



INFORMATION SHARING AGREEMENT

ASSESSMENT, REFERRAL AND MANAGEMENT OF OFFENDERS IN THE
COMMUNITY WHO POSE A RISK TO CHILDREN

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Introduction

This is an agreement between Derbyshire Probation Trust and Derbyshire County Council – Children and Younger Adults Department and Derby City Children and Younger Adults Department, to share information for the purpose of preventing risk of serious harm to children.

This will include the sharing of information relating to both offenders who pose a risk to a specified child; and, to those who present a medium or high risk of harm to unspecified children.

This Information Sharing Agreement should be read in conjunction with Derbyshire Probation Trust’s “Additional Procedures and Guidance for the Assessment, referral and management of offenders in the community who pose a risk to children,” which is reproduced as Appendix B to this document.

The Framework Information Sharing Agreement and Practitioners Guidance of the Derbyshire Children and Young People’s Trust V2.4 (February 2007) is acknowledged, and this agreement is designed to put into practice some of the principles of that agreement.

This agreement has been created in accordance with the framework and principles set out in the Derbyshire Partnership Forum Information Sharing Protocol.

1. Partners, and Partner Responsibilities

1.1 Partners

1.1.1 The Partners to this agreement are as follows:

Derbyshire Probation Trust
Derbyshire County Council – Children and Younger Adults Department
Derby City Children and Younger Adults Department

1.2 Responsibilities

1.2.1 It will be the responsibility of each signatory to ensure that:

- realistic expectations prevail from the outset;
- compliance issues that may arise are dealt with consistently;
- ethical standards are maintained;
- a mechanism exists by which the flow of information can be controlled;
- appropriate training is provided;
- adequate arrangements exist to test adherence to this agreement and that data protection and other relevant legislative requirements are met.

2. Purpose

2.1 The purpose of this agreement is to identify the arrangements under which the Partners will share information to facilitate the prevention of risk of serious harm to a particular child or children generally.

2.2 The purpose of this information sharing agreement is consistent with the 'Objectives and Defined Purpose' as defined in the Information Sharing Agreement and Practitioners Guidance of the Derbyshire Children and Young People's Trust V2.4 (February 2007), which is to improve the speed and efficiency of information sharing between members of Derbyshire Children and Young People's Trust to ensure children and young people receive the services they need. This is supported by the following:

- Children Act 2004 Sections 10 (Duty to co-operate to improve the welfare of children) and 11 (Arrangements to safeguard and promote welfare).
- Working Together to Safeguard Children 2006

3. Information to be shared

3.1 Description of the data to be shared

3.1.1 It is recognised that for the purposes of this agreement, it is necessary for Partners to share information, which constitutes 'personal data' and 'sensitive personal data' under the provisions of the Data Protection Act 1998 as defined at Appendix A.

3.1.2 Information shared shall relate to offenders who are assessed by the Derbyshire Probation Trust as presenting a medium, high or very high risk of serious harm to a particular child or children generally:

- offenders currently being assessed for pre-sentence report
- offenders who have an identified conviction which indicates risk to child(ren)
- offenders assessed as a current or potential risk to child(ren)
- offenders in a domestic violence situation where children are involved

3.1.3 Information supplied by the Derbyshire Probation Trust will include:

- Offender's full name;
 - Offender's address, including postcode, at time of conviction;
 - Offender's date of birth;
 - Offender's gender;
 - Offender's ethnicity;
 - Offender's assessed Risk of Harm to Children;
 - Whether the offender is subject to MAPPA;
 - Whether the offender has current Children's Social Care involvement;
 - Offender's current or proposed community address;
 - Details of all known persons (adults and children) residing at this address;
 - Index offence information.
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- Victim's name;
 - Victim's date of birth;
 - Victim's address;
 - Victim's relationship with the offender;
 - Details of child with whom contact is current, intended or likely;
 - Details of Contact Plan if known.

3.1.4 Information provided by Derbyshire County Council CYP Department will include:

- Acknowledgement that the written referral has been received;
- Confirmation to the referrer of action taken.

3.2 How data will be shared

3.2.1 The initial referral will be completed by telephoning 'Call Derbyshire', which is the Single Point of Contact for Derbyshire County cases and for the City following the referral process.

3.2.2 The Risk to Children Notification (RtCN1) form produced by the Derbyshire Probation Trust shall be used in accordance with the security arrangements detailed at section 8, and the general operational guidance detailed at section 9 of this agreement.

