

27 APR 2005



TAYSIDE POLICE

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 Date: 22 April 2005

Vicky French
 Police Bill Team
 Scottish Executive Justice Department
 Area 1W
 St. Andrew's House
 Edinburgh
 EH1 3DG

Dear Ms French

SUPPORTING POLICE, PROTECTING COMMUNITIES: PROPOSALS FOR LEGISLATION

I write to you in relation to the proposals contained in the above consultation document in my capacity as an experienced practitioner in the disclosure of information by police forces. I am aware that you will receive comments from many quarters in relation to what is a comprehensive set of proposals to improve criminal justice processes. I intend to restrict my observations to a single issue relating to Question 39 of the consultation document.

For many years the police have, in appropriate circumstances, notified employers and professional bodies when individuals in a limited range of occupations, including health, education and social work, have been convicted of an offence. In a much smaller number of cases this notification has been made when a person has been charged with an offence when the nature of the offending may compromise the safety of vulnerable members of the public. As an example a teacher who has been charged with a sexual offence against a child may be the subject of such a notification. The current guidance on this matter is contained in Scottish Home and Health Department CC Circular 4/89. I am part of small group working with your colleagues in Police Division drafting a replacement circular taking into account advances in the disclosure regime since 1989 especially the provisions of Part V of the Police Act 1997.

The decision to make a disclosure prior to conviction is complex and is carried out following a risk assessment process. A significant factor is the occupation of the person involved whether that is paid or voluntary yet the police have no current power to require a suspect or accused person to provide details of their occupation. The effectiveness of the disclosure process is compromised by this weakness in police powers. I firmly believe that a requirement to provide occupation details is essential to ensure, as far as is possible, that appropriate decisions can be made at an early stage to safeguard public safety, especially for the most vulnerable in society – the young, elderly and infirm.



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To provide another example a suspect may provide their occupation as caretaker. This post is encountered in a vast range of organisations. If the suspect is a caretaker in a city centre office then it is probable that disclosure of information would neither be necessary or appropriate. However if the suspect is caretaker in a residential establishment for young persons then certain types of offending might compromise the safety of residents and therefore make disclosure appropriate. The crux of the matter is the ability of the police to identify such individuals and thereafter to examine whether disclosure is appropriate either at the stage of caution and charge or following conviction.

To this end I would suggest that in addition to providing the police with the power to require a suspect or accused person to provide their date of birth the Bill also contains a provision to require a suspect or accused person to provide the police with details of their occupation. To this end I consider that to prevent abuse of this power and to allay public fears of any misuse of such a power that the police are permitted to ask the following question:

“Are you involved in any activity, paid or unpaid, that involves caring for, supervising or training of children or vulnerable adults?”

If the answer is “Yes” then the police should have the power to require the suspect to provide details of the activity and the organisation involved.

I firmly believe that this power will assist in protecting the vulnerable in society by facilitating a proactive response in the limited number of instances when disclosure is appropriate and assist in tightening an existing weakness in this process.

I am happy to discuss this issue in more depth if you feel it would be of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donald Thomson', with a long horizontal flourish extending to the right.

Inspector Donald Thomson – Force Information Coordinator