

SHARING TO SAFEGUARD

**INFORMATION SHARING ABOUT
INDIVIDUALS WHO MAY POSE A
RISK TO CHILDREN**

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PART 1 – INTRODUCTION, PRINCIPLES AND DEFINITIONS

1. The safeguarding of children is not the preserve of one agency or professional. Good practice calls for effective co-operation between all agencies and individuals working to safeguard children. Some agencies have a statutory responsibility for the safeguarding of children, others have a duty of care. While this circular has no statutory basis, the guidance it contains is regarded as essential for all agencies to consider in discharging their individual responsibilities so that they can identify and counteract risks for children posed by the behaviour of individuals in a consistent, structured and methodical way.
2. The use of words such as “must” or “will” in this circular are not to be interpreted as a requirement to do something but rather as a requirement to properly consider if the steps set out should be taken. Where child protection issues are considered to be involved the matters set out in the circular must be seen essentially as matters that should be considered in the light of all the facts and circumstances of the individual case and not matters that are required to be carried out. However, where an individual or agency decides not to act in accordance with this guidance, it will be assumed that they have had sufficient reason and will, if required, be able to explain and justify the decision and maintain a record.
3. This circular, replaces HSS CC 3/96. It has a wider application than its predecessor which concentrated on those individuals who were charged or convicted of an offence listed at Schedule 1 of the Children and Young Person Act (1968). This circular includes additional offences which are considered relevant. These are listed at paragraph 33 and are designed to act as a trigger to assist agencies in recognising those individuals (which may be a man, woman or young person), who present a risk or potential risk to a child/children because of previous or current relevant offences within the meaning of this circular. It is important that the focus remains on the **risk** that an individual may pose to a child/children. Maintaining a focus on only those who have been **charged** or **convicted**, for example, of an offence listed at Schedule 1 of the Children and Young Person Act (1968) can be unhelpful, as it often defines the individual by their offending history, rather than determining what are the ongoing risks the individual may pose to a child/children.
4. This circular, therefore, also focuses attention on non adjudicated individuals about whom an Agency has reasonable concerns from more than one source or a serious concern from one source, which lead them to believe that a child/children is or is likely to suffer significant harm as a result of the individual’s activities or behaviour. Past behaviour can often be a guide to future behaviour.

5. There may be understandable concern that information is being shared about individuals who have not been convicted and where it has not been established “beyond reasonable doubt” that an offence has been committed. However, the level of proof required for those intending to share information about unadjudicated individuals is that “**on the balance of probabilities**” a risk to a child (children) exists. Decisions made in relation to such individuals will take place in a confidential inter-agency forum and there will be notification to the individual concerned and the right to challenge the decision (see Para 115).
6. This circular provides:
 - a framework for statutory and voluntary sector agencies to share information in certain circumstances and in a timely, planned and purposeful way, about individuals posing or likely to pose a risk of significant harm to children; and
 - guidance on the actions required to assess the potential risk(s) to children and minimise these as far as possible.
7. Agencies applying this circular to relevant offenders, or unadjudicated individuals about whom there are concerns, should be mindful of the need to keep individuals informed about what is happening and about any inter-agency decisions made regarding them and the opportunity to question or challenge such decisions. In this regard, it is also important that agencies are aware of their obligations to comply with the requirements of the Human Rights Act 1998 and the Data Protection Act 1998).
8. The circular does not provide guidance already available, in respect of the assessment and risk management of individual offenders or those thought to pose a risk, as this is set out in more detail in PPANI Guidance in respect of both sexual and/or violent offending and Co-operating to Safeguard Children (CtSC) and Regional Area Child Protection Committees’ (ACPC) Regional Policy and Procedures.

9. This circular should be used in conjunction with the following:
- The Information Sharing *Policy*, Standards and Criteria for Agencies Working with Families and Children in Northern Ireland, known as the Information Sharing *Protocol* (*currently in draft form*);
 - ‘*Co-operating to Safeguard Children*’ – Chapter 7 and Chapter 8 of the DHSSPS inter-agency child protection guidance;
 - Protection of Children and Vulnerable Adults (NI) Order 2003;
 - Offences listed in the schedule to the Education (Prohibition from Teaching or Working with Children) Regulations (NI) 2007 (Unsuitable Persons Regulations);
 - The Safeguarding Vulnerable Groups (NI) Order 2007, as it is commenced;
 - The Family Homes and Domestic Violence (NI) Order 1998. (This introduced occupation orders and non-molestation orders as protection measures for victims of domestic violence, including children);
 - Domestic Violence Strategy “Tackling Violence at Home” October 2005
 - Tackling Sexual Violence and Abuse – A Regional Strategy 2008-2013 – DHSSPS May 2008;
 - *Area Child Protection Committee’s Regional Policies and Procedures* – Chapter 10;
 - The Protocol for Joint Investigation by Social Workers and Police Officers 2004, of Alleged and Suspected Cases of Child Abuse, known as the *Joint Protocol*;
 - Current notification requirements as set out in ‘*The Sexual Offences Act 2003*’ and related guidance; (and once commenced, the Sexual Offences (NI) Order 2008);
 - *Circular HSS (DMHU) 1/97* – Guidance for the Health and Personal Social Services on the implementation of the notification requirements of the Sex Offenders Act 1997;
 - Public Protection Arrangements (NI) PPANI - Secretary of State’s Guidance and PPANI Manual of Practice;
 - Department of Education Circular 99/10 “Pastoral Care in Schools”; and

- HSS Circular 2004 (Discharge from Hospital (or Prison) and the Continuing Care in the Community of People with a Mental Disorder who could represent a risk of serious physical harm to themselves or others).

PRINCIPLES

10. In order for this circular to operate effectively there needs to be a culture whereby agencies understand the importance of sharing information in line with the requirements set out in the Information Sharing Protocol ¹(Information Sharing Policy, Standards and Criteria for Agencies Working With Families and Children in Northern Ireland) issued by the Reform Implementation Team.
11. It is very important that any relevant information in respect to an individual's risk or potential risk to children **is communicated to the police** if it is not known to them already. This information will be assessed and graded and may be added to PSNI intelligence systems. This may be highly relevant in respect to future vetting checks about suitability to work with children or vulnerable adults.
12. The Police, Authorities, Holders of Registers and Regulators should also be aware of their requirements as set out under The Safeguarding Vulnerable Adults (NI) Order 2003 (when commenced) to refer certain information to the Independent Safeguarding Authority (ISA). This will be set out in more detail in ISA guidance.
13. In addition, Agencies should take account of the following principles:
 - the child's welfare must always be paramount; it overrides all other considerations including the right to confidentiality/privacy;
 - a proper balance must be struck between protecting children and respecting the rights and needs of parents, families and any individual who may pose a risk to children; but where there is a conflict, the child's interests must always come first;
 - there must be good communication between those agencies working with the child/children's family (families) and agencies operating PPANI to manage the risk of serious harm posed by individuals in the community;

¹ Following the issue of the Report of the Multi-agency Inspection of Child Protection by Social Services Inspectorate (DHSSPS) in January 2007, a number of reforms have been initiated. Amongst these is the "Information Sharing Policy, Standards and Criteria" for agencies working with Families and Children in Northern Ireland. This "protocol" is an essential guide to sharing information between practitioners in various agencies, particularly when there are safeguarding concerns."