4. Fair and Lawful Processing¹

4.1 Fair Processing

4.1.1 Processing of an individual's personal data engages rights under Article 8 of the European Convention on Human Rights. This provides that 'Everyone has the right to respect for his private and family life, his home and his correspondence.' Whilst this right is not absolute, any interference with it must be justified. In order to justify interference, the Partners to this agreement will need to show that it is:

- in accordance with the law;
- in the pursuit of a legitimate aim and
- necessary in a democratic society.

4.1.2 Information should not be disclosed to any persons who are not Partners identified within this agreement unless there is a lawful reason to do so, or if there are any doubts that the conditions set out in this agreement have not been met, or may be breached.

4.2 Lawful Processing

4.2.1 The First Principle of the Data Protection Act 1998 states that:

Personal data must be processed fairly and lawfully and in particular, shall not be processed unless:

- a) at least one of the conditions in schedule 2 (of the act) is met **and**
- b) for sensitive personal data one of the conditions in schedule 3 is also met.

4.2.2 The Partners to this agreement will meet the requirements of **Schedule 2 of the Data Protection Act 1998**, for the processing of personal data by virtue of subsections 5b or 1 respectively as follows:

5b) for the exercise of any functions conferred on any person by or under any enactment.

- 1) the data subject has given their explicit consent to the processing of the personal data.

4.2.3 In the case of sensitive personal data, the Partners to this agreement also meet a **Schedule 3 condition** by virtue of subsections 7b or 1 respectively as follows:

7b) for the exercise of any functions conferred on any person by or under an enactment

- 1) the data subject has given their explicit consent to the processing of the personal data.

4.2.4 **Section 29, Data Protection Act 1998: Crime and taxation**

This section provides for the disclosure of personal data, where they are processed for the purpose of (1a) the prevention and detection of crime or (1b) the apprehension of prosecution of offenders.

¹ Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data. It is difficult to envisage any activity involving data which does not amount to processing.

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4.2.5 Section 47, Children Act 1989: Local authority's duty to investigate

(1) ... the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote a child's welfare; and, (9) where a local authority are conducting enquiries under this section, it shall be the duty of any person mentioned in subsection (11) to assist them with those enquiries if called upon the authority to do so.

4.2.6 Section 10, Children Act 2004: Co-operation to improve well-being

(1b) Each children's services authority in England must make arrangements to promote co-operation between each of the authority's relevant partners and (2b) The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to protection from harm and neglect. (4c) For the purposes of this section, a local probation board for an area any part of which falls within the area of the authority, is a relevant partner of a children's services authority in England.

4.2.7 Section 11, Children Act 2004: Arrangements to safeguard and promote welfare

(2a) Each person and body to whom this section applies must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. (1) This section applies to (a) a children's services authority in England and (j) a local probation board for an area in England.

4.2.8 Section 14, Offender Management Act 2007: Disclosure for Offender Management purposes

This section provides for the disclosure of information between the Probation Services and other 'listed persons' for the probation purposes, or any other purposes connected with the management of offenders. 'Listed Persons' include a government department, a relevant local authority, the Youth Justice Board for England and Wales, a relevant contractor and a Chief Officer of Police.

4.2.9 Section 115, Crime and Disorder Act 1998

Section 115 Crime and Disorder Act provides that any person can lawfully disclose information where necessary or expedient for the purposes of any provision of the Act, to a Chief Officer of police, a police authority, local authorities, probation service or health authority, even if they do not otherwise have this power. This power also covers disclosure to people acting on behalf of any of the above named bodies.

4.2.10 Section 325, Criminal Justice Act 2003: Arrangements for assessing etc risks posed by certain offenders

This section provides that co-operation between the Multi Agency Public Protection Arrangements (MAPPA) Responsible Authorities (S325 (1)) and those persons specified as having a duty to co-operate (S325 (6)) may include the exchange of information (S 325 (3) and (4)). A separate, detailed Information Sharing Agreement, owned and controlled by the MAPPA Strategic Management Board, details how these arrangements operate in Derbyshire and it is noteworthy that offenders to whom this arrangement relates may also be subject to MAPPA.

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4.2.11 The **common law duty of confidence** protects information from disclosure, whether personal or not, when given in a confidential context. This should not ordinarily be used or disclosed further in an identifiable form except as originally understood by the provider, or with their subsequent permission.

