

**A JOINT AGENCY PROTOCOL FOR ASSESSMENT AND MANAGEMENT IN
DORSET OF**

**SEXUAL AND VIOLENT OFFENDERS OR OTHER OFFENDERS WHO MAY CAUSE
SERIOUS HARM TO THE PUBLIC**

“CONVICTED” AND “UNCONVICTED, POTENTIAL OFFENDERS”

Foreword:

1. Introduction
2. Relevant Sexual and Violent Offenders
3. Risk Assessment
4. Child Protection Conferences
5. Organisational levels of Decision Making
6. Level 2 Multi-agency Public Protection Panel (MAPPP)
7. Management of Level 2 MAPPP
8. Level 3 Multi-agency Public Protection Panel
9. Management of Level 3 MAPPP
10. Wider Issues arising from Level 2/Level 3 MAPPPs
11. Defensible Multi-agency Decision Making
12. Roles and Requirements of Individual Agencies
13. Social Services
14. Young Offenders - General
15. Young Offenders - Looked After by the Local Authority
16. Youth Offending Teams
17. Education
18. Mental Health Services
19. Housing
20. NSPCC
21. Crown Prosecution Service
22. Unconvicted Potential Offenders

Appendices:

- Appendix 1 MAPPA Panel Criteria Checklist
- Appendix 2 MAPPA Monthly Schedule
- Appendix 3 Report to Level 2/3 MAPPP
- Appendix 4 Level 2/3 MAPPP Minutes
- Appendix 5 Initial Risk/Review Assessment Meeting

1. INTRODUCTION

- 1.1 This protocol supersedes the previous Protocol on Potentially Dangerous Offenders Conferences.
- 1.2 A Joint Policy Statement and a full document entitled Operational Guidelines for Dorset Police, the National Probation Service Dorset area and the Prison Service is with the management of each agency.
- 1.3 Each agency will be aware of its own operational guidelines and reference documents and care should be taken to refer to those where appropriate.
- 1.4 The Criminal Justice Act 2003 Section 325 seeks to increase public protection by building upon the existing inter-agency arrangements.

The Act has placed a statutory duty on Police, Probation and the Prison Service to make joint arrangements for the assessment and management of the risks posed by sexual and violent offenders, and other offenders who, by reason of offences committed by them, are considered to be persons who may cause serious harm to the public. These arrangements are known as the Multi-Agency Public Protection Arrangements (MAPPA).

- 1.5 In addition to the statutory responsibilities that Police, Probation and the Prison Service have there are a number of statutory and voluntary agencies that have an important role to play in effective public protection. This will include the National Health (including local Mental Health Services), Social Services, Education, Local Authority Housing, Youth Offending Teams, NSPCC and a range of other agencies including the independent sector. In the County of Dorset, the aim of the Police, Probation and Prison Service will be to achieve agreement across agencies to put in place arrangements that will better protect the public.
- 1.6 Under S326 of the Act, there is a statutory requirement on the Police, Probation and the Prison Service to produce an annual report on the work carried out under the arrangements. It will be a clear and accessible document that informs and reassures the public about the work taking place for their protection. It will summarise the roles and responsibilities of all agencies involved.

2. RELEVANT SEXUAL AND VIOLENT OFFENDERS

- 2.1 The Police, Probation and the Prison Service have a responsibility to implement joint arrangements for the assessment and management of the risks posed by sexual and violent offenders, and other offenders who may cause serious harm to the public.

- 2.2 A person is a relevant sexual or violent offender if s/he falls within one or more of the categories set out in S327 of the Act, as follows:-

Category 1

S/he is subject to the notification requirements of Part 2 of the Sex Offenders Act 2003. See Operational Guidelines for Dorset Police, Prison Service and the National Probation Service Dorset Area.

Category 2

S/he is convicted by a court in England or Wales of a murder, or an offence specified in Schedule 15 of the Act, (See Operational Guidelines for Dorset Police and the National Probation Service Dorset area) and one of the following sentences is imposed:

- ◆ a term of imprisonment of 12 months or more;
- ◆ detention in a Young Offender Institution for a term of 12 months or more;
- ◆ detention during Her Majesty's pleasure;
- ◆ a sentence of detention for public protection under S226 of the Act;
- ◆ detention for a period of 12 months or more under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences);
- ◆ detention under S228 of the Act;
- ◆ detention and training order for a term of 12 months or more;
- ◆ a Hospital or Guardianship Order within the meaning of the Mental Health Act 1983;
- ◆ this category also includes persons found not guilty of murder or an offence specified in Schedule 15 of the Act by reason of insanity or to be under a disability and to have done the act charged against them in respect of the offence and one of the following orders is made in respect of the Act:-
 - (i) an order that s/he be admitted to hospital; or
 - (ii) a Guardianship Order within the meaning of the Mental Health Act 1983.

