

Section 12 – Managing Individuals who pose a Risk of Harm to Children

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Report

## INTRODUCTION

12.1 The purpose of this section is to provide an overview of the processes/systems for dealing with adults/young people who are believed to constitute a risk to children. It is acknowledged that they cannot provide absolute protection.

12.2 Also refer to the Durham LSCB [Assessment, Intervention and Moving On \(AIM\) Procedures](#).

12.3 The decision-making involved in the assessment of risk and its management can prevent re-offending but it is not infallible. The concept of defensible decision-making is crucial and the key criteria are:

- all reasonable steps have been taken;
- reliable assessment methods have been used;
- all available information held by agencies has been collated and thoroughly evaluated for accuracy and relevancy;
- decisions are recorded (and subsequently carried out);
- policies and procedures have been followed; *and*
- practitioners and their managers adopt an investigative approach and are pro-active.

12.4 Information sharing and disclosure underpin robust risk assessment and management. This process must be informed by the following:

- It is necessary for the purpose of assessing and managing risk;
- It is proportionate and carried out in ways to ensure the safety and security of the information shared; and
- The sharing is accountable.

## SHARING INFORMATION TO PROTECT OTHERS

12.5 Written consent from the offender is not required if the information is being shared in order to protect:

- Children
- Vulnerable adults;
- Public Protection.

12.6 Guidance on information sharing is also given in the [County Durham Protocol for Working Together in the Delivery of Services to Adults & Children](#) (January 2010).

12.7 When considering disclosure within a legal framework the following should be considered:

- Is there an alternative route to achieve the desired outcome/are there statutory grounds to remove the offender?
- Can the offender be asked to make a self-disclosure? This should not be relied upon to protect children. It is crucial that carers and relevant professionals have sufficient understanding of the offence and risks to be able to protect children with whom the offender has contact.

12.8 All staff who produce risk assessments in relation to offenders need to ensure that these are appropriately shared and clarified with other agencies involved. This is particularly important where several agencies are involved and clarification of risk is crucial to understanding the implications for children and young people who have contact with the offender.

12.9 Staff from Safeguarding and Specialist Service need to take responsibility to understand 'levels of risk' as detailed in other agencies' assessments and understand the relevance in relation to child protection.

## **CHILD PROTECTION & PUBLIC PROTECTION INTERFACE**

12.10 It must be noted that child protection arrangements exist to manage the risks to children and young people, whether or not they are perpetrators. Public protection arrangements exist to manage the risks from potentially dangerous individuals, whether or not they are children or young people. (Note that a person is a child until he or she is 18 years old). Therefore, some individuals will be dealt with within both structures.

12.11 It must be understood that both public protection and child protection are statutory requirements and both management processes ensure that prompt action is taken to protect potential victims. Where the concerns relate to specific identified child victims or potential child victims, **child protection procedures should be instigated immediately**, in order to ensure that the protection of children at risk is addressed without delay.

12.12 It is imperative that all agencies dealing with adults who are convicted or are assessed as posing a risk to children, proactively ask questions about their contact with children particularly children who are members of the family.

12.13 Any assessments undertaken in relation to the safety of others should take account of any change in circumstances that may affect their protection.

## DEFINITIONS

- 12.14 A 'potentially dangerous person' is one who presents a risk of serious harm to children or adults.
- 12.15 A 'risk of serious harm' is generally defined as a risk which is life threatening or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible.
- 12.16 A 'relevant conviction' means an offence as outlined by Section 327 of the MAPPA Guidance and other offences, which indicate that the offender is capable of causing serious harm to the public.
- 12.17 The 'criteria' refers to the categories of offender included within MAPPA.