- comprehensive assessment of the risk posed by an individual is an important part of the process. This must be carried out at an early stage when an individual is first convicted or when concerns become apparent and should be subject to review and regular updating;
- any actions by the agencies should be proportionate to the risk posed by an individual;
- there is an inherent duty of confidentiality for all agencies attached to all personal information about individuals. However, there are justifications for the disclosure of such personal information – see chapter 8 of CtSC and the draft Information Sharing Protocol. Where disclosure is necessary to protect a child or children, the public interest in disclosure will outweigh the public or individual expectation of confidentiality.
- The person who is the subject of the notification should be informed of the action proposed/taken. The timing of this will be determined by the safeguarding needs of the victim or the potential victim(s).

DEFINITIONS

14. For the purposes of this circular:

- ‘child’ or ‘young person’ means those up to but not including the age of 18 as defined in the Children (NI) Order 1995;
- ‘individual, whether a man, woman or another young person who represents a risk or potential risk to a child/children’, means any individual where there are reasonable concerns from more than one source, or a serious concern from one source, about the individual’s behaviour/actions which may lead to the child suffering or being likely to suffer significant harm;
- ‘significant harm’ is defined as ill treatment or impairment of health or development. ‘Significant’ is determined by the health and development of the child compared with what could reasonably be expected of another child;
- Potentially dangerous person (PDP) means someone who has been interviewed by the police for an alleged or suspected sexual or violent offence against a child, or a serious sexual assault on an adult, or violent offence against a vulnerable adult and a case has been referred to the Public Prosecution Service for a prosecution decision;

- A Risk of Sexual Harm Order (RSHO) is similar to a Sexual Offences Prevention Order (SOPO) and aims to restrict the activities of those involved in grooming children for sexual activity. A previous conviction, caution etc. for a sexual offence is not a prerequisite in applying for a RSHO. See also Northern Ireland Guidance on Part 2 of the Sexual Offences Act 2003;
- ‘held’ or “interviewed” means an individual who has been held in connection with an offence and whether or not his/her case has been referred to the Public Prosecution Service for prosecution or he/she has been questioned (voluntarily or otherwise) in connection with an offence;
- ‘prison’ refers to all types of adult prisons, young offender centres, and juvenile justice centres;
- ‘prisoner’ refers to adult and juvenile offenders whether convicted or awaiting trial;
- Prison Governor is defined as the Governing Governor in each prison facility. The Governing Governor may delegate this responsibility to another named Governor. He may also designate a Probation Manager or Probation Officer to act on his behalf;
- Director of Custodial Services (Youth Justice Agency) means the manager or his representative;
- a Probation Officer is a Probation Officer or Area Manager working in the community or seconded to the NI Prison Service. In the latter case the Probation Officer or Manager can act on behalf of the Governor. In the former case the Probation Officer or Manager is acting on behalf of the Director of Probation (The Probation Board for Northern Ireland (PBNI));
- ‘temporary release’ refers to any form of temporary discharge under Rule 27 of the Prison and Young Offenders Rules (NI) 1995, and includes medical leave and all home leave schemes;
- reference to ‘the PSNI’ should be taken to mean the Officer-in-Charge of the relevant Child Abuse Investigation Units (CAIU) or other PSNI department involved with a case. This may be the CAIU Unit /PSNI where the individual/offender resides, or where there is a victim involved, the CAIU Unit/PSNI where both the offender and the victim reside, if different.

- HSC Trust Service Manager means the senior manager with responsibility for Gateway Teams within the Health and Social Services Trust; The Gateway Teams have responsibility to receive referrals relating to children and for the completion of the initial assessment which will inform the future direction in relation to case management.
 - ‘Relevant Trust’ can either mean one or any combination of the following:
 - o the Trust in whose area, court proceedings or a youth conference against the individual charged/convicted of a relevant offence took place;
 - o the Trust where the individual charged/convicted with a relevant offence normally resides or is proposing to reside (receiving Trust);
 - o the Trust in whose area the child/children, who may have been a victim of the individual’s behaviour, reside (referring Trust);
 - o the Trust in whose area, the individual being cautioned for a relevant offence resides; or
 - o the Trust where an individual resides in respect of whom agencies have reasonable concerns that the individual poses a risk to a child or children.
15. The factor which will indicate which Trust should take the lead for the purposes of application of this circular **will be determined by the individual’s place of residence/domicile**. If he moves, the new Trust in which he resides will be the lead Trust.

PART 2 - INTERFACE WITH OTHER INVESTIGATORY AND MONITORING PROCESSES

PUBLIC PROTECTION ARRANGEMENTS NI - Outline of the PPANI arrangements

16. Public Protection Arrangements Northern Ireland (PPANI) refers to the arrangements established for the risk management of sexual and violent offenders, and certain potentially dangerous persons whose assessed risks require multi agency input to the delivery of individual risk management plans. PPANI is not a statutory body in itself but a set of arrangements through which agencies (police, prisons, probation, social services and other relevant government departments) can work together and share information, in discharging their statutory responsibilities, to better protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations.
17. The procedures in this circular will apply to anyone who meets the relevant criteria **for consideration** of PPANI risk management i.e. relevant sexual offender, violent offender or Potentially Dangerous Person (PDP) (see Paras 19 a-c). Notwithstanding however, there will be persons who are assessed at Category 1² within the PPANI arrangements or who do not meet the threshold for PPANI but still pose a risk to children. In such cases, social services must maintain vigilance, and at any stage where concerns increase, the opportunity for referral to PPANI should be considered.
18. Effective multi-agency public protection starts with an assessment of existing information and an accurate categorisation of relevant offenders/potentially dangerous persons (PDPs). Prompt and accurate categorisation will allow agencies to gather and share relevant information and enable them to choose the appropriate risk management strategies. In the absence of this initial accuracy there are real dangers that important information will not be gathered and shared or that information will be shared inappropriately, and the energy of agencies will be diverted from those offenders/PDPs posing the highest risk of serious harm. The criteria for entry into PPANI for assessment are as follows:

19 (a) Relevant Sexual Offender

A person is a relevant sex offender if he/she:

- is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

² Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present little evidence that they will cause serious harm through carrying out a contact sexual or violent offence. For further explanation see guidance for PPANI Arrangements.

- has been convicted of a sexual offence or sexually motivated offence, is not subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, but about whom there are current grave concerns.

19(b) Relevant Violent Offender

A person is a relevant violent offender if he/she:

- has from 6th October 2008 been convicted of a violent offence (including homicide) against a child or vulnerable adult; or who have a previous conviction for a violent offence against a child or vulnerable adult and about whom there are current grave concerns;
- has from 1st April 2010 been convicted of a violent offence (including homicide) in domestic or family circumstances; or who have a previous conviction for a violent offence in domestic or family circumstances and about whom there are current grave concerns; or
- has from 1st April 2011 been convicted of a violent offence (including homicide) where the offence has been motivated by hate.

19(c) Relevant other potentially dangerous person

A person is a relevant other potentially dangerous person if he/she:

- is subject to a Risk of Sexual Harm Order (RSHO).
- has been interviewed by police for an alleged or suspected sexual offence against a child or a serious sexual assault on an adult and is in the process of being reported with a view to prosecution.
- from 6th October 2008 has been interviewed by police for an alleged or suspected violent offence (including homicide) against a child or vulnerable adult and is in the process of being reported with a view to prosecution.
- from 1st October 2010 has been interviewed by police for an alleged or suspected violent offence (including homicide) in domestic or family circumstances and is in the process of being reported with a view to prosecution.
- from 1st October 2011 has been interviewed by police for an alleged or suspected violent offence (including homicide) where the offence has

been motivated by hate and is in the process of being reported with a view to prosecution.

