

Housing and Sex Offenders

1. Chartered Institute of Housing Commissioned Report:
Toward a National Accommodation Strategy for Sex Offenders
2. Scottish Executive Update:
Recent Measures to Tighten Controls on Sex Offenders



Toward a National Accommodation Strategy for Sex Offenders

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Chartered Institute of Housing in Scotland

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Introduction

Social housing organisations are a significant part of a wider ‘frontline’ that deals with sex offenders (in addition to other categories of dangerous offender). These agencies aim to minimise the risks associated with those who have been convicted of such offences, either while subject to a court community disposal such as probation or after their release from prison or a transfer of housing. The location and treatment of sex offenders has provided much debate, with housing providers often left in difficult positions, trying to meet statutory duties whilst catering for a group to which the wider community are hostile and would like to see displaced elsewhere. In fact it is essential to recognise that the risks to community safety posed by sex offenders can be minimised significantly where stable housing arrangements and effective monitoring can be put in place.

In a media-driven climate of growing fear about predatory offenders sex offenders have provided an increasing focal point for community concerns. This means that there is ever greater scrutiny of those public institutions charged with assessing and managing the risk posed by sexual and dangerous offenders. The management of risk is a key area in which agencies, in this case social landlords, are often judged severely where serious incidents subsequently arise. It is therefore important that public confidence is built and maintained with regard to the effective supervision and support of offenders. Such confidence enables the minimisation of disruption to the tenure of offenders. Where such disruption has occurred, either through the media or ‘community’ action, this has invariably had the effect of displacing the problem and has encouraged offenders to go underground. This raises the risk to the wider community with offenders becoming untraceable or not completing rehabilitation or educational programmes.

Key to success in dealing with sex offenders is the sharing of information and effective inter-agency working in order to ensure that risks are minimised in practice. It is essential that housing providers understand that part of their role in housing sex offenders is to enable public protection to be maximised. The role of housing in this context is twofold. First, it plays an essential role in providing stable accommodation arrangements to ensure safety through the management and monitoring of risk. Second, landlords need to be aware of their duties in relation to minimising risks to the community but also need to be active participants in information sharing protocols with the police and social work services in order to monitor and manage risk.

It should be noted that no strategy can ever be risk free and that there are significant risks to community safety which remain unknown. Most sex offences remain unreported and only around 4% of those reported result in a conviction. There may also be a significant chance of re-offending for certain types of sex offender (for example, those who have abused children outside their own family context) while others may have lower rates of recidivism than other types of offender. Taken together these points suggest that there is a significant pattern of unknown offending of which the wider community and public agencies are unaware. Managing these risks on the basis of caution, education and proactive approaches (rather than reactive approaches to crises as and when they arise) are an important part of a wider national strategy. The current media obsession with paedophiles detracts from a wider context

in which offending may occur and which public agencies need to be aware of and build strategies to manage such risk.

The various recommendations of the 2001 **Cosgrove Report** (Reducing the Risk: Improving the Response to Sex Offending) sought to provide a sustainable approach which recognised that the problem of sex offenders is not one that can be eradicated. The problem may also be made worse where offenders are simply pushed between a variety of agencies through their own actions or those of the community. In short, a manageable and effective way forward requires concerted inter-agency co-operation, education and the wider dissemination of effective ways of dealing with these issues. The Cosgrove Report contained three proposals for professional and representative housing bodies (such as the Scottish Executive, Scottish Federation of Housing Associations (SFHA), Communities Scotland, among others). These were:

1. That the Scottish Executive, Scottish Homes (now Communities Scotland) and local authorities and the SFHA should develop a **national accommodation strategy** to assist the management of offenders in the community based on CIHS guidance.
2. The same bodies to develop an education and **training programme** on housing sex offenders in the community for housing providers and their management bodies.
3. The Homelessness Task Force to ensure that new guidance relating to the Housing Bill and the revision of guidance on Homelessness take account of the need to **house sex offenders** and the challenges this presents (the most recent guidance on the homelessness legislation issued by the Scottish Executive still does not mention the housing of sex offenders).

This report addresses the needs raised by the first of these points. The housing issues raised by sex offenders come after many years of sensational media cases, vigilantism and profound social fears of sex offenders resident within communities. These cases have created fearful and, arguably, less safe communities since offenders have been moved or forced underground with panic created about paedophiles often without recognition that sex offenders embrace a much wider range of offences. There are perhaps two key messages stemming from this report. First, that risk cannot be managed where **information** between the relevant agencies is not shared. Second, that the risks posed by sex offenders should be considered alongside wider efforts to ensure **community safety** from the risks posed by other violent and dangerous offenders efforts. This is considered through the setting up of **statutory local partnerships** to assess and manage these risks. We also discuss a range of recommendations which include a greater emphasis on community education, training of housing professionals, better dissemination of practice arrangements, among others. Most emphatically we suggest that structures need to be in place to ensure that *something* is done to move forward in strategic terms to ensure the maintenance of public confidence and the development of a national strategy.

We suggest that any **national strategy** needs to be blind to differences between the **tenure** of offenders and the providers of housing. In short, all tenures of housing (private as well as public) need to be included so that any dangerous offenders are

encompassed in any developing strategy. Offenders in private stock (either rented or owned) are just as likely to be problematic and should be subjected to the same risk assessments and control. In addition the location of any offender in any tenure may have impacts on adjacent stock, the allocations to that housing and its management (including visits by support staff such as housing officers). Neither should any strategy be devoted simply to housing and housing practitioners. It is essential that any response to the challenges that such offenders present are **multi-agency** in nature to allow effective information sharing between those assessing risk and those managing that risk. Finally, it is essential that any strategy is also **community-focused** in practice to allow for a wider set of actions which might contribute to informed and *active* approaches to dealing with risk.

The report is structured as follows. Part 1 looks at the scale of sexual offences in Scotland and considers the distinctive problem for housing that such offenders create. Part 2 looks briefly at the key legislation and existing responsibilities for social landlords. In Part 3 we look at existing practice arrangements through a survey of social landlords across Scotland and in three case studies (Dumfries and Galloway, Edinburgh and North Lanarkshire). Finally, in Part 4 the report identifies a series of recommendations to be taken forward in relation to a national accommodation strategy for sex offenders in Scotland.

Part 1: Understanding the problem: sex offenders, community safety and best practice

This section of the report looks at who sex offenders are and the risks they present to the community and challenges to housing practitioners. Some understanding of the scale of this problem is required by way of an introduction to these challenges.

In 2001 there were 75 **sexual offences** per 100,000 people recorded compared with 382 per 100,000 for violence against the person and 877 per 100,000 for robbery. In the same year 781 persons had court proceedings against them for crimes of indecency (this has steadily declined, the figure was 1,660 in 1991 for example). However, the number of persons with a charge proved against them in the same period was 597 (of whom only 116 were women). It should be stressed that these figures refer to official court actions only.

If we now look at the number of **recorded crimes** in this category we find that the number of crimes in the indecency group increased by 26 per cent in 1997 to number 7,100, the highest number recorded since 1971. Within this group recorded cases of sexual assault - which includes rape and indecent assault - increased by 14 per cent to total 2,000 and the number of crimes of lewd and indecent behaviour increased by 22 per cent to total 3,000 in 1997. The number of crimes recorded in the "other" sub-group increased by 45 per cent (672 cases) to 2,200 and was mainly as a result of an increase in prostitution-related offences.

Given that both the recording of crimes and charging of persons linked to sexual offences is fraught with problems of **under-reporting** and other significant difficulties it is important to stress that sex offences considered in this way represent only a very small part of the problem. Focusing only on paedophiles or known offenders is only one part of the challenge to issues of community safety that social landlords face. However, managing both known as well as an unquantifiable and unknown set of risks presents a much more serious set of challenges, to which we return later.

Those offences of a sexual nature are shown in Figure 1 below. This shows that the range of behaviours is variable, from this we can assert that not all sex offences and offenders may be seen as inherently problematic or dangerous to *the wider public*. This is important in recognising that risk assessment and management require variable responses. The image of predatory paedophiles has dominated the public imagination. However, it is important to remember that a much wider set of problems and behaviours are associated with a range of sexually motivated crimes the common denominator of which are abuses of power wherein victims are unable to give informed or true consent. As such it is important to make distinctions between sex offences, such as under-age sexual intercourse between, say a 17 year old boy and a 15 year old girl, which are unlikely to lead to future harm to the public and serial rapists who may well pose future threats. There is not typical offender.

Figure 1: Sexual offences as defined under the Sex Offenders Act 1997

Offences under the law of Scotland, namely:

- rape;
- clandestine injury to women;
- abduction of a woman or girl with intent to rape;
- assault with intent to rape or ravish;
- indecent assault;
- lewd, indecent or libidinous behaviour or practices;
- shameless indecency;
- sodomy;

An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions);

offences under section 52 of the Civic Government (Scotland) Act 1982 (taking and distribution of indecent images of children); and section 52A of that Act (possession of indecent images of children);

and offences under the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 -
section 1 (incest);
section 2 (intercourse with step-child);
section 3 (intercourse with child under 16 by person in position of trust);
section 5 (unlawful intercourse with girl under 16);
section 6 (indecent behaviour towards girl between 12 and 16);
section 8 (abduction of girl under 18 for the purposes of unlawful intercourse);
section 10 (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16); and
section 13 subsection (5) (homosexual offences).

Here we look at the information gathered by the Cosgrove Report/Expert Panel on Sex Offending (Scottish Executive, 2001) and at the responses to the consultation on its recommendations (Scottish Executive, 2002). In the next section of the report we look at the relevant legislation, followed by a review of guidance issued and other research. The reviews are not confined to Scotland; important developments in England and Wales are also included.

Existing evidence on offenders and good practice

In terms of the **risk assessment** and **risk management** of sex offenders, the Police Research Series papers produced by the Home Office, although based on research carried out in England and Wales, provide valuable and sometimes reassuring information. For example, the rate of compliance with the requirement for sex offenders to register is rising, and in 1999 was 94.7%. However, there was no single strategy for recording and sharing this information (Plotnikoff and Wilson, 2000). A review of the research literature on recidivism amongst serious violent and sexual offenders for the Scottish Executive found that there is a relatively low rate for sex offenders (Louks, 2002). Scottish statistics (Ash and Biggar, 2001) mirror research

findings in England, where overall reconviction rates of sex offenders for another sexual offence during the six years following their release from prison was below 10% (Hood *et al*, 2002). However, this study emphasised the importance of dividing sex offenders into varying categories of risk, as there was a much higher rate of recidivism (32%) amongst those originally convicted of an extra-familial sexual crime (*op cit*).

Considerable research has now been carried out into risk assessment, and this assists in making accurate assessments and effecting appropriate risk management strategies (Grubin, 1999; Kemshall, 2001). The arrangements for risk assessment remain non-statutory in Scotland, whereas MAPPA (**Multi Agency Public Protection Arrangements**) have been a statutory requirement in England since 2000 – to which we return later on. The work of Maguire *et al* (2001) into the work of such panels, which was carried out before they became a statutory duty imposed on police and probation services, found a great deal of diversity in their practice. Police and probation services (equivalent to criminal justice social work in Scotland) were fully committed to partnership working, whereas the commitment and co-operation of other agencies was marginal in some areas. **Housing services** were among the five agencies most often identified as crucial to public protection work, but along with health services were less often represented than police, probation and social services.

Barkley and Collet (2000) review the role of the probation service in supporting and managing offenders in the community, and the positive effect which *Supporting People*¹ is likely to have on this. They conclude that **support**, coupled with **stable accommodation**, directly address the dynamic risk factors associated with further offending, and enables individuals to benefit from **supervision** and other forms of treatment. The authors cite research which concluded that offenders whose main problem was housing or accommodation were significantly less likely to complete behaviour modification programmes than offenders who did not have the same problem (Roberts, 2000).

Research has shown that placements in tenancies can more appropriately support ongoing risk management by all the agencies involved, although formal protocol arrangements are required to enable exchange of sensitive information about individuals (Wing, 1998). Such **protocols** have been encouraged at least since the proposals of *A Commitment to Protect* published by the SWSI in Scotland in 1997. Inter-agency discussion can help to bridge different notions of risk and harm, which are often initially expressed in different ways by the various agencies. As part of the proposals here we suggest that a national strategy should set-up formal protocols as standard practice in all localities and would involve the same set of agencies in each locality. We return to this later. Research into dialogue set up between probation officers and housing staff to develop shared understanding, found that it improved offenders' access to tenancies. Yet the same study also found that some housing officers avoided getting involved even when it was their organisation's policy to do so, to the extent of refusing to be made aware when a sex offender was housed on their patch (Allen and Sprigings, 1999). Such practice seems counter-productive given what is known about the management of these risks.

¹ Supporting People is a new funding framework for housing support services introduced in 2003. The aim is to provide good quality services, focused on the needs of users, to enable vulnerable people to live independently in the community, in all types of accommodation and tenure.

