

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 26 JANUARY 2006

SCOTTISH EXECUTIVE CONSULTATION ON THE DRAFT SEXUAL OFFENCES ACT 2003 (NOTICE OF RELEASE OR TRANSFER) (SCOTLAND) REGULATION 2006

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 The Scottish Executive have issued a Consultation document regarding the above Act. It addresses the responsibility of Prison Governors and Chief Executives of Health Services as regards the release or transfer of Sex Offenders who are in Prison or in Hospital.

2. BACKGROUND

- 2.1 Part 2 of the Sex Offenders Act 2003 came into force on 1st May 2004. This legislation made changes to the notification requirements for sex offenders who are convicted of other relevant sexual offences. Within this legislation it remained the responsibility of individual offenders to notify the Police of their circumstances.
- 2.2 Failure to comply with notification requirements is a criminal offence with a maximum penalty of 5 years imprisonment.
- 2.3 The notification procedures are suspended for sex offenders who are detained in a prison or other institution.

3. PURPOSE OF CONSULTATION

- 3.1 The consultation in respect of the Draft Sexual Offences Act 2003 (Notice of release or Transfer) (Scotland) Regulations 2006 concerns proposals that responsible persons in prisons and hospitals should inform one another, when transferring a sex offender that notification requirements will apply to that offender upon his/her release.
- 3.2 The consultation further recommends that responsible persons in hospitals and prisons inform the Police of the release of such offenders for periods of three days or more (including indefinite release).
- 3.3 The recommendation within the Consultation document is that such notifications are made, where practicable, 14 days in advance of the period of release.

4. RESPONSE TO CONSULTATION FROM EAST AYRSHIRE COUNCIL

- 4.1 The proposals introduce guidance to statutory agencies with regard to their responsibilities in the notification procedures for Sex Offenders.
- 4.2 The proposals serve to strengthen the information sharing between key agencies involved in managing sex offenders with a view to better managing their movements.
- 4.3 East Ayrshire Council welcomes the proposals to introduce these measures as they will enhance existing arrangements aimed at minimizing the risks posed by this group of offenders.

5. FINANCIAL IMPLICATIONS

- 5.1 Nil.

6. POLICY/LEGAL IMPLICATIONS

- 6.1 Nil.

7. COMMUNITY PLANNING IMPLICATIONS

- 7.1 The purpose of the consultation is to ensure increased community safety by minimising the risks posed by high risk offenders. This is consistent with the Improving Community Safety theme of the Community Plan.

8. RECOMMENDATIONS

- 8.1 It is recommended that Social Work Committee: -
- (i) to invite the Executive Director of Education and Social Services to submit the formal response to this consultation on behalf of East Ayrshire Council;
 - (ii) agree that reference should be made in the response to the discussion of these matters at East Ayrshire Council Social Work Committee; and
 - (iii) otherwise note the contents of this report.

John Mulgrew
Executive Director of Educational and Social Services
(Encs 0)
FMack/JM
9 January 2006

LIST OF BACKGROUND PAPERS

Scottish Executive Consultation on the draft Sexual Offences Act 2003 (Notice of Release or Transfer) (Scotland) Regulations 2006 (available at Members information point)

For further information please contact Sally Ann Kelly, Senior Manager, Children & Families & Criminal Justice, telephone number 01563 576907

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