20. For the purpose of the PPANI guidance vulnerable adult is defined as:
- “A person aged 18 years or over, who is in receipt of or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”
21. For the purpose of PPANI guidance the definition of serious sexual assault³ is defined as:
- a) Rape;
 - b) Sexual assault by penetration;
 - c) Sexual assault where the assault is particularly serious features of the offence are aggravated;
 - d) Causing a person to engage in sexual activity without consent;
 - e) Any other offence of a sexual nature deemed especially serious by the investigating officer; or
 - f) An attempt to commit any of the above offences.
22. Any Agency that has concerns that an individual’s behaviour meets the threshold for a RSHO⁴, as set out in Part 2 of the Sexual Offences Act 2003, can make representations to the PSNI. Where PSNI agree that the threshold for such an order has been met, and an application for RSHO is successful, management of the risk posed by the individual will be considered within PPANI. Please note RSHO can only be applied for in respect of someone 18 years of age or over.
23. Where there are suspicions that a child is in contact with/or likely to come into contact with an individual who is convicted or suspected of sexual or physical abuse of a child or an adult, the person identifying the risk should discuss their immediate concern with a senior colleague/line manager. The *Area Child Protection Committees’ Regional Policy and Procedures* should be followed regarding the notification of concerns to the Police and to determine if the

³ The National Centre for Policing Excellence (NCP) “guidance on the investigation of serious sexual offences”, ACPO - 2005

⁴ A Risk of Sexual Harm Order (RSHO) is similar to a Sexual Offences Prevention Order (SOPO) and aims to restrict the activities of those involved in grooming children for sexual activity. A previous conviction, caution etc. for a sexual offence is not a prerequisite in applying for a RSHO. See also Northern Ireland Guidance on Part 2 of the Sexual Offences Act 2003

at http://www.nio.gov.uk/northern_ireland_guidance_on_part2_of_the_sexual_offences_act_2003.pdf

individual is being managed under the PANI arrangements. At the same time, the ACPC policies and procedures regarding the needs of the child and family must also be adhered to. If necessary, a risk assessment and management meeting, chaired by a senior officer from Social Services, should be convened to assess the risk to the child and family and decide what action is required. (See paragraphs 90- 94). Liaison should take place with the relevant Trust LAPPP Nominated Officer and his/her attendance at subsequent case discussions/conferences should be considered where necessary.

24. The relationship between PPANI arrangements and the operation of this circular need to be proactively examined in all cases for their applicability and overlap. There will also be occasions when PPANI arrangements will apply, at times **both** PPANI **and** notification procedures outlined under this circular will exist and occasions when the circular **only** will be applied. Good co-operation and communication between agencies and professionals will be vital depending on the circumstances of the case in order to ensure that no individual is missed.
25. The principle that should be applied is to use existing processes where they exist on a case by case basis. Some examples are set out below for illustrative purposes.

EXAMPLES

1. A sex offender with notification arrangements is being discharged from prison for the first time. The arrangements pertaining to notification of the Trust should be followed although the risk management arrangements, including assessing the offender's living circumstances will be the responsibility of the LAPPP under PPANI. It may well be that the offender's potential accommodation, including any risks to other people, including children, will feature in the pre release LAPPP meeting.
2. A sex offender who is no longer required to notify is giving cause for concern regarding their behaviour. In this case, the individual should be managed through PPANI which facilitates multi-agency assessment and management of those with criminal offences for sexual abuse. If the individual were to disappear, the tracking arrangements in this circular could be put into place.
3. An individual has a conviction for an offence of violence to a child and is thought to pose a risk to children. While the assessment of risk may not reach the threshold for PPANI multi agency risk management but there is still a cause for concern, the case should be risk assessed in line with the procedures at paragraphs 90-94 of this circular.
4. A young person aged 17 years, has come to the attention of the police and social services as demonstrating both sexual and violent behaviour. After remand, a Youth Court has decided on a community sentence. It is important that apart from notification of a move from custody to the community there is clarity about the role of child protection, case planning, and public protection if appropriate. In exceptional circumstances referral to PPANI may be considered necessary.
5. Twice within a six month period a woman reported that her partner had assaulted her. There were 3 children living in the same household at the time. Following both reports police made a referral to Social Services in line with their Force Order requirements. A file was submitted to the PPS and even though there were children in the family PPS decided not to proceed with a prosecution as the woman refused to give evidence against her partner and no other evidence existed in this particular case. The man has moved to another partner who also has 3 children of a similar age. Social Services should follow the procedures set out in this circular regarding this unadjudicated individual where on balance it is considered that the children in the new household are at risk of harm.

THE JOINT PROTOCOL

26. Where any agency or professional has concerns that a particular child has suffered or is likely to suffer significant harm, this should be brought to the attention of the relevant Health and Social Services Trust Gateway Team, in line with the procedures set out in Co-operating to Safeguard Children and the Regional ACPC Policies and Procedures. (For contact details for Gateway Teams see **Appendix A**)
27. Occasionally the NSPCC or the Police may be notified in the first instance. The child must be seen and spoken to within 24 hours of the Trust receiving the referral. When a decision has been made that there are sufficient grounds for a joint investigation of the allegation of abuse, it is carried out under the Protocol for Joint Investigation by Social Workers and Police Officer of Alleged and Suspected Cases of Child Abuse (Joint Protocol) and where appropriate the NSPCC. This enables Police and Social Workers to work together to investigate an allegation or suspicion of abuse against a child and to minimise stress to the child and the family.
28. In these circumstances, the risks or potential risks to a particular child or children, posed by an individual, will be considered as part of the Joint Protocol arrangements.

PART 3 - INDIVIDUALS WHO PRESENT A RISK OR POTENTIAL RISK TO A CHILD/CHILDREN

TYPE OF INDIVIDUAL

29. There are a range of individuals, both adults and young people who may present a risk or potential risk to a child/children and the agencies involved will need to give careful consideration to the application of this circular. In each individual case, it will be necessary to consider carefully the extent of the offence, or the risk posed. In the case of someone being released either from police interviewing or from custody to reside with their family, consideration should also be given to a child/children in the family of the individual and whether or not he or she will be remaining in the home; becoming resident in the home temporarily or otherwise; or having ongoing contact with family members. Consideration should also be given to the risk posed by the individual to children in the wider community. Where an investigation file has been prepared, PSNI will notify an individual as early as possible in the process that because of the nature of their offence, information about them may be shared in line with this circular.

30. The range of individuals may include:

- Those about whom there are reasonable concerns from more than one source, or a serious concern from one source*;or
- Those who have been held or interviewed (see Para 10) in connection with or charged with a violent or sexual offence⁵ against a child (or in certain circumstances a violent offence against an adult);
- Those who have received a caution for a violent or sexual offence against a child (or in certain circumstances a violent offence against an adult);
- Those who have been convicted of a violent or sexual offence against a child (or in certain circumstances a violent offence against an adult), or have been subject to a hospital order.

* This includes a young person displaying sexually harmful behaviour and where a Child Protection Case Conference or a Case Planning Discussion has identified a level of seriousness that requires monitoring and notification.