("Court" does not include a Court-Martial or the Courts-Martial Appeal Court.)

Category 3

Other offenders: These offenders must have a conviction for an offence which indicates that s/he is capable of causing serious harm to the public. The offence may have been committed abroad. Also the Police Service, Probation Service and Prison Service must reasonably consider that the offender may cause serious harm to the public.

Agencies that operate an Integrated Care Programme Approach (ICPA) should consider and risk assess via that system first. Agencies or individuals concerned about people posing a risk of serious harm should raise those concerns with the Detective Chief Inspector, MAPPA Co-ordinator or in the Detective Chief Inspector's absence, the Probation or Prison Service MAPPA lead, who can determine which individuals may pose a risk and whether they have any relevant criminal history.

INITIALLY ALL ISSUES MUST BE RAISED WITH A LINE MANAGER

3. RISK ASSESSMENT

- 3.1 Risk assessment is an ongoing process. All agencies involved must remain sensitive to factors that could indicate a change in the level of risk. Concerns must be acted upon through liaison, consultation and either a Level 2 or Level 3 Multi-Agency Public Protection Panel, if applicable.

4. CHILD PROTECTION CONFERENCE (CPC)

- 4.1 When it is apparent there is a risk of abuse from a convicted offender to an individual child which may not be alleviated by the management of the risk related to that person, a child protection conference will be required.
- 4.2 This child protection conference will be held separately from the Level 2/3 MAPPP - when the concern about an individual child is evident, it will be essential for Social Services, and any other agency relevant to the circumstance, to attend the Level 2/3 MAPPP and relevant agencies to attend the CPC.

5. ORGANISATIONAL LEVELS OF DECISION MAKING

- 5.1 There are three levels of Conference decision making:-

Category 1, 2 or 3 offenders can be managed at either Level 1, 2 or 3.

Level 1 - Own agency risk assessments, strategy meetings, single agency involvement,

If there is multi-agency involvement and Category 1, 2 or 3 criteria is met, see MAPPA1, MAPPA Panel Criteria Checklist (Appendix 1) then either of the following meetings can take place:-

Level 2 - Multi-Agency Public Protection Panel

Level 3 - Multi-Agency Public Protection Panel

Can be considered.

6. LEVEL 2 - MULTI-AGENCY PUBLIC PROTECTION PANEL - (MAPPP)

6.1 The criteria for referring a case to the Level 2 MAPPP are defined as those in which the offender:

Is assessed under OASys or Risk Matrix 2000 or other validated Risk Tool as being a high or very high risk of causing serious harm

and

Active multi-agency management of risk is required (in addition to Police and Probation)

6.2 Consultation must take place between a Senior Probation Officer and Detective Inspector (Violent Offender) or Detective Sergeant (Sex Offenders Investigation Unit) (Sexual Offender) to confirm that the criteria are met.

6.3 The role of the Level 2 MAPPP is to:

- ◆ share information on those offenders referred to;
- ◆ decide upon the level of risk posed by the offender;
- ◆ recommend the action necessary to manage the risk including any contingencies;
- ◆ monitor and ensure implementation of the agreed action(s);
- ◆ via a further MAPPP, on a set date in the future, review the level of risk and the action plan in the light of changes in circumstances or behaviour;
- ◆ consider and manage necessary resources;

7. MANAGEMENT OF THE LEVEL 2 MAPPP

7.1 Level 2 MAPPP will be convened on days as set out in the MAPPA timetable Appendix 2.

7.2 Category 1 offenders panels will be chaired by a detective sergeant.

Category 2 offenders panels will be chaired by a senior probation officer.

Category 3 offenders panels will be chaired by a senior probation officer if current to the Probation Service but otherwise will be chaired by a detective inspector.

