

JUSTICE 2 COMMITTEE

Tuesday 6 March 2007

Session 2

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JUSTICE 2 COMMITTEE

7th Meeting 2007, 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)

Carolyn Leckie (Central Scotland) (SSP)

*Mr Kenny MacAskill (Lothians) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Paul Martin (Glasgow Springburn) (Lab)

THE FOLLOWING GAVE EVIDENCE:

Ian Fleming (Scottish Executive Justice Department)

Brad Gilbert (Scottish Executive Development Department)

Sharon Grant (Scottish Executive Justice Department)

Cathy Jamieson (Minister for Justice)

Maggie Tierney (Scottish Executive Education Department)

CLERK TO THE COMMITTEE

Tracey Haw e

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Steven Tallach

LOCATION

Committee Room 6

Scottish Parliament

Justice 2 Committee

Tuesday 6 March 2007

[THE DEPUTY CONVENER *opened the meeting at 14:04*]

The Deputy Convener (Bill Butler): Good afternoon. I welcome committee members and members of the public to the Justice 2 Committee's seventh meeting in 2007. Apologies have been received from the convener, David Davidson, who is unable to be here. I am chairing the meeting in his absence.

I welcome the Minister for Justice, Cathy Jamieson, and her officials Brad Gilbert, Maggie Tierney, Sharon Grant and Ian Fleming. I also welcome Paul Martin, who is the constituency member for Glasgow Springburn.

I remind everyone to switch off their mobile phones and pagers.

Decision on Taking Business in Private

14:04

The Deputy Convener: Does the committee agree to take item 5, which is consideration of the evidence that we will receive today, in private?

Members *indicated agreement.*

Child Sex Offenders

14:05

The Deputy Convener: Members have a summary of the recommendations that the Justice 2 Sub-Committee made in its report on child sex offenders and the Minister for Justice's written response to that report.

I invite the minister to make a brief statement. After that, we will hear from the convener of the sub-committee, Jackie Baillie, and the local MSP, Paul Martin. We will then move on to questions.

The Minister for Justice (Cathy Jamieson): You will probably welcome my keeping my opening remarks brief. I am grateful to the committee for the way in which it approached the review, for the earlier opportunity to give evidence, and particularly for the work that was done by the sub-committee.

We all agree that child sex offending is a sensitive and highly emotive subject. It is one of the most difficult subjects that politicians have to deal with, whether it involves work at the local level, which Paul Martin and others have had to do, or national work to get the framework right. I welcome the opportunity to respond to the sub-committee's recommendations.

In the past 18 months or so, there has been a growing focus on child sex offending as a community issue. The subject is no longer regarded simply as one for the police or others. The Executive has tried to listen to what has been happening in the debates and discussions and we responded by developing a sex offenders strategy that contains a wide range of measures, all of which have the clear objective of making our communities safer. The issues that were considered in the inquiry are not easy. There are questions about community notification, the housing of sex offenders, whether and how to prioritise work with child sex offenders, and sentencing powers. Those are all contentious topics, and they are some of the key issues that have demanded our attention. The Executive has looked into them and acted to tighten the arrangements for monitoring and managing sex offenders through a wide range of measures.

Our sex offenders strategy was developed in line with the expert advice from the Cosgrove, MacLean and Irving reports. It puts in place a more robust framework for the monitoring of sex offenders; it encourages a co-ordinated approach to managing the level of risk that is posed; and it will strengthen the existing arrangements for multi-agency working and information sharing.

I emphasise that no one could guarantee that there will be no future tragedies. That is one of the hard facts in having to deal with an issue as sensitive as this one. However, we must learn lessons from the past. We know that, when things go wrong, the consequences for the victims and their families are devastating, so I understand communities' concerns. I believe that the onus is on politicians and professionals in the key agencies to provide the protection that communities rightly demand.

I remain firm in my commitment to keep the system under review. I regard the Justice 2 Sub-Committee's recommendations as an opportunity for us in the Executive to strengthen and build on the work that we have already done. Further work has been identified for us, and it is already under way.

I hope that those comments help to explain where the Executive is coming from on this particularly difficult issue.

The Deputy Convener: Thank you for your helpful opening statement, minister.

I invite Jackie Baillie, who was convener of the sub-committee, to say a few words by way of introduction.

Jackie Baillie (Dumbarton) (Lab): I, too, will be brief. The inquiry was an important, focused piece of work. The use of sub-committees in the parliamentary process was particularly effective, so we might want to return to it in future.

The sub-committee was mindful of the fact that the Executive is undertaking a huge amount of work on child sex offenders. In fact, so much work is being done that we had to spend some time making sure that we understood the framework that the Executive is putting in place, which is based largely on Professor Irving's report "Registering the Risk". I entirely accept the minister's comments about the need to strengthen and build on that. Nevertheless, we found a couple of areas in which we think there are gaps that should be plugged.

I am grateful to the Executive for accepting so many of our recommendations. I am sure that committee members will want to explore a number of areas in more detail with the minister, but I feel that we have now reached the position—certainly in relation to community notification—of taking a proportionate approach that will work in the interests of children and will deal with medium and high-risk offenders, who are the people our efforts should be targeting.

I thank my fellow members of the Justice 2 Sub-Committee and also the clerks and the staff at the Scottish Parliament information centre, who had to work with the sub-committee as well as doing their

normal work. However, my particular thanks go to Margaret Ann Cummings. She was very brave in coming to the sub-committee and sharing her experience with us. She was determined to see this through and I hope that she feels that something has been achieved.

The Deputy Convener: Thank you, Ms Baillie. I invite Paul Martin to say a few words.

Paul Martin (Glasgow Springburn) (Lab): Thank you, convener. I, too, will be brief, because it is important that committee members have the opportunity to ask questions. I am sorry that I will not be able to stay for the whole meeting; the Local Government and Transport Committee is considering statutory instruments.

The Executive's response to the review is probably the most comprehensive that we have seen during the evidence sessions. It has taken account of a number of areas in which work is either at an advanced stage or under way. Themes run through the response that show that the debate on how to manage sex offenders has to keep evolving. I have made the point before and I reiterate it today: we are dealing with the most dangerous individuals on the planet. We have to acknowledge that work is by no means complete. Sex offenders will continue to evolve their methods of predating and we have to continue to evolve our methods of managing those offenders.

A key issue is the way in which registered social landlords allocate housing to registered sex offenders. I know that opinions differ and I know that the minister has met a local housing provider in the area where Mark Cummings was tragically murdered. Some RSLs perceive their responsibilities differently from the way in which some of us perceive their responsibilities. However, we must ensure that all RSLs in Scotland are aware of their responsibilities when they allocate housing. They have to realise that there is no longer an issue to be debated. The work on the strategy is concluded and there will be no more consultation. Every RSL has to know where they stand.