## RECOGNITION/TRIGGERS

- 12.18 The term 'Schedule One offender' is no longer used and has been replaced with 'Risk to Children'. This clearly indicates that the person has been identified as presenting a risk or potential risk of harm to children.
- 12.19 Individuals who have been convicted of a schedule one offence Children and Young persons Act 1933 may or may not pose a further risk to children. Where as some offending behaviour will automatically result in them being identified as a risk to children others will not.
- 12.20 Interim guidance ("Guidance on Offences against Children") has been issued explaining how those people who present a potential risk or risk of harm to children should be identified. It includes a list of both current and repeated offences and is not exhaustive. This is due to the fact that many offenders will have been convicted prior to the introduction of new legislation. These offences should trigger further assessment in relation to determining whether an offender should be regarded as presenting a continued risk of harm to children. This list is included in Appendix 1.
- 12.21 Not all convicted/cautioned individuals will pose a risk to children. There will also be cases where a person without a conviction may pose a risk to children. Some of the offences may only indicate a risk to children in certain circumstances. Again, practitioners need to exercise their professional judgement in these instances.
- 12.22 Indicators of people who may pose a risk to children include:
- those found guilty of an offence under Schedule One of the Children and Young Persons Act 1933;
  - individuals known to have been cautioned/warned/reprimanded in relation to an offence against children;

- individuals against whom there is a previous finding in civil proceedings, e.g. Sex Offender Order or care proceedings;
- those about whom there has been a previous Section 47 Enquiry which came to the conclusion that there had been abuse;
- an individual who has admitted past abuse of a child;
- others whose past or present behaviour gives rise to a reason to suspect that a child may be at risk of significant harm, e.g. a history of domestic abuse and other serious assaults;
- offenders against adults who are notified to the Local Authority, because the Prison or Probation Services are concerned about the possible risk to children;
- offenders who come to the attention of the MAPPA.

## **NOTIFICATION TO DURHAM LSCB**

12.23 Durham LSCB should be notified of adults and young people who are cautioned, convicted, or have been assessed as likely to pose a future risk to children and young people – mandatory reports only relate to those offenders who have served/are serving a custodial sentence. It is considered good practice locally that the Police and Probation Service inform the Custodian of the Child Protection List of any person, charged or sentenced for an offence against a child. The information is logged on SSID (Social Services Information Database) producing a flagged warning. Searches on SSID will only advise of the flagged warning. The details are held by the custodian of the Child Protection list and will only be shared for the purposes of child protection. Such information will automatically result in a referral to Initial Response Team.

## **RESPONSE**

12.24 Notification or discovery of someone who poses a risk to children in the community must be treated as a Child in Need of Protection referral.

12.25 A Section 47 Enquiry must be initiated if the offender/person, who poses a threat, is living in a household with children, has contact with children or poses a risk to children in the area.

12.26 Checks (including the Prison Service that may hold important information) must be undertaken to establish:

- any children believed to have been abused by the individual in the past;
- other children who are believed to have been in contact with the individual in the past and may therefore have been at risk;
- children with whom the individual is currently in contact in a family or work/voluntary setting;
- children (or groups of children) with whom the individual may seek contact, such as children attending a school located near the home of an offender known to target such children.

12.27 All assessments of risk must consider the:

- needs of the children affected;
- level and pattern of abusing or offending behaviour, including behaviour thought to have occurred but which has not led to a criminal conviction;
- level of protection, which is likely to be provided by other significant adults;
- ability of the young people to protect themselves.

12.28 A Child Protection Conference must be convened if the threshold criteria are met and if any child/ren require continuing protection, therapeutic intervention or family support services.

## **ASSESSMENT OF YOUNG PEOPLE ACCUSED, FINALLY WARNED OR CONVICTED OF AN OFFENCE INDICATING A RISK TO CHILDREN**

- 12.29 There is a need to distinguish between those young people under the age of 18 who are pose a significant risk to children and those where the circumstances of the offence do not indicate ongoing child protection concerns, e.g. unlawful consensual sexual intercourse between parties of a similar age.
- 12.30 If the Police receive a referral, they will make immediate enquiries and decide on the most appropriate course of action. This may include invoking the child protection procedures and/or the inter-agency risk management arrangements (see below), depending on the circumstances of the case.

