| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-1738Responded to: 01 August 2024 |
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Your recent request for information is replicated below, together with our response.

Protecting the public is a top priority for Police Scotland. In Scotland Multi Agency Public Protection Arrangements (MAPPA), provides a comprehensive response to a complex issue, using professional assessment and management to properly target resources at those who pose a risk to the public.

Police Scotland works in partnership with a number of agencies through MAPPA to ensure that all Registered Sex Offenders are robustly managed within the community.

While we can never eliminate risk entirely, we want to reassure communities that all reasonable steps are being taken to protect them.

**Please can you provide me with the following information relating to Registered Sex Offenders (RSOs) and Sexual Harm Prevention Orders (SHPOs) under FOIA?**

**1/ a) How many registered sex offenders (RSOs) are there currently within the force’s jurisdiction (on the date this request is answered)?**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available:

[Registered Sex Offender (RSO) Numbers - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/specialist-crime-division/sex-offender-policing-units/registered-sex-offender-rso-information/)

**b) How many RSOs were within the force’s jurisdiction in the 4 preceding years (i.e. 2023, 2022, 2021, 2020)?**

2020 – 5,835

2021 – 6,088

2022 – 6,374

2023 – 6,865

These figures were as of December in the relevant year.

**c) How many people are currently on SHPOs within the force’s jurisdiction?**

As of 04th July 2024 there were 664 people in Scotland with a live Sexual Harm Prevention Orders (SHPO’s) or Sexual Offence Prevention Orders (SOPO’s).

* 307 Sexual Harm Prevention Orders (SHPO)
* 8 Interim Sexual Harm Prevention Orders (Interim SHPO)
* 348 Sexual Offence Prevention Orders (SOPO)
* 1 Interim Sexual Offence Prevention Orders (Interim SOPO)

Please note, on application by the Chief Constable an Interim SHPO can be granted by the Court and for its duration will have the same effect as a full SHPO. It must be made for a fixed period, as specified in the Order. Interim SHPOs can be varied, renewed or discharged.

**d) How many people were on SHPOs in the 4 preceding years (i.e. 2023, 2022, 2021, 2020)?**

2021 - 660

2022 - 664

2023 - 662

These figures were as of the December in the relevant year.

Please note Police Scotland began manually recording these statistics from 2021.

With regards to information relating to 2020, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

By way of explanation, to provide the information requested, each record would have to be individually examined. As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information requested.

**2/ How many police officers are currently responsible for overseeing people on RSOs and SHPOs (where officers are part-time, please regard this as a 0.5 officer)? If there are different teams overseeing RSOs or SHPOs, please provide the different team sizes.**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

## Section 35(1)(a)&(b) – Law Enforcement

Disclosure would prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Public safety is of paramount importance and disclosure of this information would allow criminals the ability to assess the capability of Police Scotland.

Disclosure would compromise the effective delivery of operational law enforcement and could be used to calculate how and when resources are allocated within the specialist areas of sex offender policing.

Those with criminal intent would then be in a position to more accurately estimate the resources allocated to manage such individuals in the future.

This is a non-absolute exemption which requires the application of the Public Interest Test.

**Public Interest Test**

The exemption listed above is non-absolute and requires the application of the Public Interest Test. I would suggest that public accountability would favour disclosure, given that the information concerns the efficient and effective use of resources by the Service.

However the applicability of the exemption listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and, the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

On balance the public interest on this occasion favours non-disclosure of this data.

We can, however, advise that all Police Scotland officers and staff have a responsibility, whether directly or indirectly, in the management or monitoring of Registered Sex Offender (RSO’s) and work closely with Multi-Agency Public Protection Arrangements (MAPPA) partners.

Police Scotland is committed to keeping people safe. Our focus is on the protection of those at risk of harm through prevention and early intervention. The focus is also on the robust investigation of those who pose such a risk.

Since 2007, all Registered Sex Offenders (RSOs) in Scotland have been subject to management through MAPPA. This was introduced by sections 10 & 11 of the [Management of Offenders etc. (Scotland) Act 2005 (legislation.gov.uk)](https://www.legislation.gov.uk/asp/2005/14/contents)

The key agencies involved in MAPPA are referred to as the ‘Responsible Authorities’. They include:

* Police Scotland
* Local Authority
* Scottish Prison Service, and
* Health Board (for Restricted Patients)

As a Responsible Authority, Police Scotland provide effective and efficient management of RSO’s and other risk of serious harm offenders. This is achieved through each of Police Scotland’s 13 local policing divisions having dedicated Sex Offender Policing Units.

These specialist officers work in partnership with the other Responsible Authorities and colleagues to manage and reduce the risk posed by such offenders.

Our Specialist Crime Division, National Sex Offender Policing Unit, provides support to the local policing divisional units and is responsible for governance, audit and compliance. This is in respect of all areas of Police Scotland sex offender policing business.

Local Authority involvement is provided by Criminal Justice and Children and Families Social Work and housing departments. They can extend to encompass a broad range of services depending on the individual circumstances of offenders.

Scottish Prison Service is responsible for the management of RSOs while they are in custody. They contribute to inform risk assessment and risk management planning for offenders being released into the community following any period in custody.

Health Boards involvement as a Responsible Authority is specific to individuals who are defined as 'Restricted Patients'. These are predominantly individuals who are subject to detention in a hospital setting. Health Boards are however also required to share information and assist in the arrangements for any other offender. This is where health information and expertise is relevant. For this purpose, they are defined as a 'Duty to Cooperate' agency.

A number of other 'Duty to Co-operate' agencies are identified through legislation.

They are required to co-operate and share information with the Responsible Authorities in respect of the management of MAPPA offenders.

This is intended to ensure all available information is gathered, shared and used to build as complete a 'picture' as possible for each offender.

This allows for a better identification of any risks they may present and implementation of appropriate measures to mitigate these risks.

Further information about MAPPA can be found locally on each local authority website and nationally on the Scottish Government website.

The Scottish Government and each MAPPA area produces an annual report which is published towards the end of October every year.

Additional information in relation to MAPPA can be found on the Scottish Government website [Multi-Agency Public Protection Arrangements (MAPPA): National guidance](https://www.gov.scot/publications/scottish-government-multi-agency-public-protection-arrangements-mappa-national-guidance/) and the [Management of Offenders etc. (Scotland) Act 2005.](http://www.legislation.gov.uk/asp/2005/14/contents)

**3/ a) How many people on SHPOs have been found to have breached the requirements of SHPOs in the year to date, 2023, 2022, 2021 and 2020?**

**b) Of those, how many received a custodial sentence (broken down by year)**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, the Violent & Sex Offender Register (ViSOR) is the UK database used to record information concerning the management of RSOs.

Although this information may be held within ViSOR, the database is not a crime recording system and there is no easy way of accurately extracting any potential data without manually interrogating each record. As such, this is an exercise which would exceed the cost limit set out in the Fees Regulations.

**4/ How many people on SHPOs are currently missing i.e. the force does not know their whereabouts?**

There are currently no missing individuals who are subject to a SHPO.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.