Margaret Ann Cummings has said on a number of occasions that she had understood that registered sex offenders were being carefully managed and carefully placed in housing. Clearly that was not the case then, and I have to say that it really is not the case now. As I understand it, some sex offenders can still be allocated housing without a statutory requirement for housing providers to be advised of that.

Another issue—and one that the minister has referred to—is that of the police not requiring a warrant to enter the accommodation of registered sex offenders. We can discuss the civil liberties of registered sex offenders but, like Margaret Ann

Cummings, I have to be honest. She has said that, when a child is missing, the balance of civil liberties has to be in favour of the child. I make no apologies for agreeing with that view. I hope that we will always err on the side of caution.

I applaud the sub-committee for its work, but it is important that we continue to develop the issue—not only in this session of Parliament but in all future sessions of Parliament. We have to refresh our ideas on the ways in which we manage sex offenders.

14:15

The Deputy Convener: I concur with Paul Martin's wise words. There is a continuing need to develop ways in which to make Scotland safer for its children.

I will begin the questioning by asking whether you can give the committee an unambiguous assurance that all the agencies that are involved in all the aspects of the assessment, treatment, monitoring and supervision of child sex offenders—including those concerned with accommodating such offenders—will be given the resources that they need to carry out their roles effectively?

Cathy Jamieson: It is important that people have the right resources, but it is equally important that we do not simply write a blank cheque without any evidence that measures are effective.

The question of resources covers a number of issues. Additional resources have been invested to ensure that the multi-agency public protection agreements and the national accommodation strategy for sex offenders can be up and running. As part of their routine work, I would expect the police to undertake some of the work around the monitoring and management of sex offenders. However, we would clearly want to keep that under review, like the rest of the strategy. We want to ensure that the resources that we have put in place for some of the new arrangements are used specifically for those purposes. Equally, we want to ensure that everybody takes seriously their responsibilities to deal with the issue as part of their day-to-day work. A strong message has to be sent that it is every agency's responsibility to ensure that it has its own house in order in relation to this and does not see it as something that is added on to the end of the other work that it does.

The Deputy Convener: We welcome the additional resources that you mention. For the record, can you confirm that the additional resources are not in the form of a blank cheque but need to be targeted specifically and that, where those resources are required and the Executive is content that they will be targeted specifically, they will be given?

Cathy Jamieson: In relation to the MAPPAs, for example, we have allocated extra resources for the co-ordinators whose job it is to ensure that that work is all pulled together. Additional resources have gone into the violent and sex offender register—VISOR—computer system for the police and local authorities. Further, work and resources have been supplied to deal with the risk assessment tools, training and accredited programmes. Similarly, resources were put in place to deal with the implications of the increase in supervision requirements for sex offenders who have received sentences of between six months and four years. That shows a willingness on the part of the Executive to invest resources where we need to get things moving and ensure that things are working on the ground. Equally, I am saying that we will not simply invest more and more resources without ensuring that they are being used effectively or are needed.

The Deputy Convener: I think that members will appreciate what you have said about the effective use of targeted resources.

On the sex offenders register, the committee is pleased that the Executive has accepted that the sex offender notification requirements should be applied only to those who commit an offence with a sexual motive. Could you explain how the proposed guidance manual on rape and other serious sexual offences and the revised prosecution policy will achieve that?

Cathy Jamieson: Again, there are a number of issues that we have to take into account in that regard. All the agencies, including the Crown Office and Procurator Fiscal Service, need to ensure that the procedures that they adopt are robust. On a previous occasion, I reminded people that we are having an overall review of the law on sexual offences and will commence further work once the Scottish Law Commission has reported.

It is important to remind people about some of the differences around the sex offenders register and what is possible in terms of sexual offences prevention orders. I know that there was a lot of discussion in the committee about why, for example, specific conditions would not be attached to people on the register, but dealt with through a sexual offences prevention order.

All those elements are important. However, on the specific point on the Crown Office and Procurator Fiscal Service, I hope that the detailed guidance that has been provided to the prosecutors about plea adjustments and so on, specifically in relation to sexual offences, has already been indicated to the committee. It will remain necessary to ensure that there is a duty on the prosecutors to consider pleas advanced by the defence and, given the duty continually to assess both the evidence supporting a prosecution and

the public interest, no doubt there will be remaining instances in which sexual offence charges or aggravations of charges cannot be sustained. In essence, there is a duty on prosecutors to consider all the available evidence and to take the decision on the basis of the evidence on that particular set of circumstances and in the public interest. Detailed guidance has been provided by the Crown Office and Procurator Fiscal Service to prosecutors.

The Deputy Convener: The committee notes from the Executive's response that the courts do not currently have powers to impose conditions on offenders per se. Has the Executive considered the merits of adding specific and tailored conditions to notification requirements at the point of sentencing?

Cathy Jamieson: As the committee will be aware, under the Sexual Offences Act 2003, the judge does not have the power to impose conditions. It is important to recognise that the judge would no doubt want to be able to spell out the consequences, under that act, of the sentence imposed, and what would happen if there was any breach of that sentence. It is also important to recognise that we need the registration requirements to be considered as an administrative and a preventative measure. The fact that someone is on the sex offenders register is not seen in the light of a penalty—it is viewed slightly differently. However, failure to comply with the requirements of the register is a criminal offence with a maximum penalty of five years' imprisonment, which is a fairly tough sanction.

On the other hand, if the police or the courts consider that a sex offender has acted in a way that gives serious cause for concern, they can apply for a sexual offences prevention order. That would be the opportunity to place prohibitions on a person's behaviour and to restrict where they go or who they see. For example, an offender might be prevented from entering children's playgrounds, or from visiting swimming baths or other places where they might be at risk of committing further offences. The opportunity provided by the orders could perhaps be used more in future. The orders are monitored closely, and criminal procedures and penalties apply to any breach. Furthermore, the standard of proof on the orders is the criminal standard of proof. Again, breach of the order carries a penalty of five years' imprisonment. They are both fairly tough sanctions, just by different routes.

The Deputy Convener: Thank you for that clarification, minister.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Part of the work of the Justice 2 Sub-Committee was to follow on from Professor Irving's recommendations for the requirements of

notification of further, wider information about the individual, and household and social information and so on. In your response to the sub-committee's recommendations, you said that the Executive is

"working closely with the Home Office".

Will you update us on that work? What is the timeframe for a decision on whether such information will be included in the list of notifiable information?

Cathy Jamieson: Again, as a reminder, we took the opportunity in the Police, Public Order and Criminal Justice (Scotland) Act 2006 to enable the extension of the notification requirements to include passports and bank account and credit card details and so on. We are looking at other areas, particularly e-mail addresses. Clearly, the implications of that go wider than the Scottish Parliament. I do not have a final timescale from the work that has been undertaken in the Home Office, but we would want to come to some conclusions at as early a stage as possible.