Another, wider-scale study was carried out in 1999 among English housing organisations which focused on three study areas. The authors found it was premature to give formal guidance on housing sex offenders, but that there were some examples of good practice, including:

- membership by housing organisations in Risk Management Panels;
- effective regional protocols which included practical guidelines on information sharing and disclosure for landlords;
- effective internal systems for managing sensitive information. (Cowan *et al*, 1999).

However, there was uncertainty about a number of crucial issues. Different agencies used different risk assessment methods, and the role of housing officers varied in the different Panels, from being valued members to exclusion from the whole process; this was particularly true of registered social landlords who might provide accommodation for sex offenders but were nonetheless seen as ‘non-statutory agencies’. This situation has largely been supplanted by the statutory creation of the MAPP network though housing providers then had different views on whether sex offenders should be excluded from housing registers (which was legally permissible at the time of the research). The tenants interviewed in the study also expressed a range of views on exclusion, but were generally more concerned that any risks posed by sex offenders should be actively managed by the responsible agencies.

Cowan *et al* found that a full range of property was being offered to offenders in the study areas, although there was a tendency for all the professionals involved, including housing officers, to see blocks with CCTV and/or a concierge system as the best accommodation solution. Offers of **accommodation** were often made on the understanding that support would be offered to the tenant, and that other expert agencies would be monitoring the tenant’s progress. However, the boundaries of the **housing officers’ role** in monitoring and support were unclear, although roles and responsibilities among the professionals involved were under continuing discussion in all the study areas. The authors put forward some principles for good practice:

- Social landlords should recognise the need to house sex offenders, despite tension with the need to protect the local community and their other tenants;
- Inter-agency working and effective protocols are crucial;
- Social landlords should be actively engaged in risk assessment and ongoing risk management;
- Internal protocols are needed for the management of sensitive information, which should include guidance on dealing with emergencies caused by the media revealing the identity of individual sex offenders (Cowan *et al*, 1999).

On this last point, the **Maclean Committee on Serious Violent and Sexual Offenders** (Scottish Executive, 2000) gathered evidence on community notification, and came to the view that adopting a policy of widespread public notification would not enhance public safety. A similar conclusion was reached after exploration of the American experiences in disseminating information on sex offenders to the public (Thomas, 2003).

Summary

Sex offences cover a wide variety of actions, not all of which imply risks to the wider community or to children. However, the severe harm to victims of many of these crimes is a cause for concern and for a distinctive approach in housing management terms. Reporting of sex offences is particularly low when compared with other types of crime and successful prosecutions are also low which suggests the need for vigilance and management processes, including effective information storage and exchange between agencies, to assess and manage unknown as well as known (i.e. registered offenders) risks.

Part 2: Introduction to the responsibilities of landlords and relevant legislation

In relation to the accommodation of sex offenders there are several pieces of relevant documentation to which responses need to be addressed. For landlords it is clearly difficult to keep up with guidance notes and training issues and approaches in practice may often lag behind directives and such guidance. This section of the report is designed to familiarise landlords with the procedures, guidance and relevant legislative instruments by summarising the relevant documentation.

A Commitment to Protect (1997), the CIH practice note (1999) and Cosgrove Report (2001)

The **Expert Panel on Sex Offending** was established in 1998 under the chairmanship of the Honourable Lady Cosgrove to take forward recommendations of the report ‘**A Commitment to Protect**’ (Scottish Office Social Work Services Inspectorate, 1997) and to advise the Secretary of State on any other relevant issues relating to sex offenders. The initial remit of the Cosgrove Panel did not include housing, but in the event it did so because “it is clear that housing issues are central to the successful management of sex offenders in the community.” (*op cit*, para. 5.3). The Social Work Services Inspectorate had previously concluded that: “Homeless and highly mobile offenders are very hard to monitor and supervise effectively. They therefore pose a greater risk” (Scottish Office Social Work Services Inspectorate, 1997).

The Panel noted that there was a growing expertise among criminal justice services in relation to their dealings with sex offenders, but that a number of practical and **operational difficulties**, specifically inter-agency working, still needed to be addressed (Scottish Executive, 2001, paras.1.14 and 1.15). Practice by local authorities and other housing providers was variable both in terms of quality and also in the interpretation of legislation and guidance. In particular, some authorities routinely sought accommodation for sex offenders outside their home area; and some housing associations and independent housing providers had adopted blanket exclusion policies against sex offenders (*op cit*, para. 5.10). Staff within key housing agencies had concerns about local **information-sharing protocols**, compounded by a lack of information and unrealistic expectations about the level of detail which could be disclosed by the police about individual offenders (*op cit*, para. 5.11). These points are reflected in the key recommendations of the Cosgrove Panel that relate specifically to housing:

- that a national accommodation strategy should be developed;
- that funding should be provided for good practice training;
- that a national protocol on information-sharing should be developed.

In fact proposals for a **national strategy** to co-ordinate local authority strategies had also been recommended by Andrea Moore in the CIH’s practice note of 1999 and in the *Commitment to Protect* document. Moore’s document suggested that, at a minimum:

- Local authority housing services should be included in inter-agency forums for strategic planning to reduce risk from sex offending;
- Local authorities should not rely solely on public housing to accommodate sex offenders and housing services should adopt a proactive role in planning and enabling the provision of alternative forms of suitable accommodation;
- Local authority housing and social work services should jointly assess local need and provision for the range of accommodation for sex offenders.

Other issues considered by the Expert Panel also had relevance for housing. In the section of their report on delivering programmes for personal change, recommendations were made that each local authority should develop a **corporate approach** to the management of sex offenders in the community, as part of a **Community Safety Plan**. This should involve all the relevant departments, and draw on the skills and expertise of other stakeholders, including registered social landlords. However, when considering the flow of information in the criminal justice process, the Panel does not appear to see a role for housing at the pre-release stage (*op cit*, p. 73).

The Cosgrove Report did not recommend a **specialist residential facility** for the treatment of sex offenders; during the Panel's consultation process, it emerged that most experts felt that high profile/high risk offenders would be better managed in lower profile accommodation out of the public eye, with access to local programmes. As we see later, some form of intermediary housing was thought by some providers to be essential to finding somewhere for offenders who have been institutionalised for long periods of time and to enable better risk assessments to be made. However, any hostel style accommodation poses the risk of bringing together a group of sex offenders in one location. Finally, on the issue of information management, the Expert Panel recommended **joint training** to facilitate shared understanding and effective communication by relevant agencies. Our survey suggests that such training is still very patchy.

Four hundred organisations were consulted on the recommendations of the Cosgrove Panel, and their responses were analysed and published (Scottish Executive, 2002b). 58 responses were received, which included only two from housing organisations: the Scottish Federation of Housing Associations, CIH report (Moore, 1999) and the Scottish Council for Single Homeless. Consultees (not restricted to housing organisations) broadly approved of the **national accommodation strategy** and **central clearinghouse** proposals. The Scottish Executive supported the expectation that offenders would normally be housed within their home area. Two consultees suggested that offenders might prefer to settle outside their previous home area, because it would be safer and/or because of links made elsewhere through college or work placements during their sentence.

These concerns might be addressed by the development of a national accommodation strategy based on the explicit expectation that sex offenders will be accommodated outside their **home area** only in exceptional circumstances (this may be in relation to the concerns of victims or those housing offenders), which would be dealt with by the central clearinghouse arrangement. Some further general points were raised by consultees, which have a bearing on housing provision; for example the possibility that **rural areas** might have higher levels of abuse due to social isolation but less

available suitable accommodation; and that insufficient account had been taken of the fact that much **abuse** is familial, which has particular implications for the allocation of accommodation.

The more general recommendations of the Expert Panel on funding for **training, information-sharing protocols** and **inter-agency working** were broadly welcomed by consultees. There were several suggestions from other agencies that could be involved in the drawing up of a protocol, including housing interests. There was concern that some of the recommendations concerning information might give rise to legal considerations, for instance under the European Convention on Human Rights and/or the Data Protection Act which is also currently a key point of concern in relation to child protection. This latter point has also been identified as a key concern by the current Bichard enquiry following the Soham murders.

Since the time of these various documents more housing has been transferred to RSL ownership in Scotland such that **local authorities** can no longer be seen as the primary point of contact or, indeed, of housing provision in some localities. However, they do still retain responsibility for homelessness and are responsible for the housing strategy of the local authority area even when they own no homes themselves. As we discuss in the next section there appears to be a need for a **national forum** or organisation that could act as an information sharing resource and strategic co-ordinating body. This could only effectively function if all local authority areas also have multi-agency partnerships upon which a national strategy could then effectively operate.

Relevant legislation

The Cosgrove Report was published in 2001 and predates the Housing (Scotland) Act 2001 and the Criminal Justice (Scotland) Act 2003, both of which reflect recommendations made in the Report (Scottish Executive, 2001). At the time, the main aspects of the legislative framework were the Housing (Scotland) Act 1987 and the Sex Offenders Act 1997.

Housing legislation

The ***Housing (Scotland) Act 1987*** places duties on local authorities to house the homeless, including sex offenders if they are homeless and deemed vulnerable. The ***Housing (Scotland) Act 2001*** has updated the 1987 legislation by clarifying and widening local authority duties to the homeless, and providing that any applicant for housing who is over 16 must be admitted to the housing list of the local authority or registered social landlord to which application is made. The Act provides a common legislative framework for all providers of social housing. Blanket **bans** (policies which exclude whole classes of applicants, such as sex offenders, from registering with a housing provider) are not permissible, although housing providers may adjust their allocation schemes to determine the relative priority of the application.

The ***Homelessness (Scotland) Act 2003*** places local authorities under a duty to provide, or seek information to provide, housing support services for all homeless applicants. The Act makes significant changes to the current homelessness legislation.

Its new priority need categories, which include any homeless person who has been released from prison, came into force in January 2004. Priority need categories will be phased out completely by 2012. The current duty to investigate intentionality will be replaced by a power, allowing for discretion by local authorities. The local connection test may be altered, reversed or suspended; Scottish Ministers are due to publish a statement on this issue.

Legislation relating to sex offenders

The *Sex Offenders Act 1997* requires anyone convicted or cautioned for certain sexual offences (including offences against children) to inform the police of their name and address and to keep the police informed of any changes. This obligation remains in force for 10, 7 or 5 years, depending on the seriousness of the offence and sentence. Failure to register is a criminal offence. Details are held on the Police National Computer and by the Scottish Criminal Records Office (SCRO) (there is no 'Sex Offenders Register' as is commonly assumed).

Other relevant legislation includes the *Crime and Disorder Act 1998*, which introduced **Sex Offender Orders** to restrict the activities of sex offenders living in the community who are not registered (**only offenders which post-dated the 1997 Act are on this register**). The Act also established Sex Offender Restraining Orders (England and Wales only), which restrict the movement of an individual who has been convicted or cautioned for a sex offence and who has acted in a way that gives reasonable cause to believe that the public are at risk. The Act also provides for periods of extended supervision at the end of a custodial sentence to prevent re-offending.

The Sex Offenders Act 1997 has subsequently been amended by the *Criminal Justice and Court Service Act 2000*, which tightened the requirements for registration by sex offenders. In England and Wales, but **not in Scotland**, the Act places a statutory duty on the police and probation services to establish **joint arrangements for assessing and managing the risks** posed by sex offenders in the community. A UK-wide framework for Sex Offender Orders was established by further amendments introduced by the *Police Reform Act 2002*. The *Criminal Justice (Scotland) Act 2003* introduces **Orders for Lifelong Restriction**, which may be imposed on offenders by the High Court (i.e. for very serious offenders only); and paves the way for setting up a Risk Management Authority. We return to this organisation later in this report among suggestions for a national agency and local partnerships.

Part 2 of the *Sexual Offences Act 2003* applies to Scotland, and contains provisions to repeal and to re-enact, with a number of amendments, the Sex Offenders Act 1997. In particular:

- change of details to be notified to the police by sex offenders within 3 days (previously 14);
- 7 days limit on staying at a non-notified address (previously 14);
- annual re-confirmation to the police of details on the register (previously no requirement to do so);
- power for police to check fingerprints and take photograph each time a notification is made (previously only on initial notification);

- sex offenders must provide their National Insurance number when making a notification.

Legislation on information-sharing and disclosure

The **Data Protection Act 1998** provides that any request for personal data should be made in writing. If the public interest justifies **disclosure** (as against the normal presumption of confidentiality) then disclosure may be made. The minimum amount of personal information should be exchanged, as necessary to fulfil a specific objective. The **Crime and Disorder Act 1998** does not allow for the blanket disclosure of personal information, but makes it lawful to disclose information if it is ‘necessary or expedient’ for the purposes of reducing crime and disorder in the area. The effect of the **Human Rights Act 1998** is that the general rule of **proportionality** must be applied to disclosure of information: a fair balance must be achieved between the protection of an individual’s rights to **privacy** under article 8 of the European Convention on Human Rights, with the general **interests of society**. These Acts both throw up a range of issues to which housing practice has generally been unaware. This suggests that practitioners require further guidance on the interpretation of these Acts.

