

JUSTICE 2 SUB-COMMITTEE

Tuesday 31 October 2006

Session 2

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JUSTICE 2 SUB-COMMITTEE

4th Meeting 2006, Session 2

CONVENER

*Jackie Baillie (Dumbarton) (Lab)

DEPUTY CONVENER

*Mr Kenny MacAskill (Lothians) (SNP)

COMMITTEE MEMBERS

*Alex Fergusson (Galloway and Upper Nithsdale) (Con)

*John Horne Robertson (East Lothian) (Lab)

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

*attended

THE FOLLOWING GAVE EVIDENCE:

Alan Baird (Association of Directors of Social Work)

Liz Burns (Scottish Federation of Housing Associations)

Detective Superintendent James Cameron (Association of Chief Police Officers in Scotland)

Alan Davidson (Association of Local Authority Chief Housing Officers)

Detective Inspector Ailsa Farmer (Association of Chief Police Officers in Scotland)

Nick Fletcher (Chartered Institute of Housing in Scotland)

Ewan Lundie (Scottish Prison Service)

Diana MacLean (Scottish Borders Housing Association)

Jane Martin (Association of Directors of Social Work)

Derek McGill (Scottish Prison Service)

Alan McKeown (Association of Local Authority Chief Housing Officers)

CLERK TO THE COMMITTEE

Jennifer Smart

SENIOR ASSISTANT CLERK

Claire Menzies Smith

LOCATION

Committee Room 4

Scottish Parliament

Justice 2 Sub-Committee

Tuesday 31 October 2006

[THE CONVENER *opened the meeting at 09:40*]

Child Sex Offenders Inquiry

The Convener (Jackie Baillie): Good morning. I welcome everyone to the fourth meeting of the Justice 2 Sub-Committee. Today we will continue to take evidence on our child sex offenders inquiry. This morning I welcome to the committee our first and rather large panel of witnesses. Alan Baird is the director of social work at Dundee City Council and is convener of the Association of Directors of Social Work's criminal justice standing committee. Next to him is Jane Martin, who is manager of criminal justice services at Dundee City Council. Both witnesses are representing the Association of Directors of Social Work. Detective Superintendent James Cameron is chair of the Association of Chief Police Officers in Scotland's risk management working group, and Detective Inspector Ailsa Farmer is the lead on the ACPOS violent and sex offenders register implementation team. Both are under the ACPOS crime business area offender management portfolio and are representing ACPOS. My goodness—the titles are impressive. Last but not least, I turn to Derek McGill, who is deputy director of prisons, and Ewan Lundie, the Scottish Prison Service's psychology adviser.

I will kick off with the first question, which is to the witnesses from the ADSW. Your submission is very helpful—we will incorporate much of it into our inquiry. Do local authorities have sufficient resources to implement fully what is required under the multi-agency public protection arrangements?

Alan Baird (Association of Directors of Social Work): I recently discussed the issue with the Scottish Executive. Clearly, there are big challenges in the implementation of MAPPA. It is important for me to say how much we support the new arrangements, which tighten further the controls relating to assessment and management of high-risk offenders. However, they are a bit of an unknown quantity as far as resources are concerned. We have agreed with the Scottish Executive that there will be co-ordinators in each of the eight community justice authorities and that there will be an additional co-ordinator in three authorities where the number of registered sex offenders is higher.

Given the increasing number of sex offenders, I have concerns about registration. Good risk assessment, risk management and monitoring of sex offenders is increasingly important. I do not think that the arrangements take account of holidays, sickness and so on. I am concerned that some authorities that have only one co-ordinator cover large geographical areas; south-west Scotland is a good example. I have asked the Scottish Executive to independently review MAPPA after 12 months to ensure that we pick up at an early stage any shortfalls or problems. None of us wants a lack of resources to result in increased risk in the community.

The Convener: Has the Executive agreed to hold such a review?

Alan Baird: Up to this point, the Executive has said that it is intended that the Social Work Inspection Agency will take sex offenders as one of the themes that it will review over the next 12 months. I am concerned that, with so much going on in the area—MAPPA is one small but important component of that activity—the detail of the arrangements may be overlooked.

The Convener: Those comments are helpful. I move on to notification. A number of people—about 3 per cent of the total—do not comply with the requirements of the sex offender register. Should they be treated differently as far as public notification is concerned?

09:45

Alan Baird: The ADSW is strongly opposed to public notification at any level. I was interested to hear the strong comments that were made at the committee's meeting of 3 October—there is nothing worse than being a parent in a situation such as those that were described.

We need to continue to consider a group of individuals who are some of the most difficult, complex and devious people that we must deal with in our professional lives, and we need to build on the significant progress that we have made during the past 10 years in managing, assessing and monitoring sex offenders, particularly in relation to our work with colleagues in the Scottish Prison Service and police in the community. Public notification and disclosure would not improve assessment and management of risk, so I strongly urge the committee not to go down that route.

The Convener: Would public notification improve the management of the 3 per cent of sex offenders who do not comply with the registration requirements?

Alan Baird: What difference would public notification make in relation to those offenders? Although sex offenders are among the most

compliant of offender groups that we work with, there will always be a number of people who do not want to comply. The issue is more to do with finding better ways of tracking offenders so that the 3 per cent figure is reduced to zero.

Mr Kenny MacAskill (Lothians) (SNP): Is there merit in the proposal to have two classifications of sex offenders—those who target adults and those who target children? Could the approach be supported by specific assessment tools and would it assist in management of sex offenders in the community?

Alan Baird: The straight answer is similar to the answer that I gave to the previous question: we do not support such classification. That proposal contains a dangerous assumption that a person who is convicted of an offence against an adult will not offend against a child. I would be concerned that such classification could lead to a concentration of effort that might create weakness in the system, because we might forget the potential risk to children from someone who had offended against an adult. Gaps in the system could open up and create problems. It is surely safer to maintain the current arrangements and to continue to build on the frameworks about which the committee has heard and will hear more during the meeting.

Mr MacAskill: Do sex offenders co-operate adequately with the authorities during assessment and management of risk? Can more be done to improve the situation?

Alan Baird: I will give a broad answer, because my colleagues are more in touch with the operational side of things. When I was a criminal justice manager in Scotland, I found that sex offenders were compliant and would attend appointments and programmes as requested. The question is what lies behind their compliance and what happens when professionals are not actively engaged with them.

Jane Martin (Association of Directors of Social Work): The conditions around registration are very limited and offenders are required to provide only certain details. There is therefore no ability to attach restrictive conditions to registration as there is in relation to probation orders. The application of restrictions would strengthen arrangements. We must ensure that breach procedures are followed robustly. Whether people breach a probation order or licence conditions, the breach should be acted on swiftly and robustly.

Mr MacAskill: How would conditions be attached to registration? Would you do that at your discretion, or would the court do it at the outset?

Jane Martin: Either approach could be taken. Some conditions on probation orders are applied from the outset, but a standard condition is also

applied to probation orders, which gives the supervising officer a reasonable ability to instruct. That approach allows some flexibility in placing restrictions around risk factors; for example, a person can be required to stay at home at certain times or to stay out of certain areas.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Would there be merit in making it an offence for the offender not to co-operate with risk assessment or in having a requirement for probation to be ended if it could be demonstrated to the Parole Board for Scotland or to the court that the offender was not co-operating? There is breach of licence but there is also obstructiveness, such as saying nothing. Could there be a mechanism for defining that?

Jane Martin: Some offenders will not fully comply with the risk assessment process but will comply with all the other elements of the treatment programme and keep all their appointments, so such a system would need to be balanced against the overall context of the offender's behaviour.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): As Mr Baird rightly noted, the committee's existence is due largely to the efforts of Margaret Ann Cummings, who petitioned Parliament and gave very emotional evidence to the committee at our previous meeting. She feels that her son might—I emphasise "might"—still be alive today had there been public notification. I hear what Mr Baird says about being against a general public notification scheme, but is there no case to be made for such a scheme for child sex offenders? I think that the question has largely been answered, but I want to tie you down on it.

Alan Baird: I do not feel that there is a case to be made and that has been my position as a director and practitioner over many years. In fact, I worked in the area from which Ms Cummings comes. General public notification is not the answer to the problems. We must work openly with sex offenders—society cannot afford for them to be driven underground, but we know that that will happen if such a scheme is introduced. We know about the networks that exist in prison and the community, and the ability of sex offenders to disappear vexes all the agencies that are working together. I understand and sincerely sympathise with the view that public notification is a good thing, but I have to say that there is no evidence for that.

Alex Fergusson: I assume that you have nothing against the degree of notification that is currently used, which the police and social work services operate in cases in which it is deemed necessary.

Alan Baird: That is the point. Powers are available to chief constables and other staff within

the police service that are used. That is done jointly with social work services. That is how we have worked for a long time. It would be worth while to evaluate the use and effectiveness of the chief constables' powers in cases in which a risk assessment says that there are high risks to a particular individual, street or community. We need to build on that and not go for a high-risk strategy.

Alex Fergusson: You mentioned the joint working between social work services and police in cases in which a degree of public notification is used. In your experience, is that joint working uniform throughout the country or could it be improved?

Alan Baird: It can always be improved. About six years ago, partly in response to the Sex Offenders Act 1997, Detective Superintendent Cameron and I were instrumental in the co-location of police and social work services in a facility that was the first of its kind in Scotland. Different models work well in different parts of the country. Dundee is a comfortable size for such co-location, but Strathclyde's having 12 police divisions might pose challenges.

The important point is that we get consistency in how we assess, manage and monitor sex offenders. Risk matrix 2000, which I know the committee has heard about previously, is the kind of tool that we need to get consistent. The information sharing steering group, which was chaired by the then Solicitor General for Scotland and of which I was a part, highlighted the importance of information sharing. We need effective communication, whether through information sharing or working together. Most if not all the inquiries that have been held in Scotland and in England and Wales show that communication is absolutely fundamental to effective joint working. We need to build on that.

Alex Fergusson: I will take a slightly different tack, although it is still related to sexual offences against children. We have all become aware of the large number of sexual offences against children that originate within their domestic, or close, surroundings. You mentioned risk matrix 2000. How do your department and profession go about protecting children from potential sex offenders? How different is that aspect of your work from protecting the public from people who are already on the sex offenders register?

Alan Baird: The other side of the coin from dealing with sex offenders is the child protection agenda. Members of the committee will know about the important work of the national reform programme over the past three years. Our submission is a joint submission from the children and families and criminal justice standing committees of the ADSW. I chair the child protection committee in Dundee.

On the prevention side, there are good examples of on-going work that is linked to the national standards and frameworks that were part of the national reform programme. I know that in one of the Ayrshire authorities good use was made of theatre groups as a prevention tool. In Dundee, we have put together a DVD that will accompany a resource training pack, which will be rolled out to all the schools in Dundee in the next two years.

We need to keep working on such initiatives in the prevention and education side. Parents need to be involved in that, too. We emphasised such ways of educating the public in relation to child protection. Dealing with sex offenders represents a newer challenge, although it is the other side of the coin. Greater awareness of the dangers, particularly from within the family, is building up in Scotland and we know that stranger danger is a much smaller problem. That is not to minimise it, but we need to keep the numbers in perspective.

Alex Fergusson: So it is about education, communication and information.

Alan Baird: I believe that those are essential.

Jeremy Purvis: I move on to treatment, if we can call it that. The written evidence that we received from the ADSW said:

"Accredited programmes should be available for those sex offenders, assessed as appropriate, irrespective of whether the court's disposal is imprisonment or community-based."

How many programmes are there throughout Scotland? Would each local authority have a suite of programmes, or are the programmes co-ordinated in a different way?

Jane Martin: Each local authority will have developed its own response to sexual offending, which will depend on the size of the authority and its ability to deliver group work programmes. We now have an accredited programme called the community sexual offending group work programme, which I think was accredited about two years ago and which is now running in 11 local authorities throughout Scotland and is being further rolled out as we speak. The programme, which is a group work programme for adult males, has been proven to work; it is founded in research. Some sexual offenders will not be appropriate for it, but the vast majority of people with whom we work are. The programme will provide a measure of consistency in terms of sheriffs being aware of what the programmes do. It will also tie in closely with the programmes that are delivered in prison. Offenders who have done programmes within prison will be able to come out and do part of it in the community.

Jeremy Purvis: How is the programme funded?

Jane Martin: It is funded through the Scottish Executive's 100 per cent funding of criminal justice social work services.

10:00

Jeremy Purvis: What is the timeframe for making the programme available in all local authority areas? So far, it is available in less than a third of them.

Jane Martin: The group work programme may not become available in all local authority areas because some local authorities will not be able to deliver it. They will have to consider the geography of their areas. A clear timescale has not been set but, as I said, the programme is being rolled out in some of the bigger authorities as we speak.

Jeremy Purvis: We can raise that with the Executive.

