



PAN DORSET INTER-AGENCY SAFEGUARDING PROCEDURES

CHAPTER 3

3.11 Managing Individuals who may pose a risk of harm to Children

Procedures Effective from: 2006

Last Review Date: 2011

If you have any comments or queries about the pan-Dorset procedures please contact your agency representative on the Pan-Dorset Policy and Procedures Group or notify the relevant LSCB using the following email addresses:

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MANAGING INDIVIDUALS WHO POSE A RISK OF HARM TO CHILDREN

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INTRODUCTION

This chapter provides practice guidance and information about a range of mechanisms that are available when managing people who have been identified as presenting a risk, or potential risk, of harm to children.

The Children Act 1989 recognised that the identification and investigation of child abuse, together with the protection and support of victims and their families, requires multi-agency collaboration. As part of that protection, action has been taken, usually by the police and Children's Services, to prosecute known offenders or control their access to vulnerable children.

The Sexual Offences Act 2003 introduced a number of new offences to deal with those who abuse and exploit children in this way. (See www.opsi.gov.uk)

The term 'schedule one offender' should no longer be used for anyone convicted of a crime against a child. The focus should be on whether the individual poses a 'risk of harm to children'.

Part 2 of this guidance deals with the **multi-agency public protection arrangements** provided by the national framework for the assessment and management of risks posed by serious and violent offenders. Details of the referral, purpose and process of MAPPA are contained in this section.

Part 3 Children and young people who pose a risk to children may also be considered within the MAPPA but this part of the guidance sets out the policy and procedures to be followed when a **child or young person is behaving in ways that are sexually harmful**.

Part 4 details the process to be followed for the **assessment and notification** of any individual who may pose a 'risk of harm to children'.

Part 5 describes the procedure for **disclosing information to third parties** about those who present a risk to children.

Part 6 clarifies **checks** and which Police unit should be contacted for information relating to specific individuals about whom there may be concerns or information is required.

Part 7 details the **other processes and mechanisms** for working with and monitoring people who present a risk to children.

**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”**

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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 places a statutory duty on Police, Probation and the Prison Service as the 'responsible authorities' 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 Children's Services, 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, these agencies have a duty to co-operate. This will include the National Health Service (including local Mental Health 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 Criminal Justice 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 under a disability and done the act charged against them in respect of the offence and one of the following orders is made:-
 - (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 been convicted/formally cautioned or in the case of juveniles, reprimanded or warned for an offence that indicates that he/she is capable of causing serious harm to the public and the Responsible Authority considers that they may pose a risk of serious harm to the public which requires active multi-agency management.

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 MAPPA coordinator who will discuss with the Detective Inspector or Detective Chief Inspector (as appropriate) to 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 any Level 2/3 MAPPP. Where the only identified risk posed by an offender who is under the supervision of the Probation Service is to an identified child (ren) and there is a robust risk management plan that includes arrangements for good information sharing and attendance by the Offender Manager at Child Protection Conferences it will not be necessary to hold a separate MAPPA level 2 or 3 meeting. This will be decided by the MAPPA co-ordinator and Detective Inspector/ Detective Chief Inspector in consultation with the offender manager and social worker/independent conference chair. – in all other cases when the concern about an individual child is evident, it will be essential for Children's 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 Level 1, 2 or 3.

5.2 LEVEL 1 ORDINARY RISK MANAGEMENT

Is the level used in most cases where the risks posed by the offender can be managed by the agency responsible for supervision/case management of the offender. This does not mean that other agencies will not be involved only that it is not considered necessary to refer the case to a level 2/3 meeting. It is essential that good information sharing takes place and there are multi-agency case management meetings where necessary. This level can only be used for Category 1 and 2 offenders because by definition Category 3 cases require active multi-agency management.

If multi-agency meetings are required at Level 2 or 3 then the MAPPA Panel Criteria Checklist (Appendix 1) should be completed and countersigned by a manager before being sent to the MAPPA co-ordinator.

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 the MAPPA co-ordinator and Detective Inspector to confirm that the criteria are met in Category 3 cases but for Category 1 and 2 cases the decision of the manager is sufficient to refer to Level 2.
- 6.3 The role of the Level 2 MAPPP is to:
- ◆ share information on those offenders referred to;
 - ◆ identify the likelihood of re-offending
 - ◆ Identify serious risk of harm issues and their imminence
 - ◆ recommend the action necessary to manage the risk including any contingencies;
 - ◆ Consider whether disclosure needs to take place
 - ◆ Undertake a review of the risk management plan and ensure implementation of the agreed action(s) and revise if necessary;
 - ◆ Review the risk level and decide if the case still needs to be managed at the current level.

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 offender's panels will be chaired by a Detective Inspector, a Senior Probation Officer or the MAPPA co-ordinator.
- Category 2 offender's panels will be chaired by a Senior Probation Officer; a Detective Inspector, or the MAPPA co-ordinator.
- Category 3 offender's panels will be chaired by a Senior Probation Officer if current to the Probation Service but otherwise will be chaired by a Detective Inspector or the MAPPA co-ordinator.
- 7.3 The MAPPA co-ordinator will determine who will be panel members. The MAPPA 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 Level 3 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.
- 7.10 The chair of the meeting will be asked to confirm that the minute is a correct record or to identify any necessary amendments. This should be done by 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 secure email or hard copy together with the reports
- 7.12 It is the responsibility of each attendee and agency to keep these minutes confidential and secure within their own file retention policy. They should not be shared with any other party without the permission of the chair of the meeting.

8. LEVEL 3 - MULTI-AGENCY PUBLIC PROTECTION PANEL

8.1 The criteria for referring a case to the Level 3 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.

Although these cases 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);
- ◆ 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.

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), Children's 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;
- ◆ identify the level of risk of serious harm posed by the offender and the likelihood of reoffending;
- ◆ 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 the need for disclosure and other community issues;
- ◆ agree a media strategy where appropriate;
- ◆ Set a date for the review (4-6 weeks for those in the community);

9. MANAGEMENT OF THE LEVEL 3 MAPPP

- 9.1 When a Level 3 MAPPP case has been identified the decision to convene a meeting will be taken by the Assistant Chief Officer (Probation) and the Detective Chief Inspector.
- 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 the MAPPA Co-ordinator, a Detective Chief Inspector 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 MAPPA co-ordinator 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, Children's 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 3 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 If there are any amendments these will be made by the Chair and the amended minutes distributed by secure email or hard copy together with the reports presented.

It is the responsibility of each attendee and agency to keep these minutes confidential and secure within their own file retention policy. They should not be shared with any other party without the permission of the chair of the meeting.

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:

- ◆ Ensure decisions are grounded in the evidence.
- ◆ Use reliable risk assessment tools.
- ◆ Collect, verify and thoroughly evaluate information.
- ◆ Record and account for your decision making.
- ◆ Communicate with relevant others, seek information you do not have.
- ◆ Stay within agency policies and procedures.
- ◆ Take all reasonable steps.
- ◆ Match risk management interventions to risk factors.
- ◆ Maintain contact with offender at a level commensurate with the level of risk of harm.
- ◆ Respond to escalating risk, deteriorating behaviour, and non-compliance.

- 11.2 An audit programme is in place conducted by the MAPPA Coordinator 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. CHILDREN'S SERVICES

- 13.1 Children's Services receive notifications from the police on adults and young people arrested for offences against children and young people under 18 years. Notifications of convictions can be received from the Court, 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 sexual offenders who have to register their address with the Police as part of the requirements of the Sexual Offences Act 2003. Included are those cautioned for sexual offences, who are also required to register their address with the Police. This is using form C202 forwarded to the Safeguarding Manager, Dorset County Council, who will in turn forward the details to Poole/Bournemouth Unitary Authorities. Where there is an identified risk to a child(ren), a referral will be also be made to Children's Services under Inter-agency Safeguarding Procedures.
- 13.3 When a notification is received Children's Services will make initial checks including checking their database and record the information. If as a result concerns are identified these will be responded to in accordance with safeguarding procedures. (For further information see Inter-agency safeguarding procedures Chapter 3.11 part 4.)
- 13.4 The information obtained on offenders convicted of offences against children will be retained by Children's 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 (LSCB Inter-Agency Child Protection Procedures apply) unless the risk is immediately alleviated by the intervention of Children's 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, Children's Services will be invited to attend MAPPP's as appropriate.

14. YOUNG OFFENDERS - GENERAL

14.1 The Act includes sexual 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 Safeguarding Procedures.

15. YOUNG OFFENDERS – LOOKED AFTER BY THE LOCAL AUTHORITY

15.1 Children's Services also have a specific role when:

- ◆ a child who is looked after by the Authority is convicted of an offence under the Sexual Offences 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 Children's 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 the 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 NHS Foundation Trust (DHFT) for East Dorset and North Dorset Primary Care Trust (NDPCT) for West Dorset. These two Trusts have arrangements with Local Authority Children's Services to provide integrated Community Mental Health Teams to undertake the following in respect of MAPPA and mentally disordered offenders (MDO) to whom they provide care:-

- ◆ To identify MDOs considered suitable for Level 2 and 3 MAPPPs;
- ◆ to refer such individuals into MAPPA;
- ◆ to disclose only the necessary information required to assess and manage the risks presented working as closely as possible within the Trusts' policy on confidentiality;
- ◆ clinicians and managers involved in the case are 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 MAPPA.

18.2 DHFT 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 MAPPPs 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 the patients' records are endorsed; and
- ◆ if necessary, inform the new hospital managers, prison or local Children's 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 Children's Services children services team.

Patients Subject to Guardianship

- 18.6 Children's 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 Offences 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 basis of public interest 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 Consideration of the need to make disclosure to protect victims, potential victims, staff and other persons in the community will be undertaken at every Level 2 and 3 MAPPP meeting and a plan identifying necessary action will be agreed if appropriate. The meeting will identify who needs to receive disclosure, what information needs to be disclosed, who will make that disclosure and where and when it will take place. The minutes of the meeting will clearly record those decisions. Disclosure to third parties will also include advice on how that information is to be used and where the recipients(s) may seek additional support and guidance. (See also Inter-agency safeguarding procedures Chapter 3.11 Part 5)
- 18.11 The authority to disclose information is contained within section 115 Crime and Disorder Act.

19. HOUSING

- 19.1 Housing Authorities/Associations may have a role in connection with:
- ◆ Housing applicants/tenants who have been/are convicted of sexual offences or other dangerous offences;

- ◆ housing applicants/tenants who live in proximity to a person convicted of a sexual 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 sexual 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 sexual 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 endeavour 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 sexual 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 sexual 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 tenancy 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).
- ◆ 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.

- 19.9 The families of sexual 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.
- 19.10 Sexual 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.
- 19.11 Homeless applications from sexual 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. To protect victims it is often necessary to ensure that dangerous offenders do not return to their original locality. In such cases Local Authorities should not insist upon a local connection before accepting the referral. In cases where the offender has no local connection anywhere (other than the locality of their original offence to which they cannot return), Local Authorities should not insist upon a local connection before accepting the referral. As far as possible in other cases Local Authorities should interpret any local connection with the Dorset area as being sufficient to accept a referral, even if a stronger connection exists elsewhere. It should be noted that residence in a Bail Hostel does not create a local connection. The duty must be discharged in a flexible and appropriate manner, to include the support of other agencies.
- 19.12 Housing Authorities have a statutory duty to consider whether an applicant has made themselves intentionally homeless as a result of their actions. If such a decision is made the local authority will actively work with Gateway to find an alternative housing solution in the private sector or elsewhere. Referrals will not be turned down as intentionally homeless solely on the grounds that they have perpetrated acts that have caused them to be imprisoned.
- 19.13 Homelessness applications might be received from people who believe they are at risk from a sexual offender or other dangerous offender in their area following disclosure of information.
- 19.14 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.
- 19.15 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.

- 19.16 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.
- 19.17 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.
- 19.18 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).
- 19.19 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.
- 19.20 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. CROWN PROSECUTION SERVICE (CPS)

- 20.1 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.

21. POTENTIALLY DANGEROUS PERSONS (PDP)/ASSESSMENT OF RISK MEETINGS (ARM)

- 21.1 The statutory MAPPA guidelines relate to convicted persons only and require that an individual must have been subject to some form of criminal justice disposal before inclusion in the MAPPA process.
- 21.2 There are a number of individuals that are potentially dangerous that pose a risk of sexual, violent or other serious harm to the public who are unconvicted. These are classed as Potentially Dangerous Persons.
- 21.3 The agency managing the individual will usually be the first to identify that a case involving an unconvicted person would benefit from a multi-agency assessment of risk meeting. Any agency can request this multi agency meeting to facilitate effective information-sharing in order to reduce the risk of harm to the public (refer to Inter-agency safeguarding procedures Chapter 3.11 Part 5)

- 21.4 The requesting agency is responsible for the arrangements for such a meeting including; inviting relevant professionals providing secretarial support and Chairing.
- 21.5 The MAPPA guidelines and MAPPA minutes form Appendix 4 can be used by any agency to document a PDP conference. In ALL cases the conference must be minuted. This ensures accurate recording and defensible decision-making with regard to an unconvicted person who poses a risk of sexual, violent or other harm to the public.
- 21.6 When requesting an ARM meeting consultation should take place via the Detective Chief Inspector or Detective Inspector responsible for MAPPA. This is in order to provide support for the process and to set clear expectations.
- 21.7 All documentation relating to an ARM meeting must be stored according to MAPPA guidelines. Records must be stored in the secure confidential section of files.



RESTRICTED (When completed)

**DORSET MULTI-AGENCY
PUBLIC PROTECTION ARRANGEMENTS**



MAPPA CRITERIA CHECKLIST AND REFERRAL FORM

Part 2

REFERER DETAILS	
Name:	
Agency:	
Address:	
Telephone:	
Date Completed:	

OFFENDER DETAILS	
ViSOR reference:	
Family name:	
First name:	
Middle name:	
Alternative name/s:	
Date of birth:	

PART 1 IDENTIFICATION*

- Category 1 Registered Sex Offender
- Category 2 Violent or Sex Offender (non registerable)
- Category 3 Other Dangerous Offenders

Relevant conviction/ caution/ reprimand or warning

Offence(s)	
Date of sentence	
Sentencing Court	
Sentence	

* Please refer to the National MAPPA Guidance V2.0 summary on page 6 for definitions of categories

PART 2 RISK MANAGEMENT LEVEL

1. Risk of Serious Harm Assessment

Risk Matrix 2000 Score: Very High

Relevant OASys risk assessment:	Children:	Not applicable
	Public:	Not applicable
	Known Adult:	Not applicable
	Staff:	Not applicable
	Prisoners:	Not applicable

Other validated risk tool:	
Assessment of risk:	
Completed by:	
Agency:	
Date of assessment	

2. Management Level

Level 3

Assessed under OASys or Risk Matrix 2000 or other validated risk assessment tool as being a high or very high risk of causing serious harm;

AND

Presents risk that can only be managed by a plan which requires close multi-agency (in addition to Police and 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

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.