### Identification Process

- 12.31 At all stages in the child protection process, there should be consideration about whether or not an individual poses a risk, either to the children currently identified, or to others, whether children or adults.
- 12.32 The need for referral into the Public Protection system should be considered as part of all child protection meetings and other processes.
- 12.33 Both the Police and the appropriate worker from YOS must notify Safeguarding & Specialist Services whenever a young person has been convicted of an offence which may indicate that they might pose a continual risk to children and assess if there is immediate risk to any child/ren in the household or community.
- 12.34 The relevant Safeguarding Team Manager must decide whether there is any immediate action necessary to protect the children.
- 12.35 Within ten working days of conviction, the YOS worker must:
- inform the young person and his/her family of the implications of this offence being designated a “risk to children” offence;
  - submit a report to the relevant Safeguarding Team Manager, outlining the context of the offence, available evidence, age differential between the young people, triggers to the offending, substance misuse and mental health issues;
  - recommend whether or not the child protection procedures should be invoked (the pre-sentence report and ASSET assessment should be attached).
- 12.36 The Safeguarding Team Manager must consider whether a child protection enquiry or Initial Assessment should be commenced.

- 12.37 If the Safeguarding Team Manager concludes further assessment is not required, a recommendation must be made to the Head of Safeguarding & Specialist Services that the procedures should not be applied and the young person should not be treated as a risk to children by Safeguarding & Specialist Services. If authorised, the decision must be recorded on both Safeguarding & Specialist Services and YOS files.
- 12.38 Where a young person is convicted of any sexual or violent offence and receives a 12 month or longer custodial sentence then the Victim Liaison Officer who works for the Probation Service must be informed, as it is their legislative duty to contact these victims. They will require advance notice of all home/town visits, release plans. They can be contacted at:

Victim Liaison Officer  
Probation Office  
Greenwell Road, Newton Aycliffe,  
County Durham  
DL5 4DH  
Tel. No.: 01325 315 444

- 12.39 Where there are convictions for sexual offences, there may be a requirement for registration on the Sex Offender Register. In these circumstances, contact must be made with the Police Public Protection Unit as soon as possible. The relevant member of the Vulnerability Unit will then require involvement with and access to YOS reports, Safeguarding & Specialist Services assessments and recommendations. Referral to Public Protection meetings (Risk Management Meetings, Multi-Agency Public Protection Panels) must be considered and decisions recorded on file. The YOS report and any Safeguarding & Specialist Services assessment and recommendations will be considered at the MAPPA.

## **ARRANGEMENTS FOR OFFENDERS WHO ARE, OR ARE POTENTIALLY, A RISK TO CHILDREN REGARDING COURT APPEARANCES, BAIL, COMMUNITY SENTENCES**

### Remands on Bail

- 12.40 The Probation Bail Information Officer/Court Liaison Officer or YOS Bail Officer will notify the Custodian of the Child Protection List if someone charged with a “Risk to Children” offence is remanded on bail to an address where there are known to be children.

### Report Stage

- 12.41 The Probation Officer will contact Safeguarding & Specialist Services to make sure that any report recommendations take child safety and welfare issues and plans into consideration.

Community Sentences/"Risk to Children" Offenders released into the Community from Court

- 12.42 When a person who poses a risk to children receives a community sentence or is released back into the community from court for any other reason, the Probation Service will notify the Custodian of the Child Protection List immediately.
- 12.43 When a person who poses a risk to children has contact with a child subject to a Child Protection Plan, the Probation Officer will work closely with the Keyworker and the Core Group.
- 12.44 If a Risk to Children offender goes to live in a household where there are children, the Probation Service will notify the Custodian of the Child Protection List.
- 12.45 When a person who poses a risk to children is considering employment where children would be put at risk, the supervising officer has a duty to intervene.

**ARRANGEMENTS WHEN A PERSON WHO POSES A RISK TO CHILDREN RECEIVES A CUSTODIAL SENTENCE**

- 12.46 This guidance is based on the arrangements outlined in "Release of Prisoners Convicted of Offences Against Young Children or Young Persons Under the Age of 18"; Guidance Notes of Instructions to Governors 54/1994.

On Arrival at Prison

- 12.47 The Prison Service will notify the Custodian of the Child Protection List and the Probation Service within two weeks of initial reception if at all possible that the prisoner has been received into custody.
- 12.48 The prisoner will be notified that he/she has been classified as a person who poses a risk to children within two weeks of initial reception. The prisoner will also be told that Safeguarding & Specialist Services and Probation Service have been notified that he/she is in custody and in due course will be consulted about and notified of the prisoner's release plans.
- 12.49 There may be a rare case which the Prison Service consider that child protection issues have not been involved in the commission of a risk to children offence and that these arrangements do not need to be applied in respect of a particular offender. In this instance, the prison will consult with the appropriate Safeguarding & Specialist Services. Only after the prison has received a letter, signed by the Safeguarding Team Manager giving reasons which support this view, will the arrangements not apply.