Is the programme for individuals who self-refer or seek help voluntarily, or is it for those who committed offences prior to the Sex Offenders Act 1997? Are there separate mechanisms for such people?

Jane Martin: The programme is for convicted adult males—an individual needs to meet that specification before he is offered a place. We would try to work with the type of people you describe in another way, probably on a one-to-one basis.

Jeremy Purvis: Do all local authorities have the capacity to do that?

Jane Martin: Most local authorities would try to deliver a service to such individuals, but not in a group work setting.

John Home Robertson (East Lothian) (Lab): Jeremy Purvis mentioned people who self-refer. Another category of people who may be of concern was drawn to my and Kenny MacAskill's attention during a visit to Lothian and Borders police. Offenders who were convicted prior to the implementation of the 1997 act are not automatically put on the register if the victim was over 18 and the sentence was of less than 30 months. It has been suggested that a batch of people in the system are probably a risk but are not on the register. Obviously, some of them may not self-refer. Are you worried about that? Should we put them on the register and bring them into the system?

Jane Martin: The police witnesses will probably speak about that in greater depth than I can. If our opinion as responsible authorities is that such individuals present a risk, we would discuss them and consider what needs to be put in place to manage the risk. From a social work perspective,

if we do not have a statutory involvement, our locus is fairly limited.

John Home Robertson: We will come back to that issue with the police.

What sort of work is entailed in supervision of high, medium and low-risk sex offenders? That is a rather general question, but it gives you an opportunity to outline the procedures.

Jane Martin: Obviously, that depends on the nature of the order and the risk grading. In criminal justice social work, we work to the national objectives and standards for social work services in the criminal justice system, which set out minimum standards of contact with those who are on probation, on licence or on other orders. With sex offenders, frequency of contact far and away exceeds that which is specified in the national standards, probably regardless of whether the offender is low or high risk.

On supervision, when someone is on probation, an action plan for that individual is agreed at the point of sentence, which includes how frequently we will see them. They may be on a treatment programme, as described earlier, in which case that will be a specific part of the probation plan. Those who are on the accredited programme, the CSOGP—which involves 75 sessions and about two and a half hours' work a week—will in addition have a supervising social worker who works with them and deals with issues that arise from the probation action plan. The input is intensive.

With registered sex offenders, there is always liaison with the police and, generally, home visits are undertaken, either unannounced or announced. We work to the specific assessment of need for the individual. Although people work through the standard programme, the supervising officers carry out work that depends on the individual nature of the offender.

John Home Robertson: That is a helpful and reassuring answer. Is such a degree of supervision and management in place in every local authority area in Scotland?

Jane Martin: It is fair to say that every local authority will be exceeding the national standards.

Alex Fergusson: I represent Galloway, so I am interested in how the system works in rural areas. During a recent visit to Dumfries and Galloway we were told that the way in which funding is delivered for supervision and the other input that you described is based on numbers rather than anything else, which leaves rural authorities and agencies with a resource problem. Is that a fair comment?

Alan Baird: It probably is a fair comment. We have been working on funding formulas with the Scottish Executive for many years. The perfect

solution does not exist. However, it would be wrong to suggest that allocation of resources is based only on numbers. Many other indicators, such as multiple deprivation, are taken into account.

Alex Fergusson: My question reflected my interpretation of the situation rather than what was said. I was trying to say that the funding formula militates slightly against rural authorities.

Alan Baird: During discussions over the past few months, a sub-group again attempted to come up with a better system, although I suspect that the better system is somewhere in the ether and that the current formula is probably the best that we can get. However, I accept that in rural areas in particular there are difficulties to do with economies of scale.

John Home Robertson: The location and type of accommodation that is suitable for child sex offenders is a very difficult issue. Is higher priority given to locating offenders close to support and monitoring systems, such as social work and police, or is it more important to keep offenders distant from possible targets for attack in schools or playgrounds? I suspect that the authorities take account of both factors.

Alan Baird: Perhaps the police representatives want to have a go at answering that.

Detective Superintendent James Cameron (Association of Chief Police Officers in Scotland): That is obviously a challenging question.

John Home Robertson: I have never seen the buck passed so fast.

Detective Superintendent Cameron: The vast number of child sex offenders return to where they came from. Local authority housing stock is diminishing throughout Scotland, so authorities and the police face an increasing challenge in identifying suitable accommodation. There is no perfect solution—I am afraid that there is no 100-per-cent-sure system that can prevent offending.

John Home Robertson: Clearly not, but, how important is it to the agencies that are represented here to have easy access to people? I presume that the location of someone at a considerable distance from a local authority office or police station stretches resources for that person's management.

Alan Baird: I will take the buck back from my colleague.

The answer depends on the environment in which people work. Dundee is a smaller geographical area than Dumfries and Galloway and faces different challenges. Wherever a person is in Dundee, social workers are generally close at

hand, but that does not mean much because we cannot watch sex offenders 24 hours a day. In areas such as Dumfries and Galloway, communities can be more discrete and a sex offender's location in a small village can be more apparent.

What are important are the environmental scans that are carried out before a person is released—or, indeed, while they are in the community—to find out whether anything in the area might increase any risk to the community. However, if, as Jim Cameron says, the people who are released from prison generally go back to their own house or to the same area, we have to manage that risk. That brings us back to the importance of ensuring that the key agencies have good co-ordinated working relationships.

John Home Robertson: Much store has been set by the need to find locations that are some distance from obvious targets such as schools, play areas and swimming pools. Given that we are dealing with fairly devious people who are likely—and are able—to move around in search of targets, is that such a big deal?

Alan Baird: One aspect of that issue is public confidence. As we professionals need to give the public confidence that we are on top of the responsibilities that we have to discharge, we must use every possible tool, mechanism and piece of joint working to ensure that we minimise risk, regardless of where an offender ends up living. Sex offenders who are determined to seek out prey will do so. However, with each sex offender, we have to pick up, where possible, any indicators that might emerge and respond accordingly.

Jeremy Purvis: I am not entirely clear from the ADSW's written evidence whether it supports the introduction of specialised courts to process allegations against sex offenders. Although you give good reasons for establishing such a mechanism, you then add a caveat.

Alan Baird: That is in section 4 of our submission. We have to be careful about the number of specialised courts that have been introduced in Scotland. For example, although there is good evidence that progress has resulted from the introduction of drugs courts and youth courts, people are now calling for domestic abuse courts and other courts to deal with specific matters. We could go on and on introducing more specialised courts.

That said, we could take further steps in Scotland to make the process of appearing in court a much warmer experience for witnesses and victims of abuse. I am not sure that we have achieved as much as we can achieve in that

respect, because, after all, we still operate an adversarial legal system.

I am not sure what the answer to your question is, but we certainly know that the current conviction rates are not very good and that plea bargaining is still a major problem. Moreover, situations in which an individual might have committed an offence but has not been prosecuted pose major challenges for agencies. Although they know that there are risks out there, they have no statutory basis on which to assess, monitor and manage those offenders. Our submission simply highlights certain issues that need to be looked at if we are to improve children's chances in that environment.

Jeremy Purvis: I appreciate those comments, but, for the sake of clarity, are you recommending the introduction of specialised courts at this stage?

Alan Baird: No.

The Convener: On your last response, Mr Baird, would it be fair to draw a distinction between how vulnerable witnesses are treated in the courts and how the Procurator Fiscal Service prosecutes some of those cases?

Alan Baird: Yes, convener.

The Convener: I think that the two issues that you raise require separate solutions.

Thank you very much for your evidence. Although we do not have any further questions for you at the moment, I ask you not to leave. We might well come back to you.

I now turn to ACPOS. Can you explain to the committee what you do with information about potential sex offenders? I am thinking about allegations, intelligence and information about people in the category that John Home Robertson outlined, who were convicted prior to 1997. What do you do with that information and how do you use it to protect the public?

10:15

Detective Superintendent Cameron: We use the information to form some of the risk assessment, using some of the risk assessment tools that we have. We form the action plans on the back of that.

It is important to mention the pre-1997 act group, as that group exerts pressure on police resourcing. The Evans report suggests that we should manage and monitor all unregistered sex offenders, including people who offended in the 1930s and 1940s. In my view, that is aspirational. Approximately 3,500 individuals are on the current register, and that figure can be multiplied by 10 to give us the number of unregistered individuals. It is also suggested that one monitoring officer

should be responsible for 50 offenders, but we would need another Scottish police service to comply fully with the Evans report's recommendation on unregistered sex offenders. That is a challenge.

The information that we use is more current information about both registered sex offenders and those who have come off the register but about whom we are still concerned. We have to prioritise in some way, and we prioritise the information that influences what we think the risk is.

The Convener: Would it be fair to say that you prioritise on the basis that something that is current will be dealt with and that anything that is in the past and is no longer a cause for concern will be ignored?

Detective Superintendent Cameron: At the moment, that is the case unless something else adds to that.

John Home Robertson: The convener said that information is ignored—I hope that it is not ignored.

If any of you are concerned about an individual who is not caught by the terms of the 1997 act I take it that it is open to you to put them on VISOR.

Detective Superintendent Cameron: Yes. If there is any concerning behaviour on top of what we already know, we will do that. Some individuals from back then are on the register; however, not all the 30,000 individuals are on VISOR.

John Home Robertson: Obviously not. We have identified a group of people who are a worry, but you have made the point that there are an awful lot of them. It would probably be physically impossible—and unnecessary—to bring them all into the net at this stage. Is ACPOS or anybody else suggesting that Parliament should consider amending the legislation to address that group of people?

Detective Superintendent Cameron: Amendments could be made to the legislation that would harness some of those aspects, although any amendments would have to include registered sex offenders as well. I am strongly of the view that a registered sex offender should be subject to some form of order. As you have heard from our colleagues in social work, after a while, someone's licence for probation drops off, but they can remain on the sex offenders register. A big element of the supervision process drops off, and it is left to the police to monitor sex offenders for two to three years, irrespective of what conditions were previously on their licence.

My view—which would pose resourcing issues for my social work colleagues—is that, if someone is on the register for five years, conditions should

be set for them for those five years, and it would constitute an arrestable offence for them to breach those conditions, as is the case with a probation order. That would allow us to take individuals back to court swiftly if there were concerns about their behaviour during that time.

John Home Robertson: That deals with people who are on the register. I am asking about the people who were convicted before 1997, whose victim was over 18 and whose sentence was less than 30 months. They are not on the register.

Detective Superintendent Cameron: The people that you are talking about are only a small section of the unregistered offenders. This goes far wider than the limited number of people that you are talking about. If someone has a conviction for a sexual offence, we can take out a sexual offences prevention order against them, which will allow us to harness them under the registration process. There are already the means to do that if there are specific concerns about individuals.

John Home Robertson: I am asking specifically whether there is anything about that group of people that worries you and whether Parliament could help you by giving you the tools that you need to address the risk.

Detective Superintendent Cameron: That would require a whole inquiry of its own because of the impact and scale of the issue.

Jeremy Purvis: I have a brief supplementary question. Is ACPOS of the view that there are currently people on the sex offenders register who should not be on it?

Detective Superintendent Cameron: In 2003, the legislation was extended to cover other categories of offenders. Whenever there is press coverage of any incident, there is a wide-ranging statement about what sex offenders are doing. However, a range of individuals on the sex offenders register, including those who have committed what I would describe as minor sexual offences, pose the lowest level of risk. There is never no risk, but those individuals pose the lowest level of risk to the public. Nevertheless, they all count as sex offenders.

Jeremy Purvis: Does that cause a bureaucratic or financial burden, or is it just a misconception by the public that anyone on the sex offenders register poses a risk to society or to children? Do those individuals simply sit latent on the database, requiring no resources, or could resources that are currently spent on managing them be directed better towards those who pose a higher risk?

Detective Superintendent Cameron: They are not latent when they are on the register; they are managed irrespective of the level of risk that they pose. They all take time and resources. As I said,

there is never no risk. There is always the danger that, as soon as someone is categorised as posing a low level of risk and disregarded because they are taking up resources, they will commit some pretty horrific crime. I do not think that we can afford to allow that.

Jeremy Purvis: So, you are comfortable with the categories of people that are currently on the register.

Detective Superintendent Cameron: I am not comfortable with the number of people who are on the register because of the resources that are required to manage them. I think that the ones who pose the lowest risk could be managed effectively in another way. The Irving report leads on to that by saying that the ones who pose the lowest risk could have an annual visit from community cops to verify that the situation has not changed. That might help to reduce the pressure on the officers who manage those who pose a higher risk. However, we are not there yet.

The Convener: Let us move on. Can you give us an explanation of the workings of VISOR, which seems fascinating to us? How will it be introduced into police forces? What are your plans for sharing the system with your social work colleagues and the Scottish Prison Service?

