

JUSTICE 2 COMMITTEE

Tuesday 19 December 2006

Session 2

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CONTENTS

Tuesday 19 December 2006

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CHILD SEX OFFENDERS INQUIRY	3107
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JUSTICE 2 COMMITTEE

† 36th Meeting 2006, Session 2

CONVENER

*Mr David Davidson (North East Scotland) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Colin Fox (Lothians) (SSP)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

COMMITTEE SUBSTITUTES

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Mr Kenny MacAskill (Lothians) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

John Home Robertson (East Lothian) (Lab)

Paul Martin (Glasgow Springburn) (Lab)

CLERK TO THE COMMITTEE

Tracey Haw e

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Steven Tallach

LOCATION

Committee Room 2

† 35th Meeting 2006, Session 2—held in private.

Scottish Parliament

Justice 2 Committee

Tuesday 19 December 2006

[THE CONVENER *opened the meeting at 14:05*]

Child Sex Offenders Inquiry

The Convener (Mr David Davidson): Good afternoon, ladies and gentlemen, and welcome to the 36th meeting in 2006 of the Justice 2 Committee. I am sorry that we could not start on time—one or two members had difficulty getting here. I welcome Paul Martin and John Home Robertson, who were members of the Justice 2 Sub-Committee. We have not received any apologies. I remind everybody to switch off their mobile phones and pagers.

Under agenda item 1, we are to consider the report from the Justice 2 Sub-Committee on its inquiry into the justice system relative to child sex offenders. Members have before them the sub-committee's report and a paper in my name.

On behalf of the committee, I thank all those who served on the sub-committee, not all of whom are here today. The report is a wonderful piece of work that encapsulates what the Justice 2 Committee set out to achieve. I must thank in particular Jackie Baillie, the convener of the sub-committee. We are all agreed that the report is important, so it is a shame that we have had to approach it this late in the parliamentary session. However, on behalf of the committee, I am very grateful to everybody who put in effort, including the witnesses who gave evidence.

I invite Jackie Baillie to speak to the report.

Jackie Baillie (Dumbarton) (Lab): Thank you very much for your kind words, convener. I wonder whether I might have the committee's indulgence for a minute while I echo some of what you said. In particular, I pay tribute to Margaret Ann Cummings, not least because it was the tragic death of her son Mark at the hands of Stuart Leggate, that prompted her petition, PE862. It seems to have been a while since the petition first appeared at the Public Petitions Committee and subsequently found its way to the Justice 2 Committee, and then onwards to the sub-committee. During that entire period, Margaret Ann Cummings's constituency MSP, Paul Martin, has advocated on her behalf publicly and—might I say it?—privately. He has not been averse to doing a bit of lobbying on her behalf. I genuinely hope that Margaret Ann Cummings is satisfied with the work of the sub-committee and the outcome of her petition.

I thank the clerks, the Scottish Parliament information centre and our adviser, who all worked very hard in quite a short time to come up with a focused yet complex piece of work. Aside from the Justice 2 Committee itself, the Justice 2 Sub-Committee was one of the best committees that I have served on. I thank my colleagues, Kenny MacAskill, John Home Robertson—who is here today—Alex Fergusson and Jeremy Purvis, who is also on this committee.

I turn now to the substance of the report. I am sure that members will have had an opportunity to look through its detail, so I will not reiterate every bit of it, other than to highlight the 33 wide-ranging recommendations, which cover every aspect of the sub-committee's remit and, indeed, stray into territory beyond it.

In fairness to the Executive, a considerable amount of work had been set in train, following discussion among Margaret Ann Cummings, Paul Martin and Executive ministers. We had to get to grips with continuing changes in the system, so one job that the sub-committee did was to collate all the information, consider where we had reached and acknowledge that considerable work had been done. Then we highlighted the areas where we thought the Executive could perhaps go slightly further to develop a more robust and well-rounded system.

I will discuss three key areas, which have also been highlighted in our press release—I hope that it has been provided to the committee. The first concerns the conditions that apply to people who are on the sex offenders register. We believe that when a person is placed on the sex offenders register for any period, conditions should apply for the entire period. Any breach of the conditions should be an offence for which the person is arrestable without warrant and should result in the person potentially being put back in jail. In our view, being listed on the sex offenders register is a serious matter, so any breach of conditions should be treated equally seriously.

