive, Greater Glasgow Primary Care NHS Trust

Mr Brian Fearon, formerly Director of Social Work and Housing, East Dunbartonshire Council

Ms Jeane Freeman, Director APEX Trust/Depute Chairman, Parole Board, until June 1999

Ms Ilona Kruppa, Consultant Clinical Psychologist, Integrated Service for Sex Offenders, Edinburgh, now Rampton Hospital NHS Trust

Sir John Orr, Chief Constable, Strathclyde Police

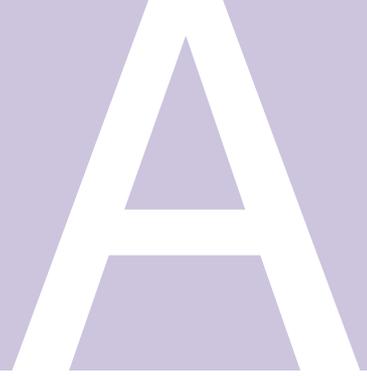
Mr Bill Rattray, Governor, HM Prison Peterhead

Dr Anne Stafford, Principal Policy Officer, Children 1st

Mrs Geraldine Watt, formerly Assistant Procurator Fiscal, Glasgow now Policy Unit, Crown Office

Dr Tom White, Consultant Psychiatrist, State Hospital, Carstairs

Appendix 2



The work of the Sub Groups of the Expert Panel on Sex Offending

The Expert Panel on Sex Offending established 6 sub groups to take forward work on a range of specific issues. These sub groups dealt with the following subjects: Information needs; extending monitoring and supervision; risk management; personal change programmes; personal safety and parenting skills and housing.

The membership and remit of the sub groups is set out below.

Information needs

Membership:

Mr Tim Davison, Greater Glasgow Primary Care NHS Trust

Ms Fiona Hird, Scottish Executive Justice Department

Remit:

- The work of this sub group arises from the part of Recommendation 1 of the report 'A Commitment to Protect' which refers to information for those preparing reports for sentencers, and the subsequent consideration by the Expert Panel of the availability and use of information throughout the criminal justice and other relevant systems in relation to sex offenders.
- Draw the work of the Panel on information needs into a concise set of recommendations for future action.

Extending Monitoring and Supervision

Membership:

Sir John Orr, Strathclyde Police

Mrs Geraldine Watt, Crown Office

Mr Ian Snedden, Scottish Executive Justice Department

Detective Inspector Jim Boyd, Strathclyde Police (Secretariat)

Sergeant Gillian MacDonald, Strathclyde Police (Secretariat)

Remit:

- Identify areas encompassed within Recommendation 2 of the report 'A Commitment to Protect' which require improvement or additional legislative provision.

Appendix 2

- Produce a 'tactical checklist' for use by all professionals in the field, clearly articulating the monitoring and supervisory process, as well as highlighting the responsibilities of those agencies involved.
- Prepare and present a formal document, detailing the Sub-Group's findings and recommendations, to the Expert Panel on Sex Offending.

Risk management:

Membership

Mr Bill Rattray, HM Prison Peterhead
Mr Donald Millar, City of Edinburgh Council
Mrs Morag Slessor, psychologist, Scottish Prison Service
Ms Val Cox, Scottish Executive Social Work Services Inspectorate

Remit:

- To draw together the work of the Panel on risk assessment and management in relation to recommendation 3 of the report 'A Commitment to Protect', and to draft proposed recommendations.

Personal change programmes

Membership:

Dr Tom White, State Hospital, Carstairs
Ms Jeane Freeman, APEX Trust/Parole Board
Mr Mike Moran, East Dunbartonshire Council
Mr Bill Rattray, HM Prison, Peterhead
Ms Ilona Kruppa, Rampton Hospital
Mr Andrew Piggott, Scottish Executive Justice Department, (Secretary)

Remit:

- In relation to recommendation 4 of the report 'A Commitment to Protect'.
- To look at the broad availability of Personal Change Programmes in Local Authority Criminal Justice Social Work teams and within the Scottish prison system.
- Look at the content of programmes, training of staff and the exchange of information on discharge from custody.

Appendix 2



- Examine the need for a residential facility for sex offenders in the context of existing facilities.

Personal Safety and Parenting Skills

Membership:

Dr Anne Stafford, Children 1st
Mr Brian Fearon, East Dunbartonshire Council
Mr Alistair Marquis, Her Majesty's Inspector of Schools
Ms Jackie McRae, Scottish Executive Social Work Services Inspectorate
Miss Clare McBride, Scottish Executive Justice Department (Secretary)

Remit:

- To consider and make recommendations in relation to recommendation 6 of the report 'A Commitment to Protect' on the personal safety of children, community involvement and intervention/prevention programmes for young people at risk of offending.

Special acknowledgement is also given to the work undertaken by:

Dr Sue Hamilton, City of Edinburgh Council
Christine Knight, Midlothian Council
Helene Witcher, Clackmannanshire Council
Mary Currie, West Lothian Council

Housing

Membership:

Mr Brian Fearon, East Dunbartonshire Council
Miss Catherine Jamieson, Moray Council
Ms Jenni Brown, Edinburgh City Council
Mrs Olga Clayton, Inverclyde Council
Ms Val Cox, Scottish Executive Social Work Services Inspectorate
Mr Bill Moore, Scottish Executive Development Department
Mrs Sharon Grant, Scottish Executive Justice Department (Secretary)

Remit:

- To examine, in the context of work being taken forward by the Scottish Executive, by CoSLA and by other parties, issues relating to the accommodation of sex offenders in the community.