Existing Guidance

Housing and other personnel working with offenders currently have a range of guidance on which to draw. In 1998 the Chartered Institute of Housing for England and Wales issued a **Briefing Paper** on the issue of housing sex offenders. It focuses on blanket **bans**, which were then permissible under the **Housing Act 1996**, arguing that such exclusionary policies merely move the problem elsewhere, as well as opening the organisation up to legal challenge (Chartered Institute of Housing, 1998). The following year, a **Practice Note** on housing sex offenders was published by the Chartered Institute of Housing in Scotland (Moore, 1999). This includes examples of good practice, but notes that policies and procedures were still being developed. The key recommendations and guidelines included the following (see pages 49 and 50 of the CIH practice note by Moore, 1999):

- **Sex offenders who apply as statutorily homeless:**
 - Housing staff should carry out their duties while not excluding automatically. Any decisions not to house should be referred to the senior link officer before action is taken. Reasons not to house should be clearly defensible with the advice of the police and social work as appropriate. **Link officers** should inform police and/or social of decisions not to house.
- **Sex offenders who are tenants of registered social landlords:**
 - All transfers or exchanges should be carried out with **consultation** with police and social work, such transfers or exchanges should not be automatically be excluded for sex offenders. Ensure confidentiality is maintained at all times with any concerns raised with the link officer.
- **Suspected sex offenders:**
 - Housing staff should make sure they pass any **concerns** to the link officer and reassure the community that the matter has been referred to

the appropriate agency. Community should also be advised of who to contact in social work or the police if further concerns arise. Confidential procedures for the handling of sensitive information should be in place and written records kept of any local concerns.

- **Sex offenders and information management:**
 - RSLs should ensure they take legal advice about information management and have in place **written guidance** for staff about information management. Mechanisms should be in place to allow sensitive information to be flagged up and all staff to be trained in these matters.
- **Sex offenders and public disclosure:**
 - Written procedures should be in place regarding public disclosure and an agreed media and community protocol that identifies local authority (usually police) spokespersons with all staff **trained** in the need for confidentiality.
- **Corporate strategies:**
 - RSLs should ensure they develop a **corporate strategy** with clear agreement over their role. Senior staff should be identified to act as link officers with police and social work to act where issues relating to the housing and management of sex offenders arise. Staff should be advised as to who the link officer is as well as **points of contact** in the police and social work services.

Other points raised by the practice note include that **prison discharges** should be planned in conjunction with housing providers. **Information-sharing** was considered a key issue, particularly in the context of stock transfer, and staff should be aware of the provisions of the Data Protection Act; each case should be treated on its merits, taking into account duties under the homelessness legislation and **allocation** provisions and the possibility of **evicting** a tenant on conviction of a sex offence should be considered carefully;

Guidance on the allocation of social housing has been issued under the *Housing (Scotland) Act 2001* (Scottish Executive, 2002). It is very brief and contains no direction on dealing with sex offenders, unlike the equivalent guidance for England and Wales which deals with the allocation of accommodation to **sex offenders** in the context of risk management, and recommends the establishment of **multi-agency arrangements** with the police, probation services, social services, health professionals and other relevant bodies (ODPM, 2002). A new Code of Guidance on Homelessness to accompany the new Act has recently been published (Scottish Executive, 2004), however this gives no guidance on dealing with sex offenders and only discusses the issues raised by those fleeing sexual abuse. The previous **Code of Guidance** on Homelessness gave good practice advice on inter-agency co-operation on tackling homelessness, but made no specific mention of sex offenders (Scottish Executive, 1997). Extensive Guidance is available on the **Supporting People** initiative, which also has implications for the provision of support to vulnerable offenders in a range of accommodation types (Scottish Executive, 2002a).

This Guidance, which also applies to Scotland, emphasises the central roles:

- of the **police** in registering offenders,
- of the **local authority** which is responsible for supervising offenders in the community,
- and of **prisons** which must notify the local authority social work department of the offender's release (Scottish Executive, 2000).

Information notified to the police should be used for the prevention of crime and for the protection of children and vulnerable adults, and the Guidance suggests these aims can be met by establishing a close working relationship between the police and local authority social work services. There are **no statutory requirements to notify housing organisations**, but the Guidance recommends close working between social work and housing staff, and the involvement of local authority housing providers in developing corporate strategies for managing risks posed by sex offenders. Given the importance attached to **stable accommodation arrangements** it would seem logical that part of a national strategy should recommend that housing organisations are notified in order that risk management can be maximised.

Of particular importance is the recommendation by the guidance that housing providers obtain **advice from police and social work services** before deciding to offer or not to offer housing to a sex offender, recognising that they will need reassurance that **robust monitoring** and supervision arrangements are in place. It suggests that temporary and emergency housing should not be used for high-risk offenders if there is likely to be a risk to other vulnerable homeless people. Once a sex offender has been housed, the Guidance recommends that social landlords seek input from police and social work services before arranging further lets in that vicinity. Harassment of sex offenders, or those who are suspected of being sex offenders, should be addressed through normal housing management practice. The Guidance suggests that eviction of a tenant on conviction of a sex offence should not be a matter of course, but that the housing provider should take into account both the individual's circumstances and the wider community safety considerations.

The Guidance also covers **risk assessment** and **disclosure** of information. Risk assessment is the responsibility of the **police**, and should be carried out in consultation with the local authority **social work service**. Where the offender was, or is to become, a council tenant, information should be sought from the **housing** service, and should also be shared with them so that the police's initial risk assessment is properly informed. Final decisions on allocating a tenancy should be informed by the outcome of the risk assessment. **Local agreements** should be established for the handling of shared and disclosed information, identifying who is responsible for its upkeep. Disclosure to agencies other than social work and housing services should be made in person by a police officer, and should be limited to the information necessary to minimise the risk. The Guidance does not cover the disclosure of information by the sex offender's landlord to non-statutory bodies or individuals, although such situations have arisen in the past, and will no doubt do so again (see Murray, 1997, for example).

Guidance on provision of criminal justice accommodation

This Guidance is contained in the **Review of Criminal Justice Accommodation Services** (Scottish Executive Justice Department, 2001). It recommends that an **Action Plan** be agreed for the ongoing **supervision** and **monitoring** of sex offenders. It is suggested that local authorities develop **multi-agency panels** to identify the accommodation needs of sex offenders, and to make **housing decisions** based on **risk assessments** and predicated on minimising the risk to the public. Such decisions would include whether or not to provide accommodation in the first place, what **type of accommodation** to provide, and in what **location**. Risk assessment should continue to play a part in subsequent housing management decisions. These would include, for example, whether to transfer the sex offender to other accommodation in cases of harassment by the public, neighbours, or the media; and whether to evict if tenancy conditions are breached. The Review points out that **eviction** may endanger public safety even more, by reducing the ability to supervise the offender.

The Review's proposed new model of **hostel provision** could offer some respite accommodation, although the longer-term aim would still be to move individuals on to independent living and eventually reintegration into the community. The Review states unequivocally that 'The majority of offenders in the community would continue to reside in ordinary housing' (*op cit*, para. 8.2). This pattern of provision would be supported by surveillance, which might include curfew, spot checks, and electronic monitoring. Supervision would be regularly and systematically assessed, against changing risks and needs. Hostels could provide a short-term facility to enable intensive assessment, and to deal with sudden crises. A centrally administered scheme would enable local authorities to manage difficult cases more effectively, with the means to make referrals on a reciprocal basis with other authorities.

Summary

This part of the report has identified the key best practice and legislative issues surrounding the housing of sex offenders. There are a range of relevant public agencies making their own assessments of how best to deal with the problems raised by sex offenders. Scotland lags England and Wales in lack of a statutory agency to which issues of risk assessment are carried out (MAPPA) which suggests itself as a key area in which a national strategy might move in the near future. Neither has a national clearinghouse become a reality since this was first proposed in 1997. There appears to be an absence of guidance to social work and police services in involving housing agencies as standard practice relating to the accommodation of offenders. Given the central role ascribed to housing in providing stability and supervision in research this is surprising. While the CIH guidance promotes setting up of multi-agency and corporate approaches to managing the risks associated with sex offenders the police and social work services do not have any standardised guidance which requires them to set-up multi agency groups to manage risk with housing agencies. This would seem particularly important in relation to the ongoing housing and transfer or exchange of offenders.

Part 3: Existing practice arrangements

This section of the report examines existing professional social housing practice in relation to sex offenders. Here we draw on a **survey** of the Scottish housing associations and local authority housing providers. This is used to look at practice and to identify the main current problems. We then move on to examine the issue through **interviews** with relevant **national agencies** and three more in-depth **case studies** in which interviews were conducted with a range of key actors (identified in Table 1).

Table 1: Points of contact in the national and local case study research phase

National organisations	Local case studies		
	North Lanarkshire	Edinburgh	Dumfries and Galloway
COSLA	Sex Offender Liaison	Sex Offender Liaison	Local authority:
SFHA	Officers:	Officers:	- Criminal Justice Social Work
Scottish Executive	- Housing Dept	- Housing Dept	- Homelessness manager
- Criminal Justice	- Criminal Justice Social Work	- Criminal Justice Social Work	- Dumfries and Galloway Housing Services
- Social Work			
Services Inspectorate (SWSI)	Police	Police	Police
	Abronhill Housing Association	Canmore Housing Association	Loreburn Housing Association
SACRO	Lanarkshire Housing Association	Dunedin Housing Association	Dumfries and Galloway Housing Partnership (DGHP)
Communities Scotland	Cube Housing Association	Officer, SACRO	SACRO Glasgow
Nexus (Northern Ireland)			

1. The national survey of social landlords

This part of the report summarises the key findings from the survey of registered social landlords in Scotland. The survey was sent out at the end of December and was returned by 89 landlords out of a total of 32 local authorities and 174 registered social landlords. This represented an overall response rate of 43%. Of the returns we captured around one third of local authority landlords and more than a third of RSLs. Here we cover the following key themes emerging from the survey: policies and strategies (including multi-agency working), key problems and issues and views on good practice. The main aim of the survey was to establish **existing practice** as a backdrop to the wider exercise of identifying needs and recommendations for the national accommodation strategy. The main message from the survey research is that multi-agency working and information sharing does not appear to take-in social housing providers, particularly RSLs.

Survey results

Of the returning landlords a fifth had a written **policy** on sex offenders while 14% used some kind of **best practice** note. Only around one in ten landlords provided some kind of **training** for their staff, but this rose to around a third when training by other organisations was included.

Table 1: Information sharing by landlords to the following agencies

Information sharing with...	Percentage of landlords saying 'yes'
Police	52%
Social work	68%
Prison service	34%
Education service	20%
Other housing organisations locally	55%

A third of all landlords routinely **passed information** on sex offenders (registered or suspected) to both the police and social work services. Only one in five claimed to inform other agencies if there were any changes to the location of offenders in their stock. In terms of information sharing by the police and social work services to landlords we found that only a fifth of landlords were routinely passed information on sex offenders. In fact if we look only at RSLs only 10% were routinely passed such information whereas fully a third of transfer landlords and local authority landlords were passed information.

These issues on multi-agency working seemed more typical of a wider emerging pattern that **multi-agency working** and information sharing was much more widespread for local authority landlords. This may be because protocols of information sharing exist in-house with social work and with the police. As we found in our case studies, the local authority was sometimes regarded as a tighter storage of sensitive information. This was not necessarily considered to be unproblematic though:

“Having worked for a number of RSLs, staff are often unaware that a tenant or householder is a sex offender. In my experience Social Work Departments and the police are poor at notifying RSLs that an applicant for housing is a sex offender. This makes risk assessment and the development of a strategy to manage sex offenders problematic”

“The current situation is a bit of a lottery. I had a call today from a local authority who learned of an application to X HA by someone I presume to be a sex offender. The LA know about the application to us to alert us to the need for a sensitive allocation. The LA could not pass on any detail but did tell me that as a result of a risk assessment, they would not house the person concerned in a tenement with children. It seems we were "lucky" to get this information. Issues around confidentiality/data protection/information sharing need to be dealt with nationally.”

This is an important aspect for a national strategy to pick-up on. First, information sharing that involves housing organisations does not seem to be norm. Second, the particular absence of housing associations and co-ops in these arrangements is cause for concern and suggests that greater responsibilities by outside agencies wishing to house offenders in RSL stock need to communicate more effectively with them.

In relation to cross-border information sharing we found that, overall, a fifth of landlords worked with agencies in other local authority areas in Scotland while one tenth also worked with agencies in England and other parts of the UK.

In terms of day-to-day liaison with the following agencies on sex offenders was recorded: 46% with the police, a third with social services, 17% with the prison service and 8% with the education service.

Transfers of registered sex offenders are managed by the police and criminal justice social work services. Any registered offender is required to disclose their location upon moving or staying in any new areas which means that landlords do not need to pass this information on. However, only a quarter of landlords overall passed information on the status of a sex offender to the recipient landlord. It is difficult to ascertain whether receiving landlords may in fact be therefore unaware of the status of an incoming tenant and may not be able to make an informed allocation on that basis. The responsibility rests with police and social services to ensure that risk is minimised but this may create a situation in which a wider group of agencies, that included housing organisations, might ensure risks are managed more in line with existing good practice guidance.

