

SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

NATIONAL CONCORDAT: SHARING INFORMATION ON SEX OFFENDERS

EVALUATION TEMPLATE

Introduction

The Scottish Children's Reporter Administration (SCRA) is a signatory to the National Concordat on Sharing Information on Sex Offenders. Annex 1 of the Concordat defines the information exchanges covered by the Concordat. Those information exchanges that involve SCRA are:

- **'Various Agencies to Police.** Prior to submitting a report to the Procurator Fiscal, police may request and receive information from a variety of agencies.
- **Police and procurator Fiscal to Scottish Children's Reporter Administration and social work services.** Information is passed to SCRA in relation to both children who are perpetrators of crime, and who are victims of crime. Information is also passed to SCRA in relation to children who are at risk. Aspects of this information can be shared with social work services.
- **Scottish Children's Reporter Administration to Sheriff Courts.** In certain circumstances, information is passed from SCRA to Sheriff Courts in relation to proof hearings.
- **SCRA to SCRO.** In some instances, information is passed from SCRA to SCRO.'

SCRA responses to the questionnaire reflect its role as defined in the Concordat in relation to the above information exchanges. SCRA is fully committed to sharing information on sex offenders as agreed in the Concordat.

SCRA's response to evaluation questions

Practice requirement 1.1 Policy and procedures

Agencies have written policies and procedures in place, supported by robust systems and structures to collect, store and ensure the effective handling and transfer of information within timed targets for the speed of transfer.

The sharing of information is intrinsic to the functions of the Principal Reporter, particularly in relation to:

- Receipt of referrals about children
- Investigating referrals of children
- Arranging Children's Hearings
- Notifying outcomes of Reporters' decisions and Hearings' decisions
- Conducting proof proceedings in Sheriff Court.

SCRA does not have specific policies or procedures relating to sex offenders, information is shared on sex offenders in the context of SCRA's work in relation to children.

SCRA stores information on cases of children referred to the Reporter in its Referrals Administration Database (RAD), which is a case management system, and in its Data Warehouse.

Do you have an agreed set of written policies and procedures which set out:

1. What:

a. Systems and structures are in place to collect, process, store and transfer information about sex offenders.

b. Events which trigger the sharing of information

c. Information will be shared and with which organisations

d. Compliance monitoring and audit controls exist to ensure information is properly shared and its integrity safeguarded.

1.a. Information is held in SCRA case files on individual children referred to the Reporter and collated and stored in SCRA's RAD and Data Warehouse.

1.b. SCRA's Child Protection Policy sets out a framework for all SCRA staff on their responsibilities to protect children, to recognise when a child is at risk and take action to protect them.

1.b and c. Practice of Reporters in relation to information sharing is governed by Children (Scotland) Act 1995, Children's Hearings (Scotland) Rules 1996 and the Act of Sederunt (Child Care and Maintenance Rules) 1997. The Principal Reporter is required to share information by the Act and Rules, and individual Reporters require to comply with this legislation e.g. in relation to

- Outcome of Reporters' decisions
- Outcome of Hearings' decisions
- Applications to Sheriff Court for proof.

Extensive SCRA practice guidance sets out the Principal Reporter's requirements for practice of individual Reporters. Although SCRA has no specific guidance relating to information sharing, guidance relating to information sharing is evident throughout other SCRA guidance. Examples that make reference to the sharing of information include the following SCRA Practice Guidance documents:

- Practice Guidance Note 28 – Practice Guidance. Offending Issues
- Practice Guidance Note 8 – Naming an alleged offender in grounds for referral under sub-sections (d), (e), (f), and (g) of section 52(2) of the Children (Scotland) Act 1995
- Practice Guidance Note 2 – Identification and recording of Referrals
- Practice Guidance section 3.7 – Initial investigation by the Reporter and Reporter's disposal, including Case Investigation Framework.

Relevant national protocols that relate to information sharing include:

- Agreement between SCRA and ADSW to ensure consistent identification, use and recording of Initial Enquiry Reports (IER), Initial Assessment Reports (IAR) and Social Background reports (SBR).
- Joint agreement in relation to the cases of children jointly reported to the Procurator Fiscal and Children's Reporter (expected to be signed off by relevant agencies on 11 June 2008)

1.d. SCRA has a set of information security policies to support the effective management of information. Adherence to these policies is audited periodically SCRA has a Supervision Framework in operation for all staff.

2. How:

a. Information will be shared (e.g. electronically, paper based methods)

b. Shared information will be updated in light of new evidence

c. Long will information be kept as live and/or archived data.

2.a. SCRA currently shares information mainly by paper based methods. There is an electronic exchange of offender information with Central Scotland Police who send standard prosecution reports to the Central Scotland Authority area teams *via* e-mail. SCRA is currently working on extension of electronic information exchange with Police Forces across Scotland as part of the ISCJIS community.

2.b. Information held by SCRA on case files and RAD is updated in light of information and referrals received.

2.c. SCRA case files are held until the young person reaches the age of 18 years and three months. In some circumstances (e.g. the individual may be a risk to others, complex cases, etc.) the case file will be held indefinitely. Information is held on RAD until the young person reaches the age of 18 years and three months. Information is also stored within the SCRA Data Warehouse and this is held indefinitely.