CRITERIA: MET

If criteria are met then the following WILL APPLY:-

- Complete Part 3 – referral to MAPPA level 2 or 3 meeting
- Pass completed form to line manager for countersignature
- Line Manager will pass form to the MAPPA co-ordinator and MAPPA secretary as per referral process
- MAPPA co-ordinator will seek agreement of the Detective Chief Inspector for MAPPA and the Assistant Chief Officer for Probation

Line manager countersignature:	
Line manager Comments:	
Date	

Decision: (to be completed by the MAPPA co-ordinator)

Part 2

Level 2

Assessed under OASys or Risk Matrix 2000 or other validated risk assessment 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).

CRITERIA: MET

If the criteria are met then the following WILL APPLY:-

- Complete Part 3 – referral to MAPPA level 2 or 3 meeting
- Pass form to line manager for countersignature
- Line Manager will pass form to the MAPPA co-ordinator and MAPPA secretary as per referral process

Line manager countersignature:	
Line manager Comments:	
Date	

If Criteria for level 3 or 2 is not met and/ or Risk of Serious Harm is Medium or Low the case will be managed at Level 1

Level 1:

Line manager countersignature:	
Line manager Comments:	
Date	

If assessed under OASys or RM2000 as being a high or very high risk of causing serious harm but criteria for Level 2 or 3 not met the police officer or probation officer should refer to the MAPPA Operational Guidance for Police and Probation: Chapter 5: The Management of MAPPA Offenders.

PART 3 REFERRAL TO MAPPA LEVEL 3 OR 2 MULTI – AGENCY MEETING

<u>Offender details</u>	
Gender:	
Ethnicity:	
Disability/diversity considerations:	
NI number:	
Prison number	
PNC number:	
CRO number:	
Agency unique reference:	
Current address:	
Postcode:	
Proposed discharge/ release address:	

Part 2

<u>Relevant Dates</u>	
Parole Eligibility Date:	
Non Parole Date:	
Conditional Release Date:	
Automatic Release Date:	
End of Custody Licence Date:	
Licence End Date:	
Sentence End date:	
Sex Offender Registration:	
Sex Offender Prevention Order:	
Mental Health Tribunal Date:	

<u>Victim Liaison</u>	
VLO involvement:	
VLO Name:	
VLO address:	
VLO telephone No:	

Details of other agency involvement

Name	Agency and address	Telephone Number

MAPPA co-ordinator and MAPPA secretary can be contacted at:

Dorset Probation Area

Forelle House

Marshes End

Upton Road

Poole

BH17 7AG

Tel: 01202 664085 (MAPPA co-ordinator)

01202 664086 (MAPPA Secretary)

Fax: 01202 664061

Category 1 Offenders: Registered Sexual Offenders (RSOs)

This Category includes offenders required to comply with the notification requirements (often referred to as registration requirements) set out in Part 2, Sexual Offences Act (2003). These offenders are often referred to as being on the 'Sexual Offender Register'. A person convicted of, cautioned for, or in respect of whom a finding is made in relation to an offence listed in Schedule 3 to the Sexual Offenders Act (2003) will become subject to the notification requirements of Part 2 of that Act.

Category 2 Offenders: Violent and Other Sexual Offenders

This category refers to those that are convicted of a serious offence as set out in Schedule 15 Criminal Justice Act **AND currently subject to one of the following:**

- A term of imprisonment of 12 months or more;
- A Suspended Sentence where the term of imprisonment is 12 months or more
- Detention in a Young Offenders Institution for a term of 12 months or more;
- Detention and Training Order for 12 months or more
- Detention under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 for 12 months or more (offenders aged under 18 years)
- Life imprisonment or an indeterminate sentence under public protection.....
- Hospital or Guardianship Orders within the meaning of the Mental Health Act 1983
- He/ She is found guilty of a sexual or violent offence by reason of insanity or a disability but is considered to have done the act charged against him/ her and was sentenced by way of a Hospital or Guardianship Order within the meaning of the Mental Health Act.

Category 3 Offenders: Other

This category is comprised of offenders, not in either Category 1 or 2 but who are considered by the responsible Authority to pose a risk of serious harm to the public which requires active multi- agency management. The inclusion of offenders in this category is determined by the Responsible Authority. Unlike categories 1 and 2 identification is not determined by the sentence or other disposal of the court.

- Establish that the person has committed an offence which indicates that he/she is capable of causing serious harm to the public. This is not limited to those that are convicted by the courts, rather it includes adults who have been formally cautioned and juveniles who have been reprimanded or warned. This is because all of those processes require an admission of guilt in relation to an offence.

AND

- The responsible Authority must reasonably consider that the offender may cause serious harm to the public

AND

- A multi-agency approach at level 2 or 3 is necessary to manage the risk. This means the offender should present a high risk of serious harm.



**DORSET MULTI-AGENCY
PUBLIC PROTECTION ARRANGEMENTS**



MAPPA CALENDAR

Level 2 West Week 1 (Thur – Weymth ²)	Level 2 East Week 2 (Tues – Bmth ¹)	Level 2 West Week 3 (Tues– Weymth ²)	Level 2 East Week 4 (Thu – Bmth ¹)

<p>Potential Level 2 Day “Overflow” Week 4 (Tues – Poole³)</p>

<p>Level 3 Week 3 (Wed – Poole³)</p>

<p>SMB (Fri – Poole³)</p>
<p>January April July October</p>

¹ Bournemouth = Probation Office, Madeira Road, Bournemouth, BH1 1QL
² Weymouth = Meeting Room, Child Protection Unit, Dorset Police Western Division HQ, Radipole Lane, Weymouth, DT4 9WN
³ Poole = Probation Office, 63 Commercial Road, Parkstone, Poole, BH14 0JB



Part 2

**DORSET MULTI-AGENCY
PUBLIC PROTECTION ARRANGEMENTS**

REPORT TO MAPPA

DATE OF MEETING:	
-------------------------	--

NAME OF OFFENDER:	
DOB:	
AKA/ALIAS:	
ADDRESS:	
POSTCODE:	

REPORT BY:	
AGENCY:	
ADDRESS:	
COMPLETED:	

Authority of information request

The Criminal Justice Act 2003, the Data Protection Act 1998, the European Convention on Human Rights and common law, all place a duty on the Responsible Authority and Duty to Co-operate agencies to share and disclose information to ensure essential and effective public protection.

This request is made under section 115 of the Crime and Disorder Act 1998 (CDA) which confers on any person a power to pass information to certain authorities (including police, probation, prison, health and local authorities) if necessary to help implement the provisions of the Act.

I understand that any information supplied is confidential in its nature and I confirm that it will be used for specified purposes only. I understand I must not pass on any information supplied at the MAPP meeting to any other agency or individual without the express permission of the MAPP Chair at the MAPP meeting.

CARE SHOULD BE TAKEN TO DISTINGUISH BETWEEN FACT, OBSERVATION, ALLEGATION AND OPINION.

Report:

Risk Management Plan:

SIGNED.....

DATE...../...../.....

Please ensure you bring two copies of this report to the meeting – one to read to those present and one to be attached to the minutes



**Multi-Agency Public Protection Arrangements
Initial / Review MAPPA Meeting Minutes**



Part 2

1. Introduction by Chair

MAPPA Meeting Chair:	
Minutes completed by:	

2. Confidentiality Statement

In working with offenders, victims and other members of the public all agencies have agreed boundaries of confidentiality.

The information contained in these MAPP meetings respects those boundaries of confidentiality and is shared under an understanding that:

- 1) The meeting is called in circumstances where it is felt that the risk presented by the offender is so great that issues of public or individual safety outweighs those rights of confidentiality.
- 2) These minutes are closed under the Freedom of Information Act 2000 under one or more of the following reasons:
 - a) Investigations and proceedings by Public Authorities (S.30(1)(B))
 - b) Health and safety (S.38)
 - c) Personal information (S.40)
 - d) Information provided in confidence (S.41)
- 3) The discussions and decisions of the meeting take account of Article 8.2 European Court of Human Rights, with particular reference to:
 - a) Public safety
 - b) The prevention of crime and disorder
 - c) The protection of health and morals
 - d) The protection of the rights and freedom of others

All documentation will be marked RESTRICTED.

These minutes should not be photocopied or the contents shared outside of the meeting without the agreement of the Chair. Minutes should be kept in the RESTRICTED or CONFIDENTIAL section of agency files.

If further disclosure within your agency is felt essential, permission should be sought from the Chair of this MAPP meeting and a decision will be made (share on a need-to-know basis, share information which is proportionate and necessary) as to what information can be shared.

3. Offender Information

ViSOR reference:	
Family name:	
First name:	
Middle name:	
Alternative name/s:	
Date of birth:	

Date of meeting:	
Time of meeting:	
Venue of meeting:	

4. Attendee introductions and apologies

Attendees:	
Apologies with reports:	
Apologies:	
Invited and did not attend:	

5. Subject's Legal and MAPPA status

- Category 1 Registered Sex Offender
- Category 2 Violent or Sex Offender (non registerable)
- Category 3 Other Dangerous Offenders

Relevant conviction/ caution/ reprimand or warning

Offence(s)	
Date of sentence	
Sentencing Court	
Sentence	

5a. Case Summary

6. Summary of referral Information

6a. MAPPA Risk Management Plan review

Who	What	When by

7. Additional Information from other agencies

8. Risk to Victims

9. Diversity Considerations

10. Risk Assessment Summary

11. Disclosure Decision

Was disclosure considered?	Yes
----------------------------	-----

Will disclosure take place?	Yes
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Reasons and details – what will be disclosed, who to, by whom, when by

12. Communication: media and press handling

13. MAPPA Risk Management and Decision

Risk Management Plan decision

Planned actions to be taken

Who	What	When

Does this case require on going management at level 2/3	Yes
14. Human Rights Act validation	
15. Update to ViSOR	
16. Issues for reporting to the MAPPA SMB	
17. Review Meeting Date:	

MAPPA secretary,
Forelle House,
Marshes End,
Upton Road,
Poole,
BH17 7AG

Tel: 01202 664086

Fax: 01202 664061

Email: nikki.sanderson@dorset.probation.gsi.gov.uk

PROTOCOL FOR WORKING WITH CHILDREN AND YOUNG PEOPLE WITH SEXUALLY HARMFUL BEHAVIOUR

1. Purpose

- 1.1 This document sets out Bournemouth, Dorset and Poole's Inter-Agency policy and procedures to be followed when there are concerns about a child behaving in ways that are sexually harmful.

2. Policy

- 2.1 Our policy is to work with service users, the wider community and partner agencies and organisations to protect and promote the welfare of children in need, recognising that children and young people who present with sexually harmful behaviour are children in need, who may also pose a risk to others. The aim is to improve their life chances through providing or commissioning services which:

- support the upbringing of children in their own families and, where this is not possible, provide stable, safe and effective alternative care at the right time and for the right length of time;
- are responsive to individual needs, circumstances and choice and are based on evidence of what works for service users;
- recognise and are sensitive to the ethnic and cultural needs of the child/young person;
- are child-centred.

- 2.2 In respect of children and young people who exhibit sexually harmful behaviour our policy is to ensure that a multi-agency assessment of concerns and strengths takes place to ensure that the child/young person's needs are clearly identified, a multi-agency plan is agreed and risk to others minimised, utilising the services and expertise of those other agencies who have skills in assessment and treatment.

3. Diversity

- 3.1 Throughout the assessment process, issues relating to diversity will be identified and consideration given to the way in which services are delivered in a manner appropriate to the individual's identity. Cultural tradition and religious beliefs alone neither explain nor condone acts of commission or omission which place a child or young person at risk of significant harm.

- 3.2 Accessibility issues will be considered and the need for translator/interpreter services/sign language will be made available where needed.

- 3.3 Cultural tradition and beliefs alone neither explain nor condone acts of commission or omission which place a child or young person at risk of significant harm.

- 3.4 In some cases it may be appropriate to seek specialist disability/learning disability services to understand the functioning of an individual and the best way to approach working with them.

4. Definitions and Terminology

- 4.1 In the absence of a nationally agreed single definition the following will be adopted for the purposes of this policy as a broad definition of behaviours that are sexually harmful and/or abusive.

Young people (below the age of eighteen years) who engage in any form of sexual activity with another individual, over whom they have power by virtue of age, emotional maturity, gender, physical strength or intellect and where the victim in this relationship has suffered sexual exploitation and betrayal of trust. Sexual activity includes sexual intercourse (oral, anal or vaginal), sexual touching, exposure of sexual organs, showing pornographic material, exhibitionism, voyeurism, obscene communication, frottage, fetishism and talking in a sexualised way. We should also include any form of sexual activity with an animal and where a young person sexually abuses an adult.

[This definition is taken from: CALDER, M.C. with HANKS, H., EPPS. K, J., PRINT, B., MORRISON. T. and HENNIKER, J. (2001). *Juveniles and Children who Sexually Abuse*. Second edition, Lyme Regis: Russell House Publishing. P.5.]

- 4.2 Evidence suggests that young people 'take on' and internalise labels, and therefore to describe a young person only as a 'sex offender' or 'young abuser' may impact on their motivation and responsiveness in both assessment and treatment, leaving them feeling they cannot change.
- 4.3 Although cumbersome, the term *children and young people with sexually harmful behaviour* recognises that this client group are children first; is more developmentally sensitive; is not unduly punitive; describes behaviour and defines the young person holistically. This behaviour is not the entirety of who they are.

5. Procedure

5.1 Context

- 5.2 In research it is thought that children and young people commit between a quarter to a third of all child sexual abuse. (*Derwent Initiative /Leisure Watch 2000/Glasgow et al 1994.*) Work with adult abusers has shown that many of them begin committing abusive acts during childhood or adolescence and that significant numbers of them have been subjected to abuse themselves. Early intervention with children and young people may therefore play an important part in protecting the public by preventing the continuation or escalation of abusive behaviour.