Jeremy Purvis: What has been the response of the Home Office so far?

Cathy Jamieson: Ian Fleming has been directly involved in discussions and can give you the latest information.

Ian Fleming (Scottish Executive Justice Department): We work closely with the Home Office, which is currently undertaking a review of child sex offenders. We understand that the Home Office officials are examining what we have done in Scotland to extend the notification requirements to bank account and credit card details and that that flexibility will feature as part of their review's recommendations. We work closely with our colleagues in Whitehall because we recognise that it is important to have the same registration regime north and south of the border as far as possible.

Jeremy Purvis: I will ask about accommodation issues. One of the sub-committee's recommendations was that, on release, all offenders would go to a verified address. The minister said in her response that offenders who served six months or more would be under supervision at a verified address on release but that, for those who are not under supervision on release, it is best practice for prison-based social workers to notify community colleagues of the release arrangements. Why can it not simply be a requirement, rather than just best practice?

Cathy Jamieson: There have been some issues with that, and I understand people's concerns at the notion that there would be offenders who did not have addresses or were homeless and could not be kept track of. However, it is a reality that many people who have moved on

from the prison system may not stay at the address to which they went on release but may move around in the period immediately after release, particularly if they served short sentences and there was no follow-through.

We need to build on best practice. When people who have served sentences—fairly extended ones, in some instances—move back into the community, they should not leave prison without any indication of where they are going and without the correct responses being in place. That requires the accommodation strategy to be implemented and requires that the housing services and providers co-operate with the police, prison service and social work services not only on getting the initial accommodation in place for offenders, but to ensure that the whole programme of throughcare work that is done with them is managed coherently and effectively.

Jeremy Purvis: I will come on to the point about notification of addresses in a moment, but I am still not entirely clear why it cannot be a requirement that all offenders who have been convicted of a sexual offence must be released to a verified address if, with the new regime that the Custodial Sentences and Weapons (Scotland) Bill will introduce, there is to be an integrated case management review for each individual offender and the MAPPA arrangements come through. We know that a high percentage of those addresses will be domestic properties; we will come on to issues with regards to whether or not the accommodation is with a registered social landlord. If we have a multi-agency integrated case management review that involves the local authority while the offender is in prison, why can it not be a requirement that, when the offender is released, the local authority is notified of the address? If it was a requirement, it would be possible to audit whether or not it was being done.

Cathy Jamieson: Sharon Grant will say something on that question first, and then I will respond.

Sharon Grant (Scottish Executive Justice Department): Integrated case management gives us a better process to deal with that and allows the prison service to engage with housing services, the police and local authorities earlier for short-term prisoners. It is difficult to get verified accommodation while an offender is still in prison. The prison service and local authorities are still working to address that, so it is a moveable picture. Under the requirements of the Sex Offenders Act 1997, once the prison service notifies that someone is being released to an address, the police carry out a risk assessment as part of the notification requirements. If there is local authority involvement in that, the police will work with the local authority to assess the risk.

Jeremy Purvis: Forgive me for interrupting, but does that apply to all offenders, or only to those who have served sentences of six months or more?

Sharon Grant: Although any sex offender who is imprisoned for less than six months is not subject to community criminal justice social work supervision, there is a requirement to notify under the Sexual Offences Act 2003, so they will be on the register. Therefore, they will be in contact with the police and must notify them of their address within three days of release. It will shortly be recommended that the police be notified of the release from prison or discharge from hospital of a prisoner or patient. At that point, responsibility passes to the police, who follow up the matter under the sex offender notification scheme. The offender or prisoner is required to notify formally within three days of release.

14:30

Jeremy Purvis: I acknowledge that. Would the minister like to add something?

Cathy Jamieson: Under the integrated case management scheme, we want to deal with issues proportionately. At this time the focus must be on ensuring that we are able to deal with people who have served lengthier sentences and will be supervised back in the community. As Sharon Grant said, once the system is up and running there will be a kind of moveable feast. Once the accommodation strategy is in place, we may be able to consider whether there is anything else that we can build—literally—on to the system. However, it is right and proper that we deal first with people who are identified as being at the serious end.

Jackie Baillie: I accept entirely that we should target first those who pose most risk, but I want to do that for the entire prison population. It is many years since the Executive, through its homelessness strategy, identified prisons as one of the key routes to people becoming homeless. In that context, is it not acceptable for us to suggest to you that the category of those who pose a high risk encompasses all sex offenders, irrespective of the length of their sentence? Although there may be prisoners at the low end of the tariff who are convicted of other offences, surely we can move quickly to saying that they must notify an address on release, because people abscond during the three days within which they are required to notify to the police. We must close that loophole as quickly as possible.

Cathy Jamieson: I do not disagree with the analysis that Jackie Baillie has provided. However, members need to understand that it is not simply about notifying an address; it also about ensuring

that an address is available and that the right supports, monitoring and so on are in place. Inevitably, that will create tensions around the provision of housing, as Jackie Baillie knows from her experience of working with the housing system. We will want to use for the most high-risk offenders some of the supported accommodation that is available through Safeguarding Communities-Reducing Offending and other organisations. It is not a case of people going out the door and being left to their own devices.

Understandably, people will ask which members of the global prison population are most likely to reoffend, if the right provisions are not in place. We need to take into account public safety and public perception. In essence, we are asking the public to work with us to accommodate in their communities people who are known to have offended, so people need to know that we are putting in place as many measures as possible to ensure public safety. We will want to consider that as the process gets under way.

Jeremy Purvis: You mentioned homelessness. We are aware that the Sexual Offences Act 2003 allowed a home address to be registered in a way that was consistent with the homelessness legislation. However, the sub-committee found that that was not acceptable. You have recognised the committee's view and have told us that you are in discussions

"with the Home Office as a matter of urgency to explore options"

and that

"The Executive hopes to be able to announce proposals shortly"

to rectify the situation. When do you intend to make that announcement?

Cathy Jamieson: I will try to choose my words carefully. As soon as we are able to reach agreement on a sensible way forward, we will announce it. I cannot give you a date at this point. Ian Fleming has been involved in the discussions most recently.

Ian Fleming: We are discussing the issue with the Home Office, and a colleague and I are meeting representatives from the Association of Chief Police Officers in Scotland to discuss proper requirements and timings for homeless offenders. We must ensure not only that any system that we introduce does not create administrative or other burdens but that we address concerns about homeless offenders. The proposals are still up in the air, but there is talk of significantly reducing the requirement to notify.

Jeremy Purvis: Can you tell us what the proposals are? The committee might be able to help you in your deliberations.

Ian Fleming: As Professor Irving pointed out in his report, there might be some merit either in reducing the time for notification to 24 hours or in tailoring the requirement to individual circumstances. Those are two of the proposals. The Home Office is aware of Professor Irving's views, and discussions about these matters are on-going.

