

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE: 9th November 2000

REPORT OF THE COMMITTEE ON SERIOUS, VIOLENT AND SEXUAL OFFENDERS

Report by the Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To advise Committee of the above report and its main recommendations, and seek approval of East Ayrshire's response.

2. BACKGROUND

- 2.1 In March 1999 the Scottish Executive established the MacLean Committee on Serious, Violent and Sexual Offenders. The Committee's remit was to:
- (i) consider and make proposals for sentencing disposals and the future management and treatment of serious, violent and sexual offenders;
 - (ii) consider whether the current legislative framework provides the Courts with an appropriate range of options and affords the general public adequate protection;
 - (iii) compare practice, diagnosis and treatment elsewhere and build on current expertise and research to inform the development of a medical protocol to respond to the needs of personality disordered offenders;
 - (iv) specify the services required and the means of delivery;
 - (v) consider the question of release/discharge into the community, and service requirements for supervising these offenders.
- 2.2 The MacLean Committee has completed its deliberations, which included a wide ranging consultation exercise to which East Ayrshire contributed. The Committee has produced a substantial and detailed report, which has been presented to the Scottish Executive. They are now seeking views on the various recommendations.

3. RECOMMEDATIONS OF THE MacLEAN COMMITTEE

- 3.1 The MacLean Committee has made 52 recommendations in its report. These may be categorised and summarised under the following broad headings;
- (i) risk assessment – formal, systematic risk assessment based on best available research, applied to those offenders who pose a continuing risk to public safety;
 - (ii) Risk Management Authority – the creation of a new body, reporting directly to Ministers whose remit would encompass policy, standard setting and an operational role;

- (iii) sentencing – the introduction of a new sentence called ‘An Order for Lifelong Restriction (OLR)’ and accompanying criteria and procedures for its imposition;
- (iv) supervision of high risk offenders – development of national standards for supervising high risk offenders and the development of a range of techniques for intensive supervision and surveillance;
- (v) mental disorder – risk assessment, availability of an OLR and hospital orders;
- (vi) personality disorders – development of national clinical guidelines and piloting of services to establish long term management measures.

4. RESPONSE TO SCOTTISH EXECUTIVE

- 4.1 The MacLean Committee report is reviewed as being an important step towards improving the management of risk posed by serious, violent and sexual offenders. The emphasis within the report on the assessment of risk as the key factor in determining its management is acknowledged as being positive.
- 4.2 The recommendations relating to risk assessment, sentencing, mental and personality disorder are broadly welcomed. East Ayrshire would encourage their acceptance by the Scottish Executive.
- 4.3 The proposal to establish a Risk Management Authority requires further consideration. The establishment of a body having accountability for policy development and standard setting has much to commend it. The operational component of its proposed remit does raise concerns and clarification of this aspect is necessary. East Ayrshire’s view is that the operational management of high risk offenders should remain the responsibility of local authority criminal justice social work services who have a statutory duty to supervise certain categories of offenders in the community.
- 4.4 The recommendations surrounding the supervision of high risk offenders are generally welcomed, particularly the setting of national standards for this category of offender. The development of more intensive supervision and surveillance methods being proposed in the report will require considerable investment by the Scottish Executive.

5. FINANCIAL IMPLICATIONS

- 5.1 The ability of local authorities to respond appropriately to the many positive recommendations contained in the report will be fully dependent upon the Scottish Executive making available additional resources.

6. CONCLUSION

- 6.1 The report of the MacLean Committee contains a considerable number of recommendations. East Ayrshire would accept many of these particularly the emphasis on the availability of good risk assessment and risk management strategies. Reservations exist with regard to the operational role afforded to

the proposed Risk Management Authority. It is also considered the implementation of many of the recommendations will require substantial additional resources be made available by the Scottish Executive.

7. RECOMMENDATIONS

7.1 It is recommended that Committee:

- (i) endorse East Ayrshire's response as outlined in section4;
- (ii) otherwise note the content of this report.

John Mulgrew
Director of Educational and Social Services
DF/SM
OCTOBER 2000

LIST OF BACKGROUND PAPERS

Executive Summary of the 'Report of the Committee on Serious Violent and Sexual Offenders'

The complete report is available from the office of the Head of Social Work.

For further information on the report please contact Donal Flannery, Service Unit Manager (Criminal Justice) Tel: 01563 576907.

IMPLEMENTATION OFFICER: DONAL FLANNERY

AGENDA