- 5.3 The revised edition of *Working Together* (2010) allocates lead responsibility for the management of children and young people who sexually abuse to the Dorset Safeguarding Children Board (DSCB), Bournemouth & Poole Local Safeguarding Children Board (LSCB) and the Youth Offending Team (YOT). However, they should be dealt with outside of the child protection system unless there is clear evidence that they are themselves the victims of abuse and continue to be at risk. The Department of Health *Framework for the Assessment of Children in Need* is the assessment tool Children's Services Departments are required to use.

- 5.4 A Section 47 Child Protection Investigation (Children Act 1989) will be undertaken in respect of the child victim(s) of sexual abuse when the alleged perpetrator is under the age of 18.

6. Key Principles

- 6.1 The complex nature of this client group requires a co-ordinated multi-disciplinary approach to address:
- issues of child and public protection;
 - an assessment of the child/young person's needs including their psychiatric and psychological needs;
 - the roles and responsibilities of child welfare and criminal justice agencies.

Within this context the following key aims and principles will apply:

- The primary objective of intervention is the protection of victims and potential victims and the avoidance of repetition of the abusive behaviour;
- The needs of the child/young person with sexually harmful behaviour should be considered separately from those of their victim(s);
- Children and young people who abuse others should be held responsible for their abusive behaviour, whilst being identified and responded to in a way which meets their needs as well as protecting others.
- Children and young people with sexually harmful behaviour are in need of help and are entitled to appropriate services;
- The assessment will address the specific concerns and assess the child/young person's needs; this will include identifying strengths to address their offending behaviour;
- Wherever possible, children/young people have a right to be consulted and involved in all matters and decisions that affect their lives. The parent(s)/carers have a right to information, respect and participation in matters that concern their family.

7. Children's Services

- 7.1 When a referral is made to Children's Services about a child or young person who is exhibiting sexually harmful behaviour, an initial assessment will normally be undertaken within 7 days. The exception to this is if it is apparent from the outset that behaviours are healthy/age-appropriate, in which case there may be no further action or advice only given. (See Appendix 1)
- 7.2 The initial assessment may conclude:
- i) no further action,
 - ii) no ongoing role for Children's Services but onward referral to another agency,
 - iii) ongoing involvement of Children's Services

- 7.3 In making an initial assessment relevant considerations include:
- The relative chronological and developmental age of the two children (the greater the difference the more likely the behaviour should be defined as abusive)
 - A differential in power or authority
 - The actual behaviour (both physical and verbal factors must be considered) including duration and frequency
 - Whether the behaviour could be described as age appropriate or involves inappropriate sexual knowledge or motivation
 - Whether physical aggression, bullying, bribery or coercion was involved
 - The possibility the abuser is or was also a victim
 - Attempts to ensure secrecy
 - Whether a particular type of victim appears to be targeted
 - Whether the alleged abuser acknowledges the problem; denies, minimises or accepts concerns
 - Whether substance misuse is a feature
 - Whether parents/carers are in a position to control the behaviour
 - Whether learning disability, conduct disorder or mental health issues are present
- 7.4 Expert opinion may be needed, for example from those providing specialist treatment services for young people who sexually harm others.
- 7.5 If the initial assessment concludes that the child or young person does exhibit sexually harmful behaviour (see definition in paragraph 4.1), Children's Services will convene and chair a multi-agency meeting – see paragraph 11 for details.
- 7.6 Where there are concerns that the alleged abuser is also a victim of abuse child protection procedures will be followed. This may include convening a Child Protection Conference if the young person is deemed to be at continuing risk of significant harm.
- 7.7 Where a child protection conference is convened the multi-agency meeting (see paragraph 11) should be incorporated into it to avoid repeat meetings. The child protection conference will therefore need to address the needs of the child/young person both as an abuser and as a victim, and this should be made clear at the outset.
- 7.8 In cases where the threshold is met, the meeting should be convened under the Multi-Agency Public Protection Arrangements (see chapter 3.11, Part 2).
- 7.9 Work with a child or young person who has been abused by another young person will be undertaken separately to the work with the perpetrator.
- 7.10 A decision will need to be taken at the Multi-agency Risk Assessment Meeting on how best to undertake this work. It will be essential to ensure the child/young person's safety and determine whether the parents can be proactive in this respect, especially if both young people are in the same family/household.

7.11 An assessment of the victim's circumstances will be key to identifying what actions, strategies and services need to be put place to ensure protection from further abuse.

8. Response by Youth Offending Teams (YOT)

8.1 The YOT's role in working with children and young people who sexually abuse, is to ensure their offending behaviour is addressed and to work with other agencies to assess and manage the risk they present to the community.

8.2 The YOT may become involved with those accused of sexual offences at the very earliest stage by acting as appropriate adult. However, this is usually a one-off involvement often undertaken by sessional workers.

8.3 Children/young people who are subsequently charged and given police bail may be supported by the YOT, where this is agreed with the child/young person and their family. Where a case is adjourned, for whatever reason, YOT will also be involved if a bail supervision order is made.

8.4 If the young person is pleading not guilty, YOTs may have no contact with that young person or their family until after a finding of guilt at Court. However, where a multi-agency meeting is convened by Children's Services, the appropriate YOT team manager should attend in order to play their part in risk management.

8.5 Where a child or young person is charged with an offence and admits their guilt, or is subsequently found guilty, it is the YOTs responsibility to co-ordinate an assessment of the risk of harm. In Dorset, though not in Bournemouth or Poole, the YOT have a Service Level Agreement with the NSPCC, who carry out assessments on behalf of the YOT jointly or in consultation with the allocated YOT officer.

8.6 There will be occasions when the child/young person receives an order from the court and is not known to either YOT or Children's Services; or known only to the YOT. In these cases the YOT team manager should convene and chair the multi-agency meeting.

8.7 It is acknowledged that the child/young person order from court may expire before the work with him/her is completed, thus ending the role of the YOT. A multi-agency meeting should be convened before any order expires and an agreement reached about which agency will assume the key worker role until work with the child/young person is completed.

9. Specialist Services

9.1 A possible outcome of the initial/core assessment and Child in Need/Risk Assessment meeting might be a recommendation that further specialist assessment or specialist treatment work is required. In such cases, referral to a Specialist Service may be required, and a representative of the appropriate service should normally attend the meeting.

9.2 Working Together 2010, highlights the importance of a multi-agency response to the needs and concerns presented by this group of young people and

hence the outcomes of any specialist assessment or treatment interventions should be presented to the review Child in Need Assessment meeting.

10. CAMHS/HEALTH

- 10.1 Dorset HealthCare University Foundation Trust/Dorset County Hospital NHS Foundation Trust is fully committed to working with partner agencies where young people with problematic, inappropriate and or criminal sexual behaviour are concerned.
- 10.2 Where a young person (Under 18 years of age) is referred to or is already an active case within Child and Adolescent Mental Health Services and it becomes apparent that such behaviours are being exhibited, an immediate referral will be made to the appropriate Children's Services.
- 10.3 CAMHS will attend all initial multi-agency meetings for children/young people with sexually harmful behaviour, whether or not the child/young person is known to them.
- 10.4 A referral may be made to CAMHS, either directly by another agency or via the multi-agency meeting. Such referrals will be prioritized in recognition of the high potential for harm to themselves and also to other children/young people.
- 10.5 Such referrals may be for an assessment of underlying mental disorders and/or therapeutic work with the child/young person where they themselves have been abused. Depending on the identified need, work may be undertaken before, during or after the offence-focused work.

11. Multi-Agency Meeting

- 11.1 The child/young person who is the subject of a multi-agency meeting will need to have his/her needs considered and an action plan devised to meet those needs. However, where the meeting concerns a child/young person with sexually harmful behaviour, the action plan will additionally need to address any risk he/she may present to the community.
- 11.2 Needs are likely to be significant in this group of children and young people, so it is important that relevant agencies co-operate to ensure appropriate services are provided in a reasonable timescale. To this end, agency representatives invited to the multi-agency meeting should prioritize their attendance, and be prepared to commit resources to ensure the child or young person's needs can be appropriately met and that the risk to the community can be minimized and managed effectively.
- 11.3 The following suggestions give additional general guidance about multi-agency meetings for children/young people with sexually harmful behaviour, but professional judgement will clearly be required in individual cases.

Who should be invited?

- The meeting should be convened and chaired by a Children's Services Manager or a YOT Manager. In some cases it may be appropriate for an Independent Reviewing Officer/Conference Chair to chair the meeting e.g. where the case is particularly

complex or where there are significant differences of opinion about how the case should be managed.

- Children's Services (where the meeting is being convened by the YOT)
- YOT – Where the child/young person is already known to the YOT or where a criminal prosecution is likely or where the child/young person has been charged
- CAMHS – invitation to the initial meeting should be sent to the appropriate Team Leader (Tier 3)
- Education/School
- Health
- Police – where appropriate
- The child/young person (where appropriate) and their parent/ carer – the social worker or youth offending officer should ensure that the child/young person is adequately prepared for the meeting
- Representatives from the other local authority where the child/young person is placed outside the originating authority
- Adult Services – where the child/young person is likely to require services beyond their 18th birthday
- Any other professional who has significant involvement with the child/young person and/or their family

When should the meeting be held/reviewed?

- The meeting should be held as soon as possible after the need for such a meeting is identified, and at least within 15 days.
- The action plan developed should be reviewed within one month and thereafter at not less than three-monthly intervals.
- A review meeting should be held prior to the expiry of any court order

Links to other meetings

- Where the threshold is met, the meeting should be convened under the Multi- Agency Public Protection Arrangements
- Where a Child Protection Conference is convened in respect of the child/young person, the additional issues that would have been addressed via the multi-agency meeting should be covered in the Child Protection Conference. The Child Protection Conference should therefore address the needs of the child/young person both as a victim and as an abuser, and this dual function should be stated clearly at the outset.
- Where the child/young person is Looked After, an initial multi-agency meeting will be needed to develop the plan. However, the review of the multi-agency meeting plan may be combined with the statutory review process where possible, to avoid duplication of meetings.

What additional areas should be covered in the multi-agency meeting where the child/young person exhibits sexually harmful behaviour?

- What further enquiries should be made?
- What further assessments are required?
- Should a meeting be convened under MAPPA or CP procedures?
- What are the risks to the community?
- How can these be managed?
- What are the risks in school and how can these be managed. (NB a risk assessment tool for use in schools has been developed and school staff should contact their relevant local authority child protection adviser for further information).
- What information should be shared with whom, and who will do this? Including distribution of meeting minutes and action plan.
- Should the review of the Child in Need Meeting be combined with any other meeting already being held in relation to the child/young person? (eg: statutory review of Child Looked After).

BIBLIOGRAPHY

- Children Act 1989
- Bournemouth, Dorset & Poole ACPC Inter-agency Safeguarding Procedures 2006
- Working Together to Safeguard Children 2006
- Childhood Lost, DM Overview Report
- Framework for the Assessment of Children in Need and their Families – 2000
- AIM Project – Guidelines for Identifying & Managing Sexually Problematic/Abusive Behaviour in Schools and Nurseries – 2002

AGE APPROPRIATE SEXUAL BEHAVIOURS

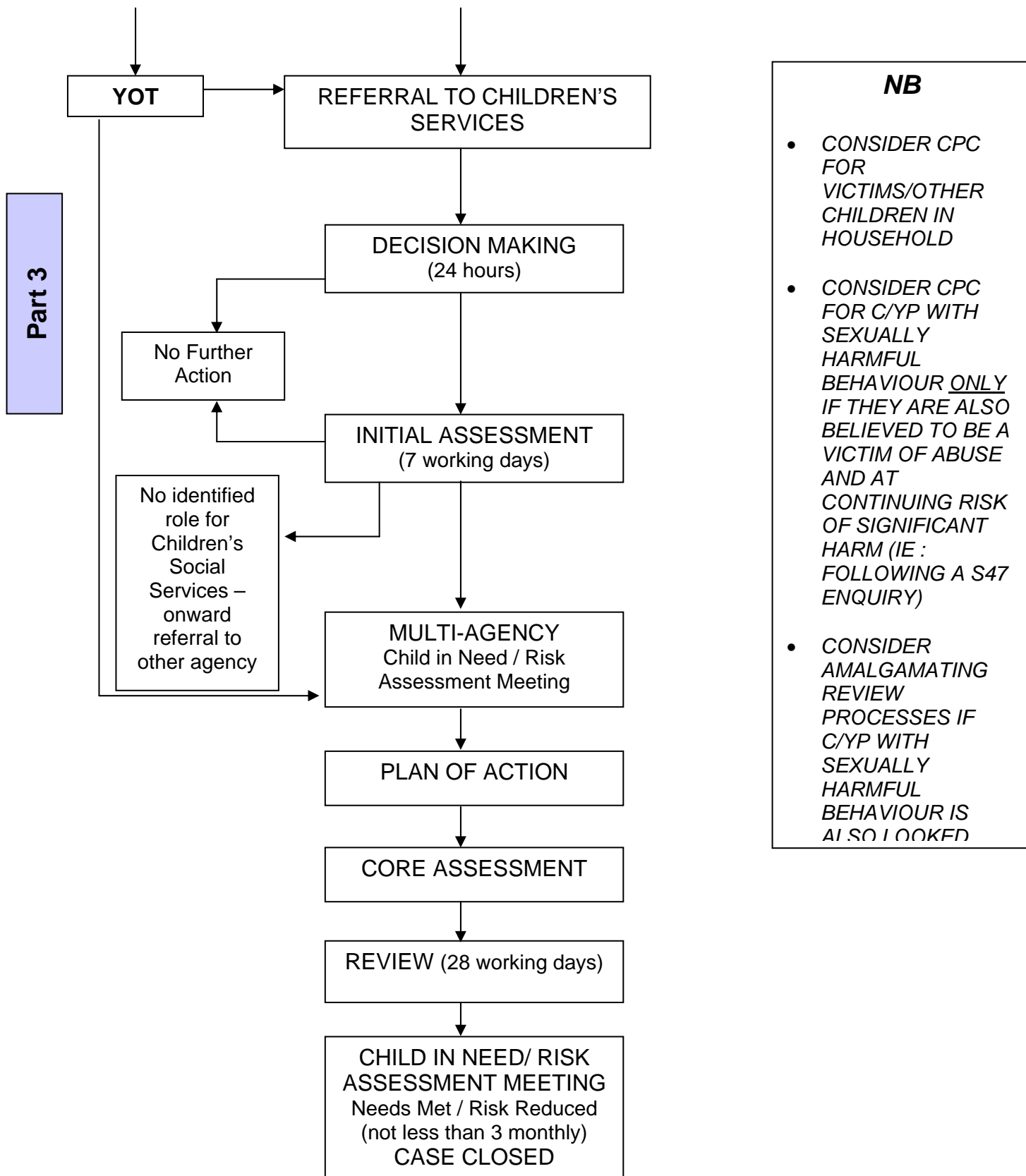
The table below gives a brief overview of age appropriate sexual behaviours.