Jeremy Purvis: Will they take weeks or days?

Cathy Jamieson: I hardly think that these matters will take a couple of days. We need to go back and consider what is possible. That said, I assure the committee, as I always do, that it will be kept properly informed. Is that helpful?

The Deputy Convener: As always, minister.

Jeremy Purvis: Minister, do you agree that it is unacceptable for someone who presents themselves to a local authority and is registered as homeless to be allowed not to declare that they must make a notification?

Cathy Jamieson: That question touches on a range of general housing issues.

Jeremy Purvis: I will ask about housing in a moment. My specific question was whether someone who presents themselves as homeless should be required to declare that they must make a notification.

Cathy Jamieson: Yes, but we have to put the issue in a wider context. There are particular concerns about the types of accommodation that sex offenders who present themselves as homeless are put into, but a wider question is whether people who apply for social housing are subject to the requirements of the Sexual Offences Act 2003 and, if so, at what stage they are duty-bound to notify. As I understand it, that is covered in the guidance and the national accommodation strategy.

Brad Gilbert (Scottish Executive Development Department): The working group that steered the development of the national accommodation strategy concluded that all housing application forms should ask whether an applicant is required to register with the police under the Sexual Offences Act 2003 and felt that a consistent approach throughout the country was vital. The question would act as a trigger to ensure that the person's application was diverted from the general stream of applications and that they were referred to the sex offender liaison officer—that is one of the new co-ordination approaches that will be adopted—and processed in line with the national accommodation strategy. The committee's recommendation about the introduction of the legal requirement as proposed has strong merit, but it raises certain human rights

and data protection issues that need to be—and are being—examined.

Jeremy Purvis: Are you saying that the local authorities and social landlords that currently have such a requirement could be in breach of the European convention on human rights? Clearly that is not the case.

I repeat the question that the sub-committee asked Executive officials: how many RSLs are not asking on their forms whether an applicant is required under the register to notify?

The Deputy Convener: Do you have that information, Mr Gilbert?

Brad Gilbert: That information is not held centrally, but we are aware—

Jeremy Purvis: Ach, convener—

The Deputy Convener: Mr Purvis, if you let Mr Gilbert finish, I will let you back in.

Brad Gilbert: Over the past few years, the Executive has promoted an approach through common housing registers. In that context, a number of players have been asking that very question on application forms.

Jeremy Purvis: The committee has taken a particular interest in this issue right from the start. We welcome the MAPPA that have been put in place. We really need to get to a situation where relationships between the housing associations, local authorities and the police—as well as RSLs' housing application forms—are sorted, so that when someone presents themselves as homeless, local authorities are aware of the notification requirement. Otherwise, some individuals will not be picked up at the start of the process. When can we expect that to happen with all our RSLs and local authorities?

Cathy Jamieson: Members will forgive me for expressing my view on this issue, which does not sit within the Justice Department's portfolio. The Scottish Executive Development Department has worked hard to develop appropriate guidance to be circulated to back up the work that has been done on the national accommodation strategy. It is important that that work is done. I know that people have been working hard on it.

I am also aware that there are tensions in relation to registered social landlords and in other areas of housing, where people are concerned. It is important that we get across the message that it is everybody's responsibility to undertake this work in order to protect children and ensure public safety. I am sure that, ultimately, all the registered social landlords will want to co-operate with that goal, although there might be some differences of opinion about how to achieve it. I hope that some of the differences have been ironed out and that

when we are in a position to issue the guidance—I understand that it is fairly imminent—it will have an impact.

Jackie Baillie: Mr Gilbert seemed to be suggesting that the approach of common housing registers would address some of the problems. How many common housing registers do we have?

Brad Gilbert: It is expected that, by the summer, about three quarters of local authorities will have operational common housing registers.

Jackie Baillie: How many do we have just now?

Brad Gilbert: I do not have the specific figure.

Jackie Baillie: It is very small, is it not?

Brad Gilbert: There are certainly operational common housing registers in Edinburgh and Aberdeenshire, as well as in a number of other local authority areas.

The Deputy Convener: It would be helpful if you could supply that information in written form.

Maureen Macmillan (Highlands and Islands) (Lab): I have questions about the robustness of the risk assessment. The sub-committee recommended that the utmost priority be given to developing and validating specialist risk assessment tools. I note that the Executive says that risk matrix 2000 has been developed as an actuarial tool and that the dynamic supervision risk assessment tool is to be rolled out to the police, the Scottish Prison Service and local authorities throughout the year. Will you tell the committee a little more about the dynamic supervision risk assessment tool? This is the first that I have heard of it. How is it used? How is it validated? Are further validations or evaluations planned once it is fully operational?

Cathy Jamieson: Rather than trying to explain the technicalities of it, I ask Sharon Grant to do so, because she has been involved in the work.

Sharon Grant: I am not an expert, either. You are getting a civil servant's point of view.

The Deputy Convener: We will listen carefully to the information that you give us, Ms Grant.

Sharon Grant: The dynamic supervision tool allows social workers and the police to examine the dynamics of the offender or prisoner and assess what heightens risk, what levels off risk and what would be useful interventions to manage the risk—I am putting this in layman's terms. It allows them to formulate a risk management plan on the basis of whether alcohol heightens risk and whether an anger management course or other intervention is needed. All that information, as well as the actuarial risk assessment tool, RM2000, feeds into the development of the plan, and it

helps the agencies to decide what restrictive and interventionist conditions should be put into the plan, as well as who is responsible for ensuring that they are followed through.

14:45

Maureen Macmillan: What stage are we at with that? Has it been evaluated or validated?

Sharon Grant: We have asked the Risk Management Authority to validate the tool, but I think that it has been validated previously. It is currently being used in Northern Ireland. It has also been used in Australia and in Canada, where it originated. It has been validated using those populations. The RMA is evaluating its use in the Scottish population. The feedback is that it is a very useable tool for the agencies.

Maureen Macmillan: The sub-committee's recommendation 14 aimed to ensure that all sex offenders receive thorough and continuing risk assessment, which we have been discussing, and that monitoring and supervision should not end until the assessment shows that offenders do not pose any further serious risk to the public. The committee welcomes the Executive's acceptance that all sex offenders should receive thorough, continuing risk assessment and that monitoring and supervision should not end until there is no longer a serious risk to the public. Where conditions are imposed as a result of an adverse risk assessment, will they persist until a sex offender is assessed as no longer posing a serious risk?

Sharon Grant: The conditions can last only as long as the licence lasts, under the current sentencing arrangements. There is a catch-all, however, in sections 10 and 11 of the Management of Offenders etc (Scotland) Act 2005, which covers persons who, by virtue of their conviction, continue to pose a risk of harm to the public. That act and, in many ways, the notification requirements of the Sexual Offences Act 2003 allow the police and other agencies to continue to have an overview of people's management once the licence conditions fly off. The offender or prisoner might not want to continue to engage, but the legislation allows for risk assessment and management.