Case law has established that the duty may permissibly be breached in order to:

- prevent or support the detection, investigation or punishment of serious crime, and/or
- to prevent abuse or serious harm

4.2.12 **Offender consent:** At induction DPT obtain signed consent for general information sharing with other agencies, which could be done under a number of different pieces of legislation e.g. Data Protection Act 1998, Crime & Disorder Act 1998, Criminal Justice Act 2003, Children Act 1989 & 2004 and Offender Management Act 2007; and, this is explained to the offender. However, at the point that either an Information Only notification or a Section 47 referral to Children's Services is considered, the offender's explicit consent will be sought in relation to this disclosure being made. It should be noted that refusal of consent is not a barrier to the sharing of information and a risk based decision will be made in relation to making the disclosure, the details of which will be noted on the case record. The RtCN1 form will indicate whether the disclosure has been made with or without offender consent.

4.2.13 To justify the proportionality of the information shared in cases where explicit consent is not given by the offender, it must be shown that the assessing and managing the risks posed by an offender could not be achieved effectively other than by sharing the information in question, and the sharing of the information is proportionate to the need to protect a child or children. The legal duties set out in sections 4.2.5 to 4.2.10 enable disclosure of information without the explicit consent of the offender.

5. Conditions of Use of the information

- 5.1 Personal data obtained under this agreement may only be used for the agreed purpose set out at Section 2 above and must not be further processed in any manner incompatible with the identified purpose(s).
- 5.2 No secondary use or other use may be made unless the consent of the disclosing Partner is sought and granted.
- 5.3 The data must be treated as private and confidential and will not be divulged or communicated to any third parties without the written consent of the Partner that provided the information.
- 5.4 Access to the data will be restricted to those employees of the Partners and approved by the nominated representative of each Partner to the agreement.

6. Information Quality

6.1 Standards

- 6.1.1 Information shared must be fit for purpose, which means that it must be adequate, relevant and not contain excessive detail which is beyond that required for the agreed purpose.
- 6.1.2 Information discovered to be inaccurate, out of date, or inadequate for the purpose must be referred to the originating Partner who will be responsible for correcting that data and notifying all other recipients of the information who must ensure that necessary corrections are made without delay.
- 6.1.3 Appropriate records will be kept to record the sources of information to provide for this.

7. Information Retention, Review and Disposal

7.1 Retention

- 7.1.1 Derbyshire Probation Trust will manage the information obtained under this agreement in accordance with its records management policy, as set out in Probation Instruction 06/2011 (dated August 2011), which is mandatory for offender and victim information.
- 7.1.2 Derbyshire County Council CYP Department and the City CYP Department will manage the information obtained under this agreement and the associated procedures in relation to review, retention and disposal of records will apply.

8. Information Security

8.1 General Requirements

- 8.1.1 Each Data Controller has obligations relating to the security of data in his control under The Data Protection Act 1998.
- 8.1.2 The Partners to this agreement acknowledge the security requirements of the Data Protection Act 1998 applicable to the processing of the information subject to this agreement.
- 8.1.3 Each Partner will ensure that appropriate technical and organisational measures are taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 8.1.4 In particular, each Partner shall ensure that measures are in place to do everything reasonable to:
- make accidental compromise or damage unlikely during storage, handling, use, processing transmission or transport;
 - deter deliberate compromise or opportunist attack;
 - dispose of or destroy the data in a manner to make reconstruction unlikely;
 - promote discretion in order to avoid unauthorised access.
- 8.1.5 Access to information subject to this agreement will only be granted to those professionals who 'need to know' in order to effectively discharge their duties.
- 8.1.6 Any suspected breach or threat to the security of the information will be reported to all relevant Parties, via the designated officer without delay.
- 8.1.7 It is acknowledged that the Government Protective Marking Scheme (GPMS) applies to Probation information. It is intended that the information shared under this agreement shall not exceed the level of 'Restricted'.
- 8.1.8 The Partners undertake to ensure that all of their staff are aware of their obligation to maintain the confidentiality of information provided by the Derbyshire Probation Trust and not to disclose information further.