- 7.3 The Senior Probation Officer and Detective Inspector/Detective Sergeant will determine who will be panel members. The MAPPA Administrative Secretary will book a room for the panel meeting.
- 7.4 Other agencies may be invited on the basis of current involvement or the need for likely involvement.
- 7.5 Staff directly involved in the case and their immediate line managers will be required to attend as will the Victim Liaison Officer, if appropriate.
- 7.6 Attendees are required to provide a written summary and submit key information and/or documents to the Chair on the day of the Panel Meeting. The papers will be photocopied and then distributed with the minutes. The format is as MAPPA 3. (Appendix 3)
- 7.7 The meeting will follow the Standing Agenda MAPPA 5. (Appendix 4)
- 7.8 A Level 2 MAPPP that concludes that a person meets the criteria for a Level 3 MAPPP must be referred to a MAPPP via the MAPPA Co-ordinator.
- 7.9 Detailed draft minutes of the meeting will be made by the MAPPA secretary and distributed to the attendees without names and addresses included.
- 7.10 Attendees will be asked to confirm that the minute is a correct record or to identify any necessary amendments. This should be done by Email to the conference Chair within 5 working days of receipt.
- 7.11 If there are any amendments these will be made by the Chair and the amended minutes distributed by hard copy together with the reports presented for signature by each attendee.
- 7.12 It is the responsibility of each attendee and agency to keep these minutes confidential and secure within their own file retention policy.
- 7.13 The role of the Level 3, at a minimum, is to:
 - ◆ share information on those offenders referred to it;
 - ◆ decide upon the level of risk posed by the offender;
 - ◆ recommend the action necessary to manage the risk including any contingencies;

- ◆ monitor and ensure implementation of the agreed action;
- ◆ review the level of risk and the action plan in the light of changes in circumstances or behaviour;
- ◆ consider and manage necessary resources;
- ◆ consider need for community disclosure and other community issues;
- ◆ agree a media strategy where appropriate;
- ◆ Set a date for the review (a maximum of three months);
- ◆ Set a date for the review (a maximum of six months).

8. LEVEL 3 - MULTI-AGENCY PUBLIC PROTECTION PANEL

8.1 The Level 3 MAPPP is responsible for the management of the 'critical few'. The criteria for referring a case to the MAPPP are defined as those in which the offender:

- (a) is assessed under OASys or Risk Matrix 2000, or other validated Risk Tool as being a high or very high risk of causing serious harm

AND

- (b) presents risks that can **only** be managed by a plan which requires close multi-agency (in addition to police/probation) co-operation at a senior level due to the complexity of the case and/or because of the unusual resource commitments it requires

OR

- (c) although not assessed as a high or very high risk, the case is exceptional because the likelihood of media scrutiny and/or public interest in the management of the case is very high and there is a need to ensure that public confidence in the criminal justice system is sustained.

Thus although the 'critical few' are not exclusively those assessed as high or very high risks, in almost all cases they will be. Also, while most will be offenders being released from prison, they may also include:

- ◆ an offender on discharge from detention under a hospital order;

- ◆ an offender returning from overseas (whether immediately following their release from custody or not); and, conceivably;
- ◆ an offender who having been managed as a medium or even a low risk in the community comes to present a high or very high risk as the result of a significant change of circumstances.

The new definitions align the criteria for referral to Level 3 more closely to the criteria used for referring cases to Public Protection Unit under the Early Warning System and will therefore allow the greater national co-ordination of Level 3 cases.

8.2 Agencies attending Level 3 will, at a minimum, be Police and Probation Services, but may - and often should - also include Prison Service (Senior Probation Officer and Governor grades), Social Services, Health, Local Authority Housing departments, YOTS, Victim Liaison and other statutory and voluntary agencies. Agencies should be represented at a senior level where an allocation of extra resources may be required to effectively assess and manage the risks.

8.3 The role of the Level 3, at a minimum, is to:

- ◆ share information on those offenders referred to it;
- ◆ decide upon the level of risk posed by the offender;
- ◆ recommend the action necessary to manage the risk including any contingencies;
- ◆ monitor and ensure implementation of the agreed action;
- ◆ review the level of risk and the action plan in the light of changes in circumstances or behaviour;
- ◆ consider and manage necessary resources;
- ◆ consider need for community disclosure and other community issues;
- ◆ agree a media strategy where appropriate;
- ◆ Set a date for the review (a maximum of three months);
- ◆ Set a date for the review (a maximum of three months);