Maureen Macmillan: What happens in practice once the licence conditions come to an end?

Sharon Grant: Even once the licence conditions fly off, the person is still subject to notification requirements. Under those requirements, the police continue to carry out risk assessments and they put in place management plans that allow them to continue to oversee the risk. If the offender is willing to continue to engage, the services will still be open to them.

Maureen Macmillan: What if the offender is not willing to engage?

Sharon Grant: It is then down to management by the police, under the Sexual Offences Act 2003. There is an additional measure now: the order for lifelong restriction will prove—

Maureen Macmillan: Yes.

Cathy Jamieson: In cases where sex offenders are willing to continue to engage in the programmes, that can happen. On the other hand, there might be people who simply refuse to engage. However, that does not mean that there is no requirement or that nothing happens as far as the police are concerned. The level of risk can be assessed in such cases, and some kind of programme can be put in place, under which, at the very least, the situation can be monitored and it can be ensured that people comply with the registration scheme. It is not necessarily the case that those people would or could be compelled to undertake a particular treatment or programme.

Jeremy Purvis: It is relatively arbitrary when someone's period of registration comes to an end, given that it is set by the court in the first instance and it cannot be altered during the risk assessment, while the person is on the register. As I understand it, the police do not have the ability to go back to the court to ask for the period of registration to be extended. Do you agree that it would be appropriate for the police to have such a power?

Cathy Jamieson: Earlier, I made clear why sexual offences prevention orders were introduced. One reason why we introduced them was to provide an opportunity to argue that an individual still poses a risk and that restrictions may require to be placed on their behaviour, whom they associate with and so on. It is not a case of going back and simply asking for more of the same under notification requirements; there is an opportunity to keep tabs on individuals. However, a requirement to continue with the previous notification arrangements can, of course, be included in a sexual offences prevention order, if it is thought necessary.

Jeremy Purvis: I want to be clear. You do not agree that the police should have the power to ask for the period of registration to be extended. Instead, they should have to start a new process of applying for a SOPO.

Cathy Jamieson: That is not necessarily a worse option. It is a comprehensive option that could—

Jeremy Purvis: The options are not mutually exclusive, minister.

Cathy Jamieson: Not necessarily. However, if you are suggesting that there is a gap, I am

suggesting that people can use an option that allows the previous notification requirements to be continued. Something additional can be built in at that stage if it is thought that the individual is still such a potential risk to others that conditions are required. I presume that a person would argue for a period of registration to be extended because they had evidence that the individual was still a risk. Therefore, there would be a desire not only to continue the registration but to consider whether other measures were necessary.

The Deputy Convener: Are you content with that response, Mr Purvis?

Jeremy Purvis: Yes, thanks.

Maureen Macmillan: I want to ask about the use of VISOR. The sub-committee recommended that information on VISOR and the Scottish intelligence database should be made accessible to all police officers and officers from other relevant agencies. The Justice 2 Committee welcomes the Executive's plans for police officers and criminal justice social workers to have access to VISOR, but does the minister agree that information on that register would also help prison staff to manage sex offenders? Why are there no firmer plans to roll out VISOR to the Scottish Prison Service?

Cathy Jamieson: Maureen Macmillan makes an interesting point. The committee will be aware that police forces throughout Scotland currently have access to VISOR and that all police officers have access to the Scottish intelligence database. We are about to enter a phase in which the interface between the Scottish intelligence database and VISOR will be tested, which could enable all officers in Scotland to access the information on the VISOR system, although not all of them would necessarily require direct access.

Work is already under way to roll out VISOR to local authority criminal justice social work departments. According to my notes, it is hoped that the work will be completed by the end of March—I always worry about giving such firm commitments on what will happen later in the same month. In fact, I have just been told that the work will be completed by May, although my notes say that it will be completed by the end of March—I thought that that was unlikely as I read them. In the longer term, it is hoped that the SPS will have access to VISOR. I apologise for giving the committee the wrong information initially. At least the matter has been clarified.

Jackie Baillie: I want to discuss powers of entry and search without a warrant. I understand that, currently, the police can apply to a sheriff for a warrant to enter and search premises. The majority of the sub-committee were persuaded that a power should exist to enter and search

premises without a warrant for two principal reasons: we wanted to avoid any possibility of delay and we thought that the measure was proportionate, given that the interests of the child should be paramount and the police would have to demonstrate reasonable cause for entering and searching. I am disappointed that the Executive did not agree with us. Why did it not do so?

Cathy Jamieson: With your permission, convener, I will give a slightly longer answer to that question.

It is important to stress that we are not at odds in any way with the committee on the outcomes that we are seeking. We want to protect children and young people in particular, but also the wider community. It is also important to put on record that, under the common law, the police are empowered to enter any premises without a warrant in order to inquire into a serious disturbance that they have heard in the premises or when they are closely pursuing someone whom they believe has committed an offence. They can also, under common law, enter premises by force if they are refused admission once they have revealed their identity and purpose. For example, if a police officer visits a registered sex offender at their home and is refused entry, he can access the premises if he believes reasonably that an offence has been or is being committed. The police may also enter and search a private residence without consent in urgent cases—for example, they may do so to preserve evidence. We felt that the police have common-law powers that allow them to make progress with any necessary inquiries.

As you know, the issue of police powers to enter and search was considered as part of our response to Professor Irving's review. We concluded that it would be difficult to give the police blanket powers, as envisaged by Professor Irving, in a way that would not be challengeable under the ECHR. I acknowledge people's views that we should be on the side of potential victims rather than potential offenders, but ECHR issues would arise in relation to such blanket powers. We want to ensure that we have measures that are workable in practice. We took the view that the police already have the appropriate powers to cover situations in which there is urgency.

Last year, we secured the Parliament's approval for the introduction of the specific police powers of entry in the Police, Public Order and Criminal Justice (Scotland) Act 2006. The then Deputy Minister for Justice was clear that the measure, which has only recently been introduced, does not give the police carte blanche to enter and search the premises of every sex offender in Scotland. It is an integral part of the powers that the police must apply to the sheriff for a warrant to enter premises for risk assessment purposes. There is a

difference between the issues of risk assessment and of what happens when the police believe that an offence has been committed.

I hope that those comments are helpful. To clarify, we are not saying simply that we do not agree—we want to ensure that people work to common standards. That is why we are working with ACPOS to ensure that the standard operating procedures manual for the management of sex offenders makes it explicit that the existing powers of entry that are available to the police can deal with the type of situations that the sub-committee envisaged. I apologise for that fairly lengthy explanation, but I hope that it has been helpful.

The Deputy Convener: There is no need for apologies. I found the explanation helpful. What about you, Ms Baillie?