8.2 Communications

- 8.2.1 Information up to the level of 'Restricted' under the GPMS will be transferred electronically via the approved secure email connections (.gsi, .gcsx, .gcsn, .pnn and .cjsm.net).
- 8.2.2 In every case, the initial referral will be completed by telephoning 'Call Derbyshire', which is the Single Point of Contact for Derbyshire County cases and the Derby City Referral Process. An appropriate record shall be kept of any request and/or disclosure made by telephone.

9. General Operational Guidance

- 9.1 Where there is a risk of immediate harm to an individual and officers need to be deployed, Derbyshire Probation Trust shall dial 999 or the appropriate local number.
- 9.2 Derbyshire Probation Trust shall submit Risk to Children Referrals and Notifications for the purposes of this agreement using the RtCN1 form contained within Appendix B, these should be sent to the following:-
County – Referrals sent to the relevant office as advised by Call Derbyshire. Notifications should be emailed to natalie.gee@derbyshire.qcsx.gov.uk
City – Referrals to be emailed to ashmail@derby.gov.uk.cjism.net. Notifications to be emailed to c&ygsafeguarding@derby.gov.uk.cjism.net.

10. Management of the Agreement

10.1 Designated Officers

10.1.1 Details of the designated officers with day to day responsibility for the management of this agreement are as follows:

Derbyshire Probation Trust:	Director for Child Safeguarding	0115 9301123
Derbyshire County Council CYP:	Deputy Strategic Director	01629 532005
Derby City Early, Intervention & Safeguarding Service Director		01332 642668

10.2 Individual Rights to Access Information Shared (Subject Access)

10.2.1 Any person receiving a request for information under the provisions of the Data Protection Act 1998 or Freedom of Information Act 2000 must refer the request to the relevant official in the organisation in accordance with local policy and procedures and without delay.

10.2.2 Where a request for information includes that information provided by the Partner organisation, the originating organisation will be consulted in accordance with normal protocols.

10.3 Complaints Procedure

10.3.1 All complaints and breaches relative to this agreement should be referred to the signatory of the relevant organisation who will take appropriate action.

10.3.2 Complaints or breaches will also be notified to the designated Data Protection Manager of the relevant organisation in accordance with their respective policy and procedures.

10.3.3 Complaints from data subjects will be investigated first by the organisation receiving the complaint. Actions which affect the other Partner will not be taken without the consent of both Partners to this agreement.

10.3.4 The signatories will give all reasonable assistance as is necessary to the relevant Data Controller to enable him to:

- comply with a request for subject access;
- respond to an Information Notice served by the Information Commissioner;
- respond to complaints from the data subject;
- investigate any breach of the agreement.

10.4 Review of the agreement

10.4.1 The agreement will be reviewed six months after its implementation and annually thereafter.

10.5 Indemnity

10.5.1 Each Partner to this agreement will undertake to indemnify the other against any legal action arising from any breach of this agreement by any person working for or on behalf of its own organisation.

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10.6 Termination of Agreement

- 10.6.1 A Partner to this agreement may at any time in writing terminate the agreement if the other Partner is in material breach of any obligation under the Agreement.
- 10.6.2 Written notice should be provided by either Partner regarding the termination of the agreement.
- 10.6.3 A Partner may suspend these arrangements in order to investigate and resolve any serious breach of this agreement.
- 10.6.4 Any such action will be notified in writing to the other Partner with immediate effect.
- 10.6.5 The Partners will make every effort to resolve any dispute affecting the ability to share information under this agreement within 30 days.
- 10.6.6 This agreement will be reviewed no later than 24 months after the date of signature by each Partner.
- 10.6.7 The obligations of or confidentiality imposed on the Parties by this agreement shall continue in full force and effect after the expiry or termination of this agreement.

Appendix A Definitions

Personal Data

Data which relates to a living individual who can be identified;

a) from those data, or

b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive Personal Data

Sensitive Personal Data means personal data consisting of;

a) racial or ethnic origin of the data subject

b) political opinions

c) religious beliefs of other similar beliefs

d) trade union membership

e) physical or mental health

f) sexual life

g) commission of alleged commission of offences

h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.



Appendix B

Additional Procedures and Guidance

Assessment, referral and management of offenders in the community who pose a risk to children

1. Introduction

Policy in relation to Safeguarding Children is contained in Derbyshire Probation Trust's Public Protection Policy and Procedures.

This document provides detailed additional procedures and guidance in relation to the management of 'risk to children' cases.