AGE APPROPRIATE SEXUAL BEHAVIOURS [reproduced from 'Child's Play?' a STOP IT NOW leaflet]		
	They commonly.....	They rarely.....
Pre-school Children [0-5]	<ul style="list-style-type: none"> • Use childish 'sexual' language to talk about body parts • Ask how babies are made and where they come from. • Touch or rub their own genitals • Show and look at private body parts 	<ul style="list-style-type: none"> • Discuss sexual acts or use sexually explicit language • Have physical sexual contact with other children • Show adult-like sexual behaviour or knowledge
School-age [6-12]	<ul style="list-style-type: none"> • Ask questions about menstruation, pregnancy and sexual behaviour • Experiment with other children, often during games, kissing, touching, showing and role-playing e.g. mums and dads or doctors and nurses • Masturbate in private [Older children in this age range are also more likely than pre-school children to use sexual words and discuss sexual acts, particularly with their friends] 	<ul style="list-style-type: none"> • Masturbate in public • Show adult-like sexual behaviour or knowledge
Adolescents [13-16]	<ul style="list-style-type: none"> • Ask questions about relationships and sexual behaviour • Use sexual language and talk about sex acts between themselves • Masturbate in private • Experiment sexually with adolescents of similar age [NB About one-third of adolescents have sexual intercourse before the age of sixteen] 	<ul style="list-style-type: none"> • Masturbate in public • Have sexual contact with much younger children or adults

(Further information and guidelines for identifying and managing sexually problematic/abusive behaviour in schools and nurseries can be obtained from the Aim Project, Building Three, Quays Reach, South Langworthy Road, Salford, Manchester, M50 2PW. Tel: 0161 743 4665. E-mail: aimproject@msn.com – © Carol Carson & AIM Project 2002)

CHILDREN AND YOUNG PEOPLE WITH SEXUALLY HARMFUL BEHAVIOUR

FLOWCHART



- NB**
- CONSIDER CPC FOR VICTIMS/OTHER CHILDREN IN HOUSEHOLD
 - CONSIDER CPC FOR C/YP WITH SEXUALLY HARMFUL BEHAVIOUR ONLY IF THEY ARE ALSO BELIEVED TO BE A VICTIM OF ABUSE AND AT CONTINUING RISK OF SIGNIFICANT HARM (IE : FOLLOWING A S47 ENQUIRY)
 - CONSIDER AMALGAMATING REVIEW PROCESSES IF C/YP WITH SEXUALLY HARMFUL BEHAVIOUR IS ALSO LOOKED

NOTIFICATION REGARDING ADULTS AND YOUNG PEOPLE WHO POSE A RISK OR A POTENTIAL RISK TO CHILDREN

1. INTRODUCTION

- 1.1 This protocol is intended to apply when agencies need to notify Children's Services about adults and young people who pose a risk or a potential risk to children (RTC).
- 1.2 The Children and Young Persons Act 1933 was intended to protect children of school age from "cruelty and exposure to moral and physical danger". Schedule 1 of the Act laid out a set of offences against children and young people to which particular provisions of the Act applied. The term "Schedule 1 offender" subsequently came into general use across agencies, as a means of identifying anyone convicted of an offence against a child.
- 1.3 The term "Schedule 1 offender" is a label that lasts for life with no review procedure. It does not take into consideration the circumstances of the offence, or any assessment of ongoing risk that the individual may pose. Thus a child involved in a playground fight, for example, may find themselves subject to scrutiny from child protection agencies for life with no opportunity to challenge that scrutiny.
- 1.4 The term "Schedule 1 offender" is ill-defined and thus often unhelpful since it defines people by their offending history rather than the ongoing risks they pose; therefore the term should no longer be used, but instead, where applicable, should be replaced with "a person posing or potentially posing a risk to children".
- 1.5 In order to protect children effectively, good information sharing between agencies is essential. To date, agencies have notified Children's Services of any adult/young person charged with or convicted of an offence against a child. Children's Services in turn have recorded the basic details in an electronic system. Further detailed information that may later be required to complete an assessment is therefore not always available. This protocol aims to ensure that the best possible information available is shared between agencies, at the point of notification, and ensures that only those who pose a risk or a potential risk to children are recorded as such.

2. REGISTRATION OF RTCs

- 2.1 RTCs may only be registered on Children's Services electronic systems upon receipt of written notification by another agency such as:
 - Probation Service
 - Police
 - Courts
 - Youth Offending Team
 - Prison Service
- 2.2 RTCs are only registered by Children's Services if:
 - the RTC resides in the Authority's geographical area and/or
 - the RTC will not give an address or states "no fixed abode"
 - the victim(s) resides in the Authority's geographical area and/or
 - the offence was committed in the Authority's geographical area

- 2.3 The information held by Children's Services will be held securely and may only be accessed by professionals undertaking assessments of risk to children - this will primarily be social workers in relation to individual cases. Information will be held in accordance with Children's Services file retention policies.

3. ACTIONS TO BE TAKEN

- 3.1 Police: - where a person is being investigated for an offence against a child (see Appendix 1 for details of relevant offences - this list is not exhaustive) the police will need to make a judgement about whether the person poses a risk or a potential risk to children. The points to consider in reaching this judgement are contained in Appendix 2.
- 3.2 In cases where an arrest is made - the Police custody system will automatically generate a record for all arrests for sexual or violent offences where the victim is or is perceived to be under 18 years of age. This notification will be raised for the attention of the Detective Sergeant in the Police Safeguarding Referral Unit (SRU) and it will be the responsibility of this officer to assess the potential risk to children. At the same time the custody system will generate a C112 for the Officer in the case to complete in respect of the victim.
- 3.3 If the police consider that the individual poses or potentially poses a risk to children, Children's Services should be notified using form C202 (see flowcharts in Appendix 3).
- 3.4 If the case does not proceed to prosecution, or if the prosecution is unsuccessful, Children's Services will liaise with the police to agree which documentation should be copied to Children's Services. e.g. MG5, discontinuance letter.
- 3.5 Police - Sex Offenders Unit: where there is a new registration of a sex offender or a change of address of a registered sex offender, the sex offender unit need to make a judgement about whether the registered sex offender (RSO) poses or potentially poses a risk to children. The points to consider in reaching this judgement are detailed in Appendix 2.
- 3.6 If the RSO is judged to pose such a risk, Children's Services should be notified using form C202 and enclosing the relevant papers where these have not been previously supplied. See Appendix 3 for flowchart.
- 3.7 Probation: when notifying Children's Services about the court hearing or the outcome of a court hearing of a person charged with an offence against a child, the probation officer will firstly need to make a judgement about whether the individual poses or potentially poses a risk to children. The points to consider in reaching this judgement are detailed in Appendix 2.
- 3.8 If the probation officer considers that the individual poses or potentially poses a risk to children, Children's Services should be notified, using form Prob 129, and enclosing the relevant papers. (See flowchart - Appendix 3).
- 3.9 Where an offender, convicted of an offence against a child, and judged to pose or potentially pose a risk to children, is supervised by the Probation Service, the probation officer should:

- liaise with the relevant Children's Services fieldwork team, where there is a suspected or known risk to an individual child/ren.
- forward a copy of any assessment completed to Children's Services at the end of the supervisory period.

(See flowchart in Appendix 3).

3.10 Probation - prisons: wherever a prisoner, convicted of an offence against a child is to be released:

- To Dorset;
- To an unknown destination

the prison probation officer needs to make a judgement about whether the individual poses or potentially poses a risk to children. The points to consider in reaching this judgement are detailed in Appendix 2.

3.11 Where the individual is judged to pose or potentially pose a risk to children, the prison probation officer should notify Children's Services using form Prob 129, and enclosing the relevant papers (see flowchart at Appendix 3)

3.12 Youth Offending Team (YOT): Where the YOT become aware of/are working with a young person who has been cautioned/convicted for an offence against a child (see Appendix 1) the YOT officer will need to make a judgement about whether the young person poses or potentially poses a risk to children. The points to consider in reaching this judgement are contained at Appendix 2.

3.13 If the YOT officer considers the young person to pose or potentially pose a risk to children, Children's Services should be notified using form CC8029 and enclosing the relevant papers (see flowchart at Appendix 3b).

APPENDIX 1

List of offences (chronological)

Offence	Section	Act
Murder	Common Law	
Manslaughter	Common Law	
Infanticide	Common Law	
Kidnapping	Common Law	
False Imprisonment	Common Law	
Assault or battery	Common Law	
Indecent exposure	Section 4	Vagrancy Act 1824
Indecent exposure	Section 28	Town Police Clauses Act 1847
Conspiring or soliciting to commit murder	Section 4	Offences Against the Person Act 1861
Administering poison, or wounding, with intent to murder	Section 11	Offences Against the Person Act 1861
Threats to kill	Section 16	Offences Against the Person Act 1861
Wounding and causing grievous bodily harm: Wounding with intent	Section 18	Offences Against the Person Act 1861
Wounding and causing grievous bodily harm: Inflicting bodily injury	Section 20	Offences Against the Person Act 1861
Maliciously administering poison	Section 23	Offences Against the Person Act 1861
Abandonment of children under two	Section 27	Offences Against the Person Act 1861
Assault occasioning actual bodily harm	Section 47	Offences Against the Person Act 1861
Child stealing	Section 56	Offences Against the Person Act 1861
Drunk in charge of a child under 7 years	Section 2	Licensing Act 1902
Cruelty to children	Section 1	Children and Young Persons Act 1933
Allowing persons under 16 to be in brothels	Section 3	Children and Young Persons Act 1933
Causing or allowing persons under 16 to be used for begging	Section 4	Children and Young Persons Act 1933
Give / cause to be given intoxicating liquor to a child under 5 years	Section 5	Children and Young Persons Act 1933
Exposing children under seven to risk of burning	Section 11	Children and Young Persons Act 1933
Prohibition against persons under 16 taking part in performances endangering life and limb	Section 23	Children and Young Persons Act 1933
Infanticide	Section 1	Infanticide Act 1938
Aiding, abetting, counselling or procuring the suicide of a child or young person.	Section 2	Suicide Act 1961
Burglary (by entering a building or part of a building with intent to rape a child)	Section 9	Theft Act 1968
Supplying or offering to supply a Class A drug to a child, being concerned in the supplying of such a drug to a child, or being concerned in the making to a child of an offer to supply such a drug.	Section 4	Misuse of Drugs Act 1971

Part 4

Offence	Section	Act
Indecent photographs of children	Section 1	Protection of Children Act 1978
Offence of abduction of a child by parent	Section 1	Child Abduction Act 1984
Offence of abduction of child by other persons	Section 2	Child Abduction Act 1984
Possession of indecent photographs of children	Section 160	Criminal Justice Act 1988
Abduction of Child in Care/ Police Protection... take away/induce away/assist to run away/ keep away	Section 49	Children Act 1989
Recovery of missing or unlawfully held children	Section 50	Children Act 1989
Rape	Section 1	Sexual Offences Act 2003
Assault by penetration	Section 2	Sexual Offences Act 2003
Sexual assault	Section 3	Sexual Offences Act 2003
Causing a person to engage in sexual activity without consent.	Section 4	Sexual Offences Act 2003
Rape of a child under 13	Section 5	Sexual Offences Act 2003
Assault of a child under 13 by penetration	Section 6	Sexual Offences Act 2003
Sexual assault of a child under 13	Section 7	Sexual Offences Act 2003
Causing or inciting a child under 13 to engage in sexual activity	Section 8	Sexual Offences Act 2003
Sexual Activity with a Child	Section 9	Sexual Offences Act 2003
Causing or inciting a child to engage in sexual activity	Section 10	Sexual Offences Act 2003
Engaging in sexual activity in the presence of a child	Section 11	Sexual Offences Act 2003
Causing a child to watch a sexual act	Section 12	Sexual Offences Act 2003
Child sex offences committed by a children or young persons	Section 13	Sexual Offences Act 2003
Arranging or facilitating commission of a child sex offence	Section 14	Sexual Offences Act 2003
Meeting a child following sexual grooming etc.	Section 15	Sexual Offences Act 2003
Abuse of position of trust: sexual activity with a child	Section 16	Sexual Offences Act 2003
Abuse of position of trust: causing or inciting a child to engage in sexual activity	Section 17	Sexual Offences Act 2003
Abuse of position of trust: sexual activity in the presence of a child	Section 18	Sexual Offences Act 2003
Abuse of position of trust: causing a child to watch a sexual act	Section 19	Sexual Offences Act 2003
Sexual activity with a child family member	Section 25	Sexual Offences Act 2003
Inciting a child family member to engage in sexual activity	Section 26	Sexual Offences Act 2003
Sexual activity with a person with a mental disorder impeding choice	Section 30	Sexual Offences Act 2003
Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity	Section 31	Sexual Offences Act 2003
Engaging in sexual activity in the presence of a person with a mental disorder impeding choice	Section 32	Sexual Offences Act 2003
Causing a person, with a mental disorder impeding choice, to watch a sexual act	Section 33	Sexual Offences Act 2003
Inducement, threat or deception to procure sexual activity with a person with a mental disorder	Section 34	Sexual Offences Act 2003

Offence	Section	Act
Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception	Section 35	Sexual Offences Act 2003
Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder	Section 36	Sexual Offences Act 2003
Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception	Section 37	Sexual Offences Act 2003
Care workers: sexual activity with a person with a mental disorder	Section 38	Sexual Offences Act 2003
Care workers: causing or inciting sexual activity	Section 39	Sexual Offences Act 2003
Care workers: sexual activity in the presence of a person with a mental disorder	Section 40	Sexual Offences Act 2003
Care workers: causing a person with a mental disorder to watch a sexual act	Section 41	Sexual Offences Act 2003
Paying for the sexual services of a child	Section 47	Sexual Offences Act 2003
Causing or inciting child prostitution or pornography	Section 48	Sexual Offences Act 2003
Controlling a child prostitute or a child involved in pornography	Section 49	Sexual Offences Act 2003
Arranging or facilitating child prostitution or pornography	Section 50	Sexual Offences Act 2003
Causing or inciting prostitution for gain	Section 52	Sexual Offences Act 2003
Controlling prostitution for gain	Section 53	Sexual Offences Act 2003
Trafficking into the UK for sexual exploitation	Section 57	Sexual Offences Act 2003
Trafficking within the UK for sexual exploitation	Section 58	Sexual Offences Act 2003
Trafficking out of the UK for sexual exploitation	Section 59	Sexual Offences Act 2003
Administering a substance with intent	Section 61	Sexual Offences Act 2003
Committing an offence with intent to commit a sexual offence (in a case where the intended offence was an offence against a child)	Section 62	Sexual Offences Act 2003
Trespass with intent to commit a sexual offence (in a case where the intended offence was an offence against a child)	Section 63	Sexual Offences Act 2003
Exposure	Section 66	Sexual Offences Act 2003
Voyeurism	Section 67	Sexual Offences Act 2003
Trafficking people for exploitation	Section 4	Asylum and Immigration (Treatment of Claimants, etc)

**A reference to an offence in this list includes:
a reference to an attempt, conspiracy or incitement to commit that offence, and
a reference to aiding, abetting, counselling or procuring the commission of that offence.
Unless stated otherwise, the victim of the offences listed above will be under 18**

Reaching a judgement about whether notification is required.

