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| **Management and Use of Information Concerning Know and Suspected Offenders Against Children/Young People** |  |

**Contents**

1. [**Introduction**](http://www.proceduresonline.com/sbni/chapters/p_man_info_suspect_offend.html#intro)
2. [**Risk Assessment and Management – Potential Sexual Abuse Physical and Emotional Abuse and Neglect**](http://www.proceduresonline.com/sbni/chapters/p_man_info_suspect_offend.html#risk_man)
3. [**Public Protection Arrangements NI (PPANI) Multi-agency Risk Assessment and Management of PPANI Eligible Offenders**](http://www.proceduresonline.com/sbni/chapters/p_man_info_suspect_offend.html#public_protect)

**1.** **Introduction**

Although the focus of the work of HSC Trusts and related agencies is primarily on children/young people, safeguarding children/young people requires attention to be paid to the individuals who may abuse them. Part of protecting children/young people may be the assessment and risk management of adults convicted of a specified offence and use and disclosure of information to other agencies and third parties. There will also be adults while not convicted of an offence may pose a safeguarding risk generally or specifically to a child/young person. **This guidance therefore relates to individuals who have been convicted or cautioned for offence and also to those who are suspected of involvement in the abuse of children/young people**.

There are various situations within which professionals may have to decide whether it is appropriate to disclose to a third party information held about an individual who is suspected of being a risk to children. All such decisions must be taken on the basis of all available information and with the full understanding of the implications for such disclosure.

It is recognised that there are particular concerns in relation to sharing information about people who are suspected, but not convicted, of serious offences against children/young people.  Information concerning known or suspected offenders against children/young people will be held by many agencies, e.g. GPs, Health Visitors, Police, Education staff and Social Services.

Disclosure of information about those who abuse children/young people raises some very sensitive and far-reaching issues. The decision to share information needs to be based on a clear assessment of risk, in line with and the Information Sharing Agreement. Where there is a conflict of interest between protecting the rights of the individual and the protection of children/young people the protection of children/young people **must be the paramount consideration**. The Police and other relevant agencies should judge each case on its merits, taking account of the degree of risk.

Safeguarding children/young people depends upon effective information, collaboration and understanding among families, agencies and professionals. Constructive relationships between individual workers and agencies need to be supported by a strong lead from senior management within each agency.

In addition to these policies and procedures the framework for the sharing of information and general management of those individuals who pose a risk to children is found in:

* [**The Public Protection Arrangements NI (PPANI) Manual of Practice (revised 2016)**](http://www.publicprotectionni.com/uploads/pdf/PPANI_MoP_2016.pdf) and the [**Minister of Justice Guidance to Agencies under Article 50 of the Criminal Justice (NI) Order 2008**](http://www.gain-ni.org/flowcharts/downloads/ppani_guidance_to_agencies_september_2011.pdf);
* Section 48 Justice Act 2015;
* HPSS Circular 3/96 (as amended and developed by case law).1

Where it is believed that a known or suspected offender against children/young people is having contact with a specific child/young person then the referral procedures should be followed.  The child/young person may be related to the offender, resident within the same household or simply have contact through visiting the household or living within the community.

**2.** **Risk Assessment and Management – Potential Sexual Abuse Physical and Emotional Abuse and Neglect**

The above paragraphs covers those situations where significant harm or the likelihood of significant harm to a child/young person prompts risk assessment and risk management procedures to avoid further abuse. It applies to those who are convicted of a previous scheduled offence (see [**Schedule 1 (as amended) of the Children and Young Persons (Northern Ireland Act) 1968**](http://www.legislation.gov.uk/apni/1968/34/schedule/1) for a list of relevant offences) against a child/young person or those who pose a risk of harm to a child/young person in a family or in the community, and includes both males and females.

Where there are suspicions or concerns that a child/young person is in contact with, or likely to be in contact with, a person who is known or suspected to have inflicted abuse on a child/young person or has a record of offences of violence which may cause concern for the child/young person’s safety, the person identifying the risk should discuss his concern with a senior colleague/line manager to clarify the potential for a child/young person to be considered at risk.

A Risk Assessment and Management Meeting can be convened by any of the agencies. It may be necessary following a Case Conference; when a non-custodial sentence is imposed; where there are general concerns about an individual in the community; or when an offender is released from custody or prison.

Where the concerns relate to a specific child/young person, Social Services must be informed and should take the lead role in convening the Risk Assessment and Management Meeting.

The procedure outlined in ‘Co-operating to Safeguard Children and Young People’ should be followed. In addition, where the concerns relate to a specific child/young person, the following procedure should be followed:

* Where agreed at the Risk Assessment and Management Meeting the Trust Social Work Manager will invite the alleged or known abuser to the local Social Services office to discuss the reported concern;
* Their  response will be reported to the members of the Risk Assessment and Management Meeting who must decide whether the information given by the suspected or known abuser constitutes a risk to any child/young person with whom he has contact;
* Where it is considered such a risk exists, the child/young person’s parent must be given information in order to protect their child/young person from harm;
* When appropriate, the suspected or known abuser should be encouraged to discuss the concerns with the parent of the child/young person in the presence of a social worker;
* When this is not appropriate, the social worker will make the parent of the child/young person aware of the concerns, preferably in the presence of the suspected or known abuser, but if necessary, independently;
* At this stage, if the child/young person’s parent appears to understand the risk and provides evidence regarding how he is able to protect his child/young person, there may be no need to take further action;
* If it is believed that there is a risk, however, child protection procedures must be implemented;
* Consideration should always be given to whether it will be necessary to take legal action to protect the child/young person.