More than a third (37%) of landlords said that if a sex offender (registered or not) were located adjacent to their stock that this would affect their own allocations policy. The question raised by this is that if landlords say they are not being given information by police and social work on the location or application of offenders it is difficult to anticipate how such allocations policies might be informed. While responsibility rests with the police to assess suitability of accommodation a landlord's input and local knowledge might be invaluable, particularly as neighbourhoods and accommodation arrangements will change in time around those allocated.

Just over half (55%) of landlords said that the **preferences of offenders** informed their allocation decisions, this might be considered to be less than expected given existing identified good practice (Moore, 1999) which suggests that responding to these preferences may make tenancies more sustainable and thereby predictable in relation to risk management. In other words, if these preferences are not generally being taken into account it may be that a secondary series of problems are being created wherein offenders may seek to move again if they are uncomfortable in their allocations. Interestingly, consideration of offender preferences was significantly higher (70%) among local authorities and stock transfer landlords compared with RSLs (46%).

Most risk categories were derived from external organisations, predominantly the police or social work. A third of landlords said that their knowledge of the **risk categories** of offenders informed their management of offenders including the frequency of visits, contact with support agencies and allocation relative to schools and existing families. Most landlords did not use risk categories for sex offenders. However, again it must be borne in mind that the majority of landlords do not or appear not to have sex offenders living in their stock and may have had little or no experience of this system.

Only 13% of landlords had an in-house group to discuss cases related to sex offenders. In fact only 4% of RSLs had such a group while nearly a third (27%) of local authorities and stock transfer landlords had one. In relation to existing **multi-agency partnerships** we found that a fifth of landlords overall were involved in such groups (again this was split between types of landlord with nearly forty percent of

local authorities and stock transfer organisations involved in such a partnership but only 14% of associations and co-ops). This has implications for the distribution of knowledge and perhaps also for risk management, how can landlords manage risks if they are not involved in these circuits of information about offenders?

Later in this report we argue that the absence of housing organisations in local partnerships for dangerous and sex offenders needs to be countered with the setting up of **local partnerships** with housing organisations involved. Existing partnerships are largely built from the police and social work services with additional involvement from the procurator fiscal, education and sometimes health services.

While most landlords appear not to, or think they have no, sex offenders in their stock it seems that most are not equipped to deal with **emergency accommodation arrangements**. Only 17% had some measures in place if offenders were identified though this rose to 37% among local authorities and stock transfer landlords. It would seem clear that the relative size of a landlord is key to explaining this provision but also that reciprocal arrangements may be key to developing this capacity further in the future (only 10% of landlords currently had reciprocal arrangements with other landlords).

In terms of the **referral** of offenders 67% came from the police, half from social work and a third from prison service, others were mostly from the local authority or applications from homeless offenders.

The most **important factors** in the allocation and risk minimisation of sex offenders were identified as follows (percentage expressing them as ‘very important’)

- Accurate risk assessment by other agencies (81%)
- Support arrangements (63%)
- Information sharing between police and landlord (61%)
- Information sharing between other agencies and the landlord (54%)
- Stable housing arrangements (36%)
- Monitoring by housing staff (7%)

A range of key **problems** were identified by organisations. In particular we found that a third of organisations had had vigilante problems, this rose to 38% in relation to the harassment of known or suspected offenders in the landlord’s stock, and 13% conflicts between tenant and management groups over the housing of offenders. This is likely to be connected to particular efforts in some communities to identify offenders and force them to leave. This activity and its prevalence requires some kind of strategy to ensure anonymity but also wider confidence in the actions of housing and other public agencies as effective managers of risk. Again, our recommendations are made with this in mind.

The **eviction** of sex offenders is considered potentially problematic in good practice guidance since this can lead to the displacement of problems, offenders going underground or not finishing re-training programmes. In fact only one in ten landlords said that they would be more cautious in evicting a registered sex offender, perhaps for fear of appearing to view offenders favourably. We also found that 7% of the returning landlords said they had **excluded** a sex offender from their register though

this is illegal and good practice has clearly identified such practice as distinctively unhelpful. Not housing offenders was found to be a much wider issue, half of all the landlords said that decisions **not to house** were made in consultation with other agencies. In fact half of all landlords said that allocations were made conditional on the support of other agencies, particularly police and social work services.

In relation to future strategies and guidance most landlords felt that there was not enough guidance on accommodating sex offenders (70%), the same number also felt there was a need for some kind of national strategy and half felt that there should also be a national body to facilitate information exchange.

Five landlords operated early warning systems. From the written responses to this question it is not clear how these operated though one landlord mentioned that the police were involved in their system. Ten percent of the landlords had measures in place to deal with any emergencies that might arise from the identification of offenders in their stock.

Around three-quarters of landlords were able to estimate the **numbers of offenders** in their stock, this ranged from a quarter of all landlords who said they had no offenders to 150 in the case of one local authority. However, it would appear that this information is unreliable and several returnees commented that they did not know if any offenders were living in their stock. This gives cause for some concern though it is possible that those filling in the form were not the link officer who might have more concrete information on these issues. Only 2 landlords said that they had any non-registered offenders in their stock. Some reasons were given for this situation:

“The Association does not have a special sex offender policy. The consideration of sex offenders is included within the Association's Letting Policy. No sex offender is accepted onto the waiting list until risk assessment is carried out using relevant agencies. During the Association's letting process applicants are not asked to declare whether or not they have been convicted of or face allegations of sex offences. This makes it difficult for the Association to know how many sex offenders are housed in our stock.”

A range of issues were raised which were identified as being problematic in dealing with the risks presented by sex offenders. In particular two thirds of the landlords said that location next to schools of their stock made allocation a problem while 40 percent said that working in high demand areas made management more of a problem:

“The association does not automatically allow known sexual offenders on to our list. Each case will be assessed on its own merits. There are two primary schools located in the centre of association's housing stock making it unsuitable in many cases. In previous instances where local people have found out about sex offences people have forced them to leave the area through a process of intimidation and violence.

Interestingly a third of the respondents mentioned internal and external agency communication problems as being a significant issue in relation to dealing with offenders. A similar number mentioned that a lack of an in-house strategy and vigilante action acted to impair the landlord's ability to house offenders. A further

identified factor was that almost a third of returnees said that there had been harassment of known or suspected sex offenders in their stock.

The survey data gives a basic idea of current practice but clearly illustrates the difficulties many landlords have in receiving information or being part to wider multi-agency partnerships dealing with the risks associated with sex offenders. In particular we should note that many landlords do not know how many offenders are in their stock and that flows of information and multi-agency working seem particularly problematic for RSLs. With this in mind our later recommendations build on previous practice notes in recommending a statutory arrangement for local partnership working to which landlords would be active members.

2. National interviews and local case studies

This section presents the findings from the case studies and national organisation interviews set-up to examine existing arrangements in the housing and management of sex offenders in three local authority areas. This stage was also used to inform the recommendations that follow in Part 4 of this report. The three areas selected for the case studies were in the local authority areas of Dumfries and Galloway, Edinburgh and North Lanarkshire. These areas were chosen to provide a broad range of geographical locations and stock type. Here we look at how practice has developed in these areas to highlight operational details of the role of housing in wider strategies dealing with sex offenders.

Existing Partnership Working

Multi-agency partnership working was seen as essential to the successful housing and management of sex offenders in all of the areas we looked at. Primarily, this was based on the recognition of the need for an explicit designation of collective responsibility. Four factors appeared to determine the relative effectiveness of these partnerships in the case studies. The first of these was the development of **trust** and positive relationships between key individuals within these partnerships. In many cases this had had to be developed over longer periods of time. One means of facilitating these positive arrangements was the creation of dedicated sex offender liaison officers in the key partner agencies. This enabled a network of trained and expert staff, who came to know each other on an individual basis, were aware of each others procedures and priorities, were in daily contact and had developed a degree of trust which facilitated joint working and information sharing.

A second key factor was the broadening out of **partnerships**. The key partners were the housing and social work departments of the local authorities, along with the police. However, the partnerships had been expanded to include other local authority departments (including education and leisure and recreation), registered social landlords and voluntary support agencies such as SACRO. In Edinburgh these organisations had created a sex offenders officer's liaison network that co-ordinated multi-agency operations while in North Lanarkshire a Sex Offenders Implementation group played a similar role. Dumfries and Galloway operated a group to deal with information sharing protocols that also dealt with potentially dangerous offenders and this had direct involvement from a number of local RSLs and the stock transfer

landlord. In each model of partnership working a similar format could be observed which involved close co-working between the police and criminal justice social work teams but with variable input from housing departments and other landlords. In both Dumfries and Galloway and North Lanarkshire local authority housing sat on the group and this was supplemented, in the case of Dumfries and Galloway, by two RSLs.

A third factor was the establishment of a formal framework for **multi-agency** working. These included regular meetings and communication, but the main pillars of these formal arrangements were the use of protocols and service level agreements between agencies. Officers were highly supportive of these protocols. Firstly, because they embedded the need for partnership working within organisation's cultures and activities. Secondly, they enabled roles, responsibilities, and procedures to be set out clearly and explicitly. This formed the basis of trust, and ensured that confusion and 'grey areas' could be minimised. Whilst not all partner agencies had reciprocal agreements, and the extent of the formal nature of agreements also differed depending on the agencies involved, it was also clear that these agreements encouraged a consistency of approach between diverse agencies.

The fourth element of the successful partnerships was the extent to which they were **proactive**. This involved a number of elements. Firstly, it was based on the need for a co-ordinated and strategic approach whereby information was exchanged at an early stage and potential problems addressed rather than reactive measures being used at a later stage. Secondly, it involved treating legislation as a starting point for co-ordination, rather than an end point. As such, these partnerships sought to build upon areas of joint working and to maximise the exchange of information within legislative requirements, rather than meeting minimum requirements. Thirdly, a broad and pragmatic approach was taken to Data Protection. Whilst requirements were adhered to, this legislation was not treated as a barrier to all joint working, but rather attempts were made to ensure the exchange of information wherever this was possible and desirable.

These elements are of course dependent on the trust and positive relationships between individuals and organisations that had been built up. It is also important to note that the exchange of information was retained within a very limited number of agencies and individuals, on a strict 'need to know' basis. In the case of housing associations much less information was received about offenders and they generally had little awareness of offenders in their stock and relied on the risk management operated by the social and police services. However, where trust was maintained between agencies in these support roles this was not seen as being a problem. However, in some associations, where offenders were not seen as an issue, it may be that inappropriate allocations might be made adjacent to offenders which were not known about because these are not communicated to the RSL. In Dumfries and Galloway two associations are already signed up to the protocol with information shared with designated officers who are then involved in discussing cases and allocations.

Risk Assessment

Risk assessment involved the collation of all relevant information about an offender by police and social work. Assessments included home visits, usually by a police officer but sometimes jointly with a social worker, although there may be no formal framework for this joint working. In situations where an offender is not released under licence they are not obliged to have a social work involvement which was cause for concern by the social workers we spoke to. While the compliance rate for registered offenders with these assessment visits was reported to be very high there are no legal powers to enforce this.

Assessment included all aspects of an offender's history and current lifestyle, their current attitudes and relationships. It also included the use of a number of risk assessment scoring methods (Tay Prep being common among these). The assessment also included the likely movements of offenders and whom they would be in contact with. Different categories of risk are then defined. In Edinburgh and North Lanarkshire three categories of risk (low, medium and high) are utilised and a support and monitoring package developed accordingly. Typically this will involve low risk offenders being visited once a year and medium risk offenders being contacted every six months. For high-risk offenders the supervision contact may vary from every three months to daily communication with police officers as well as random visits without any warning given in advance. In addition to senior housing staff, the police may make contact with head teachers if this was deemed appropriate.

A general call was made for the greater availability of suitable **accommodation**. Hostels or other half-way houses were seen as an important means of getting dangerous offenders away from the risk of being homeless, and therefore more difficult to manage as risks to the community. In addition such accommodation was seen as an effective way of monitoring risk prior to accommodation in the wider community. While this does not fit with good practice guidance it seemed that there was a particular need for short-stay accommodation as well as a need to help long-term offenders adjust to their new situations. Short-term accommodation was therefore seen as an important aspect of managing risk.

Housing and information sharing

Risk assessments are also used in decisions about housing. For higher risk offenders requiring high levels of supervision and support, mainstream housing will often not be considered, but rather they will be accommodated in a hostel or other supported accommodation facilities provided by organisations, such as SACRO. This kind of accommodation is very expensive and paid for by application from social work services to the Scottish Executive. Low risk offenders may be housed in mainstream housing, although the decision about their exact location and accommodation will be considered by social work, housing and police. It is difficult to have stipulations in the private housing sector unless offenders are still under licence. However, the disclosure of information was used to neighbouring private-sector residents if this was deemed necessary by the police.