Detective Inspector Ailsa Farmer (Association of Chief Police Officers in Scotland): VISOR is already in use in all police services in Scotland, England, Ireland and Wales. It has been in use in Scotland since the end of 2004, and all police forces now use it as their management tool. People who have convictions for sexual offences and who are managed are placed on VISOR, so it is a management tool, although it holds intelligence as well. It holds all the information on the offender's nominal.

I can come back to intelligence if you like, but I will move on to deal with your question about how we intend to share VISOR with our criminal justice partners.

At present, we work with local authorities to provide access to VISOR to the criminal justice social workers who are the responsible authorities for the management of offenders. We also work with the Scottish Prison Service to ensure that it has access to VISOR within its establishments. At present, the information is shared through the joint management of offenders. The difference that VISOR will make is that all the information will be stored in one location and on one application.

The benefit of that is that there will be one source of information, although the Prison Service will keep its own databases. The police service also has an intelligence database, and social work services have their own databases. Nevertheless, all the information for an offender's risk

assessment will be held on VISOR, as will all the information for the offender's management plan and all the actions relating to management of the offender.

VISOR has done away with the boundaries between agencies and between police forces. If an offender moves from England and Wales to Scotland, there is no longer any delay in waiting for records to be transferred to the relevant force. By that time, the offender has often moved on again, because he knows that the police are aware of where he has moved to. Records will be available on the system. Each offender's nominal will have an owner—the person who has prime responsibility for the management of the offender as they move around the country. That person may be a criminal justice social worker in a local authority or a prison officer, if the offender is in a prison establishment. That is how the information is held.

The Convener: That is interesting. I like the idea of one person being in charge of each case and taking lead responsibility, because often people fall through the net. I am very encouraged to hear that it is a joined-up system. I hesitate to ask how it relates to all the other bits of information that are available, such as the sex offenders register. Do they speak to one another? Is there truly one system, or is VISOR one system among many?

Detective Inspector Farmer: VISOR is truly one system for the management of offenders. Within the application, information is put into what are called attachments—small pockets in the system—so that it can be accessed readily. If you want to access information on risk assessments that have been carried out on an offender, the details can be found in that part of the application. If you want to see what management plan is in place and who is involved in it, you can look at that part of the application. There are different levels of access within the application, because there are celebrity offenders on whom not everyone needs to have information. Within the system, information can be restricted to those who need to know.

At present, VISOR is not linked to anything other than the police national computer. Offenders who are on VISOR will have a conviction, so details of their conviction and registration requirements will already be on the police national computer. The existence of the link prevents duplicate nominals and ensures that information about the right person is transferred across to VISOR.

There are plans to link VISOR to the Scottish intelligence database, to which the eight Scottish police forces, the Scottish Crime and Drug Enforcement Agency and the Serious Organised Crime Agency—formerly the National Criminal Intelligence Service—have access. An automated

interface between the two applications is being tested. That would be beneficial in respect of intelligence, which is one area that is attached to VISOR. Every small piece of information will form part of a management plan. Information such as whether an offender has had a visit or has a new car is intelligence. Local officers on the street need to know that an offender has a new car, so that they can gather intelligence and information on him. They do not need to know anything else about him, because they are not involved in his management.

An interface is being developed to ensure that when a record is updated on VISOR the information will automatically be transferred to a gatekeeper in the Scottish intelligence database, provided that the record has been populated with a Scottish intelligence database unique reference number. The data do not flow freely, so we know their source and can manage and cleanse them before they are placed on the Scottish intelligence database.

An offender who is on VISOR in Scotland will always be on the Scottish intelligence database, too. When someone updates a record on the Scottish intelligence database, instead of having to double-key they can submit the information so that an automatic message goes to the owner of the nominal to advise them that the record has been updated. The owner may be someone in the Scottish Prison Service or in criminal justice social work. They do not have access to SID and may not automatically be given access to the information, which can be locked down. However, if they need to know it to manage the offender, the information will be passed to them. They will be aware that there is new information and will be able to inform the police service that someone has updated the record and to request the new information.

The Convener: When will the link be put in place? We were very encouraged by the evidence that we took from the Scottish Criminal Record Office on that development.

Detective Inspector Farmer: We hope that the link will be in place by spring 2007. It is being tested on test applications. After the finer detail has been dealt with, we will test it on live applications.

10:30

The Convener: You dangled the prospect of VISOR capturing intelligence for the current cohort of sex offenders who are being monitored. What will happen with those who were convicted pre 1997?

Detective Inspector Farmer: As James Cameron mentioned in answer to a previous

question, police practice is that when such offenders come to light, a record is automatically created for them on the Scottish intelligence database regardless of whether they are reconvicted. That information causes a marker to be placed on the Scottish Criminal Record Office's criminal history system, so that everyone can see that intelligence is held on that nominal. If the person is convicted or is a cause for greater concern such that they need to be managed in the community, a record will be created on VISOR so that the risk can be managed.

The Convener: Is the level of risk assessed and a decision then taken on what should be done as a consequence of that?

Detective Inspector Farmer: A record would automatically be created on the Scottish intelligence database. If any subsequent information comes to light that might cause the risk to increase, that can be managed through the Scottish intelligence database.

The Convener: That is helpful.

Jeremy Purvis: I have a question on the links to VISOR. How is a nominal removed from VISOR? Like other MSPs, I have had a constituency case concerning a constituent who denied that an incident took place. Their details were placed on the intelligence database but were subsequently removed from it after a decision by the chief constable. Are such details automatically removed from the whole system? If not, the social work department in the individual's council area will have information that the chief constable has accepted should not be on the intelligence database.

Detective Inspector Farmer: I will cover the VISOR aspect of the question and James Cameron can pick up on the other point.

Once a nominal has been created on VISOR, it is never removed from the system. When an individual falls off the register or is no longer required to be on it, the application is able to archive the nominal. The benefit of that approach is that, if someone searches for a nominal in VISOR in subsequent years, the system will say that an archived record exists for that person. The person's details will always be held on the system. That also means that, once we have the link between the Scottish intelligence database and the VISOR application, if someone ceases to be on the register and their details move into the VISOR archive, any updated intelligence that is placed against that nominal in the Scottish intelligence database will still send a message to VISOR because a record for that person is still held on VISOR. When that happens, people will be able to see that the record is in the archive and reassess whether it needs to come out of the

archive so that the person can be managed again because more information is coming in.

Jeremy Purvis: My question was not about people who have been on the register but about those whose details have been placed on the intelligence database even though they have no conviction. In my constituent's case, an entry was placed on the database after a police report, even though the local procurator fiscal decided that there should be no proceedings. That entry has now been deleted. However, you seem to be saying that, once those details were transferred across to VISOR, they cannot be deleted from VISOR.

Detective Inspector Farmer: Once a record has been created on VISOR, it will always be on VISOR or on the VISOR archive. Information on convictions is separate from intelligence—

Jeremy Purvis: Sorry—I probably did not make myself clear.

Information is transferred between VISOR and SID. When information is placed on the intelligence database, is a record also created on VISOR that then remains for ever because VISOR accepts only one-way traffic for intelligence? Alternatively, is the information on VISOR just a link to the intelligence database so that, when the information is deleted from that database, there is no longer any information to which VISOR can link and, therefore, no reference to the information on VISOR?

Detective Superintendent Cameron: We have two systems. SID holds intelligence, whereas VISOR generally holds conviction-based information. Therefore, the information to which you refer will be not on VISOR but on SID.

Holding such intelligence brings its own challenges for the police. It would take a brave person to delete information—I would be tempted to do so only if I was 100 per cent certain that an incident did not happen—because the person might apply later for a disclosure certificate based on the fact that no record was held on him on SID. If allegations had been made but were never proven, it would be a brave person who would remove the information totally. I cannot say that that would apply in every case, because mistakes will sometimes be made, but we are left with some difficult decisions.

Jeremy Purvis: We task chief constables with being brave and I guess that what you said is confirmation that decisions that they make are not archived on VISOR.

Detective Superintendent Cameron: Leave VISOR out of it, as it confuses the situation; we are talking about SID. If the chief constable tells me that a record is to come off SID, it will come off

SID; it may never have been on VISOR, so VISOR is a bit of a red herring.

Mr MacAskill: Does police assessment of risk include a formal risk assessment, which would seem to require the co-operation of an individual who might not volunteer to co-operate? On what basis is risk assessed and how do you manage to carry out risk assessment? How easy is that for officers? Do they have specialist training or accreditation? Do they undertake risk assessment with social workers? What is the state of play with joint training on common assessment tools for the various agencies?

Detective Superintendent Cameron: There is joint training on risk matrix 2000. All the police officers and social work colleagues who are involved have gone through that training, which is of a national standard and is accredited.

Will you lead me back to the first part of your question?

Mr MacAskill: It was about the fact that risk assessment requires co-operation from the offender, who might not volunteer such co-operation.

Detective Superintendent Cameron: The legislation requires a lot of compliance from the individual who is subject to registration. By and large, such individuals comply, as you heard from the figures that were given earlier. However, the legislation simply says that they will furnish the police with various details on registration and on annual re-registration. There is no compulsion to take part in risk assessments, but the vast majority do so. I have had a number of solicitors' letters telling me to keep my officers away from their clients and that we have no grounds to come and see them, let alone ask them to take part in any risk assessment, but that is in a minority of cases.

Mr MacAskill: Is there any need for additional powers or other legislative changes to address that small minority? It is a minority, but it is clearly of great concern.

Detective Superintendent Cameron: If you gave me the orders for the period of registration for which I asked earlier, that issue would be addressed simply.

Mr MacAskill: Are sufficient resources in place to monitor and assess registered sex offenders adequately? Do you have sufficient resources to implement the MAPPA requirements?

Detective Superintendent Cameron: There are two answers to that. I have already mentioned that we do not have enough officers to cope with the Evans report's recommendations, but the recent Irving report, which I welcome, makes a specific recommendation—I think that it is recommendation 29—that police forces should

review the amount of resource that they have in place for registration. The new MAPPA requirements will force our hand in that regard, but Professor Irving's recommendation also says that we should go back to the Scottish Executive and tell it what is required. I think that a lot will be required.

Alex Fergusson: I apologise that I had to leave the committee briefly—I may have missed answers to some of my questions. What is ACPOS's view on the public notification proposal that has been made to us? I think that I know your answer, having met you in Dundee, but I ask you to expand on it.

Detective Superintendent Cameron: I simply mirror the earlier response from my social work colleagues: we are against the idea. We have in place a means by which we can disclose the information. Particularly when a situation relates to a child, there are family protection means, rather than sex offender means, by which to disclose information for the child's protection. That would take care of a large percentage of the cases to which the proposal would apply. We already have the means to disclose information to individuals if we have specific concerns, but they must be specific. There is some case law on that from down south that informs our opinions north of the border.

Alex Fergusson: I hear what you are saying—a pretty clear message is coming from you all on this. Would public notification be a hindrance in assessment and management, or is there any way in which it might help?

Detective Superintendent Cameron: It would be a hindrance in terms of knowing where the individuals are. It would also give the community at large a false sense of security.

Alex Fergusson: We have heard that you get a lot of co-operation on the whole, which is encouraging. Can anything be done to increase the amount of co-operation that you get, or do we have to accept that we will have 3 per cent who do not co-operate and that is that?

Detective Superintendent Cameron: At the moment, the fact that only 3 per cent do not co-operate is encouraging. There will always be 3 per cent who do not co-operate; we cannot do a lot to improve that. However, we should try to achieve some means by which we can return someone to court swiftly as soon as there are concerns.

Alex Fergusson: Is it possible to identify the 3 per cent of unco-operative offenders? Can you say, "This type of offender will not co-operate," or do those who do not co-operate cover the broad range of offences that lead to people being on the register?

Detective Superintendent Cameron: They cover the broad range of offences. There is neither rhyme nor reason as to why someone does not want to comply. However, there are a challenging, critical few for whom we need to find a different approach. When it comes to those who are, and will always be, a high risk, I do not think that we can continue to manage the situation on a day-to-day basis. We need to find something else for them.

Alex Fergusson: I would be very surprised if you did not have an idea of what that something else might be. Do you?

Detective Superintendent Cameron: Once a number of agencies or committees decide that a person is an ultimate danger, there needs to be some form of imprisonment or tagging for them. However, that has to be an exceptional decision.

Jeremy Purvis: My questions are on the type of disclosure and the circumstances in which it will be provided. The committee was helpfully provided with the decision in the 1999 case of R v a local authority in the midlands and a police authority in the midlands, which I found interesting. Judicial review was granted because the police force and the local authority had disclosed information but had not applied the pressing-needs test. In Scotland today, if allegations had been made against an individual working for a bus operator that was contracted to transport children, that would come up in an enhanced disclosure. The allegations would be on record in perpetuity, because it would take an extremely brave individual to take them off. That would not involve the pressing-needs test; the information would be there. That is the current process under enhanced disclosure in Scotland.