9. MANAGEMENT OF THE LEVEL 3 MAPPP

- 9.1 When it has been decided to hold a Level 3 the Probation Line Manager will inform the Assistant Chief Officer (Probation). The Police Line Manager will inform the Detective Chief Inspector as appropriate.
- 9.2 The Assistant Chief Officer (Probation) and Detective Chief Inspector will agree arrangements for convening a Level 3.
- 9.3 The conference will be chaired by a Detective Chief Inspector (MAPPA Co-ordinator) or the Assistant Chief Officer (Probation). It will be held on the days set out in the MAPPA calendar unless extenuating circumstances dictate otherwise.
- 9.4 The Assistant Chief Officer (Probation) and Detective Chief Inspector will determine who will be panel members and set a date for the MAPPP meeting. (Usually the date set out in the MAPPA calendar) The MAPPA Secretary will book a room for the panel meeting.
- 9.5 The panel will include representation from agencies determined as relevant to the case by the Assistant Chief Officer (Probation) and Detective Chief Inspector.
- 9.6 Consideration will always be given to requesting the attendance of managers from the Prison Service (Governor grades), NSPCC, Health, Social Services and Housing who have the authority and are in a position to commit resources.
- 9.7 Other agencies' senior managers who have the authority and are in a position to commit resources may be invited on the basis of current involvement or the need for likely involvement.
- 9.8 Staff directly involved in the case and their immediate line managers will be required to attend as will the Victim Liaison Officer, if appropriate.
- 9.9 Attendees are required to provide a written summary and submit key information and/or documents to the Chair on the day of the Panel Meeting. The papers will be photocopied and then distributed with the minutes. The format is as MAPPA 2 and will be sent out with the MAPPA invitations.
- 9.10 The meeting will follow the Standing Agenda. (MAPPA 5) Appendix 4
- 9.11 Detailed draft minutes of the meeting will be made by the MAPPA secretary and distributed to the attendees and as determined by the Chair.
- 9.12 Attendees will be asked to confirm that the minute is a correct record or to identify any necessary amendments. This should be done by

Email to the conference MAPPA Secretary within 5 working days of receipt.

- 9.13 If there are any amendments these will be made by the Chair and the amended minutes distributed by hard copy together with the reports presented for signature by each attendee.
- 9.14 It is the responsibility of each attendee and agency to keep these minutes confidential and secure within their own file retention policy.

10. WIDER ISSUES ARISING FROM LEVEL 2 AND LEVEL 3 MAPPPs

- 10.1 As a part of the MAPPA process the Chairs of Level 2 and Level 3 meetings must consider issues which arise from the cases specifically considered, but which have a wider significance or where difficulties occur with the local provision of services to assist in the management of risk
- 10.2 The MAPPA Co-ordinator needs to be made aware of these issues by Chairs in order that the MAPPA Strategic Management Board can consider the issue if necessary.

11. DEFENSIBLE MULTI-AGENCY DECISION MAKING

- 11.1 All agencies need to be aware that Multi-agency Public Protection Panels (Level 2 or Level 3) should be able to demonstrate:
- ◆ the defensibility of the decisions taken;
 - ◆ that victim protection has been achieved;
 - ◆ that access and opportunities to commit serious offences have been diminished;
 - ◆ the factors which are effective at reducing risk;
 - ◆ that resources are effectively targeted at high risk offenders;
 - ◆ the consistent and transparent use of rational criteria for decisions and for thresholds of risk;
 - ◆ that the integrity of risk management plans are able to be evaluated against the criteria.
- 11.2 An audit programme is in place conducted by the MAPPA Co-ordinator and Lay Advisor.
- 11.3 Probation MAPPA lead, quarterly, to identify any areas of weakness.

12. ROLES AND REQUIREMENTS OF INDIVIDUAL AGENCIES

12.1 Duty to Co-operate.

12.2 Section 325(3) of the Criminal Justice Act 2003 imposes on specific organisations which provide public services a 'Duty to Co-operate' with the MAPPA Responsible Authority in the fulfillment of its obligation to establish arrangements for the purposes of assessing and managing risks posed by MAPPA offenders. A reciprocal duty is imposed on the responsible authority to act in co-operation with those organisations.

12.3 The Act requires external organisations to co-operate only in so far as this is compatible with their existing statutory responsibilities. It does not therefore impose on them a duty to do anything operationally beyond what they are already required to do. They are, however, required to carry out their responsibilities where these relate to MAPPA offenders, collaboratively with the responsible authority and the other organisations on whom a duty is imposed.

12.4 The purposes of co-operation are:

- (a) to co-ordinate the involvement of different agencies in assessing and managing risk;
- (b) to enable every agency, which has a legitimate interest, to contribute as fully as its existing statutory role and functions require in a way that complements the work of other agencies.

Co-operation depends upon respect for the different role each agency performs and the boundaries which define it. Unless clarity about authority is maintained, responsibility and accountability will become clouded and Duty to Co-operate agencies may misunderstand the basis upon which they co-operate. In turn, this may cause representatives of those agencies to feel dis-empowered or professionally compromised - a result which the statutory basis of the duty is explicitly designed to prevent. Without this clarity, agencies may assume that a referral of a case to either a level 2 or level 3 meeting somehow diminishes or even absolves them of any continuing responsibility, which is not the case.

Successful engagement of an agency's co-operation is therefore dependent upon:

- (a) Identifying that an agency has a legitimate interest or specific responsibility;
- (b) advising about how best it can become involved, and,
- (c) helping it to co-ordinate its involvement with that of other agencies.