31. Essentially, therefore, at least one of the following circumstances applies to the individual. They:

- share their place of residence with a child or children; or
 - intend to share a place of residence which includes a child or children;
- or

⁵ Offences are defined further at para 20

- have ongoing contact with another adult which will provide ongoing access to children; or
- could have or actively seek contact with children in the community or through employment.⁶

32. Where there are reasonable concerns from more than one source, or a serious concern from one source, that lead to the conclusion that, **on the balance of probabilities**, an individual poses a risk to a child or children, the concerns must be fully considered from the child or children's perspective and a suitable plan constructed focusing on:

- the risks to and the needs of the child; (see paragraphs 90-94 of this circular) as assessed by the multi-agency assessment process;
- the sharing of information about the individual on a need to know basis (see chapter 8 of Co-operating to Safeguard Children and the draft Information Sharing Protocol). The individual should be notified of the action being taken to share information about him or her and of his/her right to pursue a complaint through the relevant Agency's complaints process, depending on which Agency intends sharing information about the individual. If after exhausting the internal complaints process the individual is still dissatisfied, he/she can write to the Commissioner for Complaints; and
- the need for referral to PPANI in line with PPANI guidance and its sequential stages of implementation (see para 17) for the assessment of any unadjudicated individual who poses a serious risk to children.

RELEVANT OFFENCES

33. This following list of relevant offences is designed to assist agencies in recognising an individual identified as presenting a risk or potential risk to children. It is merely a 'trigger' for those Agencies which come into contact or are working with an individual who has been held, cautioned or convicted for an offence on the list – **this in itself does not mean that a risk exists**. An assessment of the risks posed must be completed, which should determine what action, if any, is required by particular Agencies as outlined at paragraphs 90-94 of this guidance.

⁶ Under the Safeguarding Vulnerable Groups (NI) Order 2008 a number of bodies are required by law to refer certain information to the Independent Safeguarding Authority (ISA). Under Article 41 of the Order (when commenced) Education and Library Boards and Health and Social Services Bodies will specifically have a duty to provide information on an individual, subject to ISA guidance, when they have met the harm test in the Order and is engaging or may engage in regulated or controlled activity.

34. For the purpose of this guidance, a relevant offence includes those offences listed at **Appendix B**. This list is not exhaustive but is representative of the types of offences that might trigger the arrangements in this circular. In summary these are:
- any offence against a child as listed in the Schedule to the Protection of Children and Vulnerable Adults (NI) Order 2003 (POCVA);
 - any offence against a child listed under Schedule 1 of the Children and Young Person Act 1968;
 - any sexual offence against a child (or adult) as listed in Part II of the Sexual Offences Act 2003.⁷ This will include those offenders coming to Northern Ireland from the Republic of Ireland and it is known that they have committed such an offence or any part of the United Kingdom to Northern Ireland who are in receipt of Notification Orders. All persons convicted of a sexual offence in the UK are notified to the PSNI via the VISOR information technology system. This may not include details of those convicted of a sexual offence prior to 1997. Other offences should be recorded on ICIS or NICHE.
35. In addition the following should also be taken into account:
- Offences listed in the schedule to the Education (Prohibition from Teaching or Working with Children) Regulations (NI) 2007 (Unsuitable Persons Regulations);
 - Any violent offence committed by an adult on another adult which may have implications for children where person poses a risk e.g. in domestic or family circumstances;
 - An offence of stalking under the Protection from Harassment (NI) Order 1997, where this involves a child or young person under the age of 18.
36. In the processing of investigations the PSNI will have the initial responsibility to identify those individuals who are suspected of having committed offences which suggest a risk to children exists, as outlined above. These cases must be duly notified to social services for consideration.
37. In the case of a young person who is referred in relation to a relevant offence there is expert advice available from specialist teams that work with children who display sexually harmful behaviour. (**Appendix C**).

⁷ And, once commenced, those offences listed in the Sexual Offences (NI) Order 2008

PART 4 - NOTIFICATION AND REFERRAL FOR ASSESSMENT OF INDIVIDUALS HELD, CHARGED OR CONVICTED OF A RELEVANT OFFENCE

AGENCIES' ROLES

Police, Social Services, NSPCC

38. The Police, Social Services and NSPCC have different functions and powers. While the Police are concerned with the investigation of alleged offences, the focus of Social Services and the NSPCC is on the welfare of the child and family. However police officers should share information and intelligence with other agencies, where this is necessary to safeguard children.

Probation

39. The Probation Board for Northern Ireland (PBNI) has a statutory duty to supervise offenders on Court Orders in order to reduce offending and protect the public. PBNI works within the courts, prisons and the community. PBNI also works with offenders on statutory orders, licences and inescapable or voluntary basis on completion of their sentence. Probation Officers provide pre sentence reports to the courts, after consultation with a range of other professionals involved in safeguarding children. These include risk of re-offending and risk of harm assessments to assist the courts in determining appropriate sentences following a plea of guilty or a finding of guilt. PBNI also works in partnership with HSC Trusts, NIPS and other relevant agencies to provide programmes for individuals whose behaviour presents a risk to children. Where there is a registered victim they should be notified as a matter of routine, of any proposed release.

Prison Service

40. The Prison Service works closely with other agencies to identify any prisoner who may pose a risk to children on his/her release. Under this guidance Governors must ensure that Social Services and the Probation Service are notified of plans to release prisoners convicted of a relevant offence, or prisoners who have been remanded or subject to bail, so that appropriate action can be taken to minimise any further risks to children.

Youth Justice Agency

41. The aim of the Youth Justice Agency is “to reduce youth crime and to build confidence in the youth justice system”. There are three operational strands of the Agency: Custodial Services (the Juvenile Justice Centre), the Youth Conference Service and Community Services through which the Agency delivers a range of services with particular emphasis on helping children to

address their offending behaviour, diverting them from crime, assisting their integration into the community and meeting the needs of victims of youth.

42. The Juvenile Justice Centre provides custodial services for children involved in serious or persistent offending referred to it by the courts. It is also used, subject to offence and capacity issues, as a place of safety for children under PACE.
43. The Youth Conference Service provides restorative justice conferences for children aged 10-18 who offend. Conferences are arranged either at the request of the Public Prosecution Service at pre-court stage or court ordered on conviction. The outcome of the conference is a plan tailored to the individual circumstances of the offence and offender which aims to contribute to the prevention of further offending and make amends to victims.
44. Community Services operate a network of community based centres across Northern Ireland, working in close association with education and child care services, to deliver court orders including supervision of youth conference orders and plans. The aim is to offer each child an individualised programme of intervention and support, involving family and the community to address offending behaviour. All of these services may be delivered to young people who pose a risk to others.

NOTIFICATION ARRANGEMENTS BETWEEN RELEVANT AGENCIES

General

45. The following sets out the notification arrangements for the Police, Probation Service, Prison Service, the Youth Justice Agency and Social Services to share information with each other when an individual is held, charged, convicted, or is transferred or released (including temporary release) from prison or youth justice custody for a relevant offence as defined in this circular. The same duty as applied to Prison Governors at paragraph 64 overleaf will also apply to the Director of Custodial Services in the Juvenile Justice Centre (JJC).
46. It should be noted that work is ongoing to examine the different forms of notification and referral for assessment that are currently used by different agencies with a view to agreeing a common form. (This circular will be reviewed after 12 months and any changes in documentation will be notified).