Detective Superintendent Cameron: Yes, but the pressing need at the time would be to tell any individual, not necessarily specific organisations—we are talking about something that was pre-enhanced disclosure certificates.

Jeremy Purvis: That is my point. In Scotland, do we have a system whereby an employer or potential employer will receive information every day of the week?

Detective Superintendent Cameron: Yes. The disclosure for which we are empowered goes further than enhanced disclosure certificates. If we thought that there was a threat to you this afternoon, we would come and tell you, if there was a pressing need to do so.

Jeremy Purvis: Indeed. I will come on to the mechanism for doing that in a moment. My question relates to part of the argument from the petitioners and those who are in favour of a more radical change. In the case in England, the pressing-needs test was not applied. Things have

moved on in Scotland since 1999. Bichard recommended that we go beyond where we are today with routine disclosure. Disclosure would be relevant, because it would be connected to the type of employment or activity. Are the police comfortable with the routine disclosure in the disclosure system, under which information can be divulged to employers without the type of restriction that we saw in the letter that you gave us, which said that the information was strictly confidential? That does not come with enhanced disclosure.

10:45

Detective Superintendent Cameron: The enhanced disclosure takes care of a large part of that. The procedure would reveal sex offenders from some time ago, because of their criminal history.

Jeremy Purvis: Forgive me for interrupting, but would those who are mentioned in police intelligence or reports also be revealed in that process?

Detective Superintendent Cameron: Yes—any intelligence will come up in the enhanced disclosure procedure.

Jeremy Purvis: Does that include cases in which no conviction was made?

Detective Superintendent Cameron: Yes.

Jeremy Purvis: So that is much wider than the sex offenders register.

Detective Superintendent Cameron: Yes. The case that you mentioned related to the pressing-needs test, to which I still hold. However, that test is not used for employment matters; it is used when individuals in the community may be at risk from someone.

Jeremy Purvis: So you use a mechanism for informing people who are not directly relevant to an offender's activity. That mechanism is outwith the disclosure mechanism that we have under the present law in Scotland for other third parties. Is it used under the authority of the chief constable? Will you outline the mechanism that is used when you think that an individual should be provided with information about an offender?

Detective Superintendent Cameron: We assess any information that gives us concern about a risk to an individual—we do that daily. If we consider that a pressing need arises to tell the individual about that, we will do that. However, we can proceed in other ways. For example, we can use the self disclosure process, in which we go along with the offender and they tell the individual whom we think is at risk about themselves. That happens in several types of situation. If an

offender refuses to do that, we try other means by which to reduce the risk. Disclosure is the last resort, as was the case under the original guidance. I hold by that. We need to consider other methods. For example, we have asked offenders to move house, which they have done. There are other ways of disclosing or negating the risk before formal disclosure has to come about.

Jeremy Purvis: Some members had a visit to Dundee, for which we are grateful, as it was extremely helpful. The sub-committee has been provided with a copy of the letter that is used for notification. What is the mechanism and how is the situation controlled?

Detective Superintendent Cameron: If we go to formal disclosure, that must be backed up in writing to the individual to whom the information is disclosed. However, it is not good enough simply to send a letter to someone saying, "By the way, you are at risk." A police officer will hand-deliver the letter and explain what it means and what the risks are. They will not necessarily disclose the convictions that an individual has, but they will disclose sufficient information to allow the person to take reasonable steps to protect themselves. In my view, that is a last resort, because we should try other approaches. We do not have statutory powers to tell people where they can and cannot live, but where a person lives might affect our decision on disclosure.

Jeremy Purvis: I have two further brief questions. Do we know how many times third parties have been notified in that way?

Detective Superintendent Cameron: In short, no, but it is common practice.

Jeremy Purvis: The reason why I ask is that there is pressure for a Megan's law equivalent in Scotland, but we are not aware of how many times police forces—and local authorities, under the child protection route—have decided to disclose such information, say, so far in this calendar year. Does ACPOS collate information on that?

Detective Superintendent Cameron: That information is not collated, because we take many actions to avoid having to disclose. Today in Scotland, five people may be asked to do something differently from the way in which they have been doing it. That is part of the disclosure process—it is not as though we have simply written 10 letters today and disclosed information to 10 people. There is a whole process to go through.

Jeremy Purvis: We would be glad to have information on that.

My final question is on one of Professor Irving's recommendations that is connected with disclosure. He recommended that a warning

system for notification be set up. Is ACPOS considering that? What is the state of play with regard to that recommendation?

Detective Superintendent Cameron: I am not aware of ACPOS's current position on the matter.

Jeremy Purvis: Could you provide us with more information on that?

Detective Superintendent Cameron: Yes.

Alex Fergusson: The penultimate sentence in the letter of notification states:

"I re-iterate that the information you have been given is **"strictly confidential"** and must **NOT** be passed to any other individual."

I imagine that if the person who receives such a letter then spreads that information, the offender themselves can be put at risk. Is there any comeback against an individual who does not respect what I take to be a request rather than a command?

Detective Superintendent Cameron: It is a request, not a command. I should point out that, in that particular case, our approach was very successful, because the individual who received the letter said that they could not limit the risk that the offender posed and asked us to notify another individual who could. We then went through the whole process again to notify another individual. We do not take such decisions lightly, and we fully explain and support the process when we decide to make a formal disclosure.

Alex Fergusson: People seem to adhere to such requests remarkably well. You said that such moves are uncommon but, even so, it appears that people only very rarely blow such information to the media. I take it that the system works purely on trust and that there is no legal comeback against people who spread that information.

Detective Superintendent Cameron: Well, we certainly attempt to assess the risk posed by going through the process.

John Home Robertson: Megan's law forms the background to the inquiry. I think that I am right in saying that, in New Jersey, there are criminal sanctions against people who disclose such information. You are saying that no such sanctions apply here.

Detective Superintendent Cameron: There is always civil recourse, but there are no specific sanctions.

John Home Robertson: You have described the current mechanisms for disclosure in cases in which the police and social work decide that such a move is necessary. I understand that Lothian and Borders police have a protocol with the five local authorities in their area of operation on the

sharing and disclosure of information on sex offenders on a need-to-know basis. Is that protocol working well and can we learn any lessons from anywhere else in that regard?

Detective Superintendent Cameron: I should point out that there is a difference between disclosure and information sharing. The business of information sharing is a practical matter and happens every day around tables like this one. However, disclosure is what happens when we go beyond the working environment in which information is shared and takes place only on a need-to-know basis. I certainly do not go to Alan Baird and his staff every day and tell them everything that I know about every sex offender.

John Home Robertson: Is information also shared on a need-to-know basis across Scotland?

Detective Superintendent Cameron: With the national concordat on sharing information, the situation is standard across the country.

John Home Robertson: As we all know, the inquiry was initiated by a petition from Margaret Ann Cummings, who said that, when she reported her son missing, the police who came to her flat did not know that a registered sex offender was living in her block. I am not going to ask you to comment on that case, but I am sure that people would be reassured by a clear statement that if a child is reported missing and the police are aware of a risky sex offender in the immediate neighbourhood, there is a rapid system for transmitting that information to the police officer dealing with the case. Is such a system now in place?

Detective Superintendent Cameron: With VISOR, we have come a long way and are now able to access such information. Indeed, the situation before and after its introduction is like night and day. However, we are going further than that by looking at ways of updating our staff. Obviously, we have to balance such considerations with ensuring that such information does not go beyond the police service, but we are working towards ways of letting officers know. Indeed, Professor Irving made some positive recommendations on giving community officers responsibility for managing some of these individuals.

The system is not foolproof, because the information provided by VISOR on sex offenders' whereabouts is based on where they were last seen. Of course, we read in the newspapers about the number of sex offenders who have gone missing, but I have to say that that is a somewhat difficult concept with regard to these people.

John Home Robertson: Hold on. You said that you have access to the information. When someone reports a child missing—nine times out

of 10 the child has just gone walkabout, but there is still anxiety—do the police routinely check whether there is a known registered child sex offender in the neighbourhood? Should the sex offender's home not immediately be visited in such circumstances? I seek reassurance on that.

Detective Superintendent Cameron: As you said, nine times out of 10 the child turns up and is okay. It is difficult to legislate for the 10th case. If sufficient concern is expressed during the initial investigation, the answer is yes, the information will be available. It depends at what stage concern reaches the goalpost.

John Home Robertson: Time is of the essence in the circumstances that we are talking about. If a risky registered child sex offender lives or works in a particular area and a child goes missing in that area, do you agree that it is important that the police constable who is dealing with the missing child case can put both pieces of information together?

Detective Superintendent Cameron: Yes, but when a child goes missing a process must be followed. Given the number of sex offenders who are in the community, which we discussed, where do you want us to start? It is a challenge. The information is there, but I cannot assure you that it is part of the first set of priorities for an officer who is dealing with a missing child case.

John Home Robertson: We might well want to return to that issue.

We heard from the SCRO that it is for individual police forces to interrogate the various computer systems if they seek information or intelligence on sex offenders. That is a reactive rather than a proactive approach, which I suppose is inevitable. How easy is it for you to get the information that you require operationally? Would it be possible for you to provide a list of all sex offenders who live in a street or neighbourhood, if you were asked to do so? Such an approach has been suggested to the committee.

Detective Inspector Farmer: The police service has access to the Scottish intelligence database, which includes people who are on VISOR and people about whom there is intelligence to do with sexual offences. A person might not necessarily have been convicted of the offence; there could simply be intelligence that they had been investigated in relation to a sexual offence. There is capability in the intelligence database to put markers on offenders that show their offence type—whether it is car theft or sexual offences—and to plot offenders by area, so it would be possible to look at the geographical location of sex offenders. In VISOR we can search for offenders by police force.

Every police officer in Scotland, from the officer on the street to the chief constable, has access to the Scottish intelligence database. VISOR is currently restricted to a small number of users—approximately 150 police officers—because it is the management tool. However, police forces have access to the information that is held on VISOR 24 hours a day, seven days a week, through control room staff or a method of calling out staff. In Scotland, as a fail-safe mechanism, the information is also held on the Scottish intelligence database.

The Convener: It is almost accepted that sex offenders go missing. What efforts do the police make to trace missing sex offenders?

Detective Superintendent Cameron: We make every effort that we can to trace them. We use all national databases, including those of the Benefits Agency and the United Kingdom Passport Agency.

However, I return to the definition of “missing”. A very small percentage of sex offenders are actually missing. A number have gone abroad and have been visited by police officers. We think that one offender from Tayside is in Iraq. It is difficult to track that person down, so in essence they are missing. However, even if we visit an offender in Majorca, as soon as we get back to Dundee the offender is missing, because he can go wherever he likes. That is a difficult issue for the police. The legislation also presents us with challenges as to how we can bring them back to where we know they should be.

That was quite a statement.

11:00

The Convener: I am trying to unravel that.

Detective Superintendent Cameron: The legislation requires people to register their address and the compulsion is on them to do that. If they do not, we have to find where they are. They may decide, “I’ve had enough of this. I’m going to emigrate to Majorca.” If they do that, are they missing? Should we look for them? Do we want to bring them back? There is a foreign travel order, which means that people should tell us if they are travelling abroad, and that is one thing that they would fall foul of. However, we would have to make efforts—depending on where they had gone—to find them in a foreign country and to bring them back, so that we could place them before the court for not telling us that they were going to Iraq, Majorca or wherever. The legislation brings us challenges.

The Convener: I would have thought that that would be desirable, so that people do not drop out of the system completely and then re-emerge later

when they have decided that the sunny climate was not to their liking.

Detective Superintendent Cameron: That is in place. We can do that.

Alex Fergusson: That also throws up another aspect that I had not considered—the degree of international co-operation. Suppose that there is a guy in Majorca whom we want to track down and that someone goes to Majorca to find him. What degree of co-operation do you have with similar agencies in other countries, particularly within Europe?

Detective Superintendent Cameron: We have good co-operation on confirming where individuals are in Europe, but we struggle beyond Europe, particularly if someone has gone to Iraq.

Alex Fergusson: So the authorities in those countries would not take over the monitoring operations and that type of thing.

Detective Superintendent Cameron: The legislation applies only in this country. As soon as someone leaves the country, their period of registration is in abeyance.

Jeremy Purvis: Is the system the same in Scotland and in England and Wales, or are there differences in approach? I know that, in some cases, English police forces will advertise for information about an individual about whose whereabouts they are not certain.

Detective Superintendent Cameron: The legal process for publishing people’s photographs is different here. On a few occasions, we have asked the prosecuting authorities whether we can supply pictures to the press and to the media to try to find individuals, but we have not always been successful. In this country, that decision is made by the Crown Office and Procurator Fiscal Service.

The Convener: Thank you. Do not go away. I am sure that we will think of more questions for you.