### Prison Transfers

- 12.50 When a prisoner is transferred between establishments, wherever possible the sending prison will notify the Custodian of the Child Protection List and the Probation Service in writing of the impending transfer. If, for any reason, this action has not been completed before the prisoner has been transferred, staff at the receiving prison will take the required action.

### Temporary Release, Parole, Transfer to Open Conditions

- 12.51 When a person considered to be a risk to children is being considered for temporary release, parole or transfer to open conditions, the view of Safeguarding & Specialist Services and Probation Service must be obtained by the prison.
- 12.52 Consultation will be by means of letters from the prisons to the Probation Service and Safeguarding & Specialist Services. The supervising Probation Officer will co-ordinate the report to the prison and will liaise with the appropriate Safeguarding Team to seek their views.
- 12.53 Where a prisoner is being considered for parole, the supervising Probation Officer who prepares a parole assessment report may include recommendations about special conditions.
- 12.54 Safeguarding & Specialist Services and the Probation Service will be informed by the prison as soon as possible of the outcomes of consultations as well as notified of repeat temporary releases and home leaves.

### Escorted Absence

- 12.55 Where a prisoner on escorted absence is likely to come into contact with the victim(s) of his/her risk to children offence, the Custodian of the Child Protection List and the Probation Service will be informed by telephone and confirmed in writing by the prison.
- 12.56 In such an event, Safeguarding & Specialist Services and the Probation Service will consider the implications with regards to the protection of children and young people and where necessary take such steps to safeguard any children or young people who may be at risk from the prisoner.

### At End of Sentence

- 12.57 Towards the end of sentence, wherever possible, the Custodian of the Child Protection List and the Probation Service will be notified by the prison at least six weeks before a prisoner is due to be released. These arrangements also apply to prisoners released from court or police cells.
- 12.58 On receipt of notification of impending discharge of a person who poses a risk to children, Safeguarding & Specialist Services will decide what, if any, action needs to be taken in line with the statutory duty to investigate where they have reasonable cause to believe that the child is likely to suffer significant harm and to assess the needs of the child.
- 12.59 On receipt of notification of the impending discharge of a person who poses a risk to children, the Probation Service will, where appropriate, and when known, consider the whereabouts and concern of the victim(s) and their family or families. They will consult as necessary with Safeguarding & Specialist Services on the risks to children and contribute to the release plans of individual prisoners.
- 12.60 If the prisoner is to be subject to a period of supervision in the community after discharge, the Probation Service will also make recommendations on any additional conditions to be attached to the prisoner's licence.

### **VICTIMS' CHARTER ISSUED BY THE HOME SECRETARY UNDER SECTION 32 OF THE DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004**

- 12.61 This code of practice governs services to be provided to victims of criminal conduct. Victims were given the right to be consulted by the Probation Service in life sentences and other cases involving serious violent or sexual assault. Since 1995, this has included all offenders serving four or more years for a sexual or violent offence. When release is being considered, victims are asked for their views. Conditions may be inserted into licences to help manage any risk they pose to victims.
- 12.62 The responsibility of the Probation Service has been enlarged to include all victims where the offender has been sentenced to 12 months or more for a sexual or a violent offence. In Durham, this is managed by the Victim Liaison Unit, a specialist unit of the Probation Service, jointly with Victim Support.

## REGISTER OF SEX OFFENDERS

- 12.63 The Sexual Offences Act 2003 requires those who are cautioned or convicted of specified sexual offences against a child (or certain very serious sexual offences against a child; or certain very serious sexual offences against adults) to inform the Public Protection Unit of changes of name and address for a given period of time.
- 12.64 All agencies must inform the Vulnerability Unit/Police if they are aware of a Sex Offender who has changed their address, or is planning to move, without informing the Public Protection Unit.
- 12.65 The above applies to offenders under the age of 18 if they have been reprimanded, given a final warning or convicted. See MAPPA Guidance for Youth Offending Teams.