13. SOCIAL SERVICES

- 13.1 Social Services receive notifications on adults and young people convicted of offences against children. This can be from penal establishments, the Probation Service, the Youth Offending Team and other local authorities and may relate to custodial and non-custodial sentences.
- 13.2 Notification is received from the Police Sex Offender Unit about convicted sex offenders who have to register their address with the Police as part of the requirements of the Sexual Offenders Act 2003. Included are those cautioned for sex offences, who are also required to register their address with the Police. This is using form C202 forwarded to the Director of Social Services, Dorset County Council, who in turn forward the details to Poole/Bournemouth Unitary Authorities. Where there is an identified risk to a child(ren), a referral will be made to social services under child protection procedures.
- 13.3 When a notification is received Social Services will check their database and record the information. If as a result concerns are identified these will be responded to in accordance with child protection procedures.
- 13.4 The information obtained on offenders convicted of offences against children will be retained by Social Services and referred to as and when need arises.
- 13.5 When a child is considered to be at risk, a child protection conference will be required (ACPC Inter-Agency Child Protection Procedures apply) unless the risk is immediately alleviated by the intervention of Social Services and it is evident there is no continuing risk.
- 13.6 Transition protocols must be adhered to in respect of young people who are moving from Children's Services to Adult's Services, where it is identified that they may cause serious harm to the public or themselves.
- 13.7 As part of the MAPPA, Social Services will be invited to attend MAPPP's as appropriate.

14. YOUNG OFFENDERS - GENERAL

- 14.1 The Act includes sex offenders who are under 18 years of age when convicted or cautioned for a relevant sexual offence. The differences for young people are:

Registration Period

The duration of the registration period is halved unless the conviction is for an indefinite period.

Penalties for not Registering

An offender under 18 years who fails to register has committed an offence - the liability, if convicted, is a fine rather than imprisonment.

Responsibility for Notification

When a young person is sentenced to custody, the court may direct that an individual having parental responsibility for him or her complies with the provisions of the Act on behalf of the young person until the age of 18 has been reached.

Additional policy and procedures in relation to children and young people with sexually harmful behaviour can be found in Bournemouth, Dorset and Poole's Inter-agency Child Protection Procedures.

15. YOUNG OFFENDERS - LOOKED AFTER BY THE LOCAL AUTHORITY

15.1 Social Services also have a specific role when:

- ◆ a child who is looked after by the Authority is convicted of an offence under the Sexual Offenders Act 2003.

15.2 When a looked after young person is cautioned for a relevant sexual offence, it is the young person's responsibility to comply with notification requirements. The Police will notify the nominated person in Social Services of any such cautions. The nominated person will pass the information to the supervising social worker.

15.3 In the case of both convictions and cautions, the social worker will need to:

- ◆ ensure all written notifications are placed on the young person's file;
- ◆ inform those with day-to-day care of the young person of the registration requirements;
- ◆ assist the young person to comply with notification requirements;
- ◆ ensure the young person is reminded of the requirement to notify the Police every time a move occurs, until the young person ceases to be looked after;
- ◆ ensure that any new day-to-day carers are informed of the registration requirements;

- ◆ ensure that the nominated Education representative is notified that the young person is a pupil at a school (including a 6th Form) or a student at a college.

16. YOUTH OFFENDING TEAMS

- 16.1 YOT Risk Assessment.
- 16.2 The Youth Offending Teams work with all young offenders aged 10 to 17. The teams follow the procedures outlined in this document. In this protocol for this age group of offenders references to "Probation Officer" can be replaced by "YOT Officer".
- 16.3 The Probation Officers seconded to the teams are used as link points.
- 16.4 The Youth Offending Teams complete a standard assessment process, the "ASSET" form, on all young offenders with whom they carry out any interventions. This is a nationally implemented form issued by the Youth Justice Board.
- 16.5 ASSET is completed at the beginning, middle and end of an intervention.
- 16.6 ASSET creates a risk score, which can then be used to inform the assessment of likelihood of harm and risk to the public and others. Where significant risk of harm is identified in the core ASSET then a Risk of Serious Harm ASSET would be completed.
- 16.7 Following this assessment when appropriate the YOT would follow the MAPPA procedures.