Points to consider include (NB. this list is not exhaustive):

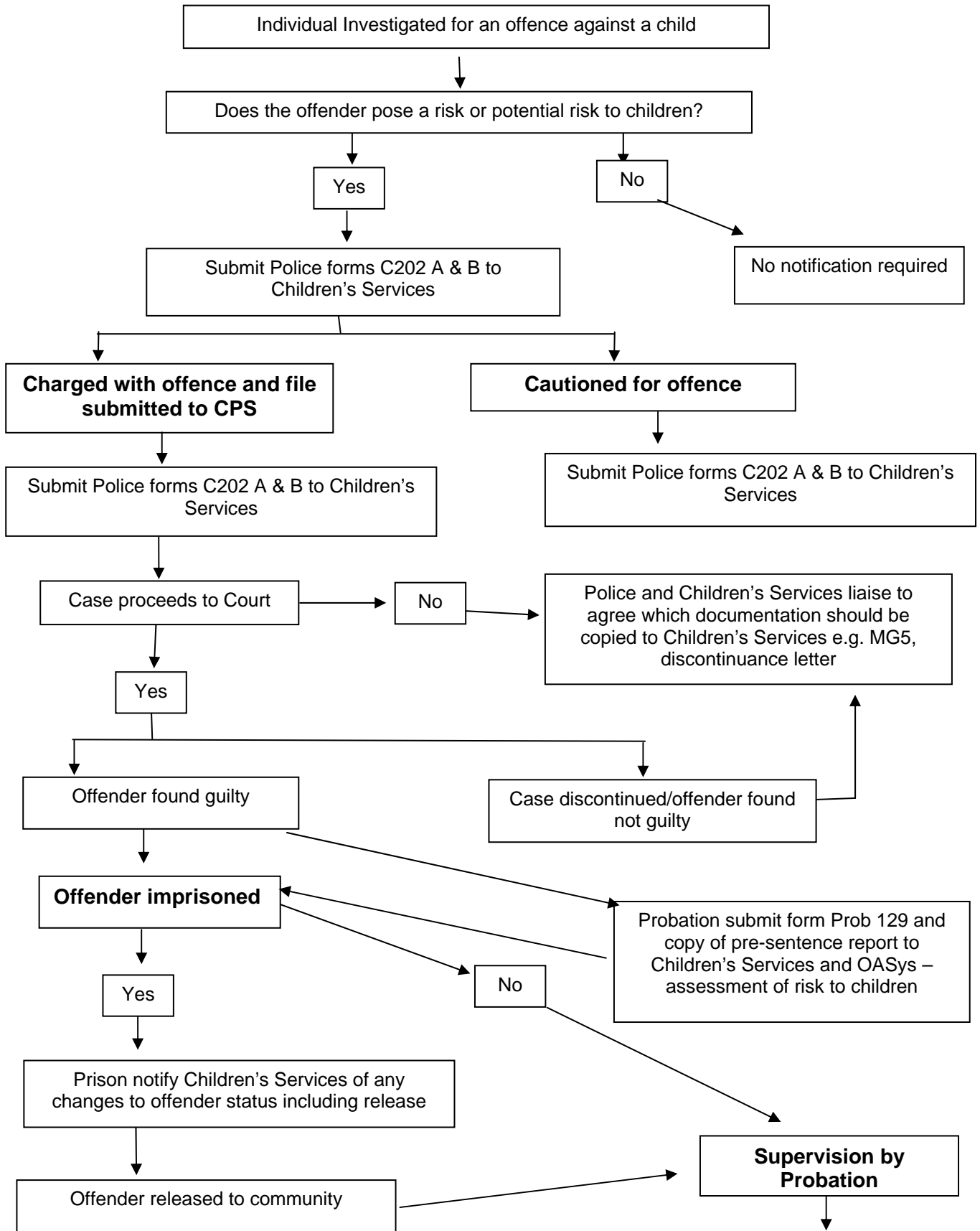
- any known background history including previous offending history
- relevant information about the offence e.g. context/age of victim/difference in relative age of victim and offender/evidence of planning/evidence of involvement or sharing information with other offenders
- relationship, if any, between the victim and the offender
- attitude towards the victim
- degree of personal responsibility shown for offence
- any past or current substance misuse
- current personal situation – who s/he lives with/has contact with – including through employment or social contacts e.g. Church, youth/social clubs

In the case of young people, additional points for consideration should include:

- difference in the level of physical maturity/capability between victim and offender
- differential in the levels of emotional maturity
- differential in the levels of intellectual capability which is of significance
- was victim particularly vulnerable?
- any power differential with the offender taking unfair advantage of the victim
- where the offence was of a sexual nature, was there an age/power differential? Was it abusive/coercive/consensual?

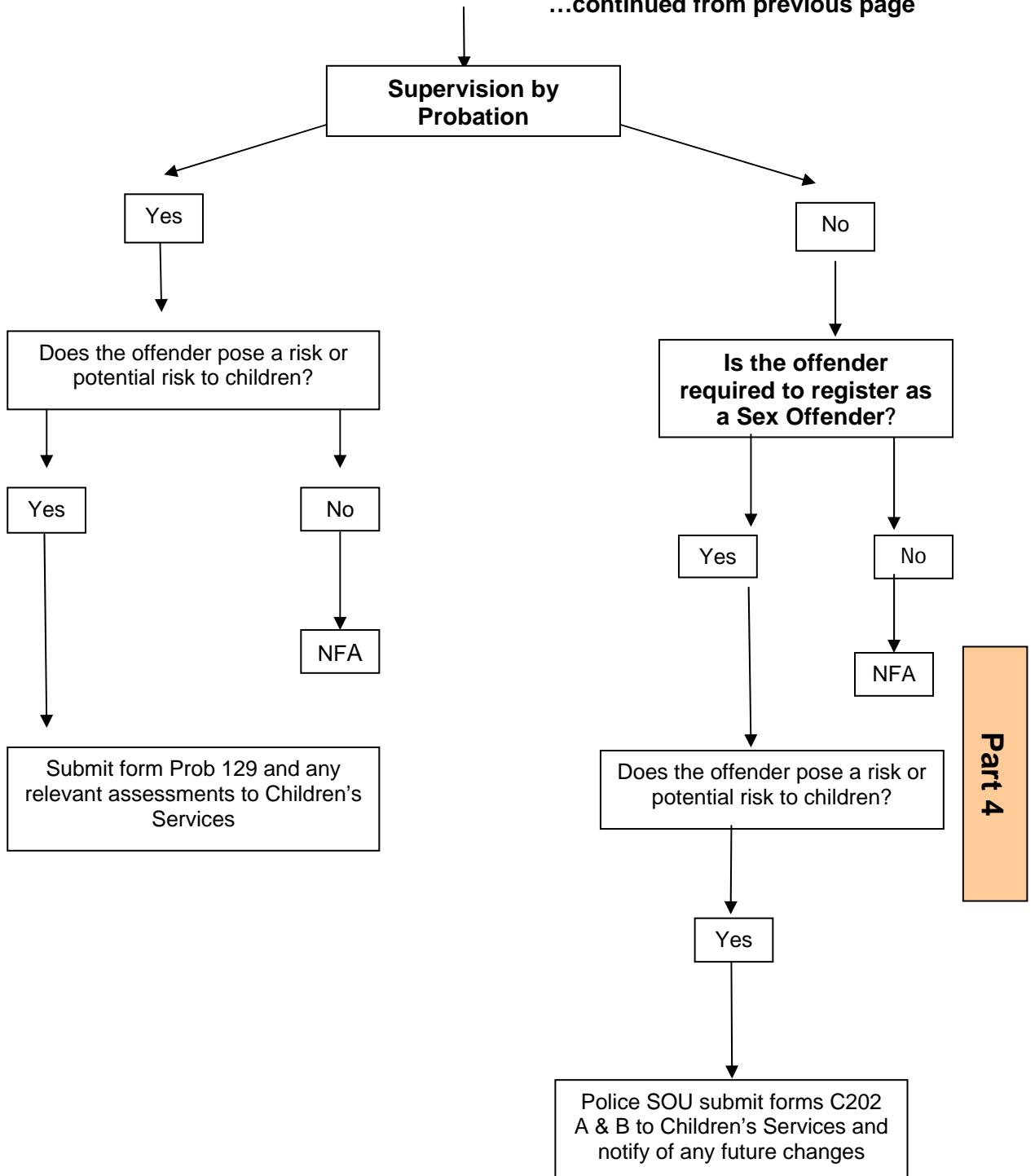
ADULT OFFENDER FLOWCHART

Part 4

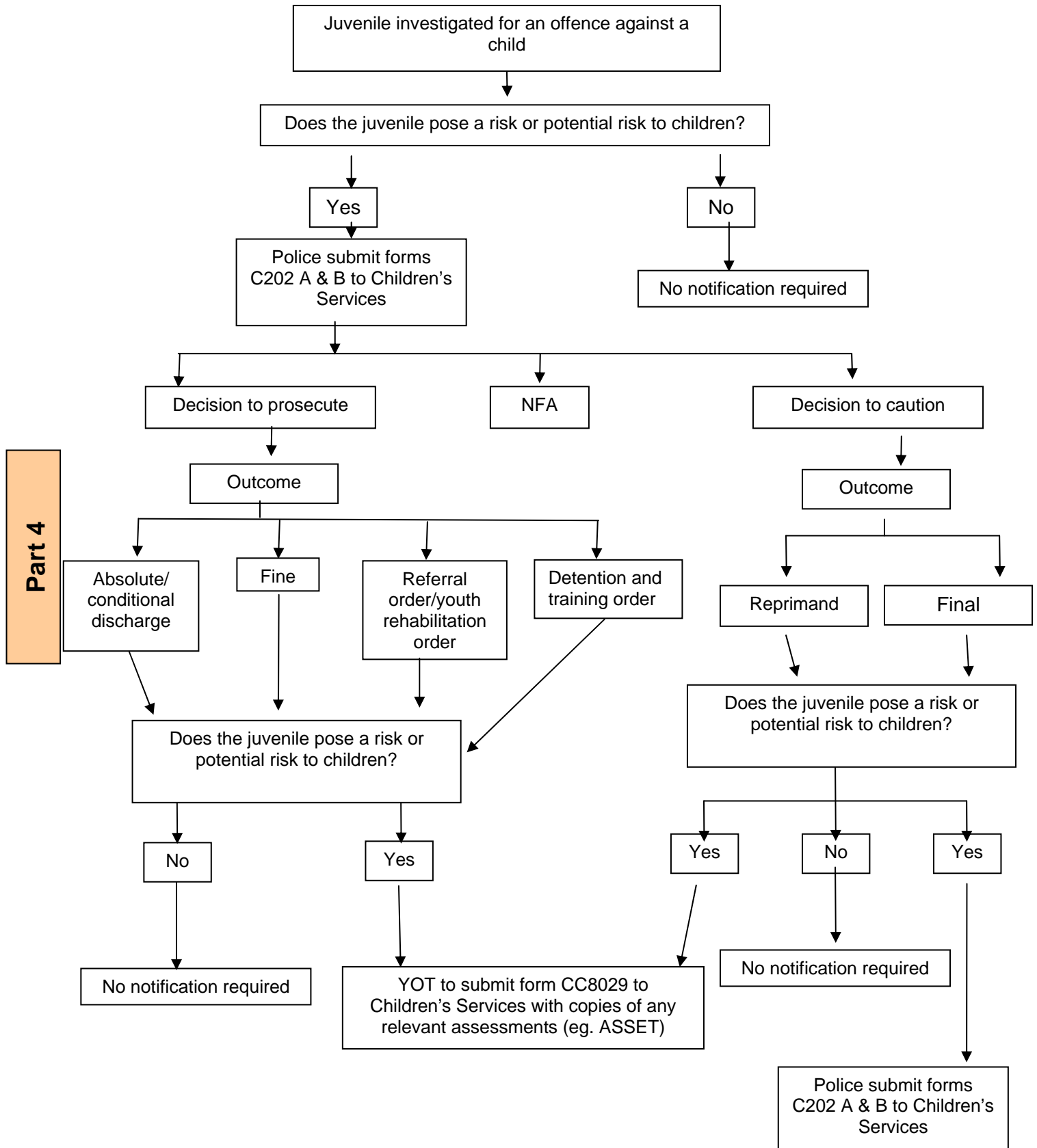


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JUVENILE OFFENDER FLOWCHART



**NOTIFICATION OF PERSON POSING OR POTENTIALLY POSING
A RISK TO CHILDREN
REQUIRED TO REGISTER/REGISTERED WITH POLICE UNDER
SEXUAL OFFENCES ACT 2003
BY POLICE SEX OFFENDERS UNIT**

To: Safeguarding Manager, Children’s Services, Dorset County Council

1.	To advise:	tick as appropriate
	✓	
	Violent Offender/Sex Offender – please delete	
	New registration	
	Sex offender cautioned by police/sentenced to less than 12 months imprisonment	
	Transfer of sex offender into Dorset	
	Transfer of sex offender to another force	
	Sex offender – change of address within Dorset	
	Sex offender – change of name	
	Additional information	
	Other (please specify)	

2.	Offender Details:		
	Full name on conviction	Date of Birth	
	AKA/alias		
	Current address (including post code)		
	Previous address (including post code)		

3.	Offence Details/Results/Details of Transfer/Additional Information

4.	Child(ren)/Victim(s)		
	Name	Date of Birth	
	Current address (including post code)		
	Name	Date of Birth	
	Current address (including post code)		

I confirm that the person named above poses a risk or a potential risk to children	
Signed	
Print Name	
Job Title	
Contact Tel. Number	
Date	

NB. IF THERE IS A CONCERN FOR A SPECIFIC CHILD, REFERRAL SHOULD BE MADE TO THE RELEVANT CHILDREN’S SERVICES TEAM.

