



CARE AND JUSTICE

for Scotland's Children

The Scottish Children's Reporter's Administration (SCRA) welcomes this opportunity to submit the following written evidence in relation to the issue of the Justice System (Child Sex Offenders).

1. Disclosure of Information

Should information be given to local communities on known child sex offenders living in their area?

It is the view of SCRA that great caution is required in providing information to the local community about known sex offenders in their area. We have three points to make on this issue.

- a. SCRA supports the view, articulated in the MacLean Committee's Report on Sexual and Violent Offenders (2000) that widespread public notification of offenders' locations would not enhance the safety of children. The risks posed by sex offenders cannot be eradicated, but are best minimised by the provision of stable accommodation linked with effective monitoring. Given the current media and community responses to child sex offenders, notification of addresses, for example, would be likely to lead to community action that in turn results in the disruption of such stable housing and monitoring.
- b. The current developments in Scotland in relation to the monitoring of violent and sexual offenders, for example through the Multi-Agency Public Protection Arrangements and Guidance and the duty of agencies to co-operate under Sections 10 and 11 of the Management of Offenders (Scotland) Act 2005, are likely to improve the quality and effectiveness of monitoring sex offenders in the community. It is our view that such measures will provide the best way of protecting children in the community.
- c. There are a very few young people under 16 years of age who are convicted in the adult courts of committing sexual offences. Most frequently these young people are already known within the Children's Hearing System, for historical reasons, or for other, possibly related, concerns about behaviour or welfare needs.

These young people require thorough, skilled assessment in order to provide the correct level of supervision, monitoring, support and work to address their offending. They are a group of young people who may both present risk to others and also be vulnerable themselves.

Informing the community of details on such young people would render school attendance, moves into employment, family support, and peer contacts virtually impossible.

There is some experience from case practice of situations where information about the young person has reached the public domain, despite current rules on confidentiality. In such situations, this has been highly detrimental to the young person and their family, and has militated against their progress and rehabilitation. Ultimately this may affect their future risk to others.

2. Do you think that we need specialised courts to handle child sex offenders?

Our only comment in relation to this matter is that, whether sex offenders are dealt with in the current system or in specialised courts, there is a need to ensure that the judiciary, along with other involved agencies, have full opportunity to receive ongoing education and information on risk assessment procedures, research and development. We are aware that there is substantial work ongoing in relation to this area and that the establishment of the Risk Management Authority provides a new and helpful way to promote dissemination of knowledge and good practice.

The introduction of Section 21 of the Criminal Justice (Scotland) Act 2003 requires the sentencer in sexual offences and related cases to ask for a Social Enquiry Report and a psychological report prior to decision-making. We consider this a helpful mandate.

3. Do you consider that adequate sentencing options are currently available to the courts?

SCRA is aware of the introduction of the Order for Lifelong Restriction which, along with monitoring by the Risk Management Authority, to ensure adequate planning for these offenders, may improve the safety of children.

We have no other comment to make on this question.

4. Do you think that other kinds of disposals should be available to judges when sentencing child sex offenders?

As this issue is outside SCRA's scope/remit we have no comment to make.