## MAPPA

- 12.66 The Multi-Agency Public Protection Arrangements (MAPPA) grew out of the closer working relationship that developed between the Police and Probation Service in the late 1990's in response to the Sex Offender Register 1997. The Youth Justice Board has produced MAPPA guidance for Youth Offending Teams.
- 12.67 These arrangements were embedded on a statutory basis with the implementation of Sections 67 and 68 of the Criminal Justice & Court Service Act 2000. The Criminal Justice Act 2003 strengthened these arrangements and mandated the Prison Service to join the Police and Probation Service (acting jointly as the "Responsible Authority") to:
- establish arrangements for assessing and managing the risks posed by Sex and Violent Offenders;
  - to review and monitor the arrangements; and, as part of the reviewing and monitoring arrangements;
  - to prepare and publish an annual report of their operation.

### MAPPA Offenders

- 12.68 There are principally three categories of offender who fall within the MAPPA:
- i. Registered Sex Offenders (RSOs), that is those Sex Offenders required to register under the terms of the Sex Offenders Act (1997) and its amendments;
  - ii. Violent Offenders and those Sex Offenders who are not required to register; *and*

- iii. Any other offender who, because of the offences committed by them (wherever they have been committed) is considered to pose a risk of serious harm to the public.

12.69 The 'criteria' of the categories of offender included within MAPPA are:

- **Category 1 - Registered Sex Offenders** (convicted or cautioned since 1 September 1997 or in custody for a like offence at that point in time).
- **Category 2 - Violent and other Sex Offenders** (sentenced to 12 months or more imprisonment since 1 April 2001 or in custody for a like offence at that time and currently subject to post-release licence supervision).
- **Category 3 - other offenders** (other offenders considered by the responsible authority to pose a risk of serious harm to the public).

### **ASSESSMENT OF THE RISK OF SERIOUS HARM**

12.70 The National Offender Management Service (NOMS) assess risk of harm using the Offender Assessment System (OASys). The Youth Justice Board use ASSET for under eighteen year olds. The following describe each level of risk:

- Low: no significant, current indicators of risk of harm.
- Medium: there are identifiable indicators of risk of harm. The offender has the potential to cause harm but is unlikely to do so unless there is a change in circumstances, e.g. failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse.
- High: there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.
- Very high: there is an imminent risk of harm. The potential event is more likely than not to happen imminently and the impact would be serious.

12.71 Risk is categorised by reference to who may be the subject of that harm. This includes children who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional harm or neglect. In this context, MAPPA will work closely with the LSCB to ensure the best, local joint arrangements can be made for any individual child being considered by either setting.

## Managing Risk

12.72 This will include monitoring attitudes and behaviour of the offender and to the need to intervene in their life in order to control and minimise the risk of serious harm to others.

12.73 The MAPPA framework identifies three separate, but connected levels, at which risk is managed:

- **Level 1**  
MAPPA activity at Level 1 involves a single-agency, most commonly the Probation Service, managing an offender without the active or significant involvement of other agencies.
- **Level 2**  
Referral to this level is made where the active involvement of more than one agency is required. Some offenders posing the highest risks can be managed through referral at Level 2 to a Risk Management Meeting where the management plans are less complex and do not require the commitment of resources at a senior level. No one term is used to describe meetings to consider at Level 2.
- **Level 3**  
Level 3 activity meetings are known in all areas as the Multi-Agency Public Protection Panel (or MAPPP). The few (the 'critical few') cases referred to the MAPPP are those of offenders who pose the highest risks of causing serious harm or whose management is so problematic that multi-agency co-operation at a senior level is required.

12.74 The purpose of Public Protection Meetings is to work in partnership by:

- sharing information about those considered to pose significant risk to public safety;
- agreeing appropriate inter-agency responses;
- developing and monitoring effective risk management plans to minimise risk from Sex Offenders and other individuals who pose a significant risk to children and other vulnerable individuals.

12.75 Referrals to Public Protection Meetings should be made when an agency becomes aware of an individual fulfilling the criterion, defined by s68 Criminal Justice & Court Services Act, of being a "sexual and violent offender or someone who has committed offences and who may cause serious harm to the public".

12.76 If the above criteria are not fulfilled it is the responsibility of the individual agency to supervise the offender with appropriate reviews.