PSNI

47. The PSNI will flag electronically (NICHE) at the point of preparation of the investigation file for PPS, those cases where an individual is being investigated as having committed a relevant offence as listed at paragraph 34 of this circular and is deemed to present a risk to a child/children. They will notify social services and in turn the individual concerned that this information is being shared. (**Appendix D**).
48. Where a file is being prepared for PPS, in relation to a violent offence by an adult on another adult, PSNI will consider whether this indicates any risk to a child/children and, if so, flag the case and notify social services as above. (**Appendix D**).
49. For those individuals held or interviewed, but whose case does not require a file to be opened for PPS, information which is held as soft intelligence on ICIS will be shared by the PSNI with social services or other agencies as necessary, on a case by case basis. Further advice on effective and ethical information sharing is available in the Information Sharing Protocol.
50. PSNI may not consider it necessary to share information where an investigation file is not being prepared for PPS however, if further information of a similar nature is received by PSNI about the same individual and PSNI consider that taken together, the combined information indicates that a risk to children exists, they will notify social services. (**Appendix D**).
51. In all cases where an investigation file has been prepared for PPS and PSNI receive subsequent notification that there will be: no prosecution; an informed

warning; or a conviction, the PSNI will update the relevant HSC Trust of the outcome.

Social Services

52. On receipt of information of a child protection concern from PSNI social services will check their records and those of other agencies before considering any further action. If it is confirmed that child protection concerns exist social services will be responsible for notifying the individual that concerns that have been identified and initiate appropriate safeguarding action.
53. HSC Trust Service Manager means the senior manager with responsibility for Gateway Teams within the Health and Social Care Trust. The Gateway Teams have responsibility to receive referrals relating to children and for the completion of the initial assessment which will inform the future direction in relation to case management. All notifications should also be copied to the LAPPP nominated officer for the relevant Trust.

Probation

54. Probation will notify the relevant HSC Trust when a person in custody charged with a relevant offence declares his intention to apply for bail; where a relevant offender is sentenced to a period in custody; and where a relevant offender is being released or transferred.

Prison Service

55. The Prison Governor will notify the Trust Service Manager and Probation when an individual who has committed a relevant offence is released on bail or when a prisoner is transferred to another prison and will consider any reservations raised by the Trust Service Manager in relation to temporary release.

NI Court Service

56. Within the arrangements for this circular, the NICtS will notify the appropriate agencies when a non-custodial sentence is given by the court to a relevant offender and when a relevant offender is granted bail.

Youth Justice Agency

57. If a conference plan is established, whether Court directed or a referral from Public Prosecution Service, the Director of the Youth Conference Service should inform the relevant HSC Trust Service Manager of the outcome (**Appendix E**).

NOTIFICATION ARRANGEMENTS IN SPECIFIC CIRCUMSTANCES

Release from Police Custody

58. If, an individual is identified as having committed a relevant offence and it is revealed that there is a child/children in the residence to which the individual may return, the PSNI (Investigating Care Officer) should notify the Service Manager who is the senior manager with responsibility for Gateway Teams within the Health and Social Services Trust so that consideration can be given to the risks that this may pose to the child/children. The Trust Gateway Teams have responsibility to receive referrals relating to children and for the completion of the initial assessment which will inform the future direction in relation to case management.

When a Person Charged With a Relevant Offence Applies for Bail

59. There is an expectation that all relevant information will be presented to the court in bail applications.
60. When a person in custody charged with a relevant offence declares his intention to apply for bail, the Probation Officer, will notify the Service Manager of the relevant HSC Trust. For a youth, the Manager of the Bail Support Scheme is responsible for the notification. Initial contact will be by telephone to the Gateway Team with written confirmation to the Service Manager (**See Appendix A**).
61. It is also the role of the Officer in Charge to ensure that the Prosecutor is made aware of the views of Social Services regarding any of the bail criteria (see Para 49) so that this can be shared with the Court.
62. Witnesses may be called to give evidence in respect of bail application. They may be called on behalf of the accused, the prosecution, the Crown or at the request of the Court. They should confine their evidence to the facts bearing on whether the accused is at
1. Risk of Absconding;
 2. Risk of interfering with the course of justice;
 3. Risk of committing further offences;
 4. Risk to preservation of public order.
63. These are the only grounds on which the Prosecution can oppose bail, and any concerns/observations from social services must fall into one of these categories in order to be used as an objection to bail e.g. a person has been charged with physically or sexually abusing a child and social services have concerns about the address to which the individual will reside if bail is granted,

because children currently reside there and there is a risk that further offences might be committed.

Release on Bail from Prison and Youth Custody

64. When a Judge/Magistrate releases a person on bail, the NI Court Service will inform the Prison Service or the Youth Justice Agency of the full details of the offender, and in particular the bail address and conditions of that bail. They will also highlight whether the current offence is a relevant offence as specified at Para 34 of this circular. Where a relevant offence (both current and previous) within the meaning of this circular is applicable the Prison Governor or Director of the Juvenile Justice Centre, should inform the Service Manager of the relevant HSC Trust and the PSNI immediately by telephone, and follow this up in writing. (**Appendix F** refers)

Case Withdrawn, Dismissed or Not Guilty Verdict

65. In all cases involving a relevant offender, where the case has been withdrawn, dismissed or found not guilty, and on the balance of probabilities stemming from this case, the PSNI consider that the individual continues to pose a risk of harm; the PSNI will update the Service Manager of the relevant HSC Trust. The PSNI will ring the Trust to advise Social Services of the verdict/action in these cases and follow this up in writing using the form at **Appendix D**.

Guilty Verdict – Non-Custodial Sentence

66. If a young person or adult is in court for a relevant offence, and is given a non-custodial sentence, the relevant HSC Trust Service Manager, Director of Youth Justice Agency and/or the Area Probation Manager should be notified by NICtS.

Guilty Verdict – Custodial Sentence

67. Where a relevant offender is sentenced to a period in custody, the Prison Probation Manager or Director of the JJC should notify the relevant HSC Trust Service Manager of the Trust where the offender is normally resident within 2 weeks of admission. The form at **Appendix G** should be used for this purpose. The Trust, where the individual normally resides should consider whether there are any immediate or potential child protection issues in their area and if so whether or not the assessment and risk management procedures should be activated and by whom. For sexual and violent offenders with notification arrangements post release this will be the responsibility of LAPPP who will assess and manage the risk.
68. For other offenders sentenced to a period in custody, where it is felt that a risk exists, consideration needs to be taken by agencies of the length of the

sentence, potential release date and any treatment programmes the prisoner can avail of while in custody. Alternatively, following a risk assessment, the Trust may decide that there are no child protection issues and the Probation Manager should be advised of the Trust's decision in writing. The Probation Manager should also notify the prisoner of this decision. Consideration should also be given to the potential for contact with children by the prisoner during periods of prison visiting. The draft NIPS Child Protection Policy for Child Visits to Prison Establishments in Northern Ireland addresses this issue.

69. Where an individual is given a custodial sentence and his victim resides in a different Trust area, the lead Trust for risk assessment will always be the Trust where the offender resides. This Trust Service Manager should liaise with the victims Trust. However, where it becomes apparent, prior to release from prison that the offender will reside in another Trust's area, the case should be transferred with all appropriate information without delay to the new Trust who will then take the lead in any further risk assessment of the victims involved and will liaise with the victim's Trust.

Transfers between Prisons

70. When a prisoner is transferred to another prison, the Prison Governor should inform the Service Manager of the relevant HSC Trust in the area where the relevant offender last resided. The Trust Manager should also be given a contact in the receiving prison for future enquiries. This information should be passed to the HSC Trust within 7 days using the form at **Appendix H**. If temporary release is being considered for a young person in the JJC then a case discussion meeting should be held at the centre. Representatives from the relevant Trust and PBNI should attend and contribute to any decisions.