In the meantime, I turn to the witnesses from the Scottish Prison Service. As we started our questions for all the other panels in like fashion, the first question is about resources. I am told that prison numbers have been over 7,400 and that, as recently as last week, the population was 7,145. Are you funded for that level of population?

Ewan Lundie (Scottish Prison Service): I think that we are. There is never a situation where we would not welcome more resources and find creative ways to make use of them but, in general, we are pleased with the resources that we have. Over the past three years, we have steadily increased our provision for treatment programmes, and that trend is set to continue into next year. In 2003-04, we were able to complete treatment for

only 36 prisoners, whereas 88 prisoners completed the programme last year. We expect that an additional 20 or 30 prisoners will go through the programme next year. Given the number of prisoners who, during the course of their sentence, become ready to participate in the programmes, we feel that we are well placed to meet those needs.

The Convener: I will explore that with you in more detail in a minute. What about the other kinds of general interventions? What about assessment of risk and case management, including social work provision in prisons? We know that those things all contribute to managing the sex offender effectively. Are you adequately resourced for that?

Ewan Lundie: I will deal first with risk assessment. Those individuals who participate in our accredited standard programmes have a detailed report completed at the end of the programme, and that report constitutes a risk assessment of sorts. We also have a separate mechanism in the form of risk management groups. The groups are multidisciplinary, can be attended by external agencies and can commission in-depth psychological risk assessments. Numerous such assessments are carried out each year.

We also have integrated case management, which was introduced this year. We work with our partners from criminal justice social work, who are invited to attend each case conference. For all our sex offenders, regardless of the length of their sentence, we hold a conference. A conference is a risk assessment of sorts.

In many respects, we feel that we are well resourced to conduct risk assessment. However, it is worth noting that in-depth psychological risk assessments are extremely resource intensive. Once they have been commissioned, it takes us approximately three months to complete them—because of other work and because of the amount of detail that we have to go into. Additional resources for that would be welcome. I am sure that our colleagues in the community would also benefit from the carrying out of such assessments.

The Convener: That answer was very helpful.

You will be aware of the report by the chief inspector of prisons that came out in July. He specifically recommended that Peterhead prison increase its capacity for the delivery of programmes to sex offenders. You started to tell me about some of the treatment programmes that are in place; when will you be in a position to deliver more programmes? Something like 129 prisoners are on the waiting list for the STOP programme.

Ewan Lundie: By April next year, we will be in a position to deliver more. Just last week, we completed more in-house training and trained more facilitators for Peterhead. Funding is coming through and will come to fruition in April next year. Depending on the type of programme that Peterhead chooses to run, we hope to increase its capacity—which is currently around 43 or 44 a year—to around 60 or 65.

In recent years, approximately 50 prisoners have left Peterhead each year. We have always tended to prioritise places for those who are closest to leaving. Many prisoners refuse to participate during the earlier stages of their sentence but, as they get closer to their release date, they make themselves available—in the full knowledge that it will often be too late for them to get on a programme. The figures can therefore be difficult to interpret.

The Convener: The chief inspector of prisons was also quite critical of throughcare arrangements. How will you ensure that there is adequate throughcare? How will the risk assessments and management plans link to those that will operate in the community?

Ewan Lundie: The introduction of ICM should improve the throughcare arrangements. In the months since its introduction, there has been a high level of attendance from our community colleagues in most of Scotland, even though Peterhead is a long way away.

Derek McGill (Scottish Prison Service): Our integrated case management systems work well; in those systems, we work together with our social work colleagues. We are quite confident that our throughcare arrangements and our links are good. We sometimes come in for criticism for some cases, but in the main we have thorough arrangements in place for prisoners who are moving back into the community.

The Convener: I note that you say “in the main”. Will every sex offender who leaves prison be picked up in the community? Is the interface in place before they are released in every single case?

Derek McGill: I would like to say yes and I think that I could say yes—almost.

The Convener: Listen—politicians know about language. You are not saying yes to me.

Derek McGill: Well, we can never guarantee things. Peterhead certainly caters for around 300 sex offenders, but Dumfries also has some offenders who refuse to acknowledge that they are sex offenders.

The difficulty lies with prisoners entering into plea bargaining when they go to court. Our social work colleagues alluded to that earlier this

morning. People can end up with an assault conviction, although it could actually be something significantly more serious. They might plea-bargain the conviction down. When Ewan Lundie's department—the psychologists—go and challenge the prisoner, he will say, "I'm not a sex offender. I'm in for assault," so that does not work. There is a vacuum around the individuals who want to be treated as a normal prisoner and who, for various reasons, do not wish to be seen as a sex offender—even though we know that they are.

The Convener: We have issues to do with the role of the Crown Office and Procurator Fiscal Service in this respect. I am keen to explore the interface between prison and release.

Jane Martin: Every offender who is sentenced to four years or more will have an allocated social worker from the point of sentence right through the sentence and when they go back into the community. Sex offenders who are sentenced to more than six months will come out under statutory supervision. They will also have a community social worker from the point of sentence.

The Convener: So it is the category of offenders with sentences of less than six months who are in self-denial that we should perhaps worry about. How big is that category?

Jane Martin: Even if their sentences are less than six months, sexual offenders might also be subject to MAPPA, which will further strengthen the existing arrangements. I am not sure what the numbers are for people with sentences of less than six months.

Derek McGill: I do not know, but I think that they will be quite low.

The Convener: I am starting to be reassured.

John Home Robertson: I think that it is worrying. If you are saying that there are people in prison whom you know to be sex offenders but who are not categorised as such because of a plea bargain, that is something that the fiscals and the police should be worried about. If there is a sexual element in the offence, it is very important that these people should be brought into the prison treatment strategy.

Ewan Lundie: I can speak about the approach to the treatment strategy. Those prisoners certainly are brought into it. We do not have precise figures, but we estimate that, at any one time, in addition to about 450 to 550 registered sex offenders, we have around 100 to 150 prisoners who are not registered as sex offenders but who had a sexual element to their offence. We have notification of those individuals, we take strenuous measures to encourage them to participate and

we provide them with opportunities under the treatment programmes.

Alex Fergusson: This was brought to my attention following a meeting in Dumfries and Galloway. Would you care to comment on whether a growing recognition of the European Convention on Human Rights and human rights legislation is increasing the frequency with which you are challenged by people in custody on what you are trying to achieve?

Ewan Lundie: That does not cause us significant problems. Our value base for participation in programmes is not only to try to make Scotland safer but to provide better life opportunities for the sex offender. We genuinely believe that, through participation in programmes, they can have a better life and will be more likely to lead an offence-free life.

Mr MacAskill: The Cosgrove report recommended that every convicted sex offender should benefit from intervention programmes. Is that realistic? Is it appropriate? It concerns only a small number of offenders going by what was mentioned earlier but, in its written submission, the ADSW stated:

"Short-term prison sentences that do not allow for participation in accredited programmes are the least effective."

How can those two positions be reconciled?

Ewan Lundie: I can speak first about accredited programmes and what is known about the amount of time that needs to be spent in treatment. Generally speaking, treatment programmes that use group work will have a research base to show their effectiveness. The research on one-to-one or two-to-one work with offenders does not show that they do not work, but there are insufficient studies to show that they do work. Prison Service policy is very much to move prisoners towards the group work programmes.

11:15

The research on group work programmes suggests that anything less than 60 or 70 hours is insufficient, so prisoners must have at least seven or eight months left to serve for us to take them through our briefest programme. That means that we are obviously unable to take prisoners who receive sentences of 16 months or less through our accredited group work programmes. Our colleagues from the social work department in the prison will take up such cases and try to work with the prisoners one to one, but although they carry out a lot of work that is consistent with the accredited programmes, the interventions that they provide could not be considered to be accredited interventions.

Mr MacAskill: How do you flag up sex offenders on your information technology system? Is the proposal to have separate categories for those who target children and those who target adults practical? Your submission states that you already consider schedule 1 offenders to constitute a separate category of offenders against children, although the classification also relates to non-sex offenders. Will you advise us on your categorisation?

Derek McGill: We work on the flag system in our prisoner records 2 system. It uses a red flag if the prisoner is subject to live supervision and a grey flag if he or she was previously subject to a requirement to be registered as a sex offender. The system is robust and is available about 99.7 per cent of the time 365 days of the year, which our technical people tell me is very high availability. It allows us to track and monitor prisoners right through the process and allows people who also have access to the database to see at first glance on the first screen that the prisoner is a sex offender or a schedule 1 offender, so I assure you that it would meet other organisations' needs.

Alex Fergusson: A lot of people outside the SPS would assume that its role is purely custodial: I would have been one such person before I became part of the inquiry, so it is quite a relief to find that it is not the case. I think that I am right in saying that you operate part of the victim notification scheme. Will you brief me on what that entails for the victim and what its impact is on the victim?

Derek McGill: The victim has to register at the court, which notifies us that the victim is willing to be part of the scheme. We inform the victim should the offender be released, die in custody or be transferred to another jurisdiction. We do not notify the victim if the offender changes prisons or is allowed access to other privileges. Perhaps we could improve the scheme by notifying the victim if the offender is allowed out for a domestic visit for a family bereavement, for example. However, in the main, the victim is informed regularly throughout the sentence.

Alex Fergusson: What percentage of victims take advantage of the scheme?

Derek McGill: I am sorry—I do not have figures for that and I would not like to guess.

Alex Fergusson: Could you provide the figures?

Derek McGill: I will come back to you on that. I suspect that the percentage will be low, but I will find out, if I can.

Alex Fergusson: Does the SPS have a role in ensuring that sex offenders who are released

subject to registration requirements conform to them? If so, what is that role?

Ewan Lundie: Although we do not carry out any treatment programmes or risk assessment beyond the prison walls, we carry out a lot of work in prison to encourage our sex offenders to participate in the process. To that end, our risk assessment reports are very much geared up not only for our police and social work colleagues, but for the prisoners themselves, to highlight to them the factors that make it more likely that they will reoffend. One thing that prisoners are clear about is that they do not want to return to prison. We feel that we have some responsibility for that.

We have also participated in various Executive committees. Most notable of those, of late, is a committee that has tried to ensure that all agencies are using the same risk management process. An instrument was devised by the Canadian Government, which it has agreed to share with us. We have plans to train an initial group of staff from all three agencies in December, with a bigger roll-out planned for next summer. That will improve our ability to talk the same language and to encourage our prisoners to participate with the police and social work services following their release.

Alex Fergusson: That is interesting. Another thing that interests me from a rural perspective is housing: some offenders need to be re-housed because they cannot go back to whence they came. Do you have any role in ensuring that sex offenders have appropriate housing on release? I have some concerns about what constitutes appropriate housing in rural areas, although that is perhaps another subject to which we may return. What role does the SPS play in that process?

Derek McGill: That depends on your definition of appropriate housing. When an offender leaves prison, we work with a number of agencies to ensure that housing is available.

Alex Fergusson: Can you go through those agencies, for my education?

Derek McGill: We work with Apex Scotland. When I was the governor at HMP Greenock, we worked with the various local housing initiatives in Renfrewshire, Inverclyde and East Dunbartonshire. Most prisons have such partnership arrangements in place. If the offender is to go to a hostel, we work in conjunction with social work services to ensure that we find somewhere that we deem to be reasonable and appropriate before he is released. Obviously, we look for locations that are not next door to schools and swimming pools.

Alex Fergusson: Does that apply equally to offenders who are on temporary leave—home

leave and that sort of thing—or does it not come into play in those circumstances?

Derek McGill: That process comes into play very much.

Alex Fergusson: The same procedures apply.

Derek McGill: Yes.

Alex Fergusson: Are there any difficulties in working with any of the agencies that you have mentioned?

Derek McGill: No. We seem to have good relationships. Everybody works towards the common aim of housing offenders in the safest places possible, both for them and the public.

The Convener: I have a supplementary question. I am afraid that it is one of my “Can you guarantee this?” questions. The destination of many people on leaving prison used to be the homelessness register. I am not talking about just sex offenders, but offenders in general. Are you telling me that that never happens now?

Derek McGill: It should not happen, but I cannot guarantee that it does not. When an offender leaves prison, the destination that he gives us may not be his actual destination. That applies not just to sex offenders, but to everybody; they can go anywhere once they are out. In the main, however, we work with partner agencies to set offenders up with somewhere to go, certainly for the first night.

The Convener: In the case of sex offenders, are the addresses checked out in advance of their release?

Derek McGill: Yes. Everything is done through social work services. Offenders have regular meetings with their appointed social workers and everything is in place long before they leave prison.

The Convener: Okay. So, would it be fair to say that a sex offender would be released to a known address that had been checked in advance? You are shaking your head, Detective Superintendent Cameron.

Derek McGill: That would depend on whether the person was a long-term or short-term prisoner.