CAUTION

Data Protection – This personal data is supplied to you for the agreed purpose. As the recipient of this data you should protect it against loss or unauthorised access. Des

Part 4

**NOTIFICATION OF PERSON POSING OR POTENTIALLY POSING
A RISK TO CHILDREN
REQUIRED TO REGISTER/REGISTERED WITH POLICE UNDER
SEXUAL OFFENCES ACT 2003
BY POLICE SEX OFFENDERS UNIT**

Part 4

1. Offender Details:

Full name on conviction		Date of Birth	
AKA/alias			
Current address (including post code)			
Previous address (including post code)			

2. Offence Details/Results/Details of Transfer/Additional Information

3. Child(ren) in the household

Child's name		Date of Birth	
Child's name		Date of Birth	
Child's name		Date of Birth	
Child's name		Date of Birth	

4. Child(ren) with whom alleged offender may have contact

Child's name		Date of Birth	
Address (including post code)			
Child's name		Date of Birth	
Address (including post code)			
Child's name		Date of Birth	
Address (including post code)			

5. **Is the alleged offender or any other person in the family in a position of trust e.g. employed or working as a volunteer in a capacity that brings them into contact with children/young people?**

YES / NO (delete where applicable) **If yes, please complete details below.**

Name		Date of Birth	
Address (including post code)			
Relationship to alleged offender			
Capacity in which they have contact			

IF YES – HAS THE LOCAL AUTHORITY DESIGNATED OFFICER BEEN INFORMED?

YES / NO (delete where applicable)

(See Managing Allegations Against People who Work with Children – Inter-Agency Safeguarding Procedures Part 1)

I confirm that the person named above poses a risk or a potential risk to children

Signed	
Print Name	
Job Title	
Contact Tel. Number	
Date	

Part 4

NB. IF THERE IS A CONCERN FOR A SPECIFIC CHILD, REFERRAL SHOULD BE MADE TO THE RELEVANT CHILDREN'S SERVICES TEAM.

CAUTION

Data Protection – This personal data is supplied to you for the agreed purpose. As the recipient of this data you should protect it against loss or unauthorised

**NOTIFICATION OF A CHILD/YOUNG PERSON
 POSING A RISK, OR POTENTIAL RISK TO CHILDREN (RTC)
 BY YOUTH OFFENDING TEAM**

To: Safeguarding Manager, Children’s Services, Dorset County Council

Part 4

1. **To Advise:**

Final warning	
Court appearance	
Supervision	
Custody	
Other (please specify)	

2. **Details Regarding Above:**

Date	Location	Other information

3. **Child/Young Person (RTC)**

Name	
Date of Birth	
Address (including post code)	
LOCI Number	

4. **Offence Details**

--

5. **Child(ren) Victim(s)**

Name		Date of Birth	
Current Address (including post code)			
LOCI Number			

6. **Is the Child/Young Person (RTC) or any other person in the family in a position of trust e.g. employed or working as a volunteer in a capacity that brings them into contact with children/young people?**

YES / NO (delete where applicable) If **yes**, please complete details below.

7.	Name		Date of Birth	
	Address (including post code)			
	Relationship to Child/Young Person			
	Capacity in which they have contact			

IF YES – HAS THE LOCAL AUTHORITY DESIGNATED OFFICER BEEN INFORMED?

YES / NO (delete where applicable)

(See Managing Allegations Against People who Work with Children – Inter-Agency Safeguarding Procedures Part 1)

8. **Please attach relevant assessments/reports to this form and indicate those which are attached** (tick if attached)

Pre-sentence report	
ASSET	

Part 4

9. **I confirm that the Child/Young Person named above poses a risk or a potential risk to children**

Signed	
Print name	
Designation	Youth Offending Team Worker
Contact Tel. Number:	
Date	

I confirm that the Child/Young Person named above poses a risk or a potential risk to children

Signed	
Print name	
Designation	Youth Offending Team Manager
Contact Tel. Number:	
Date	

NB. IF THERE IS A CONCERN FOR A SPECIFIC CHILD, REFERRAL SHOULD BE MADE TO THE RELEVANT CHILDREN'S SERVICES TEAM.

CAUTION

Data Protection – This personal data is supplied to you for the agreed purpose. As the recipient of this data you should protect it against loss or unauthorised access. Destroy after use.

**NOTIFICATION OF PERSON POSING OR POTENTIALLY POSING
A RISK TO CHILDREN
BY PROBATION SERVICE**

PROB 129

To: Safeguarding Manager, Children's Services, Dorset County Council

1. To advise:	tick as appropriate	✓
Initial Court Hearing		
Subsequent Court hearing		
Result of Final Court Hearing		
End of Supervision by Probation		
Other (please specify)		

2. Offender Details:			
Full name		Date of Birth	
AKA/alias			
Home address (including post code)			
Current address if different (including post code)			

3. Offence Details			

4. Child(ren)/Victim(s)			
Name		Date of Birth	
Current address (including post code)			
Name		Date of Birth	
Current address (including post code)			

5. Child(ren) in the household			
Child's name		Date of Birth	
Child's name		Date of Birth	
Child's name		Date of Birth	
Child's name		Date of Birth	

6. Child(ren) with whom alleged offender may have contacted			
Child's name		Date of Birth	
Address (including post code)			
Child's name		Date of Birth	
Address (including post code)			

Part 4

7. **Is the alleged offender or any other person in the family in a position of trust e.g. employed or working as a volunteer in a capacity that brings them into contact with children/young people?**

YES / NO (delete where applicable) **If yes, please complete details below.**

Name		Date of Birth	
Address (including post code)			
Relationship to alleged offender			
Capacity in which they have contact			

IF YES – HAS THE LOCAL AUTHORITY DESIGNATED OFFICER BEEN INFORMED?

YES / NO (delete where applicable)

(See Managing Allegations Against People who Work with Children – Inter-Agency Safeguarding Procedures Part 1)

8. **Next Court appearance if applicable**

Date	
Location	

9. **Result of Final Hearing**

Outcome	
Date	
If Prison, location address	

10. **Please attach relevant assessments/reports to this form and indicate those which are attached (tick if attached)**

Pre-sentence Report	
OAsys	
Other (Please specify)	

11. **I confirm that the person named above poses a risk or a potential risk to children**

Signed	
Print Name	
Job Title	
Contact Tel. Number	
Date	

Part 4

NB. IF THERE IS A CONCERN FOR A SPECIFIC CHILD, REFERRAL SHOULD BE MADE TO THE RELEVANT CHILDREN'S SERVICES TEAM.

CAUTION

Data Protection – This personal data is supplied to you for the agreed purpose. As the recipient of this data you should protect it against loss or unauthorised access. Destroy after us

GUIDANCE ON THE DISCLOSURE TO THIRD PARTIES OF INFORMATION ABOUT SEX OFFENDERS AND OTHERS WITHOUT CONVICTIONS WHO MAY PRESENT A RISK TO CHILDREN

1 PURPOSE

This document provides guidance to employees of the relevant agencies (Police, Probation, and Children's Services) on the management of the disclosure of information to third parties about sex offenders and others without convictions who may pose a risk to children and vulnerable adults. The guidance applies to disclosures about adults and young people.

2 INTRODUCTION

The principles underpinning disclosure to third parties are the same as for information sharing, but inevitably introduce greater sensitivities given that disclosure may be to individual members of the public. Because of this, great caution should be exercised before making any such disclosure. It should be seen as an exceptional measure and part of an overall risk management plan.

3 SCOPE

3.1 This guidance relates to disclosing information to third parties about:

- a) those persons who have been convicted of, cautioned for, or otherwise dealt with by the courts (including those convicted abroad) for a sexual offence and;
- b) those who are believed to have abused a child but who do not have a conviction.

AND/OR

- c) who are considered by the relevant agencies to present a risk to children or others.

Third Parties

'Third Parties' are persons or bodies **other than** agencies having a responsibility for the assessment, monitoring and management of sex offenders in the community. Examples of third parties are child protection charities, partners of offenders, employers, head teachers, housing providers and voluntary organisations. In exceptional circumstances it may include parents whose children may come into contact with a person convicted of sex offences or believed to pose a risk of such abuse, but without a conviction, or carers of vulnerable adults.

3.2 This guidance does not cover;

disclosure of information from criminal records for employment and related purposes,

OR

the sharing of information between agencies (Police, Probation, Children's Services, Health) which is covered in other protocols.

4 DISCLOSURE OF INFORMATION TO THIRD PARTIES

General Rules

- Where an agency considers that a sex offender, or in some instances a person without convictions, may pose a sexual risk to children or vulnerable adults, a risk assessment should be conducted which will establish whether or not there should be a disclosure of information to a third party. This risk assessment will be conducted in accordance with local protocols depending upon the status of the subject of the proposed disclosure. (See 'Processes' below)
- The general presumption is that information should not normally be disclosed.
- Each case must be considered carefully on its particular facts.
- A decision to disclose to third parties will always need to be justified carefully on both legal and moral grounds, and should be taken only as part of a carefully managed process. (See 'Processes' below)
- Agencies should act only in accordance with agreed protocols.
- Those involved in the decision making process will have to consider carefully the **purpose** of disclosing information to a third party. Such a decision should normally be taken within the context of a plan for a named individual who poses a risk and/or child/vulnerable adult.
- The offender, or person suspected of posing a risk, should always be informed that a disclosure about him/her is going to be made unless there are exceptional circumstances eg. To inform the individual would present an increased risk of harm to a child. Where practicable, s/he should have the opportunity to challenge the information on which the decision was based (R v North Wales Police *ex parte* (AB & CD)).
- Where appropriate the offender or person who is thought to pose a risk should be given the opportunity to make the disclosure her/himself in a supervised and/or properly managed scenario; where the individual agrees to disclose the information to the third party, checks should then take place to ensure that the correct information has been disclosed. (See Appendices A & B)
- The decision to disclose - or not disclose - and the reason for this decision should always be recorded in writing by the decision-maker.

5 PROCESSES

The 'managed process' that should be followed (see above) will depend upon the status of the offender or the subject of the proposed disclosure.

5.1 **Multi Agency Public Protection Arrangements**

If an offender is recognised as posing a serious risk, s/he will be dealt with in accordance with the Multi Agency Public Protection Arrangements (MAPPA). This will consist of Multi-Agency Public Protection Panels (MAPPPs). The protocol relating to MAPPA is entitled 'Protocol for Agencies on the Assessment and Management of Sexual and Violent Offenders or other offenders who may cause serious harm to the public'. It outlines the relevant

risk assessment process that should be followed and provides clear guidance for those parties involved. This protocol is currently being updated (Part 2 of these procedures).

If a decision is made by the MAPPP meeting that disclosure should take place, the process for carrying that out is contained with Appendix A.

The Police will take responsibility for this as lead agency in making the decision and disclosure. A recommendation to disclose must be passed for decision making by the relevant superintendent.

If the police superintendent refuses permission for disclosure, other agencies may wish to consider disclosing this information but should do so only in accordance with Appendix B and they should take account of their own legal advice.

5.2 **Registered Sex Offenders**

If a person is a registered sex offender s/he will be dealt with in accordance with the Dorset Police policy on the Sex Offenders Act 1997. That policy provides clear guidelines on the management of registered sex offenders including advice on assessing the risk of disclosure to third parties. The management of registered sex offenders is essentially police business. In instances where there is a risk to a specific child, police will generally liaise with Children's Services and other appropriate agencies about disclosure of information, convening a meeting where necessary.

The Police will take responsibility for this as lead agency in making the decision and disclosure. A recommendation to disclose must be passed for decision making by the relevant superintendent.

If a decision is made that a disclosure should take place, this will be managed by the police.

5.3 **People with convictions against child/ren**

If a situation occurs where a police officer or social worker consider that a person with a conviction against a child/ren, poses a risk to a child, but does not meet the criteria for a MAPPP, that person should arrange a risk assessment meeting to take place to consider whether there should be disclosure of information to a third party. The decision about who should be involved in such a risk assessment will depend on the circumstances of the case, but it must include as a minimum a manager from both Dorset Police and the relevant Children's Services.

The police will take responsibility for this as lead agency in making the decision and disclosure. A recommendation to disclose must be passed for decision making by the relevant superintendent.

If a decision is made that disclosure should take place the process for carrying this out, is contained within Appendix B. If the police superintendent refuses permission for disclosure, other agencies may wish to consider disclosing this information but should do so only in accordance with Appendix B and they should take account of their own legal advice.

5.4 **Persons believed to pose a risk but without convictions**

The same process as outlined under 5.3 above will apply to those persons who are believed to pose a risk but have no convictions. This will include persons against whom credible allegations have been made but not pursued

through a criminal prosecution. This may also include those who have been found not guilty or whose cases have been discontinued, but where a serious risk is still believed to exist. If the police superintendent refuses permission for disclosure, other agencies may wish to consider disclosing this information but should do so only in accordance with Appendix B and they should take account of their own legal advice.

5.5 **The Child Sex Offenders Disclosure Scheme**

The Child Sex Offenders Disclosure Scheme enables parents, guardians and third parties to enquire whether a person who has access to a child, is a registered sex offender or poses a risk to that child. Consideration will also be given to disclosing information about a person who poses a risk to a vulnerable adult (s).