All staff should be aware of and consult the Derby and Derbyshire Child Safeguarding Procedures – available under > **Probation Practice** > **Safeguarding Children** on EPIC.

There is an increasing emphasis on the need for effective collaboration and information sharing between agencies to manage the risk presented to children by some individuals (Working Together 2006, Review of the Protection of Children from Sex Offenders, Home Office 2007). In addition, failures in effective information sharing/collaboration between agencies has been identified in lessons learned from Serious Case Reviews.

All Offenders who come into contact with Derbyshire Probation Trust are subject to an assessment of risk.

- i) Within DPT, the Offender Manager will take the lead role in the assessment and management of risk. However, it is the responsibility of ALL staff, including interventions, hostel and prison seconded staff, to ensure relevant information relating to risk is passed to the Offender Manager. This will inform the risk assessment and enable appropriate action to be taken.
- ii) The following procedures deal with Offenders who pose a Risk to Children and
 - Who have an identified conviction (see Appendix 6);
 - Who are in an abusive relationship where children are involved;
 - Are in any situation assessed as likely to lead to risk of harm to a particular child or children generally.

It is important to remember that the absence of indicators does not guarantee that a person is 'safe'. If in doubt about the behaviour of an individual in relation to children, this should be discussed with your line manager and Children's Social Care Services.

- iii) In any circumstances where a child(ren) seems to require immediate medical treatment, this must be the priority and staff should not delay in seeking professional advice from a doctor – either a GP or the local emergency and casualty department.
- iv) Where this is not the case but the staff encounter a situation where they suspect non-accidental injury, sexual abuse, neglect or emotional abuse, they must immediately consult a Senior Probation Officer or, in their absence, the relevant Operations Manager or Director. The purpose of this consultation is to clarify the situation and the action to be taken. However, it should not lead to undue delay in informing Children Social Care Services and/or the Police.

2. Pre-Sentence/Induction

Pre-Sentence:

a) Standard Delivery Reports (SDR's):-

It should be ascertained whether children are living in the household with the Offender and whether the Offender is in regular contact with any other children.

If an offender is living in a household with children (or having contact with specified children) a known persons check should be carried out with Children's Social Care. The SDR author must contact Children's Social Care to check if any of the children are subject to a Child Protection Plan or have current involvement with Children's Social Care.

If a Risk to Children is identified, the relevant Risk of Harm section in OASys must be completed, including R7 if the child(ren)s identity is known.

In cases of domestic violence, the report author must also liaise with the Police Domestic Violence Central Referral Unit, using the Domestic Violence Information Exchange Proforma (available in Microsoft Word templates) to inform the risk assessment.

The OASys Risk Management Plan and Sentence Plan must incorporate objective(s) reflecting the Risk to Children issues identified.

If a child is identified as at risk of harm the report author must complete a referral to Children's Social Care using the Referral Notification (RtCN1) which is available in IWP – See Appendix 1.

See also Appendices 3 & 4 'When and How to Make a Referral to Children's Social Care'.

There are separate instructions for County and City.

b) Fast Delivery Reports (FDR)/Oral Reports:

Oral Reports

It will not be possible to make checks with Children's Social Care in the time frame of an Oral Report. Therefore an Oral Report should not be used (other than to provide additional information or to address the impact of custody) where there is any information that the offender presents a risk to children.

Fast Delivery Reports

Delius CR/CP flags/OASys Risk of Harm Summary should be checked. If there are indications of current risk of harm to children, an SDR should be considered. Wherever possible a known persons check should be carried out with Children's Social Care as specified in section 2 (a) above and if there is any indication of current risk to children an adjournment for an SDR should be considered.

If there are Risks to Children identified in any court assessments the report author should inform the relevant Children's Social Care Department by telephone. This information, together with details of the concern notified to Children's Social Care,

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should be recorded in Delius in order to inform the allocated SDR author/Offender Manager.

Allocation of Court reports (SDRs) where there is a known risk to children must be expedited and the allocated Offender Manager will normally take the necessary action, completing the written referral using the Referral Notification (RtCN1) which is available in IWP. Where immediate allocation is not possible, an SPO should be consulted to ensure that a clear decision is made on who will make the referral.

See also Appendices 3 & 4 'When and How to Make a Referral to Children's Social Care'.

Induction:

At the first induction appointment following sentence/release from custody, the Offender Manager **must** check available information in relation to Risk to Children, for accuracy and relevance.