Temporary Release

71. If the relevant offender was convicted of a sexual or violent offence, and consideration is being given to temporary release, the relevant LAPPP panel will consider this and make recommendations to the Prison Governor. In urgent cases a special meeting may be convened. For those under 18 years of age in the JJC or Youth Offenders Centre (YOC), the relevant guidance contained in the Regional Area Child Protection Committee Policies and Procedures should be applied.
72. For a relevant offence within the meaning of this circular, the relevant HSC Trust should be consulted whenever consideration is being given to granting temporary release or a place in a pre-release working out scheme. The Prison Probation Manager should give details of the proposed release to the Trust Service Manager and ask for the Trust's views using the form at **Appendix I**. If the relevant offender was convicted of a sexual or violent offence and consideration is being given to temporary release, the most recent

recommendations following the PPANI review should be taken into consideration. Where no PPANI review has been managed, the LAPPP panel should examine this and make recommendations. The Trust Service Manager should reply within 2 weeks from the date of receipt of notification from PBNI.

73. Any reservations raised by the Trust Service Manager should be taken into consideration by the Prison Governor and if necessary the Prison Probation Manager should arrange a further discussion of the case. The Prison Probation Manager should inform the Trust Service Manager and the PSNI of the decision as soon as possible (**See Appendix J**). Where a prisoner is likely to come into contact with his victim, where this is a child, the HSC Trust Service Manager and Prison Probation Manager should inform respective staff.
74. Each time temporary release is being considered, the level of risk posed by the relevant offender should be reassessed. The Prison Probation Manager should seek the Trust's views. If a decision is taken to release, the Prison Probation Manager should notify the relevant HSC Trust Service Manager of the dates and times of the release (**See Appendix J**). The Trust Service Manager should acknowledge receipt of the form and where necessary detail any change in circumstances. In circumstances where a relevant offender goes missing, the HSC Trust should be fully informed of developments (See Para 79).

Compassionate Temporary Release

75. Decisions to release relevant offenders temporarily on compassionate grounds are taken by the Prison Governor or Director of the JJC. It is important that any potential risk to children is fully considered and taken into account when deciding whether to release the prisoner unaccompanied, with an escort or not at all.
76. When a compassionate temporary release is being considered the timescale may not allow normal procedures to be followed. However, it is important that decisions are made quickly and that all relevant information is available to facilitate appropriate decision making. In these circumstances, the Prison Probation Manager should, as a matter of good practice, make telephone contact with the relevant HSC Trust Service Manager, or in the case of sexual or violent offenders, the Chair of LAPPP in the area to which the prisoner is to be released to seek their view on temporary release or temporary release under escort. The telephone conversation should be confirmed in writing immediately. Where there is little time to fully consider the risks that an individual may pose, the offender should be accompanied or the reasons for him/her not being accompanied during release should be fully recorded. Where consultation with appropriate agencies cannot be affected, decisions should be based on the up to date information available, with the emphasis being on escorted temporary release should there be unconfirmed concerns. **Where a**

sexual or violent offender is being released, the LAPP may already have advised the prison against any temporary unescorted release.

77. When a decision to provide temporary release on compassionate grounds for a remand prisoner is made by a Magistrate/Judge the Prison Governor or the Director of JJC will ensure that the relevant Trust Service Manager and where relevant the LAPP via the PPANI Unit, are notified so that child protection issues can be considered.

Accompanied Temporary Release

78. Prisoners/Detainees who are ineligible or unsuited for unaccompanied temporary release may, in certain circumstances, be allowed accompanied absences. In such cases, prisoners will be accompanied by a person nominated by the Prison Governor. In granting temporary release, consideration should be given to the nature and extent of any contact with a victim or his/her family.

Escapes and Failure to Return

79. Where a relevant offender escapes or fails to return from temporary release, the Prison Governor or Director of the JJC should ensure that the Police and the relevant Trust Service Manager, Prison Probation Manager or the Out-of-Hours Co-ordinator are notified without delay by telephone and that confirmation is given in writing. The Trust, Police and Probation staff should consider the child protection implications and take such steps as may be necessary to minimise any risk to a child/children. When the prisoner is returned to custody, the Police, Trust Service Manager, Prison Probation Manager and Out-of-Hours Co-ordinator should be informed.

Approaching and Following Release from Prison

80. The Prison Probation Manager will inform the relevant HSC Trust Service Manager and the Police at least 3 months before a prisoner is due for release, or in the case of short sentences, as soon as the release date is finalised (**See Appendix K**). The notification should be sent to the Trust Service Manager for the area in which the prisoner intends to live, if this is different (see definition of a “relevant Trust” at Para 14).
81. The Prison Governor will ensure that any risks identified by Social Services are notified to the Parole Commissioners, if appropriate, and considered when setting licence conditions.
82. For those in the JJC, the Trust will become aware of the impending release via their involvement in the final discharge meeting for the young person. If the Trust where the young person intends to reside is different, the Trust Service Manager in that area should also be notified.

83. Offenders convicted of sexual offences prior to 1st September 1997 (Commencement of the Sex Offenders Act 1997, now replaced by Part 2 of the Sexual Offences Act 2003) should be identified by Prison Governors and their requirement to notify and the implications of the PPANI arrangements explained to them, in accordance with relevant guidance.
84. Those convicted of sexual offences after 1st September 1997 (Commencement of the Sex Offenders Act 1997, now replaced by Part 2 of the Sexual Offences Act 2003) will have been informed at Court of their requirement to comply with the notification requirements under the Sexual Offences Act 2003 and that such requirement is mandatory if the sentence threshold is met.
85. Where the relevant offender does not have accommodation on release, the Probation Manager should liaise with the Northern Ireland Housing Executive and/or another appropriate accommodation provider regarding suitable accommodation. When the individual is a sexual or violent offender who is subject to the notification requirements, their accommodation will also be considered as part of the risk management plan for their release.

Early Release on Compassionate Grounds

86. The Secretary of State may release a prisoner on compassionate grounds at any point in his sentence. In relation to a relevant offender the procedures in paragraphs 75 - 77 should be followed, except that on occasions, given the urgency of compassionate release, the normal time-scales will not apply.

PART 5 - PROCESS FOR THE TRUST WHEN THERE ARE CONCERNS FOR A PARTICULAR CHILD OR CHILDREN PRIOR TO RELEASE OF A PRISONER

CONCERNS ABOUT A SPECIFIC CHILD/VULNERABLE CHILDREN

87. If the HSC Trust is concerned about the safety of a specific child, it should convene a Case Conference in line with Chapter 5 of Co-operating to Safeguard Children and Chapter 6 of the ACPC Policy and Procedures before the release of the prisoner. A prison psychologist and the Designated Risk Manager, i.e. Probation Manager or Governor should be invited to attend to provide information about psychological tests, sentence planning documents, discharge reports and details of appropriate treatment programmes. The prison medical officer should also be invited to attend to share any relevant information about the offender's medical records. Written reports should be provided by these professionals irrespective of whether or not they are able to attend the Case Conference. If the individual has been through the PPT process, include the designated risk officer, usually this will be the prison Governor or the Probation Officer.
88. The Trust Service Manager for the locality to which the relevant offender will be released should inform the Trust Service Manager in any other Trust area in which former victims, or children who may be especially vulnerable to the particular offender, may reside. In addition to considering the need to place a child or children's names on the Child Protection Register, the Case Conference should also make any recommendations considered appropriate for other agencies regarding the prisoner's release, and it should also establish any measures to protect the child, including, where registration takes place, the framework for the child protection plan.
89. Where the case relates to PDP/Offender convicted of a relevant sexual or violent offence (or a sexually motivated offence) this Case Conference is required in addition to the PPANI consideration of the case (For timescales of inclusion of violent offenders in PPANI, see Para 19 (b)).