Whether or not housing associations were informed they were accommodating offenders depended on the assessment of the level of risk. The Edindex **common**

housing register provides opportunities for social landlords throughout Edinburgh to provide a co-ordinated approach to housing sex offenders. The common application form has a question asking if applicants are registered offenders. Where a positive response is given, all applications are passed to the City Council's Housing Department Sex Offenders Liaison officer who can then plan an assessment and consider support packages. The system also enables landlords to be notified of an offender's change of address. The list of registered offenders in Edinburgh is maintained by Lothian and Borders police and the Housing Department has access to this information through the protocols with the police (this list is police-force based and therefore will not contain offenders from outside the force area).

A further issue is that **registration** only applies to offences since 1997 and was not retrospective. Sex offender orders may also be considered for pre-97 offenders where this is necessary i.e. when a non-registered offender was deemed to be a potential risk. However, many of our interviewees suggested that any sex offender should be registered and that there were significant gaps in risk assessment as a result of the 97 legislation not being retrospective. If housing officers have a concern about an individual, then this information will be passed on to the police. In Dumfries and Galloway and North Lanarkshire the information-sharing group considers any cases of suspicions raised by members of the community.

In Edinburgh and Dumfries and Galloway the Councils work with a small number of housing associations in the housing of sex offenders. In the case of Dumfries and Galloway and North Lanarkshire there are on-going attempts to sign-up further RSLs to the **protocol** in order to widen the number of accessible lets for offenders. These associations, through their contact person, would be aware they are being asked to house (higher risk) offenders. The associations accept the risk assessments conducted by the police and social work departments, but have on occasion sought clarification or asked for additions to the support packages provided. Key issues that emerge here are the need for **reassurance** for landlords that risk assessments are robust and that the necessary **support packages** will be delivered. The multi-agency meetings are key to delivering this confidence. The level of monitoring will depend on the risk category of the offender. In some cases there will not be continual contact between the police or social work and the landlords. However, the police and social work must be willing to be involved in continual dialogue.

Risk Management

The case studies also found that it is vital that housing associations are able to access appropriate **support packages**. Those housing associations often have a track record of close partnership working with a wide range of agencies and voluntary organisations aimed at housing vulnerable individuals and households. Given the resource limitations on RSLs, and their duty to consider the needs of all their tenants and the local community, it was paramount that any agreed level of support and supervision was delivered in practice. The housing associations stressed that the management of sex offenders would involve two-tiers, whereby individuals would receive tenancy support services of the housing association, in addition to specialist support packages provided by voluntary agencies such as SACRO. In the case of Edinburgh it was reported that this worked most efficiently when the two packages

were consistent and integrated. Service level agreements were undertaken between landlords and support agencies.

For RSLs there were concerns expressed over how they might be involved in **risk management**. One representative suggested that it was not clear what precisely it was that was to be managed: “*unless you are there 24hrs a day what are you managing?*”. The perception by some RSLs that they weren’t part of the information loop about offenders heightened concerns that any risks could not be managed since they could not be calculated. Several managers remarked that their information came from the community, in the local media and sometimes through contact from social work services through the operation of their caseload (rather than being linked to registered offenders per se). In a changing housing landscape, with more RSLs being created in place of local authority landlords, information sharing is likely to become a more contentious issue not least because some RSLs would either rather live in ignorance of offenders they might be housing, or because they would prefer not to house any offenders at all.

Two particular concerns were raised in relation to **risk management**. The first concerned cases where an offender had attempted an **exchange** with another tenant. If RSLs are unaware that a tenant is an offender such exchanges might be waved through without due scrutiny. In the case of the use of information sharing protocols, in authorities like Dumfries and Galloway, it might still take up to three months to reveal a problem due to the timing of meetings though it was noted that special meetings could be convened in emergency cases. The second related to **offenders under 16** who are placed on supervision by a children’s hearing. In these circumstances, because these children are not required to register, there is no way a landlord or the police/social work services could inform the allocation process to ensure its suitability in relation to surrounding families or vulnerable adults. Our recommendations do not provide a way around these problems though, clearly, this is an important problem that deserves further consideration.

Allocations

There was evidence of a tension between landlords and some support agencies regarding the **type of tenancy** that was most appropriate for sex offenders. Landlords saw the Short Scottish Secure Tenancy, alongside licence provisions, as a potentially useful tool in responding to breaches of conditions and problematic behaviour. However, some support agencies argued that **continuity of a tenancy** was an important element in the management of offenders. Where tenancies were allocated to support agencies and sub-let to individuals, then tenants would be expected to move on at the end of their support programme. This was reported to be problematic, and in some cases support agencies would wish offenders to be housed in tenancies that they would be able to continue and maintain if their tenancy is deemed to be successful.

Related to this was the difficulty in allocating accommodation to offenders in very tight housing markets where private lets might be hard to obtain. For RSLs and local authority landlords with few vacancies the same problems occurred and this led to lower risk offenders being housed in hostels, rather than mainstream accommodation.

The role of education in addressing community fears was reported in both Edinburgh and Dumfries and Galloway. In one case it was reported that, over time, a local community had come to 'tolerate' a hostel housing sex offenders. Working closely with local councillors had been important in this process. In another case an offender had been housed near to a school after extensive consultation with the school in an attempt to communicate the low risk posed by the tenant. Such consultations showed the importance of **communication** in coming to sustainable tenancy solutions for offenders.

The wider issue of allocation policies emerged as a central issue in the housing of sex offenders. While both local authorities and RSLs were keen to ensure that sex offenders did not receive 'preferential treatment', or that they were unduly discriminated against, inevitably **issues of priority** arose. Housing officers recognised that it was crucial that the system was seen to be fair. Thus, whilst some housing associations received sex offender housing nominations from local authorities they emphasised that, some offenders would be housed because they had reached the top of the waiting list, on the same basis as other prospective tenants.

Senior housing officers identified the need for an overview of allocations in order to identify what proportions of offenders were being housed in particular areas. Whilst it was understood by housing staff that some areas would not be suitable, they were also determined to prevent other areas and communities 'becoming distorted' or 'ghettoised'. Landlords faced the difficulty of balancing suitable accommodation with the necessary support and the need to distribute offenders around their area. It should also be remembered that the problem is by no means restricted to the social rented sector. Police in North Lanarkshire had taken a random sample of 25% of those on the local sex offenders register which revealed the majority of these to be located in private dwellings. This highlights the need for a national strategy to consider accommodation in the widest sense, a national strategy which only focuses on social housing will ignore a major part of the problem.

Whilst some **training** had been given to housing staff, the case studies revealed a need for further training, in particular for front line housing staff. This would include both issues relating to the reintegration of offenders into communities and early warning training for staff that would highlight the key signs they should be aware of in identifying problematic behaviour. The issue of training was more significant for smaller RSLs who often looked for a lead from the local authority or social work department. On the whole the approach of RSLs was a reactive one – emergencies would be dealt with if and when they came up. In the absence of greater information it would be difficult for RSLs not linked to information sharing protocols to be given any more responsibilities in this respect.

There was some concern expressed by housing staff that some elements of the new homelessness legislation would impact on the management of sex offenders, in particular the continuing duty on local authorities to provide accommodation for individuals, and how this could be balanced with the wider need to minimise risk to local communities. The general lack of appropriate accommodation for released offenders was a key concern in this respect.

One issue that arose in the Edinburgh case study related to the relative numbers of sex offenders that a particular authority would have responsibility for managing and/or housing. It was believed that many offenders would gravitate towards the larger urban areas in order to access the greater levels of state and voluntary sector support services, and to obtain a degree of anonymity not possible in smaller settlements and rural areas. This point was supported by respondents from SACRO and other local authorities.

Legislation

It is apparent that legislation, and more accurately, the interpretation of legislation, is a central element in determining the efficacy of multi-agency working and one which caused anxiety for many interviewees. In particular the Data Protection Act which one Police Officer stated had '*created a culture of fear, with far too many grey areas.*' Other officers suggested that the Data Protection Act was on occasion utilised as a 'blanket' ban on exchanging information. One of the strengths of the approaches in each of the local authorities we looked at was the willingness of all partners to interpret the Act in a way that enabled the exchange of information where possible in order to minimise community risk essentially based on trust. This suggests the need for clarity and also training in relation to data protection issues which goes beyond landlords.

Disclosure

Agencies work strictly on a 'need to know' basis outside of the immediate contact that police have with the names of registered offenders. Disclosure ultimately remains the responsibility of the Chief or Deputy Chief Constable. Disclosure may occur between agencies where agreements are in place between authorised officers. Most officers in the three case studies strongly believed that the 'need to know' basis precluded any disclosure, for example to front line housing staff, tenant representatives or to the wider community. One agency worker described this as the community being 'over-informed' and, thereby, made more nervous than they might need to be. One Police Officer indicated that there were infrequent occasions when a member of the public would be informed, but this would only be in cases where for example they were in a relationship with the offender and may be at risk, or a child was perceived to be at risk. In Northern Ireland current practice operates on the basis that victims are informed of where their attacker will be housed in order that they can ensure they are able to avoid them.

The main concerns relating to wider disclosure involved the threat of retaliatory violence, graffiti and harassment. Some police officers felt that housing associations might be less 'controllable' in terms of information about offenders and some associations felt that they were considered 'private' organisations that should be given the information. It was clear that these fears were linked to staff potentially informing tenants or management committees. There were further concerns that disclosure was very difficult given the widely held misconception about sex offenders and the risks they pose to communities. However, one support agency worker suggested that **transparency** was important, and whilst a balance was important, there was an argument for empowering 'individuals' through providing communities with greater information about offenders and what actions they should take to minimise risks.

However, such approaches run the risk of generating a false sense of security for residents as we discuss in the next chapter.

Resources

It was evident from all of the case studies that the housing and management of sex offenders was a **resource** intensive process (in terms of both finance and time). It was also reported that voluntary agencies need to be adequately funded in order to provide the comprehensive support packages required where offenders are housed by local authorities and RSLs.

Summary

The main purpose of this chapter has been to look at existing practice of landlords housing sex offenders with a view to informing recommendations for a national strategy. A survey on current practice and policies for RSLs across Scotland shows that most do not know how many offenders are housed in their stock and that inter-agency working and information is highly patchy. Given that many landlords perceive low or no numbers of sex offenders in their stock this may be driving these responses. Rarely do RSLs work with agencies in other local authority areas in relation to offenders. A general lack of internal policies, monitoring systems and training all suggest areas that these should be the focus of a national strategy. The case study work helped to illuminate how risk is assessed and managed in practice. This work showed effective protocols in operation. However we have noted the degree to which RSLs were involved in these was highly varied. The main issue to arise from this phase of the study would seem to be the need to facilitate reciprocal arrangements between landlords at a national level and the continued need to promote information sharing at the local level. If RSLs and other agencies are important partners in risk management a lack of information sharing is likely to hinder public confidence that these issues are being supervised effectively.

Part 4: Recommendations for a national strategy

This final chapter of the report raises a series of recommendations in relation to a national accommodation strategy for sex offenders. The recommendations produced here stem from three key sources. First, a **review** of national research, legislation and practice guidance on these issues. Second, a **survey** of Scottish social landlords and, finally, **case studies** conducted across three local authority areas to look at existing practice and practitioner recommendations for a national strategy. Housing organisations clearly have a central part to play in dealing with sex offenders in the community. In particular we already know that:

- Offenders are less likely to re-offend when appropriately housed;
- Offenders are more likely to attend behaviour modification treatment when living in stable accommodation;
- Supervision and monitoring arrangements are more effective when the offender is in stable accommodation;
- Housing services, as the landlord of a sex offender, are in a position to provide valuable information to other statutory bodies (police and social work services) to assist in assessing and managing risk;
- Local housing offices are often the first ‘port of call’ when tenants and residents become concerned that a sex offender has been housed in their neighbourhood.

This evidence underpins our recommendations here. The role of housing providers, especially RSLs who are outside the existing statutory loop, remains unclear. The patchy coverage of local partnerships and uneven access to information and duties of care suggest a need for a concerted and strategic approach which might then build public confidence in the accountability and adequacy of approaches to housing and managing sex offenders.

Our recommendations echo those of the SWSI report, *A Commitment to Protect*, the CIH practice note *Housing and Sex Offenders in Scotland* as well as the suggestions of the Cosgrove report itself. All three documents have asserted the need for improved **strategic and operational collaboration** between the agencies involved (at national and local levels), improvements to **training** and a national **clearinghouse** to enable information exchange and crisis management. We begin by setting out the principles that underpin the recommendations.

Principles underpinning the recommendations

1. Including all housing tenures in a national strategic approach

A national accommodation strategy for sex offenders should not be seen purely as a *social* housing issue. The wider distribution of offenders across public and private housing means that there is an **interaction of impacts** wherever offenders are housed. Any national strategy must consider additional powers and responsibilities that may be needed to supervise offenders in private rented and owner-occupied accommodation. It is possible that, in certain cases, where risk is considered to be too high to surrounding residents, forced moves or searches for more suitable

accommodation may be undertaken in conjunction with the police and criminal justice social service for offenders in owner occupied housing, for example.