The Child Sex Offenders Disclosure Scheme originate from the Child Sex Offenders Disclosure Pilot which was introduced by the Home Office in September 2008. Four police forces in the country originally piloted the scheme over a 12 month period (September 2008-September 2009). Dorset Police has operated the scheme from 1st October 2010.

Under the scheme, a parent, guardian or third party can make an application to find out if there is information which they need to know about in order to protect a child(ren) in their care. If there is a need to pass information to someone in order to allow them to better protect a child, then the police will disclose to whoever is in a position to use, or need, that information

Although each case will be considered separately, in consultation with partner agencies, disclosure will only be made to those people who are in a position to best protect or safeguard a child.

The scheme builds on existing processes to proactively manage sexual and violent offenders by the constabulary's Public Protection Units under the Multi-Agency Public Protection Arrangements (MAPPA). Although disclosure already takes place when children are deemed to be at risk, the scheme enables parents, guardians and third parties to apply directly for information themselves.

Anyone living in Dorset can make an application for disclosure about someone who has contact with a child(ren). The person they are enquiring about must live in Dorset. For further information please go to www.dorset.police.uk

6 **MAKING THE DISCLOSURE**

The question of which agency should carry out the act of disclosure to third parties will depend upon the particular circumstances of the case. This will normally be the Police, but will be decided upon during the risk assessment discussion. In situations relating to specific children it is likely to be most appropriate that Children's Services will work jointly with the police in ensuring that the disclosure takes place properly.

Disclosure should be made in person.

The person making the disclosure should explain that it is made in confidence and ensure that the recipient understands the reasons for having been given the information, what use they are to make of it, and any restrictions applying to its further dissemination.

Disclosure of information should always be accompanied by the offer of appropriate professional support and guidance both to the person to whom the information is disclosed, and the person about whom the information is being shared.

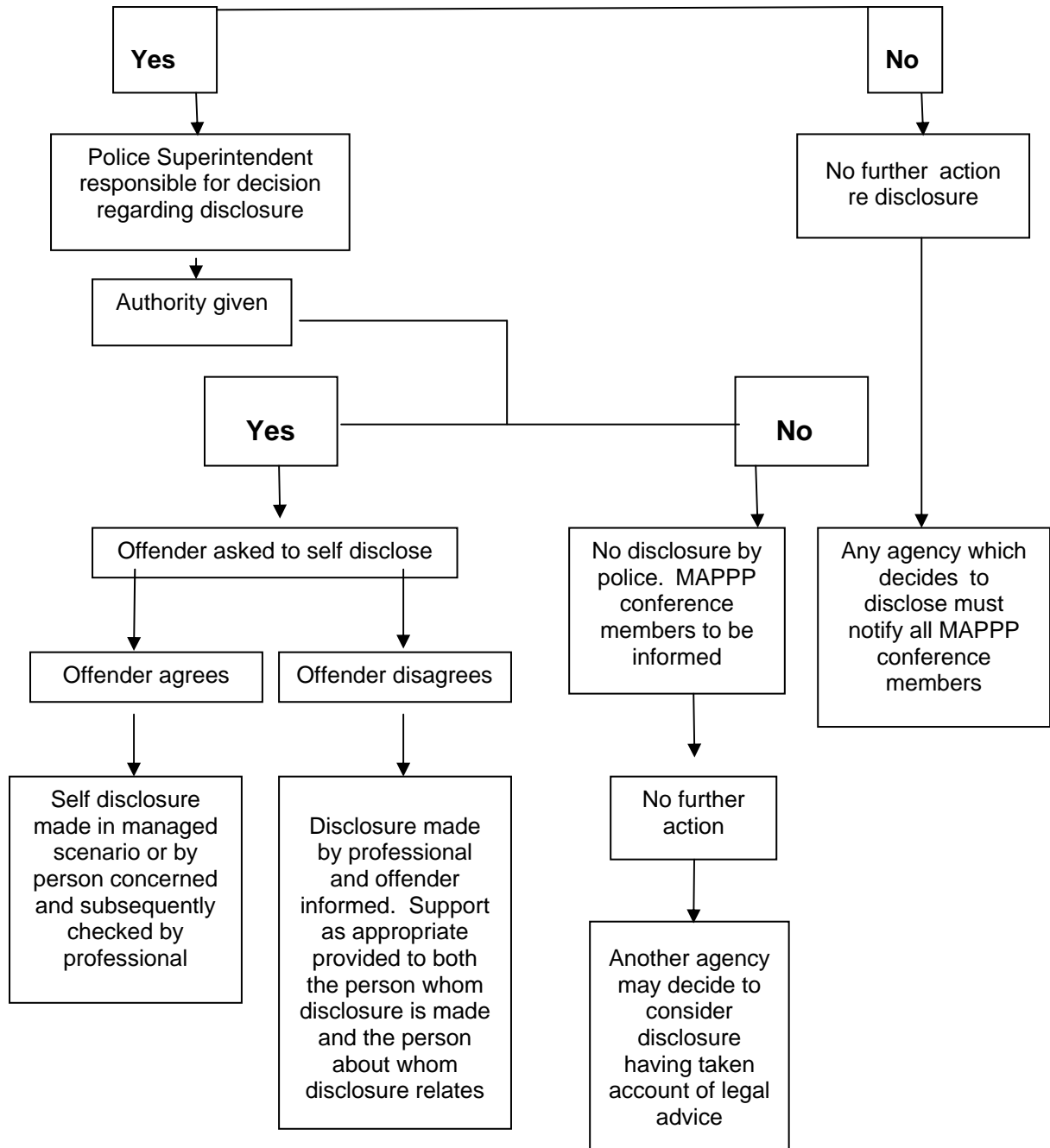
7 EXAMPLES OF DISCLOSURE TO THIRD PARTIES

It is not possible to identify all the circumstances in which disclosure to third parties may need to be considered. However, the examples in Appendix C may help to illustrate when disclosure may be appropriate. These examples were contained within the original guidance from the Home Office in 1999.

DISCLOSURE TO THIRD PARTIES

MAPPA

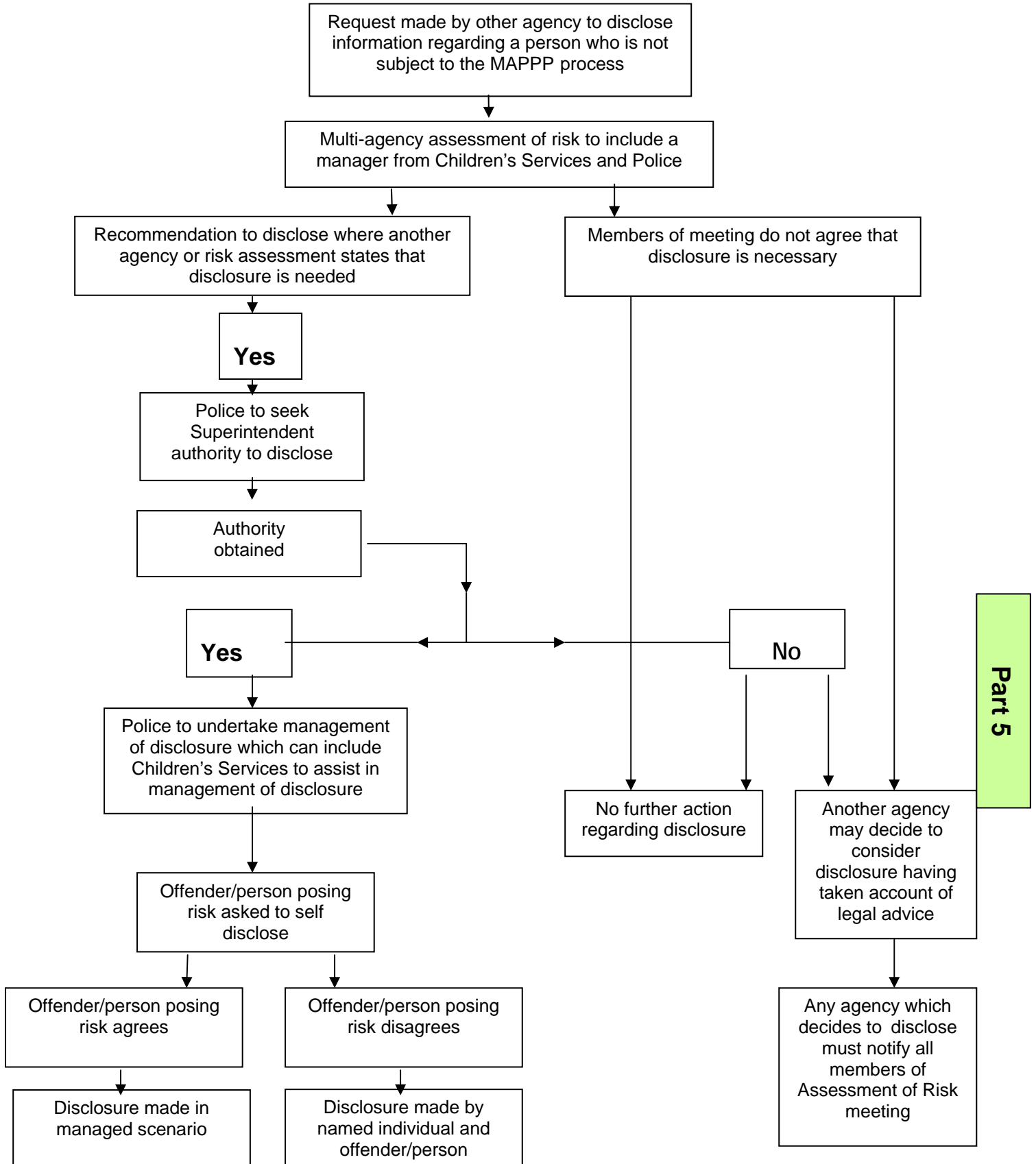
MAPPP CONFERENCE RECOMMENDS DISCLOSURE



Part 5

DISCLOSURE TO THIRD PARTIES

**ASSESSMENT OF RISK MEETING
(NOT MAPPP)**



Part 5

ILLUSTRATIVE EXAMPLES OF WHEN IT MAY BE APPROPRIATE TO DISCLOSE TO THIRD PARTIES

See also chapter 3.11, part 5.5 Child Sex Safeguarding Disclosure Scheme.

Housing

Where an offender is seeking social housing (housing owned by a local housing authority or a registered social landlord) the landlord should be advised where it is considered that the offender should be accommodated away from areas frequented by unaccompanied children or where he may come into contact with children, e.g. – schools, nurseries or playgrounds. Disclosure should be made to a nominated officer in accordance with a protocol agreed between the agencies concerned and the landlord. In such cases, the landlord should also be advised of the level of risk attached to the offender and the arrangements for supervision.

The Workplace

Circumstances might arise in which a risk of offending comes about because of opportunities for access to children through the individual's work or voluntary activities. The employer ought to be aware of the position in order to consider whether the risks are manageable or could be made so.

Account should be taken of the guidance in the Inter-Agency Safeguarding Procedures, Part 1, Chapter 3.9. Managing Allegations against People who Work with Children.

Schools and Playgrounds

Agencies may receive information that an offender is living near or has been seen in the vicinity of a school, day nursery, play group or similar organisation. Following a risk assessment involving the appropriate agencies, and having considered the vulnerability of the children in that place, it might be thought necessary to inform the head teacher, playgroup leader, etc. of the risk. On receipt of this information, head teachers will need advice from the police or Children's Services department about disclosing to other staff, and the desirability of informing parents, and perhaps pupils, in general terms of the risk. The police or Children's Services department should ensure that clear advice is given to head teachers on these issues.

Youth Groups

There may be circumstances where an offender has secured an official or unofficial role in helping children or vulnerable adults, for example in helping to run a youth club or society; acting as an advocate; befriender, etc., and if the risk assessment is such as to indicate that there is a risk of offending arising from the situation the police will need to identify those to whom any disclosure should be made, e.g. to the church authorities or other relevant governing bodies. It is recommended that local protocols are established with the organisations concerned, to make it easier to implement decisions to disclose information.

Family Relationships

It may come to the notice of the Police, Children's Services or Probation that an offender has begun a new relationship, where the partner has children or a relative of a vulnerable disposition (for example, an elderly or disabled relative living in the home). Where a decision is taken to disclose the history of the offender to the new partner, this will need very careful handling given the close relationship between the offender and the recipient of the information. Children's Services departments should take a full part in these discussions, and it may be appropriate for a social worker to make the

disclosure, or to be present when the disclosure is made. A decision on this should only be reached following consultation with the relevant police force.

Some cases will require additional care in handling, for example where the offender is young, has a mental health problem, or severe learning difficulties. In these cases, it will be particularly important to ensure that the appropriate bodies are consulted before any decision is taken to disclose.

People with learning disabilities

Particular care will be needed when handling cases involving people with learning disabilities. It will be important to ensure that all offenders with learning disabilities understand the reasons for, and implications of, disclosure, and that their rights to confidentiality are taken into account. Decisions on risk and risk management will need to be informed by expertise in the learning disabilities area.

Young People who pose a risk

There could be a case for a distinction to be drawn between adults and juveniles: juveniles may be more amenable to techniques for changing their behaviour; they could be more profoundly affected by being labelled a sex offender; and it will be important to ensure that treatment at an early stage for the offenders' own problems (which may have led to his/her offending behaviour) should not be inhibited. Where young people who pose a risk (i.e. those under the age of 18) are concerned, those who have parental responsibility for them or who have day to day care, will need to be consulted before any decision is taken to disclose, unless the young person is deemed to be of sufficient capacity to give consent him or himself. Where a young person who poses a risk is being looked after or accommodated by the local authority, the guidance in LAC (88)17 will have to be taken into account by the local authority. Where the young offender is in education, the education authority will also have to be consulted.

Young people who pose a risk who are looked after by local authorities: placement decisions

Local authorities looking after children who pose a risk will need to develop clear policy and practice guidelines for the appropriate placement of the child. This will involve undertaking a risk assessment of the placement and ensuring that carers, in residential or foster care settings, are made fully aware of the child's background and that no other children or at-risk adults will be placed in a vulnerable position by the placement.

An important aspect of meeting the needs of abusing children will be access to appropriate services to reduce offending behaviour. On a strategic cross-agency level management information should be sought on the numbers of abusing children, so that planning can incorporate their special needs.