Detective Superintendent Cameron: It would. It would also depend on whether they had been in prison for a sexual offence or a subsequent offence—there is a distinction between the two. Also, the legislation allows a person to register a park bench as their address or as the place where they can normally be found, but that can change daily. They are required to register, but not necessarily at an address.

The Convener: So, fixing that part of the law could be helpful in tracking people.

Detective Superintendent Cameron: Yes. It is particularly difficult to track down folk who are registered at a park bench.

The Convener: Indeed. I share that concern.

Jeremy Purvis: One of the questions that I was going to ask has been answered, so I have just one brief question for the Prison Service. Is the Prison Service involved in the operation of the violent and sex offenders register? Is any information put into VISOR from the Prison Service, or is it not connected?

Derek McGill: The Prison Service is not connected at the minute, but we are in the process of preparing a business case for our being linked to VISOR. That should be funded by early next year—probably by April.

Jeremy Purvis: I presume that it will be funded in full by the Executive.

Derek McGill: Yes.

Jeremy Purvis: And the timeframe is—

Derek McGill: It should be funded by about April next year.

John Home Robertson: Let us turn to sex offenders who suffer from mental illness. The Management of Offenders etc (Scotland) Act 2005 has created core partnerships between the Prison Service, the police, criminal justice social work and health authorities in relation to mentally ill sex offenders. Is that going to make a difference?

Ewan Lundie: I think that it will make a difference: it will increase the likelihood of our working together. A forensic psychiatric network has set up a number of committees to examine ways of working with mentally disordered offenders, and it has invited the Prison Service to participate. We have participated in all its subgroups, including one on sex offenders. There are things in place to make that happen.

John Home Robertson: I am always a little nervous that we are just creating more complicated procedures that might not achieve anything. However, you reckon that that process will be helpful.

Ewan Lundie: Yes.

John Home Robertson: In June, the Minister for Justice published proposals for sentencing in a paper entitled, “Release and Post Custody Management of Offenders”. Specifically, the document says:

“Once in prison, all offenders will be reviewed as part of the sentence management process. If that assessment against statutory criteria shows that an offender may be a high risk of re-offending and/or poses an unacceptable risk to the public, Scottish Ministers will refer the case to the Parole Board with a recommendation to consider continued detention.”

Do you have any thoughts on that? How will you manage to assess all the prisoners concerned? Is there a risk that that will increase prisoner numbers?

Ewan Lundie: I can speak about the risk assessment. Anyone who currently comes into prison receives such case management if they have a sex offence conviction. The processes that would allow us to identify the individuals who need to be referred to the Parole Board for Scotland are already in place.

Derek McGill may be better placed than I am to speak about prisoner numbers.

Derek McGill: The process could increase numbers in the short term, but our risk assessment procedures are reasonably robust. We work in a professional manner with offenders and we recognise the people who need to stay. I suspect that they will probably be few in number.

John Home Robertson: Are you confident that you can conduct the assessments that will be required and that you can cope with the number of prisoners who will have to stay on as a consequence?

Derek McGill: Yes.

Alan Baird: I suspect that there may be more discussion of that in a week in relation to the Custodial Sentences and Weapons (Scotland) Bill, which will place a huge burden on the limited number of social workers who are currently operating in prisons. I would be happy to pick up more detail on that at a later stage.

The Convener: I am sure that the Justice 2 Committee will, in its scrutiny of that bill, pick up on that issue.

Ewan Lundie: Although the SPS is able to put in place some processes that would constitute risk assessment of a sort, there is a question about the level of detail that we would ideally like to go into. The Custodial Sentences and Weapons (Scotland) Bill could make us employ a screening approach, which is a basic risk assessment that might mislead people into thinking that we have gone into the detail that we would like. The Cosgrove report, the MacLean committee report and the Risk Management Authority all recommend a structured clinical approach to risk assessment. The bill runs the risk of taking us down the line of being able to use only an actuarial approach, which has limitations.

11:30

The Convener: We will capture both those aspects in our report and I am sure that your comments will be referred to the Justice 2 Committee if not by the clerks, then by me and by

Jeremy Purvis, who is also a member of that committee.

Your submission says:

"The SPS would welcome any sentencing process that would provide the SPS with a better case for directing these prisoners to take part in treatment."

Will you elaborate?

Ewan Lundie: That builds on our comments about individuals whose crimes have a sexual element but who have not been convicted of a sex offence. The law on risk assessment specifies a civil level of proof of whether a person poses a risk. Under risk assessment legislation, we see many individuals who we believe should be required to enter treatment but who tell us that because they are not registered sex offenders, they cannot be treated as such. Any developments that would assist our ability to require such individuals to participate would be welcome. As I said, they seem at any time to constitute about 20 per cent of the prisoners who we feel are at risk of sex offending on release.

The Convener: Is it fair to say that that is not entirely a matter for the sentencing process, as it relates to how the Procurator Fiscal Service operates before that process starts?

Ewan Lundie: Yes.

The Convener: That is helpful.

Committee members have no more questions—that is excellent. I thank the witnesses from the Association of Directors of Social Work, ACPOS and the Scottish Prison Service. You have been very patient with us. If you think of anything that you should have said, feel free to write in. However, you will not need to face these guys—the MSPs—again, although that is undoubtedly not a pleasure, as we are a nice committee.

I suspend the meeting to allow a change of panel and to give colleagues a comfort break.

11:32

Meeting suspended.

11:38

On resuming—

The Convener: I welcome our next panel. We have Diana MacLean, from the Scottish Borders Housing Association; Nick Fletcher, who is the policy and public affairs officer of the Chartered Institute of Housing in Scotland; Liz Burns, who is the policy and practice officer for the Scottish Federation of Housing Associations; and Alan McKeown, who is the head of housing at Angus Council and is representing the Association of Local Authority Chief Housing Officers.

I will start with a nice gentle question for Nick Fletcher. We will probably run with questions for the CIHS first, but other witnesses should feel free to contribute as we go along. I thank Nick Fletcher for a detailed submission, which will help us, and for a copy of the draft practice guidance for local authorities and registered social landlords. For the benefit of the rest of the committee, will you describe the institute's role?

Nick Fletcher (Chartered Institute of Housing in Scotland): The Chartered Institute of Housing is the professional body for people who work in housing. All our members are individual housing professionals, not organisations. We have 19,000 members in the United Kingdom and internationally and more than 2,000 members in Scotland. The CIH tries to enable its members to do their jobs properly by giving them the necessary skills and tools. We also represent the interests of our members in the development of wider strategic policies by giving evidence to the Scottish Parliament or feeding into Scottish Executive policy, for example, to ensure that the work that our members do benefits the well-being of communities.

The Convener: Excellent.

Nick Fletcher: That was short and sweet.

The Convener: It was. That was your only easy question.

Mr MacAskill: You will be aware that the sub-committee's purpose is to consider the suggestion in the petition from Margaret Ann Cummings that a public notification scheme should be adopted for registered sex offenders. What impact would that have on your obligations to find and retain appropriate accommodation for sex offenders?

Nick Fletcher: We understand where the concerns come from that prompt the notification and disclosure proposals. We are working on the issue with the Scottish Executive and the other organisations that are members of the Executive's advisory group to develop the national accommodation strategy. However, we have said that we want to get right how we share information and how the responsible authorities, which are criminal justice social work, the police and the Scottish Prison Service, work with local authority housing providers and registered social landlords to share information on risks, so that our members can ensure that proper housing allocations are made that minimise the risk of a person reoffending and therefore minimise the risk to the community.

If we go down the road of disclosure now, the danger is that it might make it more difficult for our members to identify appropriate housing and to sustain a person in accommodation without that person feeling under pressure and perhaps

absconding from accommodation. We have talked about people going missing. The danger of that happening might be greater if we cannot ensure that they have stable accommodation in which they can be properly monitored and supervised.

We need to give the national accommodation strategy that is being developed and the practice guidance that accompanies it a chance to bed in. We need to see how they perform before we go down the road of disclosure to communities, which might undermine some of the work that is to be done under the national strategy.

Alex Fergusson: I am interested in the phrase "address and block profiling" in the draft practice guidance. Will you explain what that is and how it works?

Nick Fletcher: Address and block profiling is a tool that the police have used. When housing a sex offender it can be used to examine who lives in the area. How it is used depends on the sex offence that was committed and the risk that the sex offender poses. It might be used to consider who lives in the area and what in the area might cause concern in relation to housing the sex offender there.

Block profiling involves monitoring who lives in a smaller area over the period for which a sex offender is housed there. It allows us to identify changes in the make-up of the people who live in the area, which might change the risk that is posed. The responsible authorities—the police and criminal justice social work—can deal with the information on the changing nature of an area in managing the risk of a sex offender. For example, if a person had offended against children and more children move into their area because of how the housing allocation process works, the responsible authorities might need to consider how they manage the risk of that offender. They might need to change their practices for managing them or they might try to move them to another area.

To a minor extent, block profiling can affect how allocations are made. An organisation might adjust its allocation policies in an area slightly to take account of the fact that a sex offender is housed there, but that is quite difficult to do under the housing legislation. Diana MacLean and Liz Burns may know a bit more about that than I do.

Alex Fergusson: So the main drivers of the tool—if that is the right expression—will be registered social landlords. How difficult will it be for them to use it?

Nick Fletcher: The main drivers of address profiling are the responsible authorities. The police have a history of doing address profiling. The accommodation strategy and the practice guidance will encourage local authority housing

services and registered social landlords to feed into that process. When housing a sex offender in a registered social landlord's property is being considered, the RSL will have a better idea of who is living in the area than the police do. The RSL will feed that information to the police, which will help the responsible authorities to decide whether an area is suitable to be allocated a sex offender.

Alex Fergusson: I return to my favourite topic—rurality. In the part of rural Scotland in which I live, often the issue is simply finding a house, not finding a suitable or acceptable house. In such circumstances, how will such a profiling exercise make a blind bit of difference?

Nick Fletcher: Finding suitable housing is an issue in rural areas, but it can also be an issue in urban areas. With the national accommodation strategy for housing sex offenders, we need to be aware that a limited number of properties are available at any one time in the social housing sector. The sector cannot be the panacea for housing sex offenders. Even big urban authorities such as the City of Edinburgh Council can find it difficult to find suitable accommodation. However, I take the point that finding appropriate and available accommodation is even more difficult in rural areas. In those circumstances, consideration needs to be given to cross-boundary liaison between local authorities to enable the accommodation of sex offenders to take place in a different area.

11:45

The Convener: We should also be clear that the social rented sector does not have sole responsibility for rehousing sex offenders. Many such offenders end up in private accommodation or, indeed, back at their family's or a relative's home. We need to keep the issue in proportion.

Jeremy Purvis: A lot of work has been put into the draft practice guidance for the strategy, but what will happen if the appropriateness of a location for housing sex offenders changes because of other circumstances? How practical will it be for link officers, working with the police and social work, to keep an area profile under review if its housing make-up changes? It has been suggested that offenders might need to be moved to more appropriate locations. How practical will it be to keep areas under review on a day-to-day basis? How will that happen?

Nick Fletcher: The review process will be integrated into the role of the link officer. In a sense, the review process is simply about looking at allocations in an area over time. We also need to take into account what happens to the make-up of housing in an area, given that social housing does not exist in isolation. As Jackie Baillie

referred to, any area will include a mix of owner-occupiers and private rented sector tenants, so it is impossible to control exactly who lives there. By keeping an area under review, we can get an idea of who lives there and whether the nature of the risk that the sex offender might pose has changed.

Address profiling might enable us to select areas in which the type of residents will be least likely to undergo significant change. For example, a child sex offender might need to be housed in accommodation where families with children do not usually live and in areas where children are unlikely to live in future. Address profiling might be able to identify more sustainable long-term accommodation that will not raise additional risk issues or the prospect of moving sex offenders, which is difficult under housing legislation.

Liz Burns (Scottish Federation of Housing Associations): The question was how practical it will be to monitor and review the arrangements. It will be very difficult to do so consistently if the same process has to be used for every registered sex offender regardless of risk. In implementing the strategy, we need to put in place systems that allow better communication so that, for each individual sex offender who is accommodated in social housing, the responsible authorities work with the housing provider in reviewing and monitoring the situation. The higher the risk that is posed by the sex offender, the more frequent should be the review of the surrounding households; the lower the assessed risk, the less frequently such reviews would need to be done. The review and monitoring should depend on the individual situation. There will be resource implications, because of the housing provider's role in the monitoring of sex offenders, but the monitoring should depend on the individual case.

Jeremy Purvis: Let me use the example, which is perhaps a cliché, of an offender who is sited near a school. I know that previous witnesses suggested that that is a bad example, because any offender could travel to the school on the bus or another form of transport. However, if a school was relocated or a new school was built in the vicinity of a registered sex offender, would that trigger a case assessment or review for the offender?