Jackie Baillie: I found it partially helpful, although I hoped that the minister would be more comprehensive in her assistance. Police officers told us privately of a case in which they attended a known sex offender's house and had reasonable cause to believe that a child who had been abducted was in the property. It took them less than an hour to get a warrant, which is a remarkable time, but they think that, in that time, the child died. It is horrific to think that that could happen in such a short window of time. I do not dismiss anything that the minister said about the common law, but I must say back to her that the police, at operational and senior level, were persuaded sufficiently to try to convince the sub-committee that they need such a power.

Cathy Jamieson: I will ask Ian Fleming to comment on that. My view, from speaking to police officers in different circumstances, is that they would use their common-law powers in certain circumstances if they believed that children or other people were at risk. On occasion in my former life as a social worker, I accompanied police who took exactly that decision, when it was felt that children were at risk. Perhaps Ian Fleming will clarify the technicalities rather than the practicalities.

Ian Fleming: I, too, have heard officers say that, in the scenario that Jackie Baillie paints, they would act and go in. However, there does seem to be uncertainty about the issue in the minds of police officers, which is why I am meeting Detective Superintendent Jim Cameron of ACPOS, who presented evidence to the sub-committee, to address the issue and several others that run through the sub-committee's report.

15:00

Jackie Baillie: I was genuinely persuaded by members of the police, both at operational level

and at senior level, that they sought such a power. If there is that degree of confusion, surely it is worth removing any possible doubt about what the police should do in such circumstances. When you speak to the police about their standard operating procedures manual, perhaps you could explore the issue again and write back to the committee thereafter. My view is that, if the police are asking for such a power, let us give it to them.

As is always the case with the ECHR, it is necessary to strike a balance. The sub-committee was highly proportionate. We suggested that the police would be required to demonstrate reasonable cause. If that is acceptable in common law, surely it is acceptable in the circumstances that we are talking about.

Cathy Jamieson: We have gone back to the police's standard operating procedures manual precisely because of the concerns that the sub-committee raised. We want to discuss what clarification is needed. It was our view that the issue could be addressed by making matters clear in the relevant procedures manual. However, if the discussions suggest that confusion or concern exists, we will want to address that with the police. I have no difficulty in agreeing to write back to the committee following the conclusion of those discussions; it would probably be helpful to have matters put on the record.

I would not want anyone in Scotland to think that if there was a scenario in which a child was thought to be immediately at risk, the police would not take the appropriate action. I am sure that that is not a message that the police would want to give out. They would use their common-law powers appropriately.

The Deputy Convener: I am grateful for the minister's offer that the Executive will write back to us on that serious issue. Kenny MacAskill has a supplementary.

Mr Kenny MacAskill (Lothians) (SNP): My question follows up Jackie Baillie's point about the problems with the ECHR. Members of all parties—as well as people of no party, such as Lord McCluskey—are becoming increasingly frustrated by what we see as the inanities of a position that we support in terms of human rights. Are you prepared to state or publish what the impediment with the ECHR is perceived to be? As Jackie Baillie said, it is a matter of balance. If we are running up against an impediment with the ECHR, many of us would like to know what it is. Can you explain what the blockage with the ECHR is? It is not our understanding of human rights that they can be used as a ground for restricting people's ability to protect the life of a child who is in danger.

Cathy Jamieson: I would not want anyone to believe that the ECHR can be used to block

immediate action to protect the life of a child or anyone else who is in immediate danger, but when we considered the subject initially, some issues were raised that were partly to do with other rulings and partly to do with concerns around the blanket use of powers. We did not want to take such measures and then discover that a loophole meant that a challenge could be made. I am happy to explore the issue further and to revert to the committee with more information.

The Deputy Convener: I am grateful for that offer. It would be helpful if you could give a timescale for the Executive's reply.

Cathy Jamieson: I imagine that we could do it fairly quickly.

The Deputy Convener: Can you define "fairly quickly", Mr Fleming?

Ian Fleming: I cannot. It is difficult to give a precise timetable. I meet ACPOS—

The Deputy Convener: Can you revert to us within the next few weeks, say?

Ian Fleming: That is fine.

Cathy Jamieson: I expect that the committee will want a prompt reply—I am conscious of where we are in the parliamentary cycle. If we can, we will respond fully to you before the end of the parliamentary session.

The Deputy Convener: We will take that as an intention, which we hope will be met.

Mr Purvis has an additional question.

Jeremy Purvis: Any member of the committee or of the public would be aghast if any police officer was not aware of their common-law powers, especially if they believed that a serious crime had been, was being, or was about to be, committed.

It would be helpful to learn the Executive's view of its discussions with ACPOS. Has ACPOS asked for a blanket power to enter any sex offender's premises without a warrant?

Ian Fleming: ACPOS has not formally asked the Executive for such a power. Like all debates in criminal justice, the debate is informed by case law, by differing views and by the views of the courts. It is not so much that there is uncertainty in every police officer's mind as that everyone has their own view about how powers should be exercised.

The Deputy Convener: So we are aiming for something that is workable and unchallengeable?

Cathy Jamieson *indicated agreement.*

The Deputy Convener: Okay. We will now move on to a different topic.

Jackie Baillie: I whole-heartedly welcome the Executive's acceptance of the need for enhanced disclosure, especially when sex offenders are not co-operating, or not complying with requirements. What is the Executive doing in relation to the publication of details of sex offenders who are not complying?

Cathy Jamieson: First of all, I would like to talk about something that was talked about early in the proceedings. Margaret Ann Cummings has done a great deal of work. I met her at an early stage of the work that I was doing and there is no doubt that her views and the campaigns that she has run have helped to shape public opinion and politicians' opinions.

We accept that in some circumstances it is critical for authorities to establish the whereabouts or the identity of an individual. We are therefore developing a targeted warning system, whereby the Executive and the police will try to improve on the current arrangements. In light of the sub-committee's recommendation, we accept that publishing the details of non-compliant, high-risk, child sex offenders will strengthen the system further.

As people will know, we are working with the Crown Office, ACPOS, the Child Exploitation and Online Protection Centre—CEOP for short—and Crimestoppers to progress the application of CEOP as a UK-wide resource. Final decisions on the publication of police material in the media are rightly governed by guidelines from the Lord Advocate. We have to get things right, all across the UK. We have already said that we will use the CEOP website as part of that process.

There is also the requirement to do further work on the arrangements at community level—work on the need to know for individuals in particular areas. That work continues.

Jackie Baillie: That is helpful. Will the Lord Advocate's guidelines be made public?

Cathy Jamieson: I am not aware that the Lord Advocate has made those guidelines public and I am not aware of any intention so to do.

Jackie Baillie: So that people can understand and be reassured by what is being put in place, it would be helpful and sensible to make the guidelines public. The sub-committee found that people do not appreciate the level of disclosure that goes on every day.