Neighbourhoods are not static containers of people. It is quite possible that an initially suitable location might become unsuitable for an offender if local landlords were not aware of the individual's location there. This means that the nature of sex offenders and their risks, in the context of changing neighbourhoods, requires proactive rather than reactive approaches. It must be considered an essential requirement of providing social housing that, at the very least, protocols are set up to deal with emergency situations (particularly the need to accommodate offenders quickly on release or the identification of an offender in local stock).

There is an inherent danger to public safety where any national or local approaches do not operate in a way that recognises that the dangers posed by sex offenders stem from all sections of society. Though residents of private housing may not be subject to the same restrictions on their use of a property as a tenant with a social landlord, both police and criminal justice social work services will still be managing offenders living in private sector accommodation. Nevertheless this stock may be adjacent to public sector stock and have an impact on the allocations policies of adjacent managing landlords. These factors clearly need to be considered in any national and local strategies.

2. Convergence and consistency of proactive practice

Whilst the importance of local arrangements and the flexibility to respond to particular local circumstances is an important theme stemming from the research presented here, problems also arise from the lack of awareness and inconsistencies in approach adopted between agencies and authorities in different areas of Scotland. In addition difficulties arise from variations in policies and practice between different areas and organisations. There is scope for greater sharing of information and negotiated decisions about how far information should cascade down organisations which need to include local authority and RSL landlords. These issues need to be resolved in order to maximise risk management while minimising the possibility of information leakage. Consistency may be achieved through:

- the wider dissemination of existing local protocols;
- the development of national templates for protocols;
- details about how the Data Protection act is to be interpreted;
- training on how information should be exchanged;
- the production of good practice examples.

This would promote awareness of different practices, and may lead to a more uniform and consistent approach that would also help to build public confidence.

3. Information sharing as the basis to effective assessment and management of risk

Any approach to risk minimisation requires those responsible agencies to be aware of potential risks. For social landlords risk cannot be managed if they remain unaware of the existence of offenders in their stock and need to be partners in an effective

allocation process. However, this does not necessarily mean that this information should be shared beyond those with a need to know within these organisations. A difficulty arises where an offender may be a danger to visiting housing officers or contractors. Our recommendations below are based on a need to identify those contacts who may be party to decisions about referrals and the accommodation of offenders in the locality as well as a requirement to attend training which might be provided by police or Criminal Justice Social Work Services. This would enable and inform the effective production of corporate strategies among RSLs and social landlords more widely.

National recommendations

4. A national sexual and dangerous offenders clearinghouse to work as part of the new Risk Management Authority or separate National Agency for Sex Offenders in Scotland, NASOS

Recommendation 52 from Cosgrove called on the Scottish Executive, Scottish Homes, the local authorities and the SFHA to develop a national accommodation strategy. It also suggested under this recommendation that a national clearinghouse arrangement be set up to deal with exceptional cases where offenders are unable to be housed in their local areas. Here we propose the need for some kind of national agency that could take a strategic overview on these issues and provide assistance with monitoring, allocation, training and general advice to the relevant agencies and wider public.

In October 2004 the **Risk Management Authority** (RMA) will be set up under the Criminal Justice (Scotland) Act 2003. This will collect information, sponsor research, disperse best practice and standards and accredit risk assessment tools in the risk management of all offenders who pose a public risk. Currently there is no envisaged housing input into the authority and it is possible that our recommendations here could be used to extend the remit of the RMA to include dangerous and sex offenders upon release. The RMA or a national agency might also play a key role in the strategic accommodation and management of the risks associated with such offenders.

The key roles of a national agency in relation to dangerous and sex offenders would be one of **monitoring**, dealing with cross-boundary and cross-border **referrals**, publishing **guidance**, providing **training** and promoting **good practice** and **information sharing**. As suggested later individual offenders will primarily be dealt with by the statutory creation of local partnerships (MAPPAS or Multi-Agency Public Protection Arrangements for Scotland) which would co-ordinate local accommodation and risk assessment and management arrangements through joint-working protocols in each local authority area (see point 5 below).

A national clearinghouse or agency could be set up or attached to the role of the existing Risk Management Authority to perform the following functions:

- **A centralised database of registered sex offenders (and dangerous offenders) and those serving sex offender orders (to include pre-1997 offenders):** The national agency would be charged with collating information

about sex offenders as well as maintaining, updating and exchanging this information between police forces and local authorities in different parts of the country where requested. Concerns emerged in the research about the extent to which information was shared about offenders moving around the country and across local and national boundaries. It is recommended that consideration be given to how a **national register** may be utilised to ensure the adequate exchange of such information. Such an approach may also be part of considerations about how any registers may be combined (for example with the emerging national Anti-Social Behaviour Order register). This would enable information sharing to extend beyond local authority boundaries, to facilitate staff vetting for example. Information on allegations could also be considered within this registration framework where submitted by local police, social work or housing staff (the forthcoming Bichard enquiry report following the Soham murders is likely to form an essential reference point to these considerations). It is proposed that all names on the register would be kept indefinitely.

- **Facilitating reciprocal arrangements:** From a housing perspective a key benefit would be the ability of a national body to facilitate the formation of reciprocal arrangements for allocations between local authorities to enable emergency accommodation to be located where vacancies cannot be found locally either on release or where emergencies arise. A national agency would also be in a position to identify and assign specific authorities with accommodation duties where this was felt suitable and/or where offenders were perhaps lower in prevalence. In short the purpose here would be about spreading the relative burden of housing offenders and providing effective arrangements to prevent homelessness with the subsequent crisis in risk management that this may promote. Such an approach would require suitable infrastructure and expertise to be developed in all local authorities, recognising that the suitability and capacity of authorities to house offenders within their localities will continue to vary. We also suggest that the emphasis by the CIH and Cosgrove on housing offenders in their home area may be in conflict with a victim-centred approach to managing risk. In certain cases it may be that greater provision should then be given to victims if they wish to transfer or move to another landlord of LA area. In these cases it may also be that the National Agency could enable such moves to take place.

As identified by the Cosgrove report, any accommodation arrangements need to take account of location in what might be considered to be a home area. However, it is also important to avoid concentrations of offenders or the overburdening of some authorities. A national agency could provide the role of 'approving' local strategies and monitoring these to ensure a reasonable spread of offenders and the targeting of financial support where needed i.e. where the greatest concentrations of sex offenders in local authorities exist.

- **Liaison with authorities and partnerships in other parts of the UK:** A national agency could be the first point of contact where social work, police or landlords were looking to make transfers of accommodation of offenders to or from other parts of the UK. The movement of offenders does not simply operate within Scotland and there needs to be an awareness and co-ordination of such moves to prevent any clustering of offenders in particular local authority or neighbourhood areas. Police and social work in England would, for example, be able to approach the national body who could facilitate an

efficient and strategic search for suitable accommodation which would also help to spread the burden across local authority districts in Scotland.

- **Good practice, training and advice to link officers and front-line housing personnel for those working in agencies relevant to the assessment and management of offenders** - This would include web-based resources which might have a wider community education function (for example, leaflets on children's safety plans, architectural and design advice on suitable low risk environments and who to go to for advice). The recent Bichard enquiry, following the murders in Soham, suggests another role for the agency. Allegations and reported suspicions without convictions could be reported to the agency and stored centrally. Such records might then be used to advise any Scottish institution or employer (including social housing landlords) requesting advice on any person seeking employment.
- **Guidance on information sharing protocols and local multi-agency arrangements** – This role could be used to build trust in local arrangements which are currently a key problem from a housing perspective. While information must always be on a need to know basis currently RSL's are often excluded from receiving any information which is likely to be a source of anxiety both for the public and housing professionals. It is essential that those assessing risk (the police and social work) have confidence in RSLs being 'information secure' and for RSL's to be viewed as genuine partners in the process.
- **Tracking offenders:** Keeping information on the location of offenders would enable longer-term and reliable impressions of the movements of offenders which could be used to enable predictive and strategic assessments of clustering, dispersal and patterns of movement (for example, from rural to urban areas) which currently appear largely anecdotal. This information would also enable a wider assessment of the tenure structure of offenders and the requirements of a strategic approach for social landlords in relation to the location of offenders in private stock.

A national strategy must consider to what extent it wishes all local authorities in Scotland to take a 'share' of offenders, and what implications there are for establishing robust exchange systems, including a monitoring system that enables comparison between local authorities, and providing adequate resources and support infrastructure across the country. Alternatively, a strategy may take the view that some urban areas will continue to play a more significant role, in which case, issues of adequate resourcing to these areas and what contribution is made by other local authorities needs to be considered.

The same issues arise in relation to housing providers within local authority areas, between a reliance on a small number of RSLs with developed expertise and support networks and a more generic approach that encourages a larger number of landlords to consider housing sex offenders. We would suggest that the preferred option here would be to favour the economies of scale and experience that may cluster in a smaller number of organisations but this needs to be debated. It is also important to note that this may have resource implications for social landlords which will also need to be considered.

It is clear that certain large urban authorities may expect to accommodate a relatively high number of offenders, many of whom will not have previously been resident locally. This arises from the location decisions of offenders themselves, who often wish the anonymity and support provided in cities. Anecdotal evidence also suggests that some offenders are 'guided' in their decisions to urban areas and away from smaller or rural authority areas. Previous guidance has called on local authorities to have reciprocal arrangements in relation to housing offenders from each others' areas and it would seem that few such arrangements are currently in place. A national strategy clearly requires better multi-agency working and reciprocal arrangements to form an essential part of risk management, particularly where emergency accommodation is sought. It may be more difficult for some smaller or rural authorities to house increasing numbers of sex offenders.

Local strategic actions

5. Multi-Agency Working, proposals for a Scottish MAPPA system - MAPPAS

Recommendation 10 of the Cosgrove report and the CIH practice note on sex offenders argued for the setting up of corporate approaches as part of their wider community safety plans. These were to be led by the local authority but were to include RSLs, voluntary sector agencies, police and local people. The patchy existence of local partnerships and corporate approaches as well as uneven information sharing protocols (particularly where social landlords are concerned) suggests the need for statutory responsibilities for approaches relating to community safety as currently exist in England. This should include potentially **dangerous as well as sex offenders**. In this respect it might be possible to build upon recommendation 49 of the Cosgrove report which stated that there should be a statutory duty placed upon Chief Constables and Chief Social Work Officers to establish joint arrangements for assessing, monitoring and managing risk. It might only be one step further to suggest that this could encompass joint information-sharing of the kind implied by the MAPPA (Multi-agency public protection arrangements) in England and Wales under its probation service following the Criminal Justice and Court Services Act (2000) but with the extended input of housing providers where required or implied in relation to landlord size. In the Scottish context we recommend the following:

- The setting up of multi-agency partnerships by local authorities under the direction of local authority social work and with the direct involvement of the police service to discuss **accommodation strategies** for:
 - Released offenders
 - Offenders seeking accommodation as homeless
 - Tenancy transfers
 - Re-housing in the area
- Each partnerships to include **representation** from police, criminal justice social work, local authority housing department, local RSLs, health services and relevant voluntary organisations (such as SACRO). Other agencies may be important such as community education and adult learning and leisure services. There would be a statutory responsibility for RSLs to sign up to these information sharing protocols (this could be shared across multiple small community-based RSLs) contained

within the MAPPA structure but this would not necessarily entail attendance at each meeting which could be at the discretion and direction of social work services. Without a full signing up of RSLs (except those with special needs housing only) these arrangements cannot work effectively. Nominated **link officers** would be trained and would only need to attend meetings when called in advance by the convenor of the group.

- ❑ The key **role** of the MAPPAS (Multi-agency public protection arrangements in Scotland) would be to facilitate effective and consistent information sharing arrangements, restricted to its members, in relation to the risk assessment, management and accommodation of dangerous and sex offenders.
- ❑ **Meetings** could be convened quarterly or in emergency situations (e.g. vigilante action, inability to meet housing need for imminently released offenders) as is currently the case for existing multi-agency arrangements.
- ❑ In **cases** where accommodation is sought outside the MAPPAS area liaison would be made and the reciprocal arrangements made through the national clearinghouse outlined above. This structure would simplify and enable the process of information exchange when required at the supra-local authority level. Other activities to be co-ordinated with NASOS/RMA where necessary might include:
 - ❑ The passing of information and details of registered offenders
 - ❑ Calls for temporary or emergency accommodation to other authorities
 - ❑ Guidance notes and advice for landlords in emergency situations
 - ❑ Co-ordination of information sharing between constituent parts of the UK
 - ❑ Community and support service training
- ❑ The location of offenders across different **tenures** has implications for information sharing between a range of agencies (notably housing providers, criminal justice social work, police and, in certain cases residents through the powers of disclosure available to the police). This information may affect the locations policies for adjacent landlords which may need to be adjusted to take account of the location of offenders in stock nearby which can also be discussed at MAPPAS meetings. The MAPPAS forum could be used to discuss such cases.
- ❑ The national agency or RMA could invite lay advisers to sit on the management board to oversee and review local monitoring arrangements for each MAPPAS as is currently in pilot phase in England. This would add credibility and confidence to the working arrangements and yield valuable viewpoints in the progress toward effective information sharing.