The second issue, on which the majority of sub-committee members agreed, is that the police should be given a new power of entry and search without a warrant. We feel that, if child safety is the paramount consideration, there should be no question about putting in place the power for which the police have asked. We were given the example of a situation in Aberdeen, where officers appeared at the door of a sex offender whom they suspected of having abducted a child and taken the child into that household. Although it took only a short time for the police to obtain a warrant to gain entry, the child died during that time. We are very clear that, where child safety is concerned, there should be no question about using such a power when there is reasonable cause.

The final issue is the vexed question of disclosure, on which the sub-committee took evidence from authorities in the United States, from people locally and from Margaret Ann Cummings herself. We believe that an enhanced level of disclosure is required. On a daily basis, police and social workers across Scotland disclose information on sex offenders in a proportionate way. To the best of our knowledge, such disclosure happens without wide public awareness. We were reassured that it happens, but feel that we need to go one step further.

In cases involving high-risk sex offenders where either the sex offender has absconded or there is a risk of their absconding, or when some element of the sex offender's behaviour causes fear and alarm because it suggests that the person might well reoffend, we believe that there should be full public disclosure. We are interested in the website that has been set up for that purpose down south. We think that such a website could have a wider application across the United Kingdom—indeed, the Executive already co-operates with our colleagues down south on that.

In those three key areas, we think that we have moved the agenda forward considerably, so I hope that the committee will endorse our report.

On a point of process, one or two recommendations in our report will require legislative changes. Although I want those changes to be legislated for at the earliest opportunity, the sub-committee recognises that such legislation might be for the next parliamentary session. However, a considerable number of our recommendations are on policy and practice. The sub-committee anticipates—subject, of course, to the approval of this committee—those changes happening as quickly as possible.

The Convener: I thank Jackie Baillie for the excellent report. Before I open up the discussion to questioning from committee members, I will allow Paul Martin and John Home Robertson to add some words about the report.

Paul Martin (Glasgow Springburn) (Lab): On behalf of Margaret Ann Cummings, I record my appreciation for the work of Jackie Baillie and the sub-committee. The feedback that I have received is that the sub-committee's attention to detail was unprecedented in the Parliament. I have known a number of members who have been involved in different parliamentary committees, but I have never seen the commitment that Jackie Baillie and others showed on the issue, which is a matter that must be taken seriously. I commend sub-committee members for that; I know that Margaret Ann Cummings also commends them.

Although the debate on the issue will evolve over the years, I want at the outset to point out, as

I have done on previous occasions, that we are dealing with the most dangerous individuals on the planet. We must continue to identify additions that might be required to the current legislation and we need to do that throughout the next parliamentary session and throughout our lifetimes. Where we identify that registered sex offenders are using current legislation to their advantage, we should ensure that additional legislation is introduced. In my view, the report provides not simply a snapshot of a static position but a welcome series of recommendations on additional legislation.

14:15

A crucial point in the report that does not seem to have led to much media interest or to have been raised in Margaret Ann Cummings's evidence to the committee is the resources that will be needed to implement the report's recommendations. If the Executive is serious about implementing the recommendations or about carrying on with the measures that it has already introduced, it will have to provide significant additional resources. Websites and disclosure checks cost money. It even costs money for police officers to visit extreme high-risk sex offenders, so we must ensure that the resources are in place to meet those requirements.

I also welcome the committee's attention to detail in examining what happens when offenders are released, and its recommendation that offenders must provide their names and addresses. Some people take it for granted that sex offenders are being very carefully managed but, from what I have seen so far, that is not happening—offenders are actually managing our lives in the community.