If a known person's check has not been carried out this **must** be undertaken as specified in 2a) above.

The assessment of Risk to Children the Offender is in contact with, must be re-visited and OASys completed and/or updated.

If Risk to Children is identified and there has been no referral/notification to the relevant Children's Social Care Department by the report author, the Offender Manager must refer using RtCN1. If referral/notification has previously been done by the report author, the Offender Manager must check progress.

See also Appendices 3 & 4 'Where and How to Make a Referral to Children's Social Care'.

In cases where a Risk to Children is identified within a domestic violence situation, the Offender Manager must also liaise with the Police Domestic Violence Central Referral Unit using the Domestic Violence Information Exchange Proforma, to inform the risk assessment.

Recording Risk to Children (CR) and Child Protection (CP) Registers on Delius

Any offender who is assessed to be a Risk to Children (i.e medium, high or very high RoSH to children in OASys) by their Offender Manager must have a CR (Risk to Children) register logged in their records on Delius.

Any case which has a Child Protection Plan in place must also have a CP register logged on Delius for the duration that the plan is active in addition to the CR register.

Once the Child Protection Plan ceases to operate the CP register should be removed from Delius. Similarly, if the offender is no longer assessed to be a Risk to Children the CR register should also be removed.

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3. Procedures According to Risk Identified:

A – Offenders posing a CURRENT Risk to Children where there is an identified Child(ren)

Assessment Definition	Action	Action Owner
<p>(i) An offender who has an identified conviction which indicates a Risk to Child(ren) and where the child is identified (including cases where exact details of name, location are not known)</p> <p>(ii) An offender who is assessed as a current risk to children and is in direct contact with an identified child.</p>	<p>In all cases (A(i) and (ii)), the Referral Notification (RtCN1) should be sent to Children’s Social Care – see also ‘When and How to Make a Referral to Children’s Social Care’ for detail of City/ County referral routes.</p>	<p>Offender Manager SPO</p>

B – No current risk/offender poses a Risk to Children but no identified child currently at risk.

Assessment Definition	Action	Action Owner
<p>(i) An offender assessed as posing a potential risk to children but where there is no child currently identified as at risk i.e. the offenders present lifestyle does not involve children;</p>	<p>Referral Notification (RtCN1) marked for ‘Information Only’ should be sent to Children’s Social Care – see also ‘When and How to Make a Referral to Children’s Social Care’ for detail of City/ County referral routes.</p>	<p>Offender Manager SPO</p>
<p>(ii) An offender who has an identified conviction but where the assessment is that they do not currently continue to pose a risk to children. e.g. Young Offender conviction for violence against similar aged peer.</p>	<p>No Referral Notification (RtCN1) to Children’s Social Care is required but details of the conviction, assessment and reason for not notifying CSC must be recorded on the offender record. (Case likely to be low risk to children).</p>	<p>Offender Manager SPO</p>

C – Domestic Violence (DV)

Assessment Definition	Action	Action Owner
<p>(i) Offenders convicted of a domestic violence (DV) offence or assessed as presenting a DV risk where there are children involved in the relationship; i.e. either living with or in contact with children.</p>	<p>In cases C(i) to (iii), a Referral (RtCN1) should be sent to the Children’s Social Care - see also ‘When and How to Make a Referral to Children’s Social Care’ for detail of City/ County</p>	<p>Offender Manager SPO</p>

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<p>(ii) Where an offender known to the Probation Service is the victim of DV and there are children involved;</p> <p>(iii) Any domestic violence situation where Probation staff are concerned by the action/behaviour of an individual, which is likely to lead to a child being at risk of harm.</p>	referral routes.	
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D - Third Party Information

Assessment Definition	Action	Action Owner
<p>(i) Third party information received alleging child abuse.</p>	<p>Advise and assist third party to refer directly and immediately to Children's Social Care.</p> <p>Notify Children's Social Care by phone and follow up in writing to Children's Social Care, confirming the nature of the third party's concern.</p>	<p>Offender Manager/Probation Staff</p> <p>Offender Manager/Probation Staff</p>

4. Referral and Notification to Children's Social Care

a) Specific child(ren) identified as at risk

There should be no delay in referring to the relevant Children's Social Care Department. Where circumstances dictate this course of action, the initial referral should be by telephone. However, all referrals must be followed up by completing the Referral Notification (RtCN1) which is available in IWP.