### Referral Route

- 12.77 For individuals who **have a relevant conviction**, risk management will be undertaken via Multi Agency Public Protection Arrangements. A Multi-Agency Public Protection Referral form available from the MAPPA Administrator at Probation Headquarters should be completed by the nominated person and submitted to the MAPPA Co-ordinator. Depending on the assessed level of risk, management may be by one agency, or by the active involvement of more than one agency or by a Multi-Agency Public Protection Panel. The police link for MAPPA is the Sergeant in the Police Public Protection Unit.
- 12.78 Whichever route is taken, child protection issues should **also** be considered at every stage of the public protection/risk management process and a decision made at each MAPPA meeting as to whether or not a referral into the child protection system is required.
- 12.79 Within County Durham, an invitation will be sent to relevant professionals, to attend a MAPPA meeting. When there has been Safeguarding & Specialist Services involvement with a linked family or the offender, a worker with knowledge of the case, whether it is open or not, will be asked to attend.
- 12.80 It is vital that a representative from Safeguarding & Specialist Services attend the meetings so that any risk can be identified at an early stage and work on a multi-agency basis can commence.
- 12.81 When a case is identified to require consideration under the MAPPA process from Safeguarding & Specialist Services, then a referral form should be completed and discussed with the relevant manager as a gate keeping process to ensure that referrals are appropriate.

### Other Processes & Mechanisms

#### *Offending Behaviour Programmes*

- 12.82 Rehabilitation of offenders is the best guarantee of long-term public protection. A range of treatment programmes have been 'tried and tested' at national level, which have been developed or commissioned by the Prison and Probation Service. Examples include, Sex Offender Treatment Programmes, programmes for offenders convicted of internet sexually related offences, and for perpetrators of domestic abuse.

**SAFE RECRUITMENT & SELECTION AND THE MANAGEMENT OF ADULTS WHO WORK WITH CHILDREN REFER TO SECTION 6 – SAFE WORKFORCE AND APPENDIX 5 OF THESE PROCEDURES**

- 12.83 All organisations which employ staff or volunteers to work with children should adopt a consistent and thorough process of safe recruitment in order to ensure that those recruited are suitable.
- 12.84 These procedures comply with the safe recruitment recommendations of the Bichard Inquiry published in 2004, but they do not cover all issues relating to safe recruitment and employment issues. Durham LSCB should, therefore, help and encourage all of their member organisations to implement safe recruitment and selection practices by providing access to relevant government guidance, examples of good practice guidance, and model policies and procedures where needed.
- 12.85 Safe recruitment practice should include those persons who may not have direct contact with children, but because of their presence will still be seen as safe and trustworthy. The principles of safe recruitment should, therefore, be included in the terms of any contract drawn up between the organisation and contractors or agencies that provide services for, or adults to work with, children for whom the organisation is responsible. The organisation should monitor compliance with the contract which should also include a requirement that the provider will not sub-contract to any personnel who have not been part of a safe recruitment process.
- 12.86 All organisations involved in the selection of adults to work with children should ensure that designated staff undertake safe recruitment training as offered by the LSCB's training programme, and other training specific to their organisation where available, e.g. National College of School Leadership on-line training for Local Authority designated staff, head teachers and governors.

**VISITS BY CHILDREN TO HIGH SECURE HOSPITALS & PRISONS**

Child Visits to certain Types of Prisoners

- 12.87 This procedure has been produced in response to a Home Office Instruction to Prison Governors PSO 4400.
- 12.88 The procedure sets out a range of measures to minimise the risk that certain prisoners, particularly those convicted of or charged with sexual offences against children, may present to children during prison visits.
- 12.89 All prisons are required to have in place risk assessment systems for the immediate identification of both remand and convicted prisoners, who may pose a potential risk to children. The type of offence(s) with which the person is charged or convicted informs this assessment.

- 12.90 Some prisoners may be assessed as falling within a risk category even though they have not been charged with a sexual offence, e.g. they have been found in possession of child pornography.
- 12.91 Prisoners can only be visited by children who are on an approved list of children allowed to visit. The written permission of the Prison Governor needs to be obtained before authorisation is granted to any child visiting such a prisoner. Permission will only be granted after a risk assessment has been undertaken and the views of Safeguarding & Specialist Services obtained. All children visiting such a prisoner must be accompanied by an adult throughout the visit. Visits Staff are expected to be aware, at all times, of the vulnerability of children within the Visits Area and of the potential danger these prisoners may pose.