On disclosure, although we have not gone as far as Margaret Ann Cummings suggested in her petition, we have moved considerably in her suggested direction. The first day I met her, I gave her a commitment that I would ensure that Parliament took this issue seriously and that it carefully interrogated all the options. I believe that Parliament has finally done that. Measures such as targeted disclosure and the Home Office website that Jackie Baillie mentioned have already been successful—those who have been exposed have almost immediately given themselves up to the authorities. The websites that are used in some American states might offer examples of good practice in that respect. I am always surprised at the amount of detail on offenders that is available on them. However, the committee's recommendation is a welcome start.

The housing of offenders is another important issue, and we must ensure that social services

and the various organisations work together on the matter.

On whether police officers should be able to enter the homes of offenders or potential offenders if they have sufficient evidence, we are all too quick to say, after something happens and with the benefit of hindsight, that legislation should have been in place to give the child maximum protection. Instead, we should be able to say that, for once, a child's life has been saved by legislation that we have introduced. Of course, after police officers have entered the homes of offenders they should, to ensure probity, have to set out the reasons why such action was taken. The committee's argument on that point is forceful and any such move will provide children with maximum protection.

On behalf of Margaret Ann Cummings, I congratulate the committee on producing a detailed report that will allow the debate to evolve. We must not, however, think that the work is done and the process has ended; instead, we must continue to develop legislation to deal with the most dangerous offenders on the planet.

The Convener: Thank you for those comments—the committee acknowledges your role in the matter.

I also point out that this is a shining example of what can happen when the Public Petitions Committee decides that a petition must be dealt with further by another committee. Our legislative load meant that we could not deal with the issue in normal committee time, and led to the decision to set up a cross-party sub-committee. The report that the sub-committee has produced on behalf of Parliament will be valuable to the people of Scotland.

John Home Robertson (East Lothian) (Lab): I will add a quick word—I am grateful to the convener for the opportunity to do so. You, Jackie Baillie and Paul Martin have already expressed our appreciation to everyone who helped with the inquiry. I add to that list the people who work daily with offenders. This is one of the nastiest subjects that I have had to address in quite a long parliamentary career. We would all prefer it if the problem did not exist, but it does and it must be dealt with. Day in and day out, police officers, social workers, prison officers and other professionals work with those very difficult offenders, so we should all be very grateful for what they do every day.

The issue is thoroughly unpleasant and very distressing. The fact that a victim who was touched in the most appalling manner by such a crime is able to bring it to Parliament's attention through the petitions process is a useful illustration of how our Parliament works. It came to the

Justice 2 Committee and we found, in establishing a sub-committee, a device through which to speed up the process. I hope that our recommendations will find favour with the Justice 2 Committee, with Parliament and with the Executive, and that they will help to improve the future management of child sex offenders.

This is the first time a sub-committee has been established in Parliament. It worked very well as a small committee with a focused and clear task to perform. We were certainly well served by our clerks and special advisers. The sub-committee was an instructive way of approaching the issue and we were able in a short time to produce what I hope is a useful report. That procedure might well be adopted by other committees in future.

The Convener: Thank you for that.

Jeremy Purvis wants to speak just now, but he is a member of the committee so he will be able to involve himself in the committee's discussion.

Jackie Baillie talked at length about police entry powers, which has been under discussion for some years—a previous Government was considering it at United Kingdom level. Does more work need to be done on that, beyond the sub-committee's recommendation?

Jackie Baillie: The committee's recommendation was quite clear, being based on evidence that we heard from the police. When she came before the sub-committee, the Minister for Justice invited us to think about what more might be required, so we were pushing at an open door.

I suspect that more work might be required in respect of reasonable cause. Paul Martin was right to point out that the police could not use such powers without their referring to the reasons for so doing. We were heartened to hear that when they are—I shall use the term because this is how the situation was described to me—in hot pursuit, the police have such powers and they can proceed. However, if they only have a reasonable suspicion, they need to obtain a warrant.

Some jurisdictions are fortunate in that the process of obtaining a warrant is quite speedy, but the illustration that I gave indicated that in some circumstances, even speed might not be helpful. In limited circumstances where a child has been reported missing and known sex offenders are in the area, we believe there would be benefit in the police having entry powers. If the Executive requires to scope where that power would be positioned and what legislation it should be part of, the report invites the Executive to come back with such detail.