Alan McKeown (Association of Local Authority Chief Housing Officers): We would like to think that cognisance would be taken of the potential risk in moving a facility closer to an offender. However, we need to understand the scale of the problem. Link officers and sex offender liaison officers—SOLOs—do not really exist in Scotland. As far as I am aware, the City of Edinburgh Council is the only authority that has such an officer and I am not sure what that officer's case load is. We do not have link officers

either. Such posts would need to be created by shifting resources or by making them part of someone's job.

Essentially, the link officer would need to be an information hub for all allocations, regardless of whether they involve a sex offender, if we are to track all movements. Managing risk to that extent would involve a massive amount of work. Some of the evidence that we heard earlier was about proportionality in applying the resources to deal with the risk. That is a fine judgment. As responsible authorities that are new to the formal side of the arrangements, we are asking how comfortable we are with assessing the risk and with the work that we have to put into that. Right now, our sense of risk is heightened—as RSLs and local authorities, our experience in the area is fairly minimal. We are asking ourselves about the extent to which we should put in a significant amount of resources or investment and the extent to which we should lobby the Scottish Executive to get resources. The ADSW will be much more comfortable with the issue, because it has greater experience of it. We are less comfortable, because we have less experience.

Jeremy Purvis: I hear that, but there is no point in having practice guidance that states that

“The Link Officer must work with the Police and CJSW to keep the area profile under review”

if that is not going to happen, because that will just build up expectation in communities. If, even on a basic level, the relocation of a school or the building of a new one—of which there are five examples in my constituency at present, which I welcome—will not trigger a review of sex offenders in an area, the practice guidance does not mean anything.

Alan McKeown: The practice guidance is designed to focus on housing, which is a different context. However, that does not mean that, in such a situation, we would not as professionals think, “Hold on a second.” It would be a corporate information issue in the council. Assuming that a housing person would be involved in the corporate management team, they would say that a number of registered sex offenders are floating around in the area for the proposed school, and we would twig that we needed to think about the matter. However, that is a different process, which would need to be developed. We are talking about housing issues, but you are talking about something that is a broader corporate responsibility. The First Minister has written to local authority chief executives asking them to ensure that they are aware of their corporate responsibility. I know that they are fully aware of that.

Liz Burns: I agree that the issue that Jeremy Purvis raises is a wider responsibility.

We are in a difficult situation in answering questions today. Nobody thinks that the status quo is okay, but we are talking about a strategy and arrangements that are yet to be implemented. I ask members to be aware that we are in a difficult situation.

The Convener: Absolutely—we are aware of that.

I have some questions for the SFHA. The Housing (Scotland) Act 2001 makes it clear that social landlords must accept all applications from people 16 years or older. Are all your members prepared to house sex offenders?

Liz Burns: As far as I am aware, all our members are prepared to house sex offenders. However, not all registered social landlords in Scotland are SFHA members. I hope that that is not too much sophistry. We consulted widely among our membership on the draft national accommodation strategy for sex offenders. I am confident that the vast majority of our members endorse that strategy and understand fully their responsibilities in housing sex offenders in their housing stock. In all honesty, a minority of our members have reservations about housing sex offenders. Some of them are based in areas where the matter is sensitive and the community has serious concerns. We need to have in place arrangements that give communities confidence that we are co-operating well with the responsible authorities and that, importantly, they are co-operating with us, as landlords.

The Convener: While accepting that the national accommodation strategy is a draft document and that there may not be the link officers on the ground that we all assumed there would be, does the framework have the right ingredients to be successful? Because it has at its heart the ability for people to communicate and share information, will it resolve the challenges that you will face?

Liz Burns: The national accommodation strategy must be seen as one step in a framework that needs to be established. It is an important first step in that framework which, for the first time, clearly establishes the roles and responsibilities of the various parties involved in the management and minimisation of risk, and puts clearly the case for stable housing, as it minimises risk. However, in itself, it is only a document that tells people what they ought to be doing. The development of local authority SOLOs is an important part of the strategy, because they will enable information sharing to be developed consistently and coherently, which is not the case now, and enable better links and through flow. That will make much

more sense for the responsible authorities. That is an important aspect of the strategy.

That being said, two points occur to me. First, the development of information protocols and the relationship that local authority SOLOs have with the new MAPPA will be crucial. Information sharing requires a change of culture in partnership working, but that change cannot take place in a written document. Commitment from all parties is required to make such a culture change. Finally, without the resources that are needed to make such a change effectively, we will all waste our time.

The Convener: Resources for whom?

Liz Burns: Resources for the local authorities to develop SOLOs and for some of the larger housing associations, which will be involved in much closer liaison in monitoring sex offenders within their stock. It is important to be able to say confidently to communities that the police and social work have resources to monitor and supervise sex offenders within communities. Specific resources are required for housing, but resources must be allocated to other agencies, because we are all working towards the same aim: to improve the monitoring and supervision arrangements. Even if we have massive resources for the work in the housing sector, it will be pointless if police and social work, which are the principal agencies involved, do not have the necessary resources.

Mr MacAskill: Do you have any initial views—apart from having to depend on the amount that is directed to you—on the resource implications?

Liz Burns: The implications will be different in different areas. Obviously, the need in areas such as Glasgow that have higher concentrations and numbers of sex offenders will be greater than it is in smaller, more rural areas. A proper assessment must take place. The role of local authorities will vary according to how many landlords they have to deal with. Glasgow City Council might deal with more than 100 landlords, so its role will be much more intense than that of, for example, Scottish Borders Council, which will deal with fewer landlords. However, the information will still be required.

On the resource implications of the link officer role for our members, Glasgow Housing Association will require much more resources than a community-based association with 250 tenancies, which might require only one officer. The situation must be examined and proper arrangements must be worked out. The development of MAPPA and information sharing protocols will make it clearer how much of a burden there will be. My concern is that we are

happily developing all those things but everybody is shying away from the issue of resources.

Alan McKeown: I am fairly familiar with the bargaining that goes on in developing a national resource framework. We do not have such a framework in the national strategy that Nick Fletcher prepared. The City of Edinburgh Council is the only council that has a SOLO. I am not sure of the exact costs, but we can get them for the committee. However, including on-costs, the cost of a SOLO could be 40 grand to 45 grand a year. If there are 32 SOLOs across Scotland, we could be looking at a cost of around £1.5 million, and that does not include link officers. We would need to trade-off on that, because Clackmannan, Stirling and Falkirk might be able to share one and a half officers, and Angus and Dundee might be able to come to a similar arrangement. We could examine possible efficiencies—and that is before we talk about what the police might come back with.

12:00

We have to understand the complexity of the work that will be involved and the number of cases that each SOLO will be asked to accept and to manage at one time. The figures quoted in the press mentioned 3,200 sex offenders and 60 officers. Is approximately 60 offenders per officer a realistic, manageable case load if the officers are to continue to manage risk actively? It only takes a couple of really intense cases to upset a balanced argument. We need to discuss with the Scottish Executive the kind of balance that we need and how we are going to find it.

My concern is that, as Liz Burns has said, we are talking about the matter in abstract terms. We are going to roll something out, but we need to get it right first time. I suspect that we will be talking about a fairly hefty sum of money, and we will have to find that sum every year. It will not be a housing revenue account sum; it will have to come from general funds. It could be funded centrally, or through cuts in something else, or through council tax rises. That is a difficult discussion, but we have to have it, knowing exactly what framework and responsibilities we are talking about. However, we have not even started to have that discussion. The issue is on the table, and the Executive knows that it is on the table, but we have to tackle it properly.

Mr MacAskill: Presumably the cost relates not simply to link officers. Will it be possible to maintain an active role in monitoring sex offenders while keeping an eye on the composition of housing, or will everything depend on resources?

Alan McKeown: It will be possible to a lesser extent if we do not have the resources, but there will be serious gaps in the ability to manage risk

on an on-going basis. Risk could probably be managed at the point of entry into the system, when an offender leaves an institution and enters the local community, but it would be difficult to manage the risk going forward. The success of the programme depends on responsible authorities and their partners developing processes, procedures and checks that have quality built in at the start. The Scottish Executive might say, "We developed legislation, a national strategy and guidance to provide you with all the tools—over to you," but that is a different debate. If that happened, we would have to go back to the Executive and say, "Well, if you haven't provided us with enough resources, we can deliver only to a certain extent." We have to be clear about the outcomes that we can deliver from the resources that we have, and that is a more sophisticated debate than simply saying, "Give us the cash and we'll deliver."

Mr MacAskill: What do you see as your boundaries and parameters, so that we do not duplicate efforts with social work, police and housing professionals, who all handle these matters? What do you see as your responsibility?

Alan McKeown: We have not had that discussion yet, but you are absolutely right to ask the question. In a discussion about the efficient use of public resources, we would need to work with local partners, and perhaps across boundaries, to decide what resources we have, what resources we need, how we close the gaps and how we ensure that we efficiently use what we have got. I dare say we can always be more efficient if we examine our systems closely. Our first point is not simply to say, "We need more money." Our first point must be to ask, "What have we got and are we using it properly?" Then we must look to plug the gap. Our arguments are much more sophisticated than they were five or 10 years ago.

Diana MacLean (Scottish Borders Housing Association): I would like to say something that is based on my personal experience. I work as a SOLO in the Scottish Borders, so Edinburgh is not the only place that has SOLOs. I do that on an informal basis, as I am employed in another job, but my interest in the national accommodation strategy has led me to try to put such a system in place in the Scottish Borders within a level 2 MAPPA. Working closely with the CJAs, we are trying to include what is happening in the strategy.

I endorse everything that has been said about resources. It is getting to the stage in Scottish Borders Council where we are realising that one person does not have enough time to take on the responsibilities, even in embryonic form. A lot of input and discussion with partner agencies is required, which can take a lot of days out of the

week. We have to consider what resources go towards SOLOs. The role is beneficial; we are reaping great benefits from it in Scottish Borders Council. We are able to sit round the table to discuss housing issues and prepare for people's release from prison.

Liz Burns: The draft strategy clearly delineates roles and responsibilities. Our role in housing is to contribute to the management of risk; it is not to take over the roles of social workers and the police, who clearly have the principal responsibility. Ours is a supporting role and, because the draft strategy makes the role of housing clear, we should not overstep the mark. The strategy makes it clearer where the mark is.

Alex Fergusson: I was trying to come up with a question that would not lead to an answer involving resource implications, but I have probably failed.

I want to ask about interagency resource sharing, which is happening anyway but will come more to the fore with MAPPA and such advances. How do you propose to use and share information? How will you obtain relevant information but not unnecessary information? How will you ensure that the information that you share goes only to the appropriate people and will not be used inappropriately? I assume that there will be resource implications in respect of training staff and teaching people how to make use of the considerable powers; having information is a power in itself.

Liz Burns: At present, arrangements for information sharing are patchy. Your question is topical, because the Management of Offenders etc (Scotland) Act 2005 imposed on registered social landlords and others a duty to co-operate. Questions have arisen over what is the relevant information that has to be shared. There should be national guidance on that.

There will be training implications within housing associations, but our sector is used to handling private and confidential information. There may have to be specific link officers and arrangements for maintaining information, but housing associations already operate confidentiality procedures. Those procedures may have to be emphasised and training may have to be put in place, but the strategy and the development of MAPPA offer us an opportunity to move beyond simple information sharing within organisations. I may be going beyond your question.

Alex Fergusson: Feel free.

Liz Burns: Housing associations are housing sex offenders now; it is not a new responsibility, but it is happening quietly in communities and nobody is quite sure who is doing what and who is responsible for what. Questions have been asked

about reservations that some of our members have about this type of work. We need a more public debate about how we can house people who are deemed to be a danger. That debate has to involve communities, because they need knowledge of the policies and processes. I am not talking about individual notifications of who is living where, but about a debate that could lift the veil somewhat and address some of communities' fears about the housing of people who could threaten their children.

The strategy, the development of MAPPA, and the impetus of the Management of Offenders etc (Scotland) Act 2005 could allow us to have that debate with communities. I would be keen for that to happen. The detailed processes that housing associations follow become much easier when everything else is made public.

Were you asking about committee or individual staff involvement and how information might seep out to the community?

Alex Fergusson: Sort of.

Liz Burns: Our members are professionals so I am confident that that information would not seep out if we took on that role. Members can take comfort from the fact that, as far as I am aware, no inspection by our regulator has identified confidentiality as an issue in any association.

Alex Fergusson: I am interested that you have identified a need for communities to be more involved in and knowledgeable about what is going on. The committee probably agrees with you. How do you draw the line between informing communities and limiting information sharing as required?

Liz Burns: We can do that in exactly the same way as we do in relation to other issues. Housing association management committees in Scotland are, in the main, made up of members of the community. In general, management committee members decide on the allocations policy, but they have no involvement in individual allocations. The same approach can be taken to housing sex offenders. Management committees need to be informed of the policy and the processes that are under way and they must have confidence in the processes, but they should not be involved in discussions or decisions about individual placements, which should remain the responsibility of the organisation's staff. Communities have a right to feel confident about the policies and processes that their landlords, the police and social work departments are putting in place, but it would not be helpful for them to know individual details.