17. EDUCATION

- 17.1 Schools and other educational establishments will have a direct interest and involvement if a convicted offender is:
- ◆ A young person of compulsory school age or student in a school 6th Form/or a student at a college.
 - ◆ Known to have connections with the school, living near the school or loitering in the vicinity of a school.
- 17.2 Reference will be made to nominated Education representative:
- ◆ Where the above is known to apply and where a Level 2 or Level 3 Multi-Agency Public Protection Panel is scheduled. Contact should be made initially with a nominated person in the relevant authority;

- ◆ the nominated Education representative will consider the implications and will arrange for a relevant person to attend the Level 2/ 3 panel;
- ◆ discussion related to concerns, in advance of a Level 2/3 panel being scheduled, will be with the nominated person from Education, as above;
- ◆ if a Level 2/Level 3 occurs within which there are implications for Education, but where there was no recognition in advance of such issues, a sub-group of the main panel will be identified to initiate contact with the nominated Education representative as above. This sub-group will then meet with the person identified by the nominated Education representative, to formulate an action plan to take account of the factors arising from the Level 2/3 panel;
- ◆ where the concern is initiated in a school or other educational establishment, the Head or other relevant person should seek advice from the person nominated by their Education Authority. As a result this nominated person will make contact with the local Probation office or Police as appropriate, or will agree who from the school staff will undertake this action;
- ◆ following a Level 2/3 panel, if the required action is continuing, then a method of updating/reviewing the progress will be identified.

18. MENTAL HEALTH SERVICES

18.1 Specialist Mental Health services are provided by two Trusts across Dorset: Dorset Healthcare Trust (DHCT) for East Dorset and North Dorset Primary Care Trust (NDPCT) for West Dorset. These two Trusts have arrangements with Local Authority social services to provide integrated Community Mental Health Teams to undertake the following in respect of MAPPAs and mentally disordered offenders (MDO) to whom they provide care:-

- ◆ To identify MDOs considered suitable for Level 2 and 3 MAPPAs;
- ◆ to refer such individuals into MAPPAs;
- ◆ to disclose only the necessary information required to assess and manage the risks presented working as closely within the Trusts' policy on confidentiality;
- ◆ clinicians and managers involved in the case to attend all panels and present reports as required;
- ◆ to amalgamate risk management plans into the Integrated Care Programme Approach of the individual who is the subject of the MAPPAs.

- 18.2 DHCT provide the Dorset Forensic Services (DFS) which is a pan Dorset service for offenders with more severe disorders and higher levels of risk. Staff from DFS will attend all Level 2 and 3 MAPPs called on their patients. This service will also provide the Health Service representation on the Dorset Strategic Management Board for MAPPA.

Sex Offenders Detained in Hospital or Subject to Guardianship Orders under the Mental Health Act 1983.

- 18.3 A hospital manager's referral of an offender who is detained in hospital or subject to guardianship under the Mental Health Act 1983 following sentencing or cautioning for a relevant offence, on receipt of notification:-
- ◆ should ensure that patients' records are endorsed;
 - ◆ if necessary, inform the new hospital managers, prison or local Social Services authority if the patient is transferred to another hospital, back to prison or guardianship.
- 18.4 The hospital manager must remind the patient of the registration requirements when they leave hospital on discharge or long term leave in the community.
- 18.5 Hospital detention in these cases is likely to be at one of the special hospitals and, although there are no special hospitals in Dorset, both the main psychiatric hospitals at Forston Clinic, Dorchester and St Ann's Hospital, Poole have the potential to receive such patients in their care. If staff are unsure whether the person they are supervising comes under the provisions of the Mental Health Act 1983, they should discuss the position with the relevant manager. If there are immediate child protection concerns reference should be made to the named nurse for child protection advice, followed as applicable by referral without delay to the relevant Social Services children services team.

Patients Subject to Guardianship

- 18.6 Social Services are not required to take any special action in respect of people subject to guardianship who are served with notice to register under the Sexual Offenders Act 2003. However, as a matter of good practice a supervising social worker should discuss registration requirements with the person concerned and assist them to comply.
- 18.7 When a person subject to the provisions of the Act is discharged from guardianship or is transferred to another local authority area, the information regarding the address of the person, which is held by the Police should be updated. Social workers should explain this to the person and ask their permission to disclose the information. If consent is refused the relevant senior manager will be informed, so that there can be a discussion about the risk posed by the person and a decision

made on the public interest factor and whether this justifies overriding the refusal of the person to have the information passed to the Police. This discussion should be recorded and signed.

- 18.8 Any information about change of address will be passed to the Police Sex Offender Unit in the area where the sex offender will become resident.