Bill Butler (Glasgow Anniesland) (Lab): I congratulate Jackie Baillie and all her colleagues on the sub-committee for what seems to be

detailed and balanced work on an extremely serious subject. Parliament is in the sub-committee's debt. The recommendations seem to be practicable and resilient.

In your introduction, you mentioned that further legislation is required in some areas. I take it that one of those areas would be the use of aliases. What other areas do you think will require legislation? I want the matter to be highlighted for the record.

Jackie Baillie: The proposal to prevent the use of aliases would require legislation. That applies equally to the proposed power to enable the police to enter and search a sex offender's premises without a warrant. There are other areas that I can go through, if I have a second or two, but we are talking about a handful of areas. The rest of the recommendations are about policy and practice, so nothing should prevent their implementation as quickly as is practicable. The sub-committee anticipates that legislation will come later. The power to make enhanced disclosure might require legislation, but we might be able to achieve it through practice. Again, the sub-committee will invite the Executive to come back with details of what recommendations it accepts, a timetable for implementing them and information on what means it will use to do that.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I can address Bill Butler's point as well. Although the Executive's work over the past two years in response to the work that Paul Martin and others have been doing has been positive, there are still some deficiencies. The sub-committee identified two key areas in which public awareness is even more deficient. One is the level, number and availability of notification powers that already exist. The police made it clear to us—in fact, pretty much all the witnesses did—that they prefer notification to be made case by case: it should be relevant to the individual offender, to the conditions that are applied and, indeed, to whether the offender has breached the conditions.

Jackie Baillie alluded to the Child Exploitation and Online Protection Centre's website, which is now United Kingdom-wide and is being further developed. The sub-committee was clear that that tool should be used more. We have asked for the Crown Office to come back to us on that because when Alex Fergusson, John Home Robertson and I were in Dundee for our site visit, we heard that there are different approaches in Scotland and England: procurators fiscal are reluctant to permit details of individuals who abscond or who otherwise violate their conditions being put on the website and made public, but there is no such reluctance south of the border. That is one matter on which the sub-committee focused.

Communities are also unaware of the procedures that are carried out. There is a lack of confidence in the risk assessment procedures, which are fairly new and need to be bedded in. We received a lot of evidence on them. The communities in my area will not be aware that there are housing officers linked to the police and that they co-ordinate the risk assessment of offenders, which co-ordinates the level of monitoring and supervision and the conditions that are imposed on offenders. That is simply not known, and that is one of the areas that the sub-committee has asked the Executive to improve. I would be happy to see clear public information in plain English about the procedures so that, if someone goes to a police station or a housing officer because they have concerns about an individual's behaviour, they could be given information about the process and have confidence that what they do will have repercussions rather than be not acted upon.

There are two matters on which legislative changes are possible. First, we should make it a requirement that anyone who is on the sex offenders register who registers as homeless or with a housing association must declare that they are on the register and the conditions that apply to that registration. No such obligation currently exists—there is no excuse for that.

The second matter is that I feel, as did other sub-committee members—it is in the report—that there are too many people on the register. It is not specific enough. Many people are on the register for fairly ridiculous offences of lewd and libidinous behaviour, which skews its focus and means that a lot of resources are wasted rather than being targeted at the most high-level and high-risk offenders. That may require some changes, if not in legislation, then certainly in prosecution procedures.

It is also not possible for an offender's period of registration to be extended. Sub-committee members were struck that, when an offender's period of registration comes to an end, neither the police nor anybody working under the multi-agency public protection arrangements for risk assessment can go back to the courts and say that they are concerned about the individual's behaviour. We want it to be possible to continue powers of supervision and conditions, but they just stop.

14:30

The Convener: Members of the committee will have seen the paper that I circulated. It offers a number of options for action. You have gone into that area somewhat, Jeremy.

Michael Matheson (Central Scotland) (SNP): I would like to thank the sub-committee for an excellent paper. I agree with Paul Martin that this is not a static situation. Indeed, the issue is dynamic: we have to reappraise constantly the way in which we deal with sex offenders and how various agencies work with them. I am sure that this piece of work will build on the existing system in order to improve it. When we have completed this piece of work, we should look ahead to see how we can improve the system yet further in the coming years. However, I would be interested to hear what response the sub-committee got from the Executive on what action it is taking to monitor the existing system and update and improve it where possible. Are provisions already in place to ensure that the Executive upgrades the way in which it deals with sex offenders?