RISK ASSESSEMENT FOR PERSONS CONVICTED, CHARGED OR SUSPECTED OF COMMITTING OFFENCES WHETHER OF A VIOLENT/SEXUAL OR OTHER NON- SEXUAL NATURE

90. The following applies to sexual and non-sexual abuse cases (e.g. violence, severe neglect and/or emotional abuse), including those not being dealt with under the PPANI arrangements, whether committed by an adult or a child, where:

- there are concerns that an individual who may have been held, charged or convicted of a relevant offence within the meaning of this circular, may present a risk or potential risk of significant harm to a child/children in a family or in the community; or
- where there are concerns about an individual from more than one source, or a serious concern from one source.

MULTI-AGENCY MEETING

91. A multi-agency risk assessment and management meeting may be necessary to discuss the risks to a child or children posed by an adult or child. It is considered important that, for continuity purposes, Social Services (and preferably the relevant Trust LAPPP Nominated Officer) will take the lead in arranging this meeting as they are familiar with an already established practice, i.e. the case conference process, where they provide the Chair, secretariat etc. A risk assessment meeting however can be called through contact with the lead agency by any one of the following:

- Social Services;
- Mental health Specialist
- PSNI;
- Prison Service and the Youth Justice Agency;
- PBNI; or
- NSPCC

92. Such a meeting should be considered:

- Following a case conference on an individual child;
- Where a non-custodial sentence has been imposed;
- When an offender is released from custody, prison or psychiatric hospital; or
- Where concerns are received from more than one source about an individual that creates a general concern about that person in relation to a specific child or generally in the community.

PURPOSE OF MEETING

93. Members at the risk assessment and management meeting, chaired by the Agency which calls the meeting, should include relevant professionals who have knowledge of the individual or those with the necessary expertise to make decisions on the assessed risks of an individual having contact with a child/children and make recommendations for action. They should:
- seek a view from the individual, who will not be invited to attend the actual risk assessment meeting, in advance of the meeting;
 - consider where appropriate the nature of the relevant offence;
 - consider the present/potential risks to a child /children and make recommendations to minimise them, including considering a case conference for a particular child or children;
 - consider whether the Child Protection Officer of the relevant Education and Library Board or the Council for Catholic maintained Schools should be told about the presence of a relevant offender in the area;
 - where appropriate, decide if services or treatment that might reduce the risk of offending would be appropriate and who should provide them;
 - agree with the co-ordinator, from the agency with continuing responsibility for the management of the offender, to act as a contact point for the exchange of information with the Chair of the risk assessment meeting, to alert relevant agencies to any changes of address or relationships, and to reconvene the meeting when required;
 - decide on any other action;
 - record the discussion and decisions agreed; and
 - Ensure that, in every case, an agency representative is appointed, normally from Social Services, who will be responsible for informing the relevant individual of those decisions and their implications for him. Notification to the individual concerned should be made as soon as possible but within 7 days. (There may be occasions where it is preferred that this is delegated to a representative from one of the other agencies who are known to the individual. Such a designation should be clearly recorded so that accountability is clear).

94. Risk assessment and management decisions should be based on a consensus decision by all the parties present. Where this is not possible, it should be a majority decision. All decisions must be recorded, endorsed and shared between the agencies and the individual.

INTER-AGENCY SHARING OF RELEVANT INFORMATION

95. Any agency receiving an enquiry from another agency about a relevant offender, or individual who presents a risk, should consider the requesting agency's need to have access to the information in line with its obligations under the Human Rights Act 1998 and the Data Protection Act 1998. If it is decided to inform the requesting agency, the reasons for this decision should always be recorded.
96. Information should not normally be provided to members of the public or to the media. For sexual offenders subject to the PPANI arrangements, this will be discussed at the LAPPP meeting. However the Assistant Chief Constable Criminal Justice will make the decision on whether or not the information is shared. (See PPANI guidance for more information on the principles and processes governing public disclosure for adults who pose a risk of sexual or violent harm). For violent offenders the Chief Constable will apply the public needs test to determine if the information can be released. **It is therefore important that those applying this circular communicate with the PSNI who will decide on what information can be shared.** Where a decision is taken not to share information, the reasons for this should always be recorded in writing.
97. It is the responsibility of the Agency sharing information to ensure that both victims and offenders are told what information is being shared and for what purpose. In the case of the victim, their consent should be sought where it is timely and possible to do so. In the case of the offender, they should be informed, but their consent is not required.

EMPLOYMENT OF A RELEVANT OFFENDER

98. Probation staff should obtain details of any employment or training, paid or voluntary, undertaken or likely to be undertaken by a person under PBNI supervision, who is known to have committed offences against children or vulnerable adults. In particular, staff should check whether the job applied for is a regulated position as set out in Article 31 of POCVA. If the relevant offender is included on the Department of Education Unsuitable Persons List; or the Department of Health Social Services and Public Safety Disqualification from Working with Children List; or if a relevant offender is subject of a disqualification order, it will be an offence for an employer to employ that person in a child care position, and for the individual to apply for or obtain work with children.

99. However, PBNI and NIPS should ensure that offenders with sentences of less than 12 months (which will not attract a Disqualification from Working with Children Order under POCVA) or those sentenced prior to the commencement of POCVA who are applying for jobs in a child care position, are closely monitored. .
100. Where a member of probation staff has any cause for concern that a relevant offender's employment may give them access to children, they should immediately alert the Probation Area Manger, the Assistant Chief Officer, the Assistant Chief Constable Criminal Justice and the relevant HSC Trust Service Manager. A decision should be made about whether any action is necessary to safeguard children and the information will be logged on to the NICHE system. Responsibility for decisions about the sharing of a person's data should be taken by the relevant Assistant Chief Officer in PBNI or the relevant Assistant Chief Constable in PSNI. If the employer decides to terminate the relevant offender's employment, the Area Probation Manager should recommend that the employer refer the case to the relevant Authority for consideration of inclusion of their details on the appropriate statutory list barring them from working with children, vulnerable adults or both. ..
101. Arrangements as to how to deal with a situation where a sexual or violent offender gains employment which would give them access to children already exist within the PPANI procedures (see Para 9, Page 3) and this information should be reported to the LAPPP immediately.
102. With effect from 1 April 2008, Access NI is responsible for carrying out all vetting requests within Northern Ireland. The Access NI service is provided by the Northern Ireland Office. From October 2009, the Safeguarding Vulnerable Groups legislation will introduce a registration scheme requiring all those who wish to work in a regulated activity with children or vulnerable adults to be registered with the Independent Safeguarding Authority (ISA). The ISA will extend to England, Wales and Northern Ireland. The ISA will maintain the barred lists for England, Wales and Northern Ireland and those who are included on any barred list will not be ISA registered. It will be an offence for an individual to undertake work in a regulated activity without being ISA registered. An employer of such an individual will also commit an offence if he does not check whether an individual is ISA registered before permitting them to undertake work with children or vulnerable adults

**RECORDING AN INDIVIDUAL'S DETAILS ON SOS CARE
(Social Services IT system for recording data about clients)**

103. A working group has been established within social services to consider the most effective way to record and store information about unadjudicated and convicted individuals and their movements on SOS CARE. Further guidance regarding a regional approach to this matter will be issued at a later date.