Appendix 2

- The Expert Panel on Sex Offending also had presentations from a number of organisations and individuals, visits to relevant organisations and consultation with a number of organisations and individuals. This was in addition to the various consultations undertaken by individual sub groups.

List of persons who made presentations to the Committee

Dr Sue Hamilton, City of Edinburgh Council
Mr Alistair Marquis, Her Majesty's Inspector of Schools
Mr Doug MacLean, Lambda Research & Consultancy Ltd
Scottish Criminal Record Office
Child Protection Unit, Strathclyde Police
Tay Project, Dundee
Mr Donald Findlater, Wolvercote Clinic
Mr John McNeill, Regime Development Directorate, Scottish Prison Service
Dr Roisin Hall, Regime Development Directorate, Scottish Prison Service
Mr Jim Jeffrey, East Dunbartonshire Council
Dr Margaret Morrison, Greater Glasgow Primary Care, NHS Trust

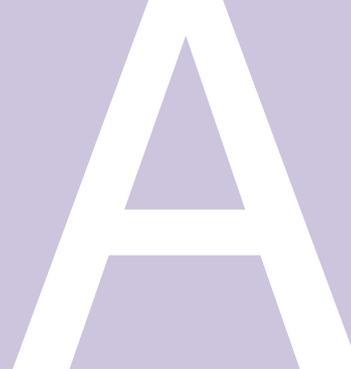
Visits made by members

Angus Council
Child Protection Unit, Strathclyde Police
Edinburgh City Council
HM Prison, Peterhead
Scottish Criminal Record Office
State Hospital, Carstairs
Wolvercote Clinic

Organisations Consulted

APEX Trust
Association of Directors of Education in Scotland
Association of Directors of Social Work
CoSLA
General Medical Council
Scottish Council of Independent Schools
Scottish Court Service
Scottish Prison Service

Appendix 3



List of Recommendations

Chapter 1

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

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

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

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

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

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
- (ii) Children identified as living with or affected by domestic violence.

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

Appendix 3

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 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

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

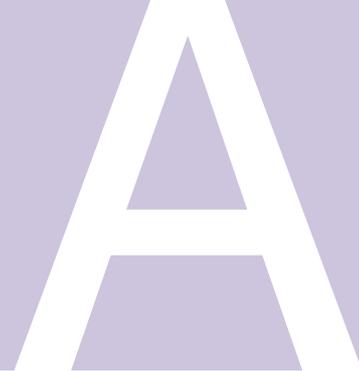
9: The Scottish Executive should sponsor a national conference and a series of workshops on reducing risk from sex offending. These should help to facilitate discussion between communities and agencies. Workshops might be integrated into existing child safety awareness initiatives and should include 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

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

Appendix 3



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

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

Chapter 2

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

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

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

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

Appendix 3

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

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

Local Authorities

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

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

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

Scottish Executive

Chapter 3

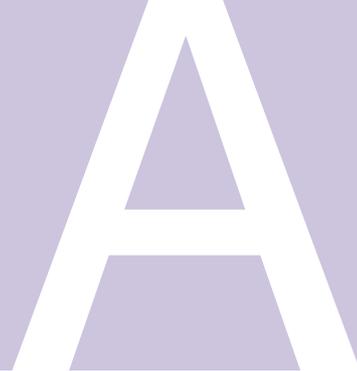
22: All local authority criminal justice social work services should make available specialist intervention programmes for those sex offenders who are subject to supervision in the community and are deemed suitable. All criminal justice social work services should review the skill mix of staff involved 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

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

Appendix 3



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:

- (i) minimum training standards for workers involved in the delivery of personal change programmes for sex offenders
- (ii) a strategy for ensuring adequate supervision and support for programme facilitators and
- (iii) a strategy for continuing professional development to ensure skills are retained and enhanced on a regular basis.

Local Authorities

25: 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

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

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

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

Appendix 3

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

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:

- (i) identifying which interventions are required and which should take priority
- (ii) monitoring waiting lists
- (iii) monitoring completion and drop out rates
- (iv) monitoring the overall effectiveness of the programmes through the use of standard psychometric tests.

Scottish Prison Service

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 change programmes.

Scottish Prison Service

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

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

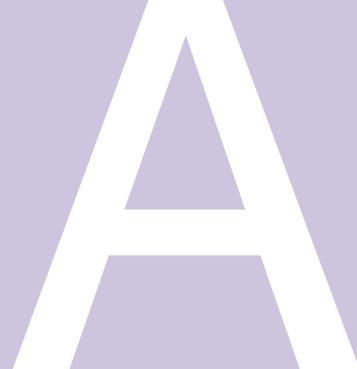
Scottish Prison Service

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

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.

Appendix 3



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

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

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

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

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

Chapter 4

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

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

Appendix 3

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

43: The notification requirement should be extended to include:

- (i) any British national convicted of a relevant sexual offence outside the UK who returns to the United Kingdom and,
- (ii) any foreign national, similarly convicted, who has come to the United Kingdom following conviction.

Scottish Executive

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 identity.

Scottish Executive

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

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

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

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

Appendix 3



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

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

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

Chapter 5

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

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 & other professional bodies

Appendix 3

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

Chapter 6

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

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

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

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

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

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
& the Scottish Court Service**

Appendix 3



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

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

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

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

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

Individual Agencies

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

Appendix 3

- 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

- 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

- 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

- 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

- 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

- 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

- 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.

The Crown Office

Appendix 3



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