The notification of local communities will have an impact on a range of local services, including criminal justice social work, as will the proposal that offenders who have not completed a rehabilitation programme while in prison should have some type of provision put on their order to ensure that they continue, or go into, a treatment or rehabilitation programme in the community. I would like to know whether social work agencies expressed concerns about the need for additional resources to ensure that they have staff who are adequately trained to work with sex offenders and carry out the monitoring for which they are responsible. Did they say that they would be able to meet the new responsibilities that could be placed on their shoulders?

Maureen Macmillan (Highlands and Islands) (Lab): There have been sex offender programmes in prisons for a while, but I do not know whether there has been any evaluation of their outcomes. I am aware that a lot of sex offenders will never admit that what they have done is wrong and that, instead, they tend to blame the child, saying that the child provoked them. Did the sub-committee take any evidence about existing programmes, to see whether they are making a difference? Should we examine those programmes as well?

Jackie Baillie: I will start with the question about whether the Executive is doing any monitoring at the moment. We described a lot of activity that was sparked by Margaret Ann Cummings's situation and the petition. The Executive engaged in direct dialogue with Margaret Ann Cummings, through the good offices of Paul Martin. As a consequence of that, a helpful and constructive piece of work was undertaken by Professor Irving, who produced a report called "Registering the Risk". The Executive has spent a bit of time examining that and the draft accommodation strategy. The activity adds up to a work in progress, with everything coming together.

It was implicit in what the minister said to us that the Executive wants to review what is going on, how well it is working and whether some of the faults in the system are being addressed. We want our report to make it absolutely explicit that there should be a degree of reporting to the Parliament about a variety of statistics and a qualitative evaluation of what is going on. We want to be able to say whether the measures that the Parliament and the Executive, collectively, have put in place are working. We got the sense that the Executive was going to undertake that work, but we wanted to make it absolutely explicit that that is what should be done, hence the number of recommendations on the subject in our report.

John Home Robertson touched on resources and ensuring that we have sufficient staff in the police and in social work departments. They must share information, work and train together to use the same dynamic and static risk assessment tools, and be able to cope with high and medium-risk sex offenders coming into communities. We were clear that the process should start in prison and move seamlessly into local communities. Resources are key to that, and the Executive will have to respond to that point.

I found on my visits—I am sure that Jeremy Purvis and John Home Robertson would echo this—that there is a real commitment among many agencies to work together on the ground. When I was in Glasgow, I witnessed people who, although they had different employers, worked together as a seamless team. That is the type of resource that we want everywhere. We need to ensure that capacity exists and that we invest adequate funds where they are required. We have asked the Executive to discuss that with the Association of Chief Police Officers in Scotland and the community justice authorities. We need a clear fix on it.

The sub-committee was not set up to examine the effectiveness of treatment programmes. We strayed into that area because of some of the evidence we were given, but we did not consider effectiveness overall. My understanding—I am half looking for assistance on this—is that there was an evaluation of the STOP programme. I cannot say whether that evaluation was 100 per cent positive, but I am sure that it gives us pointers for the future.

The sub-committee is saying that the process does not end at prison. When somebody comes out of prison—assuming the risk assessment has been done properly—they may have issues that require continuing treatment and co-operation in the community. Irrespective of the nature of the programme—that question is for another place—we do not want to lose that: if a need continues,

we are keen that it should be picked up in the community.

The Convener: The STOP programme was a great success at Peterhead prison, but the people who ran it there were concerned about whether it could be continued into the community. You also touched on the fact that the committee and Parliament are currently considering the Custodial Sentences and Weapons (Scotland) Bill. All the issues about support, safety and risk in the community will come up during consideration of that bill.

Jeremy Purvis: I would like to develop the points Jackie Baillie made.