Cathy Jamieson: I can certainly commit to look into the matter further. It will be for the Lord Advocate to take the decision. As the committee is aware, she takes a real and close interest in child protection, but I am sure that she would not want material published if it would in any way hinder our

ability to keep track of sex offenders. There is a fine balance to be struck.

Jeremy Purvis: There are two distinct situations. One is when an individual does not comply with the requirements placed on them. In that situation, the police or the local authority may notify third parties about the individual. On a number of occasions, the police stressed to the sub-committee that they wished the current system to remain in place. The system does not take a blanket approach but considers the merits of individual cases. I think that the Executive has accepted that approach.

The second situation is more difficult—it is when an individual goes missing. The current approach is that the police can put the individual on the CEOP website, but the Lord Advocate may decide that that would prejudice a further prosecution. Will that change? Under the existing process, Scots have appeared on the website and will continue to appear on it, but the final decision is for the Crown Office.

Cathy Jamieson: It is true that there are various circumstances in which information about individuals is disclosed. One scenario is where an individual has not complied with the terms of their order and there are concerns about them. In that situation, information may be disclosed to people in the local community or a particular area, on a need-to-know basis, to protect children or vulnerable members of the community. Information would be given out on a targeted, case-by-case basis.

The second scenario, as you rightly say, is when someone has failed to comply and their whereabouts are not known. As I said, the Executive is in discussions with the Crown Office, ACPOS and the Child Exploitation and Online Protection Centre, and they are working up a protocol to underpin the arrangements. We expect that the process that has been used in the past can be speeded up. If we have a protocol and people are clear about what they are trying to do, that should enable information to be provided more quickly and, I would suggest, more frequently. If a protocol exists, people are much more likely to use the process. I suggest, therefore, that we are seeing a change.

Jeremy Purvis: There will be a change only if the Lord Advocate takes a different stance on whether putting someone's details on a website and stating that they have committed an offence will prejudice their prosecution. Prosecutors in England and Wales make different decisions on the matter. That is why, in England and Wales, we more readily see such individuals on television, on news broadcasts and indeed on the website. You are telling the committee that the Crown Office will still decide on a case-by-case basis whether

someone will be authorised to put an individual's details on the website.

Cathy Jamieson: It is right and proper that the Lord Advocate, as the independent head of the prosecution service, makes a decision in the public interest. There might be circumstances in which the Lord Advocate feels that putting information on a website is inappropriate, or would prejudice a prosecution or put a person in further danger. That is right and proper—indeed, we have an independent head of the prosecution service to provide such safeguards. I do not think that there is a particular issue about that.

The Deputy Convener: Are you content, Mr Purvis?

Jeremy Purvis: I am just anxious that the approach is not spun as being very different from the approach that we have at the moment. At present, there is co-operation between the Scottish police and the English police on the operation of the website. Decisions on whether information about individuals who have absconded should be made public are made on a case-by-case basis, and decisions about whether someone should appear on the website are made by the Crown Office. Those three things happen at the moment, and none of them will change. There will be a closer working relationship and better understanding, but that does not necessarily mean that a higher number of individuals who abscond will appear on the website. Decisions will still be made by the Crown Office on a case-by-case basis. The danger is that the position will be spun as, "There will now be widespread notification of these individuals." Notification will still be considered on a case-by-case basis.

Cathy Jamieson: I suggest, convener, that the protection of children is too important and sensitive an issue for anyone to spin information about it. The important thing is that we have an effective approach. I listened carefully to all the evidence that was given. I listened carefully to people who have lost their children in tragic circumstances. I take the view that, if there are things that we can do to prevent such tragedies happening again, we ought to consider them. To my knowledge, it is certainly not the case that putting such information on the website was done either regularly or to any great extent in the past.

15:15

The work that this Parliament has done—I include the work of the sub-committee—in signalling to people that there is acceptance that public disclosure is an appropriate thing to do in certain circumstances, gives people permission to use that process more than they might have done in the past and ensures that we have a protocol

that people feel they can use as part of the wider process of child protection. That is what I have been trying to achieve throughout and I very much welcome the sub-committee's approach. It was responsible in understanding communities' needs as well as in understanding when it is useful to make information available to the wider public.

Let us be clear: in some circumstances, such information will now be made much more publicly available and people will know it exists. I suggest that the majority of people were not previously aware of the CEOP website and that they certainly did not know what was on it.

The Deputy Convener: Does the minister's response give you comfort now, Mr Purvis?

Jeremy Purvis: I have just one final, very brief—

The Deputy Convener: It will be the final one—have a go.

Jeremy Purvis: Am I right in thinking, therefore, that there will be new guidance from the Lord Advocate?

Cathy Jamieson: That is a matter for the Lord Advocate.

The Deputy Convener: That is clear. Ms Baillie wants to ask a supplementary question.

Jackie Baillie: It is less a question and more a statement, if you will indulge me, convener. I think that what the sub-committee has done is proportionate. I regret any suggestion that anything was being spun. We were clear that we wanted to signal a culture change. We wanted enhanced disclosure of sex offenders who were high risk, who had absconded, who were non-compliant in some way, or if their behaviour gave the police significant cause for alarm.

As the minister rightly said, the Lord Advocate takes a keen interest in such matters. I would expect the Lord Advocate to reflect that new context in her guidance. We will see more disclosures when disclosure is appropriate. The minister is right: the culture has changed and we have acknowledged that.

Cathy Jamieson: It is important to recognise that there was a desire and an agreement in all the different bits of the criminal justice system that public disclosure should be done in a sensible way that built on and used some of the existing work. That is why the CEOP site was felt to be appropriate for that particular aspect of disclosure. I hope that that is helpful to the committee.

The Deputy Convener: It is helpful to me and I do not feel entangled in any web whatsoever. Ms Baillie, you have another aspect to pursue.

Jackie Baillie: I do—public information. What astonished most of us in the sub-committee was the extent of current public notification, predominantly to third parties. I was astonished to hear that, almost on a daily basis, the police quietly and regularly go about telling people what they require to know, that social workers do likewise under a variety of child protection legislation and that they encourage sex offenders to self-notify. Had I known that as a parent, I would probably have been considerably reassured, but I did not—I just assumed that somebody was doing it. The sub-committee was strongly persuaded of the need to tell people what goes on every day to benefit us and to improve not just community safety but child safety, which is of paramount importance. On that basis, what are you going to do?

Cathy Jamieson: I will say a few words and then ask Maggie Tierney from the Executive's Education Department to give a bit more detail, because she has been working on the matter.

Like Ms Baillie, I am a parent and I understand the comments she made. A balance must be struck between giving people information about how the system works—information that will alert but not alarm them, to quote a former Home Secretary—to ensure that people are aware of the potential dangers and to let them know what to do in certain circumstances and who they can approach if they require information. That is why we need to work alongside what has been done on child protection, particularly to ensure that the materials that are produced cover all those bases. That is why our work in this area is being developed in conjunction with some of the other work that has been done on child protection.