**3.** **Public Protection Arrangements NI (PPANI) Multi-agency Risk Assessment and Management of PPANI Eligible Offenders**

The Criminal Justice Order (NI) 2008 created the Public Protection Arrangements for Northern Ireland (PPANI). These arrangements bring together a number of agencies including the Police, Probation, Prison Service, Health & Social Care Boards and Health & Social Care Trusts, Northern Ireland Housing Executive and NSPCC to work together to provide effective assessment and management of the risks posed by certain sexual and violent offenders, including sexual offenders subject to notification requirements under Part 2 of the Sexual Offences Act 2003, those individuals who have committed violent offences against children and vulnerable adults, those who have committed violent offences within a family/domestic setting and those who have committed a violent offence aggravated by hostility. Both male and female offenders are included within the arrangements.

The agencies listed above work together, within the Public Protection Arrangements, to help protect the public from serious harm by reducing the opportunity of offenders committing further offences.

**Common terminology and categories**

There are a number of categories of individual to whom these procedures should be applied to:

* **A non-mandated offender** is a person who is not convicted but who is considered to pose a significant risk to children or adults in the opinion of a Case Conference or risk assessment meeting;
* **A non-registered sex offender** is an offender who has previous conviction or police caution prior to the Sex Offenders Act 2007 for an offence(s) that would have resulted in notification requirements if the Sex Offenders Act 1997 (as amended by the Sexual Offences Act 2003) had been in force at the time of conviction. It may also apply to an individual who has completed his period of notification;
* **A Registered Sex Offender** is an offender who has been convicted or cautioned by the Police since 1 September 1997 for an offence listed in schedule 1 of the Sex Offenders Act 1997 (which has been replaced by Schedule 2 of the Sex Offences Act 2003); was found not guilty by reason of insanity or found unfit to plead in respect of a relevant offence; or who was at that point either serving a sentence for such an offence or was detained under a Hospital Order (with or without restrictions) or a patient subject to a guardianship order

Where there are suspicions or concerns that a child/young person is in contact with/or likely to be in contact with a person who has been convicted of a PPANI eligible offence and who is managed under the PPANI arrangements. The procedure as detailed below taking account of the PPANI arrangements and detailed in the PPANI Manual of Practice should be followed:

* A referral should be made to Social Services in the area in which the child lives;
* On receipt of the referral Social Services will carry out the actions outlined in the Referral Procedures;
* Social Services should instigate checks with the Trust representative on the Local Area Public Protection Panel (LAPPPs) as to whether the individual concerned has been, or is currently, subject to the PPANI arrangements and whether multi-agency or single agency risk management applies in the case;
* The known abuser should be informed in advance of the checks unless there are reasons concerning the needs of the child for not doing;
* If the alleged abuser is, or has been subject to PPANI arrangements and oversight, an urgent referral should be made by the team leader (Social Services) or Trust PPANI lead, to the LAPPP for discussion at their next meeting;
* If the information indicates that an individual may pose a risk to a child, set up a Risk Assessment and Management Meeting chaired by a senior officer from Social Services, at the level of Assistant Principal Social Worker or above;
* The purpose of the meeting is to share information, assess the risk to the child and agree actions to be taken, to include affording the suspected abuser an opportunity to express his views regarding the concerns;
* Where agreed at the meeting the team leader will invite the suspected/known abuser to the local social services office to discuss the reported concern and report back to the members of the meeting;
* Members of this meeting must decide whether the information given by the suspected/known abuser constitutes a risk to any child/young person with whom he has contact;
* Where it is considered such a risk exists, the child/young person’s parent must be given the information in order to protect his child/young person from harm;
* Initially, the suspected/known abuser should be encouraged to discuss the concerns with the parent of the child/young person in the presence of a social worker;
* When the suspected/known abuser is unwilling to take such action, the social worker will make the parent of the child/young person aware of the concerns, preferably in the presence of the alleged or known abuser, but if necessary independently;
* At this stage, if the child/young person’s parents appears to understand the risk and provides evidence regarding how he is able to protect his child/young person, there may be no need to take further action;
* If it is believed that there is a risk, however, a Child Protection Case Conference must be called to consider the issues from the child/young person’s perspective;
* Consideration should always be given to whether it will be necessary to take legal action to protect the child/young person.

Staff from all agencies should be alert to current case law decisions on the sharing of information.

**Adults thought to pose a risk of sexual harm to children who are not convicted of offences or subject to sex offender registration requirements Risk of Sexual Harm Orders**

Where any agency has a concern that an individual’s behaviour may meet the criteria for a Risk of Sexual Harm Order (RSHO) (as set out in Part 2 of the Sexual Offences Act 2003), representation should be made to the PPANI links team. Where it is agreed by PSNI that the criteria for an RSHO may be met, the individual and the risk he poses will be considered at the relevant LAPPP. The LAPPP will consider an RSHO application by PSNI as well as any future involvement in the PPANI procedures [4].

A Risk of Sexual Harm Order (RSHO) is a civil order that can be applied for by the Chief Constable against any individual person aged 18 or over thought to pose a sexual risk to children/young people aged under 17. Courts can use RSHOs to impose conditions on individuals. Should an individual breach the conditions of their RSHO this becomes a criminal matter and results in the individual being made subject to notification requirements.

[4] See NISOSMC MARAM Practice Guidance.

**End**