We looked at the availability of programmes, and received evidence that there is patchy provision of one-on-one work in the community. All local authorities have group work, but the provision of one-on-one work, which is more effective, is patchy. I cannot speak for other members, but I was not confident that one-on-one work is available in all parts of Scotland.

Many people on the sex offenders register do not believe that they are sex offenders and will never come to terms with it. Developing a system in which, in effect, we force someone to take part in a programme is not easy. That is what we heard from many of the criminal justice social workers.

On the Dundee visit, I was struck by the fact that a large number of offenders will not satisfy the conditions of their release in the community: they will just not participate. We discussed that in the sub-committee, and we came to the right conclusion by asking that the focus be changed.

Any sex offender who is serving on licence in the community should demonstrate that they are actively participating in the programme or meeting the conditions. If they do not, that should be a breach of their conditions. At the moment, the system is the other way round: the Parole Board for Scotland has to be persuaded to recall someone. The onus should be on the offender rather than on public bodies, which have to prove that the offender is not complying with their conditions. We also had difficulties with the timeframe; we want to shorten it considerably.

Colin Fox (Lothians) (SSP): I echo the points that other members have made. The sub-committee's report is interesting and valuable. I have to say that I read it in a way that I have never before read a committee paper in preparation for a meeting. It is measured and gives a flavour of the issue being one that many people have examined before, and not just in this country. The evidence from the United States was interesting. It provided information that told me something different from what I had heard in previous media reports from Florida and Massachusetts.

As other members have said, this is a highly emotive issue that has come to us for consideration as a result of an absolutely tragic circumstance. That is what the report grapples with. I do not want to overegg the pudding, but there are nuances in the report and balances where I might perhaps have taken the other side of the balance, but at least we are aware that members of the sub-committee have tried to avoid taking an overly punitive approach—which might lead to the worst possible scenario: things being driven underground and the situation ending up worse than it was before. The sub-committee is aware—who would not be?—of other places that have tried to deal with the issue and have ended up with a vigilante attitude that has set things back years.

The report tries to steer a course through the two extremes. The sub-committee does not want a system that is overly punitive and repeatedly punishes someone who has done their time in jail. There is some interesting evidence about a community that is trying to support an offender in the community and about the progress that can be achieved. I am sure that all members of the committee and everyone who has read the report will recognise that it is sometimes extremely difficult to get the checks and balances right. I could not help but think of the next item for discussion: what risk is, how it is dealt with and whether you can ever guarantee that something will not happen again.

I have two things to say to Jackie Baillie. First, the sense that I got was that there is an awful lot of work before the committee. The committee interviewed an awful lot of experts and people with important work to discuss, but one could not help being struck by the fact that the actual supervision and the actual circumstances in communities have clearly been different from the abstract situations that the experts have told us about. If it had been otherwise, we would not have had the tragedy that motivated the committee to deal with the issue. That is an on-going pressure. Communities will not be satisfied with abstract assurances. They want something that works. The committee's recommendations must be seen to take on the issue to give communities such as the one in Glasgow where the tragedy took place greater confidence and assurance that the likelihood of such a tragedy happening again are at least a little bit more remote than they were before—otherwise, the exercise will have less value.

Secondly, I read the paragraphs about the risk matrix with some interest. It seems to me that that approach might be valuable when we are dealing with resource allocation. One part of the risk matrix assesses the potential danger posed by an offender in the community while another considers what resources are available to us and whether it

is possible to target the resources—they are not infinite and must be targeted at the highest-risk offenders.

I would like to finish my remarks by tying in with what Paul Martin said about the fact that the recommendations cannot be implemented unless we recognise that there will have to be more social workers, more community support, more housing officers and a tightening up of the system. Otherwise, we pose unrealistic aims and targets to communities—and that is what their patience is shortest with. Proposing things that cannot be achieved is worse than laying out the real dangers that exist. The committee cannot say that such a tragedy cannot happen again. Nobody can say that. All we can say is that we have identified what we would like to see improved, so that there is never another Mark Cummings tragedy. That is the best that a report by a committee of this Parliament can offer.

The Convener: Does Jackie Baillie wish to comment again?

Jackie Baillie: Yes, there are a couple of points that I would like to pick up.