The need for a statutory duty to provide such partnerships needs to be evaluated. A key benefit to such arrangements lies in ensuring consistency of approach, the potential for more effective communication and consciousness raising, education and confidence-building for the wider community looking for effective resolutions to these issues.

MAPPA in practice

MAPPA has statutory authority in England. Under the Criminal Justice and Court Services Act (2000) duties were imposed on the police and probation services in each of the 42 areas of England and Wales to establish MAPPA. The legislation requires them to (i) to establish arrangements to **assess and manage** the risks posed by sexual and violent offenders; (ii) to **monitor** those arrangements and make necessary changes; and, (iii) to prepare and publish an annual report on the MAPPA. A commonality of approach and practice with consistent definition of risks and the means of managing them is highlighted; a consistent approach to risk identification (OASys – an offender risk assessment system), assessment and management (ViSOR – a database of offenders who fall within the MAPPA remit). The framework has been developed to support:

- (i) greater professional confidence in the multi-agency management of risk and national standards to underpin and support the development of good practice;
- (ii) the more effective and efficient management of cases across Areas;
- (iii) consistency in the way public protection work is communicated to the public;
- (iv) effective links with other agencies both within and outside the MAPPA

There is an imposition on a number of other agencies of a duty to co-operate with the MAPPA's duty to establish arrangements for assessing and managing the risks posed by sexual and violent offenders. The agencies involved in this are local health authorities and trusts; **housing authorities and registered social landlords**; social services departments; social security and employment service departments; youth offending teams (YOTs); local education authorities; and electronic monitoring providers.

The MAPPA have a strong **victim focus**. The victim is central to the offence and the risks to the victim must be properly assessed and managed. In addition, with proper care and support victims can provide vital information for the risk assessment and management processes.

Each MAPPA has a **Strategic Management Board (SMB)**. The SMBs have a formal responsibility to review, monitor and to make necessary changes to the risk assessment and management arrangements. In a the next phase of MAPPA development this monitoring and evaluation will be supported by auditable standards, themselves informed by the outcome of the police and probation inspectorates' joint inspection of public protection mentioned above, and by the contribution the lay advisers will make.

MAPPA Guidance, Probation Circular 25/2003

6. Effective use of protocols

The use of protocols between relevant agencies is very important in creating an appropriate framework for the effective management of sex offenders. These protocols formalise relationships, including demarcating roles and responsibilities and clarifying procedures to be adopted in the sharing of information. The research suggests that information sharing between organisations and agencies where protocols are not in place is more problematic. It is recommended that the national strategy support the establishment of protocols between key agencies, most notably the police, and local authority social work and housing department. It is further recommended that the use of protocols be extended to a wider network of agencies, including other local authority departments, registered social landlords and relevant voluntary organisations.

7. Designated dangerous and sex offender liaison officers

A national strategy should develop statutory arrangements for the provision of a designated sex and dangerous offender liaison officer in all relevant local authority housing departments and RSLs. Such a position brings a number of advantages. Firstly, it enables individuals to become expert in all aspects of the housing and management of sex offenders so that they may act as a resource for their respective organisation. Secondly, it enables the establishment of a network of individuals within different departments and agencies who know each other and are able to develop positive and trusting working relationships and to contain sensitive information which may have an impact on working practice. Thirdly, it provides a recognised point of contact for all issues relating to sex offenders, both within and beyond individual departments. It also helps to ensure that the effective housing and management of sex and other dangerous offenders remains a visible and on-going priority for agencies.

8. Education and training

Recommendation 53 of the Cosgrove report suggested that funding should be made available by the Scottish Executive to enable LAs and the SFHA to provide education and training on good practice in housing sex offenders in the community. Currently the CIH is a key provider of training in Scotland. However, the range of training needs implied by the housing of sex offenders is not restricted to the knowledge base that CIH can provide. This training needs to be developed in a range of key areas. More specifically we recommend here that such education and training might operate in four key areas:

i. Community education and safety

The need for promoting community safety through education must strike a balance between being constructive and alarmist. The main function of such education is to allow people to understand the relative risks from sex and dangerous offenders and the methods by which safety can be maximised. In the context of a recommended national agency education could be seen as the responsibility of schools and landlords drawing on materials provided by the agency itself. In general more accurate terms (Cosgrove recommendation 68) should also be used as descriptors of offences such as: Registered, non-registered, un-registered, potential/suspected sex offenders, vulnerable adult, sexually aggressive young people.

Community safety training may also be linked to the various recommendations of Cosgrove which looked at the means of educating the community and making children safer (**children's safety plans**). Social landlords might usefully become part of this process. Encouraging landlords, as a duty to tenants, to put information in tenant welcome packs might be one of disseminating information generated by the National Agency. This might include: facts about offenders and the need to widen the spread of public scrutiny from paedophiles to the wider risks of child abuse and adult safety from a much wider perspective to include the range of predatory offenders, both violent and sexual. In the current climate there is an inherent risk that the attempt to identify particular types of sexual offender may create community blindspots to the prevalence of other dangerous behaviours in the wider community.

ii. Architectural liaison and community safety

Housing, as a key aspect of the built environment, creates potential opportunities for criminal, sexual and dangerous behaviours. We recommend that the existing remit of police architectural liaison officers be extended to include issues of community safety relating to sex and other offenders. For example, libraries and other public buildings with children's play facilities may need to be sited appropriately. Other examples in a wider context may include swimming pools with relatively open 'family' changing facilities and poolside shower facilities overlooked by cafes or seating for viewing. Considering how such contexts should be designed is an important aspect of such officers' roles. The current emphasis on property, rather than personal and child, safety may warrant re-examination. This educative and consultative role could, again, be played by the RMA/National Clearinghouse with an expertise developed in this area and given as required to local authorities, housing and other developers.

iii. The education of housing personnel, RSL committees and elected members

If RSLs are to be brought into a widened role of responsibility in relation to the housing of sex offenders the community basis of such organisations needs to be recognised as a potential problem. Education and training will be essential to overcome legitimate fear as well as prejudice and ignorance of risks and the processes by which risk is assessed and managed and their role in the latter. Communities need to be made aware that dislodging problems may burden others and diminish the ability of agencies to manage risks. Such training does not imply that the management committees of associations and their wider staff will be party to information relating to registered offenders but that their position as points of wider contact and governance of these institutions requires an enlightened approach in order to help ensure a reduction in any community conflict over these issues.

Joint agency training is important in ensuring that organisations with different statutory duties, different views on the risks posed, and often a very different set of priorities, can work together to develop protocols and a joint approach to the risk assessment, risk management, and housing of sex offenders. Councillors regularly put pressure on housing and social work services to know where offenders are. Educating members on the procedures and risks associated with accommodating offenders could lessen these regular pressures.

In particular front line housing staff, but also staff in other local authority departments (education, leisure and recreation, grounds maintenance etc.) may need training which relates not only to the processes of assessment, management and accommodation but also to being observant members of the community looking for risk signals they might encounter in their daily work. Joint training undertaken by staff of different agencies is also particularly useful in building relationships and ensuring consistency in approaches and information sharing.

iv. The media

It was widely reported that the perceptions of local communities about the nature and extent of risk posed by sex offenders are misconceived. In particular, the media focus

on particular cases has led to a focus on offences on children carried out by strangers. In reality this comprises a very small number. The media also focus upon known offenders rather, for obvious reasons, unknown offenders who in many instances may pose greater risks. Respondents in the research supported promotional campaigns to educate communities and the media about actual risks and to provide information about how such risks could be minimised. In the words of one interviewee, the goals should be to ‘Raise awareness without raising anxieties.’

9. Common Housing Registers

The establishment of common housing registers provides opportunities for greater co-ordination in the housing of sex offenders between social landlords. In Edinburgh, a question in the common housing application form asks if an applicant has been required to register with the police under the Sex Offenders Act 1997. While registered offenders may not disclose this, a proportion have done so. This is then flagged up and the application passed to Edinburgh Council’s Housing Department Sex Offenders Liaison Officer, who can commence an assessment and management evaluation. It is recommended that a similar question be included in all common housing registers and that consideration is given to how the development of common housing registers may be used to facilitate co-ordination between landlords in relation to housing sex offenders.

10. Allocations

There is a need to balance interests in the allocation of housing to sex offenders. A national strategy must aim to ensure that blanket bans on housing sex offenders are not operated (either explicitly or implicitly). The strategy must encourage equality of treatment. There are times when this may not be possible. For example, an offender might require a level of support or form of immediate accommodation that may be viewed as preferential treatment by the community. On the other hand, in order to minimise risk and to take into the account the needs of victims, the choices of offenders within allocation systems may necessarily be restrained. There will be cases where the choice of offenders within such systems will be reduced, or they will be unable to apply for certain areas. Such an approach needs to ensure that ‘ghettos’ of offenders (sex or dangerous offenders) are not created as this is likely to create additional problems.

It must be recognised that applications from **homeless offenders** should be treated as a priority given the increased risks associated with a lack of stable environment which can facilitate effective monitoring and management. Further, applications by offenders to be housed in their ‘home area’ may be seen as preferential treatment but must be recognised as ensuring appropriate housing which can minimise the possibility of repeated moves and, again, the risks raised by these moves (though a victim-centred approach may and should challenge such allocations in certain cases as determined by the police and social work services). It is recommended that the national strategy provides advice and guidance on how allocation systems may minimise risk whilst ensuring equality of access to housing is maintained as far as is possible.

11. Risk Assessment

Further guidance is needed on the input of housing providers into risk assessment at the pre-release stage. The outcome of the initial assessment will inform decisions on whether to allocate a property, the type of property that may be suitable, and the location of that property. Duties to the homeless are being broadened, and housing providers need to be clear on how to meet these so far as sex offenders are concerned. The expectation that offenders will be housed within their home area merits further consideration in the context of a national accommodation strategy. In short, it would seem appropriate that housing providers are brought closer to the risk assessment process where they are likely to be involved in the allocation of accommodation to a particular offender. It would seem that this might be considered an element of good practice rather than one on which legislation is required.

A key issue throughout this process is the sharing and disclosure of information. The development of protocols for inter-agency management of information, and internal protocols on disclosing information both within the housing organisation and to outside agencies and individuals, are crucial concerns.

Once a sex offender has become a tenant, the landlord clearly becomes involved in the ongoing risk management of that offender, and here further guidance is also needed on what precisely this may entail. Tenancy management issues such as eviction, transfer, and even allocating properties in the vicinity of the offender's accommodation, all have a bearing on risk management. It may be that for larger RSLs and landlords, only those designated as dangerous and sex offender liaison officers might be best equipped to take on this particular caseload.

Housing associations and local authority housing departments appear to be relatively satisfied with current assessment procedures and their lack of a current direct role in the process. It is therefore recommended that risk assessments should remain primarily the function of the police and social work (although case conferences involving housing and voluntary support services should of course be encouraged through the MAPPAS). It is further recommended that local strategies formalise the joint working of police and social work in this area where this has not already been done.

One area of concern identified were the various programmes used to establish levels of risk, and the fact that different forms of assessment conducted by diverse agencies may use different definitions of risk and focus on particular elements of risk. Again, the role of MAPPAS may be to resolve these differences in approach and force a wider assessment of the relative worth of different approaches as has already been attempted by the Scottish Executive's Criminal Justice department. It is recommended that a national strategy consider how greater uniformity and consistency may be introduced at a national level through clarifying the different functions of risk assessment packages and standardising their usage through the local partnerships.

12. Creating a climate of intolerance of the risk factors leading to sex offending

The research literature on sexual violence and abuse suggests that community norms and personal experiences/contact with these problems create repeated cycles of

offending and tolerance of behaviours (such as myths of rape acceptance and sexually coercive behaviours). Community safety cannot be separated from a wider social context and industry which has created the widespread availability and acceptability of imagery which celebrates women as available, vulnerable or inherently promiscuous. In the emergence of a 'lad' culture there has been a blurring of the boundaries between private behaviours and public displays. This has created a problematic climate in which norms of sexual inviolability are increasingly compromised by regular use of semi-naked modelling in billboards and adverts, pornographic or provocative newspaper and magazine covers and the portrayal of women as, often distressed or terrified, victims in popular television programming.

Strategies to deal with the accommodation and treatment of offenders are not separable from a wider need to deal with the symptoms of a much wider set of social issues that require research and potentially policy interventions in terms of education and directives that challenge the current climate. We would argue that the Risk Management Authority or National Agency should work with academics and commercial partners to invest in research and strategies which promote social well-being and welfare in this area.

13. Resources and future co-ordination of a strategy

Any national strategy will have resource implications. In relation to the local MAPPAS partnerships this would require little extra and, in some cases, such models are already being adopted without a statutory underpinning to them. However, a national strategy needs to be resourced effectively and this particularly applies to the idea of a national agency even if this is very lightly staffed. Appropriate resources need to be made available and proportionately distributed to ensure that the police, local authorities, RSLs and voluntary support agencies are able to provide a committed housing and management strategy at a local level.