Alan McKeown: That was a superb response—

Jeremy Purvis: We will be the judges of that.

Alex Fergusson: A good question gets a good answer.

Alan McKeown: It was the kind of question that I got in my job interview.

The convener asked about the role of the Chartered Institute of Housing. Scotland's housing world is small: we all know each other reasonably well and we cross swords in a host of debates but are on friendly terms, by and large—

John Home Robertson: A bit like this sub-committee.

Alan McKeown: The current arrangements tend to work, although they are informal. As Liz Burns said, the strategy formalises existing practice and puts it into a good housekeeping guide. The corollary is that committees and council committees are required to consider the issue and to come up with formal policies, procedures and check lists. How do we do that without exposing the issue to public debate and without therefore raising consciousness of the discussion?

We are new to the issue; social work departments are more robust in that regard because they have experience. As a chief officer in a responsible authority, I am nervous about the extent to which I put things in front of council members so that they end up fronting a debate about a national policy that is delivered locally. The ADSW's response makes good points about how we provide information to communities, but whose responsibility is it to do that and when should they discharge that responsibility? Do we leave it to elected members to front the debate and become the face of national policy? We have not worked out the exact roles and responsibilities at national and local levels. We must ensure that we do not simply transfer responsibility down the line to local authorities; there must be a partnership with the Scottish Executive.

Jeremy Purvis: Some offenders are categorised as presenting so high a risk of reoffending that it is not appropriate to house them in communities. What does the SFHA think is the most appropriate way of housing such individuals?

12:15

Liz Burns: That question strays a bit beyond our remit, but I concede that it refers to comments that we made in our submission. On monitoring and supervision of sex offenders, we, like other social housing providers, operate under the premise that has been outlined by experts on sex offending: that a stable housing environment increases community safety and minimises risk to communities. However, if a risk assessment indicates that the likelihood of reoffending is so high that a stable housing environment will not

minimise risk, what happens if we then ask communities to house those people? Agencies are basically saying that they do not know how to manage them.

If you are not sure that housing such people in communities will lessen the risk that they pose, we must find alternative approaches that go beyond housing and into, for example, justice. One solution is the establishment of residential facilities; at the moment, the only facility of that kind in Scotland is in Edinburgh. The ADSW has called for more such accommodation.

In response to your question, I do not pretend to be an expert on the Human Rights Act 1998, prisoner release and so on. However, despite the presumptions that a stable housing environment increases community safety and that housing sex offenders in communities should be the norm, alternatives should be available if it becomes clear that offenders cannot be managed better in that environment. That said, I understand that such people make up a very small minority of offenders.

John Home Robertson: Nick Fletcher has already outlined two classifications for sex offenders: those who target adults and those who are more likely to target children. Are those two categories useful in making decisions on the most appropriate accommodation for different types of offender?

Nick Fletcher: I did not intend to suggest that.

John Home Robertson: I was not putting words in your mouth; I simply referred to the fact that you had mentioned those categories.

Nick Fletcher: In my response, because it is part of the sub-committee's remit, I focused on people who offend against children. However, we must treat each sex offender as an individual who poses a different type of risk, depending on the nature of their offence, their character and so on. It is difficult to put sex offenders into particular categories and we should take care in attempting to do so. As the evidence from ACPOS and the Scottish Prison Service made clear, some sex offenders do not engage with treatment programmes or monitoring, but not even they can be classified as a particular type of sex offender.

At that point, the risk assessment and management process that are undertaken by criminal justice social work and the police come into their own by allowing identification of the risk that is posed by an individual and development of a management plan based on that. Housing organisations can then consult the plan and decide on the accommodation that most appropriately meets offenders' monitoring and supervision requirements.

John Home Robertson: We have asked everyone else this question, so we had better put it to you, too. As you know, the inquiry was triggered by a petition calling for public notification of, and disclosure of, information about the location of registered sex offenders. What is your view of that proposal?

Nick Fletcher: As I said in my response to the committee's first question, we do not support such a move. We said earlier that there is still a big communications job to be done to convince communities that—with the various proposals that have been made and the recently passed Management of Offenders etc (Scotland) Act 2005—the Scottish Executive, Parliament and organisations that are involved in supervising sex offenders and managing the risks that they pose to communities have taken note of communities' concerns and are trying to address them.

I can understand why there is an appetite for disclosure in communities: people see the things that have gone wrong being publicised in the press. We need to communicate with people to assure them that the measures that are being put in place can meet their needs and ensure that they are not at risk. If we do not do that, there will always be a call for some form of disclosure.

We have to give the draft national accommodation strategy—which the Scottish Executive has been developing—and the practice guidance that we have written a chance to bed in alongside the other measures in the Management of Offenders etc (Scotland) Act 2005, and we must consider how the duty to co-operate works. Let us monitor those things and see how they are working before we start considering whether disclosure is necessary. I hope that disclosure is not necessary—if we get things right, we should be able to satisfy communities that we have their interests at heart and are trying to ensure their safety.

John Home Robertson: That is helpful. I take it that the witnesses would not support the case for public disclosure across the board, over and above the disclosure system that already exists.

Witnesses indicated agreement.

John Home Robertson: There is now a duty to co-operate and share information, to which Liz Burns referred. What are the essential pieces of information about sex offenders that your member organisations require to know?

Diana MacLean: We discussed that this morning before we came here.

John Home Robertson: Come on—include us in your discussions.

Alex Fergusson: Information sharing.

Diana MacLean: Absolutely. As part of the duty to co-operate working party, we are considering that very question so that we can identify relevant information. I will consider a case with which I have dealt and find out what the relevant information was in it. For me, such information would include whether there was any risk to staff and the community. I would not need to know the ins and outs of the person's offence, but I would need to know what risks were posed to anybody who might come into contact with that person through my organisation.

I would also want to be involved in the risk management decisions on that person, because some of them might involve housing. The person might not be able to be housed in a particular place or we might not be able to house a person within a particular family make-up. Such matters would be relevant, but I cannot say definitively what information would be needed. I could give you a better idea of that at the end of the week, when I have done some work on it.

John Home Robertson: Perhaps you could send us the information when you have concluded your work.

Diana MacLean: Yes.

The Convener: I have a question for Alan McKeown, which I am sure others will supplement. What difficulties do your local authority colleagues face in trying to provide housing for sex offenders? Some local authorities have transferred all their housing stock to registered social landlords.

Alan McKeown: That depends on the quality of the relationships and understanding between authorities and RSLs, which will vary depending on the area. The process of allocating a house should be pretty straightforward. We would discharge our statutory duties as normal. The big issue is identifying the right property and the right area. If we left a property void for a while, which would have a resource implication, we would draw attention to it. If we put a sex offender in a block of flats, would we be preventing other people from accessing that block, given their circumstances? There are subtleties involved. We would need to track the implications of an allocations process and we would have to consider at what point we would depart from the normal allocations process and simply say, "That's where you're going. You don't get a choice." We are working through those implications, which we will know more about when the duty to co-operate is implemented.

On stock transfer, the issue is the quality of the relationship between the authority and the RSL and the physical processes that we put in place. We should be able to work with Communities Scotland, because we are regulated by the same regulator and share similar processes. We should

be able to have a good discussion with the Scottish Executive so that we can ensure that quality is built into our processes across the board.

As regards information sharing, we are all adults and professionals. I work with Liz Burns every day and I would, because I trust her, be surprised if I could not share with her every piece of information I had. I am not saying that that will be the case across the board, but that is the position that we need to be in.

The Convener: I take it that Liz Burns agrees with everything that Alan McKeown has just said.

Liz Burns: Every word of it.

The Convener: I am conscious that you have statutory duties to provide accommodation for people who need housing and that there may be supply pressures in parts of Scotland. Do you think that the housing of sex offenders will present difficulties, given the wonderful relationships that exist?

Alan McKeown: I do. I am not sure how great those problems will be on a scale of one to 10, but there are places in urban and rural areas where it would be unwise to house a sex offender. Like ACPOS, I can foresee circumstances in which someone will have to be removed. There will have to be constant negotiation and people will have to be aware of the impacts of their decisions at all times. As has been mentioned, that will be resource intensive and stressful for staff. It is a tough question, but I do foresee difficulties arising.

Mr MacAskil: Will the new statutory duty—

John Home Robertson: I am sorry, but some of the witnesses want to come in.

The Convener: Do you all want to come in? I thought that you all agreed with everything that Alan McKeown said.

Liz Burns: We would like to provide additional information.

Alan McKeown: It is not a disagreement.

Liz Burns: It is not a disagreement; it is evidence of a mutually beneficial partnership.

Sometimes it seems as if social housing houses sex offenders just on a whim. It is as if our attitude is, "Let's have them all." Social housing houses sex offenders either because they have no other accommodation to go to or because, in their existing accommodation, they are a danger to the community and need to be moved. The housing of sex offenders is entirely in keeping with the social housing approach of addressing housing need for people who do not have housing: it is right that it should take place within that framework. It is not the case that we take people out of their owner-occupied accommodation on the ground that they

must be in social housing because they are sex offenders. We are not adding to the scarcity of social housing—the people whom we house would need to be housed anyway.

As Alan McKeown said, there is bound to be resentment in communities if prime accommodation is allocated to a known sex offender. In rural areas, sex offenders are often known to be sex offenders. Greater transparency and accountability in the procedures help to make the situation easier.

The Convener: Our understanding is that a significant number of sex offenders do not go into the social rented sector, but into owner occupation or former family homes. If we make that explicit in our report, it might assist the debate that you will have.

Are there any more comments on the same issue?

Nick Fletcher: I want to build on what Alan McKeown said about finding appropriate accommodation. Once the strategy is in place, some work might need to be done to examine how easy it is to find accommodation that is deemed to be appropriate for sex offenders. We must investigate whether we have enough appropriate accommodation or whether we need to consider building more housing.

At the same time, we must not forget our existing duty to house all homeless households in Scotland by 2012, which is posing its own challenges to the sector. Finding appropriate accommodation for sex offenders is not our only goal—we have two goals to achieve. If we are to meet those challenges and provide appropriate housing for sex offenders in the most appropriate locations, we may need to argue for greater investment in affordable housing. We must consider impacts on allocations to other people and we will need to examine whether such allocations have been affected by our work on address profiling and block profiling, for example.

The Convener: I accept what you say about appropriateness but, as you have said, you already house sex offenders.

Nick Fletcher: We do. Some of our members house sex offenders without realising that that is what they are doing, which is why we need a national strategy.

The Convener: Absolutely. It is not necessarily that we need a host of new accommodation; we just need to sharpen up what we do.

Nick Fletcher: We need to ensure that provision is appropriate.

12:30

Mr MacAskill: Will the new statutory duty to co-operate make it easier to find appropriate accommodation for sex offenders? Has the inclusion of local authorities as responsible authorities imposed additional duties on you?

Alan McKeown: The duty will not make it easier or harder. It formalises what we already do, and we accept that that is helpful. It will, however, make more difficult the continuing responsibilities that go with that. Having started the work, we will have to see it through, which will, as we said earlier, require on-going staffing resources and resources for information management and analysis. It seems to me that there is a gap because we are information poor in relation to things that we have talked about: the number of offenders who are in and around communities; the number of times we have had to disclose information; the number of offenders we are housing; and what types of areas they are housed in. We need to get much sharper on such matters to allow us to interrogate our systems properly and then to target resources where they are most needed.

Mr MacAskill: I was going to ask how the draft national accommodation strategy for sex offenders in Scotland will affect you. I presume that you are affected by the on-going requirement, but I do not know whether there is anything in addition to that. Where do you stand, as chief housing officers, on the new community justice authorities and the management plans for reducing reoffending?

Alan McKeown: We stand shoulder to shoulder in that work. We are key partners in its organisation, planning and delivery.

The Convener: Our remaining questions were answered earlier. I have one more question, though. You said that stable housing is a key part of managing sex offenders. Do you consider a park bench to be an appropriate definition of a home?

Liz Burns: No.

Alan McKeown: Absolutely not. We need more resources for affordable housing in appropriate areas. Our rural areas are starved of affordable housing and we are simply not getting the resources to build housing. Thank you for that opportunity, convener. [*Laughter.*]

The Convener: I did not intend to give you that opportunity. I think that there is something here that we need to fix: we have noted your comments.

I thank you for your evidence. You had to wait a long time, but you used your session productively. I thank the witnesses from the SFHA, Scottish

Borders Housing Association and CIH Scotland,
and the local authority chief housing officers.

12:32

Meeting continued in private until 12:58.

We now move into private session to reflect on
today's evidence.

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