### Responsibilities

- 12.92 The LSCB Admin Co-ordinator is responsible for undertaking checks and relevant information specified in the procedure.
- 12.93 The Team Manager is responsible for making necessary enquiries, debating concerns with the Prison involved and taking appropriate actions to ensure the child's safety and protection.

### Initial Enquiry

- 12.94 The Prison Service will send notification of the relevant form to the Custodian of the Child Protection List that a prisoner has made a request for a child to visit. If there is more than one named child a separate form should be used for each child.
- 12.95 When Prisons from outside the County make a request, they may use a different form. The LSCB Admin Co-ordinator should enter details of the enquiry on the computer information system.
- 12.96 The LSCB Admin Co-ordinator will check the Child Protection List and computer information system to see if the child is known to Safeguarding & Specialist Services. If the child is not known to the department, the LSCB Admin Co-ordinator will pass the form to Initial Response Team and a referral should be made. If the child is currently known to Safeguarding & Specialist Services, the LSCB Admin Co-ordinator will pass the form to the relevant Team Manager.

### Team Manager

12.97 Once notification has been received by a Team Manager that a request has been made for a child/ren to visit a prisoner the Team Manager will:

- convene a Strategy Meeting after completing normal checks under the child protection procedures. The prescribed timescales do not apply in this situation, as permission to visit will not be authorised until the Prison Governor has been notified of the views of Safeguarding & Specialist Services;
- inform the Police Officer who will attend the Strategy Meeting of the need to carry out relevant Police National Computer checks before the meeting;
- invite the Prison Through Care Manager to the Strategy Meeting and if unable to attend, they should be requested to provide an updated risk assessment;
- complete the Prison Notification Form and forward to the Prison Governor;
- initiate further action as necessary.

### High Secure Hospitals

12.98 Patients in High Secure (formerly known as special) Hospitals can receive visits from specified children provided after assessment and consultation this is considered to be in the child's best interests. Safeguarding & Specialist Services must assist hospital staff to carry out their responsibilities in relation to the assessment – guidance is contained in Local Authority Circular (1999) 23 subsequently amended by Local Authority Circular (2000) 18.

### Role of Hospital Staff

12.99 Any request for a visit is delegated to a nominated officer within the Hospital who must contact a person with Parental Responsibility for the child to establish:

- whether that person consents to the visit;
- the relationship of the child to the patient;
- who will accompany the child during the visit (must be a parent, relative, foster carer or Safeguarding & Specialist Services staff member);
- that they are aware of the need for a social work assessment.

12.100 The nominated officer is responsible for ensuring that a current clinical assessment of the patient is undertaken and whether or not clinical findings are supportive of the visit. If the person with Parental Responsibility agrees to the visit and clinical assessment is supportive a referral must be made to Safeguarding & Specialist Services (if the child is resident in Durham). The referral must include a copy of the clinical assessment.

#### Role of Safeguarding & Specialist Services

12.101 Upon receipt of the referral the Custodian of the Child Protection List must be informed of the request. Safeguarding & Specialist Services must undertake an assessment that is formalised in a report to the nominated officer at the Hospital within a month. The assessment must establish:

- whether there has been alleged or confirmed abuse of the child by the patient;
- the child's wishes and feelings about the proposed visit;
- the nature/quality of the child's relationship with the patient both currently and prior to admission;
- the views of all those with Parental Responsibility and, if different, those with day to day care of the child;
- future risks of significant harm to the child if the visits take place;
- the appropriate frequency of contact;
- who would accompany the child on the visit and the nature of this relationship.

#### Report

12.102 The report must conclude with an assessment about whether or not the visit would be in the child's best interests. Even if there is a positive recommendation the final decision rests with the nominated officer.

12.103 The nominated officer has the right to refuse a visit if there are concerns about the patient's mental health at the time of the planned visit. The reason for refusing a visit must be explained to the patient, the person accompanying the child and, if appropriate, the child.