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# **Stoke-on-Trent Safeguarding Children Board**

## **INDIVIDUALS WHO POSE A RISK TO CHILDREN**

### **RISKS POSED BY PEOPLE WITH CONVICTIONS FOR OFFENCES AGAINST CHILDREN**

#### **Section E 01**

Version 1

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## **E 01 Risks posed by people with convictions for offences against children**



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#### **01 Relevant Offences**

The terms 'Schedule One Offender' and 'Schedule One Offence' have been commonly used for anyone convicted of an offence against a child listed in Schedule One of the Children and Young Persons Act 1933. However, a conviction for an offence in Schedule One does not trigger any statutory requirement in relation to child protection issues, an inclusion on the Schedule was determined solely by the age of the victim and offence for which the offender was sentenced, and not by an assessment of future risk of harm to children.

Therefore the term Schedule One Offender is no longer used and it has been replaced with 'Risk to Children'. This clearly indicates that the person has been identified as presenting a risk, or potential risk, to children.

Home Office Guidance ('Guidance on Offences against Children', Home Office Circular 16/2005) explains how those who present a risk to children should be identified. The circular explains that the present method of automatically identifying as a risk to children an offender who has been convicted of a Schedule One offence fails to focus on those who continue to present a risk.

The new list of offences contained in the circular (see Section E02) should operate as a trigger to a further assessment to determine if an offender should be regarded as presenting a continued risk of harm to children.

Once an individual has been sentenced and identified as presenting a risk to children, agencies have a responsibility to work collaboratively to monitor and manage the risk of harm to others.

Where the offender is given a community sentence, offender managers monitor the individual's risk to others and their behaviour, and liaise with partner agencies as necessary.

Where such an offender is known to be, or is suspected of being, in contact with a child or children now, or in the immediate future, a referral should be made to Children and Young People's Services Department Vulnerable Children and Corporate Parenting Division in accordance with the Referrals Procedure (see Section C01), and consideration should be given to the making of enquiries under these procedures to determine whether any protective action should be taken. The following guidance is supplementary to those sections.

## **02 Assessing Risk**

Only an analysis of the context and seriousness of the offence(s) linked to an analysis of the current circumstances will enable professionals to make a valid assessment of risk.

It must be noted that professionals can only look at the known facts. Speculation as to the reasons and circumstances of any plea, are generally unsafe. Similarly, reliance upon the type of offence for which someone is convicted is not necessarily a reliable indicator of its seriousness.

## **03 Factors to Consider**

When undertaking an assessment it is important to consider a number of factors.

These will include:

- the date of the offence;
- the age of the perpetrator in relation to the victim;
- the type of offence;
- the degree of coercive or threatening behaviour;
- the pattern of offending;
- the circumstances of the offence;
- any subsequent assessments of risk; and
- the offender's attitude to the offence.

## **04 Convicted Sex Offenders**

The Sex Offenders Act 1997 introduced the requirement for people convicted of certain sex offences to register with the Police. All such people are subject to the multi-agency risk assessment process governed by the inter-agency protocol drawn up by Staffordshire Police and Probation Services (see Section E02).

This protocol necessarily dovetails into these child protection procedures. It is designed to support standard child protection procedures and should not hinder or delay the application of necessary protective action where required in specific cases.

Where clarification is required, especially around such issues as disclosure of information about a sex offender, then advice should be sought from line management.

## **05 Concerns**

### **Concerns about People Suspected of Offences**

These must be addressed with caution. However, a lack of conviction for a criminal offence does not necessarily mean that a response under child protection procedures or through the civil courts is inappropriate.

In such cases legal and professional advice should be sought.

In some civil cases findings of fact have been made and should be responded to as if there was a conviction.

## **06 Exchanging Information**

It is important for all agencies to be clear about the need and the reasons for exchanging information about people considered to be a risk to children.

It is not the conveyance of information itself which protects children, but the assessment and action which that information enables. Therefore, it is important that information is full enough to enable effective analysis and assessment to take place.

Whilst information may be received from a variety of sources it is commonly circulated by the prison service in response to the requirements of HM Prison Service, Instructions to Governors 54/1994. Alternatively advice might be sought from Special Hospitals in relation to a request by a patient with relevant convictions for a child to visit him or her. These communications are designed to advise the local authority of the whereabouts and planned movement of prisoners with convictions for offences against children to enable necessary protective action to be taken.

Unless exceptional circumstances apply, the subject of the information should be informed of the intention to share.

## 07 Content of Information

### Content of Information Exchanged

When a decision is taken to convey information about a person who is considered to be dangerous, this should include:

- personal details, i.e. full name, date of birth, relevant addresses
- details of the offender, type of offence, and date
- details of sentence (if applicable)
- victim details, ie full name, date of birth, relationship to offender
- current relevance of the offence, including known or likely contact with children

## 08 Categories of Information

Relevant information regarding dangerous people should be addressed to the Safeguarding Unit. This information will fall into three categories:-

**Category 1** – information of current relevance to an identifiable child or children in Stoke-on-Trent. Such information will be entered onto the Children and Young People's Services Department Vulnerable Children and Corporate Parenting Division user database (CareFirst) and notified to the appropriate Social Care Division social work team and any other relevant agencies for consideration of necessary action. The information will normally be contained within the relevant child file and thereby subject to routine retention policy.

**Category 2** – information identifying that a person who may be a risk to children is residing, or is about to reside within Stoke-on-Trent. This information will be placed on the Children and Young People's Services Department Vulnerable Children and Corporate Parenting Division user database (CareFirst) and retained for future reference in the Safeguarding Unit for a period of two years. It will then be destroyed unless it has been accessed during that period in relation to a Category 1 case (above) in which case it will be placed on the appropriate child file.

**Category 3** – information which does not provide sufficient detail for analysis or further action. This information will be returned to the sender with an explanation that in the absence of sufficient details no further action can be taken by the Children and Young People's Services Department Vulnerable Children and Corporate Parenting Division. This information will not be retained.

Information received about potential staff members should be conveyed to the appropriate personnel section and dealt with under the Managing Allegations against Persons who Work with Children Procedure (see Section G02).