SCRA has a set of information security policies to support the effective management of information. Adherence to these policies is audited periodically.

SCRA also has a nominated Data Controller. The Data Controller decides how and why any personal information is to be processed. He also ensures that SCRA complies with the provisions of the Data Protection Act 1998.

3. When

a. Information will be shared i.e. within what time frame/limit will information be shared/ transferred.

b. policies and procedures will be reviewed?

3.a. The Scottish Executive's Blueprint for the Processing of Children's Hearings Cases. Inter-agency Code of Practice and National Standards (2001) sets out the timescales for information transfer from agencies to SCRA and from SCRA.

3.b. Please refer to response to question 1.

4. Who has responsibility:

- a. for high level decisions to release information, including decisions not to share information.**
- b. for the review and sign-off to changes to information sharing policy, procedures and protocols**
- c. to ensure all your partner organisations are signed-up to these policies and procedures?**

4.a and b. The Principal Reporter and SCRA's Board make high level decisions on sharing information.

4.c. It is a matter for other agencies to have responsibility to sign-up to policies and procedures. SCRA works in partnership with other agencies and this engagement is at national and local level.

SCRA produced the document "Referral to the Children's Reporter - requirements of referrals" for partner agencies to assist them in decisions about possible referrals as part of SCRA's contribution to the Ministerial Task Group on Referrals to the Reporter.

SCRA's Data Controller decides how and why any personal information is to be processed, he also ensures that SCRA complies with the provisions of the 1998 Data Protection Act.

Practice requirement 1.2: Process for managing the partnership and flow of information

Agencies and staff are clear about the information to be transferred and received and the agencies with whom it can be shared.

Evidenced by:

1. Does your organisation have clear agency and staff guidelines which specify:

- a. What information can be shared with partner agencies (please provide a copy of the guidance)**
- b. What information, based on consultation with you, your organisation will receive from them**
- c. The rules in place to establish ownership of the data at each stage in the transfer process**
- d. What information is maintained regarding the actual transfer of information at each stage. Please provide a copy of any checklist used?**

1.a. Please refer to the response to question 1.

2. What systems do you and your partner agencies have in place to ensure these guidelines are followed?

SCRA has an internal practice audit function which has a rolling programme of audit activity. An objective of internal practice audit is to monitor and ensure compliance with statutory provisions and internal practice guidance. Information sharing has been included in previous audit programmes and will be covered again in future audit work.

3. How regularly do you monitor whether information sharing guidelines are understood and followed by staff and partner agencies?

Please refer to response to question 2 above.

4. Detail the rules set out for disclosing information to other public bodies.

SCRA shares information in accordance with the statutory role and powers of the Principal Reporter.

5. What systems are in place to ensure that the process of transferring information to partners is secure.

SCRA is imminently upgrading from the GSX to the GSI network which will enable SCRA to transmit and receive information electronically and more securely.

SCRA also has a set of information security policies that SCRA staff must adhere to.

There is also a pilot project underway on the electronic transfer of information between SCRA and Central Scotland Police, which is exploring the most effective and secure mechanisms for transferring information.

6. What compliance checks are undertaken at each stage?

The adherence to SCRA information security policies is routinely audited.

7. Please describe what procedure is triggered where guidelines are not followed?

All staff must comply with SCRA's Staff Code of Conduct and information security policies.

Practice 1.3 Management of people

Staff are aware, knowledgeable and skilled in the information sharing principles and process, recognising their own needs and those of their partner agencies.

Evidenced by:

- 1. Being clearly set out in job descriptions. Please provide an example copy of this.**
- 2. How do you ensure that staff are aware of – and the need to follow – agreed procedure, principles and process of sharing information.**
- 3. What training and written support materials (including checklists) are provided.**
- 4. How regularly do staff participate in 'joint' training with other agencies to develop a shared understanding and to promote effective communication.**
- 5. Describe what processes are in place for staff to recognise their own needs and those of partner agencies.**
- 6. How do you assess how effective the above are?**

All staff must comply with SCRA's Staff Code of Conduct and information security policies.

SCRA has a Supervision Framework in place for all staff. This has been evaluated by SCRA's in-house research team.

Practice 1.4 Performance Monitoring

Agencies have performance monitoring and reporting mechanisms in place, including an internal quality assurance process.

Evidenced by:

What performance monitoring process do you have in place within your organisation

What reporting mechanism is used in your reporting of performance

Is the effectiveness of your information sharing policies and procedures independently audited

How frequently are your written policies and information sharing processes reviewed to ensure they remain fit for purpose?

SCRA does not systematically review its performance in relation to information sharing.

The adherence to SCRA information security policies is routinely audited to ensure information transfer is secure.

Practice 1.5 Equality impact assessment

The basis of the Concordat is that each of the agencies involved has agreed to share relevant information about sex offenders and sex offending. To this end

the Concordat will impact directly on prevention, detection and reporting crime, prosecution of offenders, courts, prisoners, parole, protection of children, tracking and protecting offenders. The intention of this part of the assessment is that the provisions agreed to will apply equally to all.

Evidenced by:

Has your organisation undertaken an equality impact assessment

When done, what process exists to eliminate or neutralise any adverse impact to avoid cases of unlawful discrimination?

SCRA has not yet undertaken an equality impact assessment.

SCRA

20 June 2008