**CHANGE OF ADDRESS OF A RELEVANT OFFENDER WHO IS
REQUIRED TO NOTIFY PSNI OF THEIR ADDRESS ON RELEASE AND OF
SUBSEQUENT CHANGES**

104. Under the PPANI procedures, where a relevant offender notifies the Police of a change of name and/or address under the requirements of the Sexual Offences Act 2003, the Police should advise the Trust Service Manager in the HSC Trust area to which he has moved. Details of the offender's previous and new addresses should be made available to the Trust. The Trust Service Manager should consider the need to convene a case conference if it is thought that a particular child or children may be at risk of significant harm. The Police should consider the need to convene a risk assessment meeting of the LAPPP or a meeting defined in paragraphs 91 – 94.
105. Probation Board does not have responsibility for all released prisoners. However, where a relevant offender, who is not required to comply with the notification requirements of the Sexual Offences Act 2003, but is in the community and subject to Probation Board supervision changes address, the Probation Board, in accordance with their own child protection policies and procedures, should notify the relevant HSC Trust Service Manager of any new address to which the relevant offender intends to go either on pre-release leave or discharge (**See Appendix L**).
106. Occasionally released prisoners may change their name or use several aliases. This can be difficult to detect or prove. Those applying this circular should be mindful of this possibility and report any concerns to PSNI without delay.

MOVEMENT TO A DIFFERENT HSC TRUST AREA

107. Where a HSC Trust Service Manager becomes aware that a relevant offender about whom there are concerns takes up residence in another Trust area, or has moved into his or her area, the Service Manager should liaise with the Service Manager in the relevant Trust area. Any relevant case papers regarding the individual should be shared with the Service Manager.

108. The Service Manager of the Trust area to which the individual has moved should:
- consider the need to convene a case conference to discuss child protection issues; and if the case conference is considered necessary
 - arrange for Social Services' staff that were included in earlier case conferences or risk assessment meetings to be present.
109. When Social Services' staff become aware that a relevant offender about whom there are concerns has changed his name /and or address, or is using different aliases, they should immediately inform the Trust Service Manager. The Trust Service Manager should urgently advise the CAIU Detective Inspector of the change of name/address or the aliases being used. Where a sexual or violent offence is involved, the PSNI should consider the need to convene a risk assessment meeting of the LAPPP.

TRACING OFFENDERS

110. Circumstances may arise whereby a relevant offender changes address without prior notification to any of the statutory agencies with a legitimate interest in monitoring his or her residence arrangements. If under supervision, PBNI will apply for a warrant for his/her arrest. If under PPANI arrangements, the case should be discussed at a LAPPP meeting as a matter of urgency.
111. In these instances the PSNI Inspector of the District Command Unit Sector in the area where the individual was last known to be resident will be responsible for attempting to locate the whereabouts of the individual.
112. In addition, consideration will be given to whether any offence has been committed by an individual in failing to notify a change of address under the registration requirements of the Sex Offences Act 2003.

ADMISSION TO HOSPITAL

Serving Prisoner

113. The sharing of information between hospital staff responsible for relevant offenders in their care, and other agencies responsible for the protection of children, is vital. When a relevant offender is admitted to hospital under a Hospital Order, a designated senior manager in the hospital should notify the relevant HSC Trust Service Manager, the Prison Probation Manager (acting on behalf of the Prison Governor)and PSNI, using **Appendix M**.

114. When a relevant offender is admitted either for emergency or planned short term treatment the hospital will be notified by the Probation Manager, of the status of the offender and this will enable them to make appropriate decisions about management and security during their stay in hospital.
115. When a relevant offender is transferred from prison to a psychiatric hospital under a Transfer Direction, the Prison Probation Manager (acting on behalf of the Prison Governor) should notify the relevant HSC Trust Service Manager using **Appendix N**, and should indicate whether or not a restriction order applies.
116. When mentally disordered offenders are admitted to hospital under a hospital order with a restriction order or transferred from prison with a restriction direction they are not allowed leave outside the hospital etc without the authority of the Secretary of State (SoS). The offender would also not be discharged without reference to the SoS.
117. Under Article 44(1) (b) of the Mental Health (NI) Order 1986, the Court has the power to “place an individual under the guardianship of the Board or an authorised HSC Trust of such other person approved by a Board or HSC Trust.” When, on conviction, a HSC Trust is named as guardian of a relevant offender, the Trust Service Manager and Probation Manager should be notified.

TRANSFER TO ANOTHER HOSPITAL

118. When a relevant offender is transferred from one psychiatric (or other) hospital to another, the relevant receiving HSC Trust Service Manager should be notified by the Trust where the original hospital is situated, prior to the transfer.

OFFENDER ABSCONDS FROM PSYCHIATRIC (OR OTHER) HOSPITAL

119. When a relevant offender absconds from a psychiatric (or other) hospital, a designated senior manager in the hospital should inform the Police, Probation Manager and the HSC Trust Service Manager/Out-of-hours Co-ordinator immediately. Notification should be followed up in writing.

LEAVING HOSPITAL

120. If a relevant offender is to be granted leave of absence, or is to be discharged, hospital staff should notify the relevant HSC Trust Service Manager, the Probation Manager and the PSNI. Information to be provided will be similar to that in **Appendix I**. Hospital staff should also take account of Circular HSS (DMHU) 1/97 - the guidance on the Sex Offenders Act 1997. (DN: The Sex Offenders Act 1997 Act has been repealed by the Sexual Offences Act 2003, however the procedures set out in (DMHU) 1/97 still apply)

121. When considering home leave/discharge, staff should follow the guidance in HSS Circular 2004 (Discharge from Hospital (or Prison) and the Continuing Care in the Community of People with a Mental Disorder who could represent a risk of serious physical harm to themselves or others). This provides guidance on assessing risk and providing support in the community.

PART 6 - CHALLENGE AGAINST THE APPLICATION OF THE INFORMATION SHARING ARRANGEMENTS IN THIS CIRCULAR

Individuals Convicted of a Relevant Offence

122. When a prisoner is committed to prison on remand, or sentenced for a relevant offence, the Prison Governor will inform the prisoner at the initial committal stage that because he has committed a relevant offence, the procedures set out in this circular will be operated during his sentence. If the prisoner contends that his offence does not fall within the remit of the relevant offences, as listed at appendix A of this circular, he should bring this to the attention of the Prison Probation Manager for review.
123. Notwithstanding the principles outlined at paragraph 10 of this circular, if the prisoner contends that, although he has committed a relevant offence as set out in this circular the procedures contained in this circular should not apply to him and he wishes to challenge this decision, he should do so via the relevant Trust's complaints process. If after exhausting the Trust complaints process the individual is still dissatisfied, he can apply to the Commissioner for Complaints and ultimately for a Judicial Review in the High Court.

Unadjudicated Individuals

124. Information about unadjudicated individuals should be shared on a need to know basis (See Information Sharing Protocol). The individual should be notified of the action being taken to share information about him or her and of his/her right to pursue a complaint through the sharing Agency's complaints process. If after exhausting the internal complaints process the individual is still dissatisfied, he can write to the Commissioner for Complaints.