Disclosure of Information: Sex Offences/Other Potentially Dangerous Offences

- 18.9 Where it is important and relevant for staff and agencies to share information or have information disclosed to them regarding the offender, this will be on a strictly confidential basis.
- 18.10 A plan identifying necessary action will arise from MAPPA panels. This will define roles and tasks of relevant individual agencies. It will be expected that any information disclosed is restricted, with access defined.
- 18.11 Wider disclosure to staff groups or to the general public will only occur exceptionally. Where this is under the Sexual Offenders Act 2003 the Police are accountable for this and will manage any disclosure arrangements. Disclosure related to other offences may be within the remit of Probation.
- 18.12 The current multi-agency Disclosure Protocol will be used (Inter-Agency Procedures Appendix C).

19. HOUSING

- 19.1 Housing Authorities/Associations may have a role in connection with:
- ◆ Housing applicants/tenants who have been/are convicted of sex offences or other dangerous offences;
 - ◆ housing applicants/tenants who live in proximity to a person convicted of a sex offence or other dangerous offence;
 - ◆ applications from persons convicted of sexual offences or who are deemed to be dangerous offenders.
- 19.2 When these factors arise, the Housing Authority should expect to be invited to the Level 2/3 panels, or if a concern becomes apparent, they should make contact with the local Probation office to provide relevant information.

Implications for Housing Policy and Practice

- 19.3 Where a person who is required to register as a sex offender, or who is a dangerous offender, has a housing need and requires re-housing then the relevant housing authority should be invited to send a representative to the Level 2/3 panel. Identified concern relating to housing need should be included fully in the action plan. Where this need was not apparent in advance and the relevant housing authority was not represented at the conference, there should be a further conference or, if more applicable, a sub-group should be identified to share the matter in full with the relevant housing authority.
- 19.4 A secure Council/Housing Association tenant who is a sex offender might apply for an urgent transfer after experiencing harassment/threats of violence as a consequence of the offence(s) committed or of the disclosure of information.
- 19.5 If an offender who is a tenant is considered to be at risk of violence following the disclosure of information, an urgent transfer should be considered if that is what the tenant wants. Similarly, if following a risk assessment the police ask for a transfer of an offender who is a tenant - and providing a transfer would assist in the management of risk - the housing authority will endeavor to comply with this request. Normally this could occur only if the tenant agrees to the transfer.
- 19.6 Tenants may apply for an urgent transfer because they believe they are at risk from a sex offender or another dangerous offender in their area following the disclosure of information.
- 19.7 Tenants will not normally be granted an urgent transfer unless there is a specific risk to them from the sex offender/dangerous offender. A more general risk to a local community (for example to all of those with young children) will not normally be considered cause to grant urgent transfers to all or part of the community.
- 19.8 A specific risk might be present for example:
- ◆ If a tenant or a member of the household is a previous victim of the offender;
 - ◆ if a tenant is particularly vulnerable (for example people who have previously been the victim of a similar offence to the one committed by the offender, young care leavers, people with a mental illness or disability);
 - ◆ due to of the location of the tenant and the nature of the offence committed (for example an elderly woman sharing communal

facilities with an offender who has been convicted of the rape or assault of an elderly woman).

- 19.9 In all cases, the individual circumstances of a transfer applicant will be taken into account in reaching a decision about whether to grant an urgent transfer or other method of re-housing.
- 19.10 The families of sex offenders or other dangerous offenders may be the victims of harassment/threats of violence following disclosure of information. Such families will be supported, advised and given practical assistance by the housing authority. The practical assistance offered will depend on the needs of the family and could include increasing the urgency of any arrangement for a mutual exchange, supporting a move to another area or accepting the family as homeless and re-housing them in another part of the district.
- 19.11 Sex offenders or other dangerous offenders may become homeless as a direct or indirect consequence of the offence(s) committed or the disclosure of information, for example following release from prison/discharge from hospital or after being forced by harassment or threats of violence to leave accommodation either in this area or another part of the country.
- 19.12 Homeless applications from sex offenders must be assessed in accordance with the terms of Part VII of the Housing Act 1996. If a duty to provide accommodation exists, neither the nature of the crime committed nor any difficulty in providing accommodation without risk to others negates that duty. The duty may be discharged in a flexible and appropriate manner, to include the support of other agencies.
- 19.13 Serious consideration will be given to whether the sex offender is intentionally homeless. A finding of intentionality is likely if the offender has lost accommodation as a consequence of the offence and the offender knew that the likely consequence of committing the offence would be homelessness. This would normally be the case when an offender has a pattern of repeat offending and knows that the likely outcome of re-offending will be a term of imprisonment and loss of accommodation.
- 19.14 Homelessness applications might be received from people who believe they are at risk from a sex offender or other dangerous offender in their area following disclosure of information.
- 19.15 A homeless applicant will not normally be considered homeless in these circumstances unless there is a specific risk to them from the offender. A more general risk to a local community will not normally result in a decision that all or part of that community is homeless.