CHECKS WITH THE CRB, POLICE DISCLOSURE UNIT AND POLICE SAFEGUARDING REFERRAL UNIT

This section gives guidance about which process should be used by Children's Services to complete information/background checks with the Police. This document should be read in conjunction with the Inter-Agency Safeguarding Procedures part 1, chapter 3.1. -Guidance on Consent, Confidentiality and Information Sharing.

Introduction

A number of recommendations were made by Sir Michael Bichard following his enquiry into the Soham murders and the trial and conviction of Ian Huntley. The recommendations were aimed at creating an environment where information is used efficiently and fairly to minimize risk of harm to the most vulnerable members of society. The Police have developed systems which improve the way information is shared and managed by forces across the Country, and there is a commitment to sharing information between agencies for the protection of children.

Process

The following table describes which section of the Police information should be sought from in normal circumstances; however, it is not possible to give guidance to cover every circumstance.

Practitioners must make a judgment on the facts of the individual situation, and where there is a conflict of views; resolution should be sought via the respective line managers in the agencies concerned.

	Reason why information is being sought	Contact
1	As part of s47 enquiries	Police Safeguarding Referral Unit (SRU)
2	Immediate placement of child(ren) (i.e. Within 24 hours and consents obtained)	SRU
3	All other placements of children (including privately fostered children/kinship placements AND consents obtained) BEFORE child placed	Criminal Records Bureau (CRB)
4	All other placements as in 3 above where child ALREADY placed (at point of notification to social care)	SRU followed by CRB
5	Application to adopt/foster	CRB
6	Application for employment	CRB
7	Urgent staff safety issue where visit required within 24 hours	SRU
8	All other staff visiting issues	Police Disclosure Unit
9	Allegations against people who work with children – contact via Local Authority Designated Officer	SRU
10	Child subject to a Child Protection Plan	SRU

All requests for disclosure to the S.R.U. should be made by telephone- 01202 222777 or by e mail using the secure cjsm system.

All requests for disclosure to the Police Disclosure Unit should be made using Police form A148, a copy of which is attached as Appendix 1.

All requests for disclosure to the CRB should be made in accordance with current CRB procedures.



Non-Urgent Request to Dorset Police For Information

Originating Social Services Authority: *i.e Dorset, Poole, Bournemouth*

Address: *office address*

Social Worker: *name of social worker*

Social Worker Contact Number: *telephone number*

Reason/Event/Circumstances that give rise to the request

Background into family circumstances and events that brought the child to social services and/or police notice.

*Current family situation and how this is **relevant** to your request to the police to release any information they may have.*

“the child is on the at risk register” is not a satisfactory response.

What has happened to make you request information from the police and how will that information enhance your investigation.

This is your opportunity to set the scene and how relevant information from the police will help protect the child.

Information Required

If you need to know if a person has convictions for sex offences then ask for any conviction history in relation to sex offences.

*You are not entitled to **all** conviction data if it is irrelevant to the case in hand and therefore you will not automatically receive a full disclosure printout unless you justify why you require details of all convictions.*

The same principal applies to intelligence. If you ask for information relating to drugs then drug information is what will be disclosed and not all intelligence held unless you can justify why you need it.

Details of Person to be Checked

Full Name: *name of person that you require information on
(include details of maiden and other names used)*

Date of Birth: *self explanatory*

Place of Birth: *self explanatory*

Last 5 years' address history:

With out this and the above details then a thorough search can not be carried out.

To put just the name or name and partial address will not help the police to locate any/all relevant information and significant details may go undisclosed to you.

Partner Details (if applicable)

Complete in all cases – outline relationship

Full Name:
(include details of maiden and other names used)

Date of Birth:

Place of Birth:

Last 5 years' address history:

Although your request may not be for information on the partner often partner details will help the police to assess if information held on the partner is relevant to the case in hand and therefore will also be disclosed.

Child/Children Details

Full Name:
(include details of maiden and other names used)

Date of Birth:

Place of Birth:

This information will confirm the details of the child to which the case and your request refers

Last 5 years' address history:

#

Details of any other person relevant to future welfare of child/children in this case who require police checks

Complete in all cases – outline relationship

Part 6

This is the section where, for example, details of the child's extended family are provided, particularly if they are frequent visitors or would like to have the child stay over.

Social Worker Signature

Date

Team Manager's Signature

Date

Fax to 01202 223414

OTHER PROCESSES AND MECHANISMS

7. Offending Behaviour Programmes

- 7.1 Rehabilitation of offenders is the most proven way to increase long-term public protection. A range of treatment programmes have been validated at a national level, and are commissioned by the prison and probation service. These include:
- Sex Offender Treatment Programmes (TVSOP)
 - programmes for offenders convicted of Internet sexually related offences (ISOP)
 - perpetrators of domestic abuse (IDAP)
 - programmes to address general offending behaviour (TSP)

Other specific programmes and interventions are provided by Dorset Probation staff to address victim awareness and other offending related factors.

In partnership with Bournemouth, Dorset and Poole Children's Services and Dorset Probation, the NSPCC undertakes to provide an assessment and treatment service for both convicted and unconvicted Sex offenders.

Disqualification from Working with Children-ISA and Vetting and Barring Scheme

The Independent Safeguarding Authority

- 7.2 The Independent Safeguarding Authority (ISA) is a non-departmental public body which has a legal responsibility to maintain a children's barred list and a vulnerable adults barred list. Since 12 October 2009, the two new barred lists for workforces working with children and vulnerable adults respectively replaced:

- List 99
- The Protection of Children Act list
- The Protection of Vulnerable Adults list
- Disqualification orders imposed by the courts.
- Disqualification from Working with Children (DWC)List,
- The Unsuitable Persons List (UP List)
- The Disqualification from Working with Vulnerable Adults (DWVA) List In Northern Ireland

- 7.3 Checks of these new lists can be made as part of an Enhanced CRB check. Employers, social services and professional regulators are under a legal duty to refer to the ISA any information about individuals who have been dismissed (or have resigned before they can be dismissed) from working with children and/or vulnerable adults because they have harmed a child or a vulnerable adult. The aim is that individuals who pose a threat to these vulnerable groups can be identified and barred from working with them.

There are criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.

Criteria for barring

- 7.4 Where an individual has been referred to the ISA because they have been dismissed (or resigned before they can be dismissed) due to harming a child or vulnerable adult, the ISA will consider all available relevant information in deciding if it is appropriate to add that person to one or both the barred lists.
- 7.5 This process will include requesting relevant information from other organisations including for example, employers, police and local authorities. The individual referred will also be given access to all documents sent to the ISA in order to present representations. This process takes time; however it is important **ALL** relevant information is available before a decision can be made.

More information about the ISA, and the referral guidance, can be found on the website www.isa.homeoffice.gov.uk

The Sex Offenders Register

- 7.6 The notification requirements of Part 2 of the Sexual Offences Act 2003 (known as the Sex Offenders Register) are an automatic requirement on offenders who receive a conviction or caution for certain sexual offences. The notification requirements are intended to ensure that the Police are informed of the whereabouts of offenders in the community. The notification requirements do not bar offenders from certain types of employment, from being alone with children etc.
- 7.7 Offenders must notify the Police of certain personal details within three days of their conviction or caution for a relevant sexual offence (or, if they are in prison on this date, within three days of their release.)
- 7.8 Such an offender must then notify the Police, within three days, of any change to the notified details and whenever they spend 7 days or more at another address.
- 7.9 All offenders must reconfirm their details at least once every twelve months and notify the Police, 7 days in advance of any travel overseas for a period of 3 days or more.
- 7.10 The period of time that an offender must comply with these requirements depends on whether they received a conviction or caution for their offence and, where appropriate, the sentence they received.
- 7.11 Failure to comply with these requirements is a criminal offence with a maximum penalty of 5 years' imprisonment. The Police should be contacted if such an offence is committed.

Notification Orders

- 7.12 Notification Orders are intended to ensure that British citizens or residents, as well as foreign nationals, can be made subject to the notification requirements (the Sex Offenders Register) in the UK if they receive convictions or cautions for sexual offences overseas.

- 7.13 Notification Orders are made on application from the Police to a Magistrates' Court. Therefore, if an offender is identified who has received a conviction or caution for a sexual offence overseas the case should be referred to the local Police for action.
- 7.14 If a Notification Order is in force then the offender becomes subject to the requirements of Sex Offender Registration (see above).
- 7.15 For example: a Notification Order could ensure that the notification requirements will apply to a British man who, while on holiday in South East Asia, received a caution for a sexual offence on a child.
- 7.16 Any information that an individual has received a conviction or caution for a sexual offence overseas should, where appropriate, be shared with the Police.

Sexual Offences Prevention Orders (SOPOs)

- 7.17 Introduced by the Sexual Offences Act 2003, SOPOs are civil preventative orders designed to protect the public from serious sexual harm. A court may make a SOPO when it deals with an offender who has received a conviction for an offence listed at Schedule 3 (sexual offences), or Schedule 5 (violent and other offences), to the Act who is assessed as posing a risk of serious sexual harm. Also, the Police can apply for a SOPO to a Magistrates' court in respect of an offender who has a previous conviction or caution for a Schedule 3 or 5 offence who poses a risk of serious sexual harm.
- 7.18 SOPOs include such prohibitions, as the court considers appropriate. For example, a child Sex Offender who poses a risk of serious sexual harm could be prohibited from loitering near schools or playgrounds. The offender will also, if s/he isn't already, become subject to the notification requirements for the duration of the order.
- 7.19 SOPOs can be made on application from the Police, so any violent or Sex Offender who poses a risk of serious sexual harm should be referred to MAPPA agencies and the Police in particular. In an application for an order the Police can set out the prohibitions they would like the court to consider.
- 7.20 Breach of any of the prohibitions in a SOPO is a criminal offence with a maximum punishment of 5 years' imprisonment. Therefore, the Police should be contacted whenever a SOPO is breached.
- 7.21 SOPO's can be particularly helpful in the management of Sex Offenders who are assessed as continuing to pose a high risk of harm but are no longer subject to statutory supervision.

Risk of Sexual Harm Orders (RSHOs)

- 7.22 Introduced by the Sexual Offences Act 2003, RSHOs are civil preventative orders used to protect children from the risks posed by individuals who do not necessarily have a previous conviction for a sexual or violent offence but who have, on at least two occasions, engaged in sexually explicit conduct or communication with a child or children and who pose a risk of further such harm. For a RSHO to be made it is not necessary for there to be a risk that the defendant will commit a sexual offence against a child - the risk may be that s/he intends to communicate with children in a sexually explicit way. The RSHO

can contain such prohibitions, as the court considers necessary. For example, an adult could be found regularly communicating with young children in a sexual way in Internet chat rooms. A RSHO could be used to prohibit the person from using the Internet in order to stop him/her from such harmful activity.

- 7.23 RSHOs are made on application from the Police, so any person who is thought to pose a risk of sexual harm to children should be referred to the Police. In an application for an order the Police can set out the prohibitions they would like the court to consider.
- 7.24 Breach of any of the prohibitions in a RSHO is a criminal offence with a maximum punishment of 5 years' imprisonment. It is also an offence, which makes the offender subject to the notification requirements (see above). The Police should be contacted whenever a RSHO is breached.

Violent Offender Orders (VOOs)

- 7.25 Some of the most violent offenders continue to pose a risk of serious harm to the public when they are no longer subject to statutory restrictions available under licence, a Hospital Order or a Supervision Order. Introduced by the Criminal Justice and Immigration Act 2008 the Violent Offender Order (VOO) provides the Police Service with a tool to help manage that risk more effectively. The VOO is a civil preventative order, which can place restrictions on those offenders who continue to pose a risk of serious harm by prohibiting their access to certain places, premises, events or people to whom they pose the highest risk.
- 7.26 The Violent Offender Order is a targeted risk management tool. In order to qualify for a Violent Offender Order the offender must be **18 years of age or over** and have received a **custodial sentence of 12 months or more**, or had imposed upon him a hospital order, for any of the following offences
- Manslaughter;
 - Soliciting murder;
 - Wounding with Intent to cause grievous bodily harm;
 - Malicious wounding;
 - Attempting to commit murder or conspiracy to commit murder;
 - A relevant service offence (of which the corresponding offence is one of the offences mentioned above.); or
 - An offence committed abroad equivalent to any of the above
- 7.27 The Violent Offender Order should be used as a targeted tool. It should be aimed only at those qualifying offenders (see above) who act in a way that indicates they pose a risk of serious harm to the public and could commit a further serious violent offence. The Violent Offender Order is a preventative measure designed to protect the public. A VOO is not an order made ancillary to conviction and cannot therefore be made at the same time as an offender is being sentenced.
- 7.28 A VOO may be in force for a minimum of 2 years and a maximum of 5 years.
- 7.29 Applications for Violent Offender Order's **can only be made by the Police Service** (There is no power for the CPS to apply). Applications may be made whilst the offender is in prison, secure hospital, or subject to statutory supervision but must not come into force until the offender ceases to be subject to statutory supervision, or detained in prison, or a hospital.

- 7.30 All potential VOO applications will in the first instance be forwarded to the Detective Inspector, Offender Management Unit (OMU). This will ensure that there is a consistent approach to the applications. The offender management unit will be able to base their risk assessment on their professional and operational judgement with MAPPA guidance, which provides a framework for defining levels of risk. The Detective Inspector will consult with the MAPPA Co-ordinator to establish whether they are MAPPA eligible as per Section 325(8) Criminal Justice Act 2003 (MAPPA Guidance).
- The Offender Management Team will discuss the matter with the Force Solicitor to ensure that any potential application is viable.
 - In some cases the advice of the CPS should also be sought (eg, on the wording of unusual or complex prohibitions to ensure that any breaches are capable of being proved to the criminal standard).
 - Offender Managers involved in the application process and the decision to apply for an order should record all relevant information, including the reasons for the decisions
 - The offender manager will gather all evidence to support the application and submit a report to the Chief Constable, via the Detective Chief Inspector.
 - The Chief Constable will consider the report and a letter of request will be signed by the Chief Constable and forwarded to the Force Solicitor so that an application can be made to the courts.
 - The Force Solicitor will complete the 'Summons on Application for Violent Offender Order' and the 'Application by Complaint For Violent Offender Order and Interim Violent Offender Order'.
- 7.31 When a Magistrates Court makes an offender the subject of a VOO, a copy of the Order, including the prohibitions, along with the registration requirements will be sent to the offender. Management of the registration process will be dealt with by the Visor Unit at Ferndown Police station.