It is important to note that recommendations on strategic matters relating to sex offenders go back at least to the 1997 *Commitment to Protect* document. It is essential that considered decisions are now made on the formulation of a national strategy which builds on these various recommendations and research. We recommend that a **working group** is set up involving Communities Scotland, COSLA and the SFHA (as regulator and representatives of social landlords), the police, criminal justice social work and health services to consider the appropriateness and possible formulation of a national clearinghouse and the MAPPAS. We might also suggest that this should also apply to the recommendations of Cosgrove and the auditing of their implementation or consideration to date. We also recommend that this document is circulated as widely as possible to promote discussion on the relative merits of the suggestions made and to further a national debate on an accommodation strategy for Scotland.

Conclusion

Providing recommendations for multi-agency working and a national strategy is both difficult and contentious given the multiple partners involved in processes of risk assessment, management and accommodation. In recognising that stable accommodation situations and information sharing are key to these arrangements we have made recommendations for a national agency to facilitate better information keeping and exchange while facilitating community education and reciprocal arrangements between local partnerships charged with assessing, managing and accommodating offenders through the statutory provision of multi-agency arrangements for risk assessment, monitoring and management. These proposals come with resource implications as well as implications for ensuring that a national strategy is pursued from this point on.

Summary of recommendations

National strategic actions

4. A national sexual and dangerous offenders clearinghouse (The National Agency for Sex Offenders in Scotland, NASOS) providing:
 - * A centralised database of registered sex offenders and those serving sex offender orders
 - * Facilitating reciprocal arrangements
 - * Liaison with authorities and partnerships in other parts of the UK
 - * A source of information and advice to personnel
 - * Tracking the movement of offenders

Local strategic actions

5. Multi-Agency Working, proposals for a Scottish MAPPA system
6. Effective use of protocols
7. Designated dangerous and sex offender liaison officers
8. Education and training:
 - i. Community education and safety*
 - ii. Architectural liaison and community safety*
 - iii. The education of housing personnel, RSL committees and elected members*
 - iv. The media*
9. Common Housing Registers
10. Allocations
11. Risk Assessment
12. Creating a climate of intolerance of the risk factors leading to sex offending
13. Resources and future co-ordination of a strategy

Conclusion

Any system designed to promote public safety cannot provide absolute protection. The concerns of Cosgrove, among others, have been to provide more efficient and suitable circuits of information-sharing and strategies designed to balance community safety against the rights of offenders who have served their sentences but who may pose a continuing risk to the community. The stability of housing arrangements is critical in delivering appropriate assessments of risk, ensuring personal change programmes are completed and to allow continuous monitoring and management of risk.

Media sensationalism and concerted community action have often exacerbated the risks to the wider community while, at the same time, being lulled into a false sense of security that knowing where offenders are eliminates a wider set of risks. We have sought to reiterate here that any national accommodation strategy needs to be aware of the range of public and private housing situations in which offending takes place. In terms of a strategy and wider concerns about community safety it is also important to note that only a very small number of convictions result from allegations of indecency and that only a small number of such crimes are ever reported. In short, it is essential that public agencies, communities and individuals remain alert to the risks associated with an unquantifiable offending problem. For example, 32 per cent of first-time murderers and 36 per cent of serious sexual offenders had no previous convictions while risk assessment itself can never be infallible (Kemshall, 2003). This highlights the difficulty of predicting how to act to ensure complete safety.

After looking at existing practice through a survey and case studies we have made a series of recommendations which build on research evidence to consider the foundations of a national accommodation strategy for sex offenders. This echoes many of the concerns and proposals of our interviewees as well as past reviews of sex offending in Scotland. Our recommendations also reflect existing practice in England and Wales. A key concern at this point in time must be the building of public confidence in strategies to reduce risks to the wider community through processes of effective information sharing, education and training and a widening of the existing provisions for multi-agency working. Linking research and practice evidence to national-level key actor views on these issues has helped us to develop a series of proposals which reflect the needs of these various agencies as well as recognising the changing nature of social housing provision in Scotland which is increasingly moving toward community based landlords and away from large local authority landlords. These pose serious challenges to the development of an effective national strategy but need to be embraced if it is to be effective in reducing the risks to community safety.

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**SCOTTISH EXECUTIVE UPDATE:
RECENT MEASURES TO TIGHTEN CONTROLS
ON SEX OFFENDERS**

April 2005

SCOTTISH EXECUTIVE UPDATE: RECENT MEASURES TO TIGHTEN CONTROLS ON SEX OFFENDERS

As part of its commitment to improving public safety, the Executive has put in place a range of measures to reduce the risk posed by offenders. It also expects that those agencies working with sex offenders will keep the arrangements for monitoring and managing sex offenders under constant review. As a result, a number of new measures have been developed/put in place in parallel with the work being done by the Chartered Institute of Housing on the issue of a national accommodation strategy for sex offenders. These have changed the environment within which the research report sits.

Joint arrangements for assessing and managing sex offenders

The Executive is continuing to strengthen provisions in this area wherever and whenever it can. Much of the current work flows directly from the recommendations from the Expert Panel on Sex Offending (chaired by Lady Cosgrove) to improve the way that the main criminal justice agencies share the information they hold on sex offenders. This is to ensure that as complete a picture as possible about the lifestyle of sex offenders is available to those who are assessing the risk posed to communities. In this context, plans are being taken forward to make the existing system more stringent. Provision in the Management of Offenders(Scotland) Bill will place a statutory function on police, local authorities, and the Scottish Prison Service to establish joint arrangements for assessing and managing the risk posed by sex offenders – including the effective sharing of information.

The new legislative provisions are a direct response to recommendation 49 of the Expert Panel's report which recognised the benefits which were being delivered by the arrangements put in place by the Executive to facilitate joint working between the police and social work to support the powers under the then Sex Offenders Act 1997. However the Expert Panel considered that a statutory power would improve existing arrangements, on the basis that effective monitoring of sex offenders can only be achieved if there are effective arrangements in place for the management and sharing of relevant information. In general, the recommendations on the management and sharing of information between agencies advocates a more formalised and structured approach. This underpins many of the recommendations made in other chapters of the report and links back to recommendation 49.

An Information Sharing Group consisting of the key agencies was set up in 2003, chaired by the Solicitor General, to develop procedures, standards and protocols to put these recommendations into practice at the local level. The Group has developed a framework to support the new legislative provisions by ensuring the effective flow of relevant information to the relevant agency for specific purposes at the relevant point in the process. In doing so the ISSG has been mindful of the provisions of the Data Protection Act 1998 and the tests which must be satisfied before information can lawfully be shared.

The work in the ISSG has highlighted and evidenced that the position has moved on since the Expert Panel reported and the role of agencies involved with sex offenders has increased and goes beyond police and social work. For example:

- (a) The Crown will be given powers to obtain specialist reports in cases where an Order for Lifelong Restriction is a possibility on the risk posed by an accused, in turn that information will be made available to the court.

- (b) Sentencers now have a mandatory requirement under section 21 of the Criminal Justice (Scotland) Act 2003 to obtain SER's and psychological reports in sexual offence cases or cases where there is a significant sexual element. Sentencers are also required to provide a report on the evidence to report writers to inform the background to the case.
- (c) The SPS has moved from a containment model to a sentence planning model undertaking risk assessments and providing where possible interventions relevant to the offence and needs of the prisoner.
- (d) Local Authority Criminal Justice Social Work Services have developed community based programme (provisionally accredited), are developing risk assessment tools and operate increased supervision requirements, e.g. in extended sentences for the management of offenders.
- (e) The police work with local authorities to assess and monitor risk under the Sexual Offences Act 2003. There is also increasing evidence of work with prisons in the pre-release planning arrangements for sex offenders.

In the context of the management and supervision of sex offenders, the proposal is that the statutory function in relation to the assessment, monitoring and management of risk by the police and local authorities should extend to the Scottish Prison Service as principal agencies. In addition, the three principal agencies will act in co-operation with other specified agencies in establishing arrangements and those agencies in turn to co-operate with the establishment of those arrangements. These will include housing agencies.

The proposal is also to extend the function to include sex offenders and offenders where the court determined that there was a significant sexual element and to violent offenders

ViSOR

A further development is the introduction of ViSOR information system, a UK system which records information on and keeps track of sexual and violent offenders across police boundaries. Its implementation across Scotland will make it easier for the police to share intelligence across forces on sex offenders and violent offenders. The new system will be rolled out to police areas in Scotland during 2005. The Executive is also funding the secondment of a criminal justice social worker to work with the ViSOR project team so that the 2 agencies with statutory responsibility for supervising registered sex offenders in the community work closely together in the implementation of this new system.

Risk assessment training

Work is progressing on a standard risk assessment tool for sex offenders which will be used by the police, criminal justice social work and in prisons. Enhanced training is being provided for 400 frontline police and social workers in using the tool to assess the risk which individual sex offenders pose to communities. This will ensure better training for those in the frontline so they can assess the risk more effectively and act as a crucial 'early warning system' in protecting the public. The first tranche of training of trainers for police officers and social workers was held in early February.

Legislation

The registration scheme established in the Sex Offenders Act 1997 has been tightened on several occasions, but most recently through the Sexual Offences Act 2003, which commenced on May 2004.

New legislation on the Protection of Children from Sexual Harm Bill is in the Scottish Parliament at present. It will allow chief constables to apply to the sheriff court for a Risk of Sexual Harm Order to restrict the activities of individuals suspected of being a danger to children - even if they have not been convicted of an offence. The Bill will also extend the use of Sexual Offences Prevention Orders.

Recent announcements

Recent high profile cases have added fresh impetus to the work already under way to deal with this serious and difficult problem. Over recent months soundings have been taken on this whole issue from HM Chief Inspector of Constabulary, the Chief Inspector of Social Work, ACPOS and others. As a result, the Minister for Justice has ordered the following action:

- **An independent review** of the operation of Scotland's sex offender registration system, which was initially introduced in 1997. Its remit is to review the operation and effectiveness of the sex offender notification regime in Scotland, to seek the views of the agencies involved, to make recommendations for improvements and to advise on any other relevant issues relating to sex offenders subject to registration. It is expected to report in the summer.
- **Automatic early release:** the issue of early release for all prisoners convicted of sex offences is being reviewed. This piece of work is examining whether we should move to end automatic early release for sex offenders, whatever their length of sentence. Justice officials will be discussing the options with the Sentencing Commission, headed by a High Court judge, which is undertaking a wider review of early release, including the consequences and impact of any changes.
- **Arrangements for supervising and monitoring:** legislation will also introduce conditional release for sex offenders serving sentences between 6 months and 4 years.

Risk Management Authority

The establishment of the risk Management Authority as a new public body created under the Criminal Justice (Scotland) Act 2003 also will create a more robust approach to risk assessment and management.

The Authority will address the problem that there is no central body acting as a repository of information, guidance and standards and actively taking forward the debate on risk assessment and risk minimisation approaches. Differences in systems and approaches between different agencies reduce the overall effectiveness of the assessment and minimisation package provided to an offender.

The Authority will be expert in the fields of risk assessment and risk minimisation. It has the following specific statutory functions to support its role:

- To develop policy and carry out and monitor research in risk assessment and minimisation
- To set standards for and issue guidance to those involved in the assessment and minimisation of risk
- To approve and monitor risk management plans for those high risk sexual and violent offenders who receive an Order for Lifelong Restriction (OLR). This sentence will largely replace the discretionary life sentence.
- To accredit people involved in risk assessment and minimisation and the methods and practices used in the assessment and minimisation of risk
- To carry out education or training activities in relation to the assessment and minimisation of risk or to commission such activities.

Orders for Lifelong Restriction

The Criminal Justice (Scotland) Act 2003 also creates a new type of sentence that can be used by the High Court, the Order for Lifelong Restriction. The OLR will provide that the offender's risk is assessed and managed with a view to minimising that risk as far as possible. The Risk Management Authority will be responsible for ensuring that there is a risk management plan for each prisoner sentenced to an OLR and that these are updated and followed through. OLRs are due to be introduced later this year.

Current position

The situation has moved on considerably since the research commissioned by the Chartered Institute of Housing and changes are already underway to improve the contextual framework within which a national strategy for accommodation for sex offenders will sit. The need for such work is identified in the research report and the new legislative provisions represent a positive response to this theme in the report.

The pressing need is now to finalise the national strategy to complete a vital part of the framework to reduce the risk posed by sex offenders living in communities. This is being done through a process involving housing, justice, police, social work, landlord and other housing interests, to ensure a comprehensive, multi-agency approach. The strategy is building upon and linking with the wider Executive measures to reduce the risk posed by sex offenders; the forthcoming audit of sex offenders; and Professor Irving's review of the operation of the sex offender registration scheme.

We have also commissioned the Chartered Institute of Housing to update the 1999 guidance, drawing upon the Glasgow University research. This new guidance will be issued later this year.

We will publish very shortly a revised statutory Code of Guidance on Homelessness for local authorities. This will promote the CIH practice guidance on sex offenders. It will also advise local authorities to put in place multi-agency protocols on how to house sex offenders on release, in line with Cosgrove recommendations on how to handle homelessness applications from sex offenders.