19.16 A specific risk might be present, for example:

- ◆ If the homeless applicant or a member of the household was a previous victim of the offender;
- ◆ if the homeless applicant was particularly vulnerable (for example young care leavers, people with a mental illness or disability, people who have previously been the victim of similar offence to the one committed by the offender);
- ◆ because of the location of the homeless applicant and the nature of the offence committed.

19.17 In these circumstances, the homeless applicant may be considered homeless. However, the individual circumstances of the homeless applicant will always be taken into account in reaching a decision.

19.18 There may be considerable difficulty in managing risk where there is a duty to provide temporary or permanent accommodation for a sex offender or other dangerous offender.

19.19 If the housing authority has a legal duty to provide accommodation under the terms of Part VI (Allocation of Housing) or Part VII (Homelessness) Housing Act 1996, convictions for sexual or other dangerous offences do not negate this duty. In reaching decisions about the type and location of accommodation the following should be taken into account:

- ◆ Location of any victims of the sex/dangerous offender;
- ◆ the nature of the offences committed and the offending pattern;
- ◆ advice from other agencies on minimising risk. In particular, it is expected that the Police will give advice and guidance on what action is required to be taken following disclosure of information;
- ◆ those who are most at risk from the offender (children/frail/elderly/vulnerable adults/women/men).

19.20 It may be the case that an offender is harassed or threatened with violence by a tenant following disclosure of information. Such behaviour is anti-social and may breach the tenancy conditions. Action to evict a tenant in such circumstances could be considered.

19.21 Tenants who are convicted of offences during the course of their tenancy, where the victim is a person living in the locality, may be in breach of their tenancy conditions. This will constitute a ground for eviction if it is an arrestable offence committed in the locality of the property. The legislation does not define locality but this will depend on the circumstances.

20. NSPCC

- 20.1 In partnership with Dorset Social Care and Health, Bournemouth Children's Services, Poole Children and Families Services, and Dorset Probation area - the NSPCC undertakes to provide an Assessment and Treatment Service for both convicted and unconvicted sex offenders within the county across Dorset, Poole and Bournemouth.
- 20.2 The NSPCC will work with such offenders where a primary risk to children is identified. As such, offenders will be offered group work within the Home Office accredited Thames Valley Sex Offender Programme if they meet the criteria.
- 20.3 The NSPCC will accept referrals from the above agencies following a child protection conference where potential risk from an adult has been identified, or where an adult has been sentenced by the court and received a valid Treatment Order.
- 20.4 As part of this process, the NSPCC will liaise with the Police, Probation, Social Care and Health/Social Services and Children's Services departments and other relevant agencies, making their assessment/treatment reports available as necessary. Wherever possible, the NSPCC will attend level 2/3 panels as requested and appropriate, in order to share information.
- 20.5 During the course of their work, if it comes to the NSPCC's attention that concerns are present which suggest risk to a child/ren, the NSPCC will liaise immediately with the relevant agencies and share this information.
- 20.6 The NSPCC also have a role in undertaking assessment and intervention work with young people aged ten to seventeen who sexually offend. These may be within or outside the criminal justice system and subject to the same NSPCC checks and procedures as those which apply to adult abusers.
- 20.7 The NSPCC will inform the referring agency (and any other relevant agency) of new child protection concerns relating to a young person with whom they are working, as soon as this becomes apparent. All reports written by the NSPCC about a young person will be made available to multi-agency assessment meetings upon request. This is a condition of the NSPCC's contact with young persons.

21. CROWN PROSECUTION SERVICE(CPS)

- 21.1 The CPS will take account as necessary of a MAPPP's information with regard to an offender in the Criminal Justice System. Liaison with CPS will usually be via the Police or Probation service.

22. UNCONVICTED POTENTIAL OFFENDERS

- 22.1 The statutory MAPPA guidelines require a “Conviction” to have taken place in order for a person to be part of the MAPPA process.
- 22.2 There are violent and sexual dangerous individuals who potentially pose a risk of harm who are unconvicted.
- 22.3 The MAPPA guidelines and MAPPA minutes form (MAPPA 5, Unconvicted Potential Offenders) (Appendix 5) can be used by any agency to ensure defensible decision-making with regard to an unconvicted person who poses risk of sexual or violent harm or other harm to the public.
- 22.4 The “case owning” agency can request an Assessment of Risk meeting engaging multi-agency partners in order to reduce the risk of harm to the public. (refer to Appendix 2b of the Inter-agency Child Protection Procedures refers) That agency has to organise and provide secretarial support.