There is a difference between the reality on the ground and what is in a committee report, or what we assume is the case. To increase confidence into the system, the sub-committee recommended bringing transparency to a number of areas, such as the number of disclosures, how people have absconded, who has absconded and what efforts have been made by the police to recover those individuals.

14:45

What I have seen has encouraged me greatly. It is recognised that risk is not a static process, but is quite dynamic. I saw police forces and social workers applying risk-assessment tools to high-risk offenders daily. There is recognition that if a low-risk offender complies with all the requirements and there is nothing in their behaviour to suggest that there is a continuing difficulty, the level of supervision required is, as one would expect, less than that for a high-risk sex offender. That is not done arbitrarily—there is a process that underpins it. We say that we are not in favour of blanket disclosure for the simple reason that many sex offenders comply with all the requirements that are placed on them. It is not appropriate to disclose information about them if they do not present a risk to the public.

However, because we have risk assessment tools and because people are applying them—certainly in Glasgow—we decided that, on balance, the public interest would be best served by targeting high-risk sex offenders if their circumstances suggest that they might abscond or

be in danger of reoffending. In such cases, there would be full public disclosure. We have tried to put in place a proportionate system that will do its best to protect children predominantly. It is not foolproof; Paul Martin is right—this is part of a journey. We hope that we have taken some more steps along that road. I think that we have made progress with this report.

The Convener: I thank Jackie Baillie and the members of the sub-committee. I also thank John Home Robertson for speaking to the committee today. We will now consider the paper that contains the options for action. I am open to offers. According to our paper:

“Under the protocol that exists between the Parliament and Executive, the Executive has 2 months to provide a formal written response to any Committee report. The Committee may therefore wish to send the Executive a copy of the report and request that a response be received within the usual 2 month deadline.”

If the committee agrees to that course of action, it may wish to ask the Minister for Justice to attend the committee meeting on 20 March 2007 for the purposes of discussing this report and the Executive's response to it. Those are two of the proposals.

Further to that, the committee may wish to highlight the report in a legacy paper to its successor committee in the new session and to recommend that that committee seek an early chamber slot for a debate on the report. It is an area that we have agreed is of vital interest, which is why we set up the sub-committee. Also, the committee may wish to put any outstanding issues that arise from the discussion on the report and the Executive's response in a legacy paper, suggesting areas for the successor committee specifically to consider. That would ensure that this committee leaves its imprint on the sub-committee report and clarifies the issues that it considers important for the next committee, which will be free to act in any way it wishes.

Bill Butler: We should send a copy of the report to the Executive and await a response within the timescale outlined. It would be appropriate for us to request that the Minister for Justice appear before the committee so that we can discuss the report in public, face to face with the Executive minister responsible.

Some of the recommendations with regard to the legacy paper are on-going and some may require new legislation. Given that we are proposing to invite the minister to our meeting on 20 March, at this stage in the parliamentary diet it would be appropriate to flag up in a legacy paper to our successor committee issues that may—and almost certainly will—be taken forward by the successor Parliament, the successor Executive

and the successor Justice 2 Committee. We should go for options 6, 7 and 9 in the paper.

The Convener: What you said is important. We do not know what the composition of the new Executive will be. It is therefore vital that the committee does not just file the report away but sets out clear proposals for a successor committee to consider, and therefore for the Parliament to consider. The Executive of the day will no doubt have to respond to the Parliament through that mechanism.

Colin Fox: I am wondering about the significance of 20 March. Is it so that the minister has two months to consider the report?

The Convener: It gives us an opportunity to consider the response from the Executive, so that the committee and the Executive are in the loop.

Colin Fox: It dawned on me that it is awfully close to dissolution.

The Convener: That is the only way we can fit it in, which is why the committee has co-operated about the release date for the report. When we send the report, that triggers the response programme for the Executive. When we took on this work and set up the sub-committee, we were very conscious that deadlines had to be met within this session to ensure that the issues were raised correctly. Is the committee content with the actions that I set out in the paper?

Members *indicated agreement.*

14:51

Meeting continued in private until 16:52.

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