Maggie Tierney (Scottish Executive Education Department): I will reinforce what the minister said. From the child protection point of view, we see public information about sexual offences against children as just one part of what parents and the public need to know. Our child protection strategies and structure, through child protection committees, focus on the range of potentially harmful situations into which children can enter.

A number of public campaigns are going on and there are a number of ways in which the public can find out what to do if they are concerned about a child. In light of the sub-committee's report, we make a commitment that, with child protection committees, we will consider what more we should be doing about child sex offenders and in particular third-party notification. We propose to seek child protection committees' views on whether what we are doing is sufficient or needs to be augmented.

We launched a 24/7 child protection helpline recently, which provides single-gateway public access to all local child protection providers, so that people can easily access the right service at the right time. The campaign is being rolled out in Scotland throughout 2007 and will be accompanied by local media activity. There will also be a poster campaign and leaflets on what someone should do if they are concerned about a child. Material on sexual offending will be included, but we will consider whether that should be expanded.

We are also working with Ian Fleming and colleagues from the Child Exploitation and Online Protection Centre down south on the think U know internet safety campaign, which has been rolled out through schools. The campaign offers another way of reaching children and showing them how to be safe, particularly from grooming and predatory behaviour in text messages and on the internet. Again, we will keep the campaign under review to ensure that it is meeting ministers' requirements.

Cathy Jamieson: It is worth reminding members that the MAPPA annual reports will be published and will cover more broadly information about the management of offenders, including sex offenders, by criminal justice agencies in different areas.

Mr MacAskill: The committee welcomes the Executive's intention to make training available to all court staff who work with child sex offenders, their victims and witnesses. However, given that judicial training is the responsibility of the Judicial Studies Committee, what steps can you take to encourage the judiciary to undertake such training?

Cathy Jamieson: The approach follows a key recommendation of the sub-committee, which was that we should try to ensure that training for everyone involved is as full as possible,

"in co-operation with the relevant agencies".

The Crown Office and Procurator Fiscal Service accepts the recommendation that training requirements for staff who deal with child sex offenders, victims and witnesses be reviewed. I understand that work is in hand to achieve that. There is also an opportunity for training for senior prosecutors who conduct and manage investigations, which was regarded as a priority. A programme was developed and piloted in November 2006, for delivery from 2007. Various other training programmes, which are appropriate for different staff grades, are being developed.

This is, strictly speaking, not part of the current review of training, but members will recall that a number of training programmes were put in place following implementation of the Vulnerable Witnesses (Scotland) Act 2004. Much of what

requires to be done in the context that we are considering can build on the work that has been done. Training is being put in place for court staff.

I accept what Kenny MacAskill said about the Judicial Studies Committee. Such matters will need to be considered and no doubt we will have an opportunity to discuss the matter with the judiciary. The Cosgrove recommendations on awareness-raising and training for the judiciary were implemented, but we will consider whether anything else needs to be done.

Mr MacAskill: The sub-committee recommended that people charged with sexual offences against children be granted bail only in exceptional circumstances. Why does the Criminal Proceedings etc Reform (Scotland) Act 2007 apply that restriction only to individuals who have a previous solemn conviction for a sexual or violent offence?

Cathy Jamieson: During the passage of the bill there was considerable discussion of bail. Ultimately, it is for the courts to decide who is bailable in particular circumstances. I know that the committee has expressed concerns about the issue, but there was some uncertainty about what the sub-committee was getting at in its recommendation. Did it intend that everyone who is charged with a sexual offence against a child at either summary or solemn level should be granted bail only in exceptional circumstances, and that that test should apply regardless of whether the accused has previous convictions? Or was the recommendation that the exceptional circumstances test should be extended to summary procedure and should apply to those with analogous summary convictions?

It is not in doubt that, as stated in our response to the sub-committee, the exceptional circumstances provisions in the Criminal Proceedings etc Reform (Scotland) Act 2007 will apply in the most serious child sex offence cases, where an accused has been charged with a child sex offence under solemn procedure and has previous solemn convictions for child sex offences. Those are the serious circumstances that concern us.

Mr MacAskill: My final question relates to intervention programmes. The sub-committee heard a great deal about STOP and other such programmes. Is it the Executive's intention to make intervention programmes available in all parts of the prison estate and, if so, when? How soon will community-based programmes be rolled out in all local authorities?

Cathy Jamieson: Others may want to comment on the community-based programmes. It is important to recognise that there are people convicted of sex offences in various prisons

throughout the prison estate; sometimes there is a misconception that sex offenders are held only in Peterhead. That is why it is important that interventions for sex offenders are seen as part of the overall approach to working with sex offenders, wherever they are in the prison system.

We have tried to give priority to developing and supporting the delivery of programmes for sex offenders, both in custody and in the community. The core STOP programme, the adapted STOP programme, the extended STOP programme and the community sex offender group work programme have all achieved accredited status. A significant amount of work is involved in getting programmes to that stage. Programmes are now available in Peterhead, Barlinnie, Edinburgh and Polmont young offenders institution. The community-based programme is available in 10 local authority areas. We have provided resources to support the staged roll-out of the programme which is now under way, to ensure that we get national coverage.

We will want to keep an eye on the programmes that I have mentioned, to ensure that the range of interventions that is available conforms to best practice and that we are able to learn from developments elsewhere.

The Deputy Convener: I thank the minister and her officials for their attendance today. We have had a detailed, comprehensive and helpful evidence-taking session; I was about to call it a discussion. Quite properly, the committee will consider at item 5 the evidence that we have heard today.

Subordinate Legislation

15:29

The Deputy Convener: Item 3 is consideration of subordinate legislation. There are four negative instruments for consideration today.

Scottish Police Services Authority (Staff Transfer) Order 2007 (SSI 2007/88)

Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Modifications) Order 2007 (SSI 2007/89)

Scottish Crime and Drug Enforcement Agency (Appointment of Police Members) Regulations 2007 (SSI 2007/90)

Management of Offenders etc (Scotland) Act 2005 (Specification of Persons) Order 2007 (SSI 2007/92)

The Deputy Convener: Members have indicated that they have no comments on the instruments. Are members content with the instruments?

Members *indicated agreement.*

Annual Report

15:30

The Deputy Convener: Item 4 is consideration of our annual report. This year's annual report has been drafted and has been circulated to all members. As the report covers the period to 2 April 2007, there are a couple of sections still to be completed. Members have indicated that they have no comments on the report. Are members content for the clerks to make any final minor changes?

Members *indicated agreement.*

The Deputy Convener: We will move into private session for the final item on the agenda.

15:30

Meeting continued in private until 15:40.

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