See also 'When and How to Make a Referral to Children's Social Care' for detailed City/County referral routes. Appendices 3 & 4.

The completed Referral Notification (RtCN1) should be copied to the SPO and forwarded to Children's Social Care asap and within 48 hours maximum using the process in Appendix 3 and Appendix 4.

County Local Delivery Unit

All County referrals must initially be phoned through to 'Call Derbyshire' and copied to the SPO/Line Manager. The RtCN1 must then be emailed to the relevant office as advised by Call Derbyshire

City Local Delivery Unit

Derby City referrals must be phoned through to the First Contact Team and the RtCN1 emailed to ashmail@derby.gov.uk.cjism.net.

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Swadlincote referrals must initially be phoned through to Call Derbyshire. The RtCN1 must then be sent to the relevant local office as directed by Call Derbyshire. All referrals must be copied to the SPO/Line Manager.

City/County Out of hours

Where a risk to an identified child is identified out of normal office hours – Children's Social Care should be contacted through 'out of hours' arrangements – see Appendices 3 & 4.

Out of Derbyshire Referrals

There may be occasions where a child at risk is resident outside of Derbyshire and the referral will need to be made to the relevant Children's Social Care department.

Where there is an immediate concern of serious harm to a child/children, a Senior Manager should also be notified by telephone without delay.

Where possible, when a risk to children concern is identified, consultation with a Senior Probation Officer should take place prior to referral. However, undue delay in informing Children's Social Care and/or the Police, is not acceptable. Therefore, if the SPO is unavailable, the referral should be completed and then discussed with the SPO when available.

An entry should be made in the Delius record (Delius code CCN1), detailing the referral, reasons and to whom it has been forwarded.

The responsibility for conducting any investigation lies with the Police and Children's Social Care. The role of Probation staff is to assist this process. However, in any case where a child appears to require immediate medical attention, contact for advice should be made directly with emergency medical services. In these circumstances, the Police and Children's Social Care should be informed immediately by telephone and followed up in writing, using the Referral Notification (RtCN1), within 48 hours.

b) No child(ren) currently identified as at risk

Where the case is assessed as 'risk to children' but there is no child currently identified as at risk, the 'Risk to Children' Notification should be sent to:-

County LDU – this should be emailed to natalie.gee@derbyshire.gcsx.gov.uk

City LDU – this should be emailed to c&ypsafeguarding@derby.gov.uk.cjism.net.

An entry should be made in Delius stating notification sent for information only.

c) Escalation

Children's Social Care should acknowledge a written referral for assessment within one working day of receiving it. If the referrer has not received acknowledgement within three working days, they should contact Children's Social Care again. Where a referral is made and Children's Social Care fail to inform the OM what action is to be taken, the OM should always follow up the referral proactively to ascertain the outcome. Where there is no response or the response is inadequate, the OM should escalate this to a manager who should take up the issues with the Children's Social Care manager. Derby and Derbyshire Safeguarding Children Board Escalation Policy and Process is also available on EPIC.

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- d) A 'process chart for the management of persons in the community who pose a risk to children' is attached at Appendix 5.

5. Home Visits – Supervision Requirements/Licences

Minimum Requirements

- All 'risk to children' cases, i.e. those cases with a current assessment of medium/high/very high RoSH to children in OASys must receive a home visit within 10 working days of commencement or release to a community address. If the case is already subject to supervision a home visit must be completed within 10 days of the 'risk to children' assessment.
- A home visit must also be undertaken in 'risk to children' cases if the offender moves address and also on transfer of a case into DPT.
- Additional Home visits in 'risk to children' cases should occur in accordance with the level of risk identified, and as specified in the Child Protection Plan where this is relevant. Offender Managers should exercise their professional judgement as to when a home visit is needed to inform an Initial or Review Sentence Plan and/or support the dynamic assessment of risk.

The purpose of any home visit is to contribute to the risk assessment of the offender. In 'risk to children' cases, the protection of any child the offender may be in contact with is of primary importance. Visiting staff should be alert to the presence of photographs, children's toys, nature of DVDs, reading materials, etc. All observations should be clearly recorded in Delius using the 'Confidential' Delius code.

Delius recording should also clearly state whether any children were present at the address and where possible comment on their appearance, health and general wellbeing. This information should also be shared with the relevant Children's Social Care department. This includes where Children's Social Care is already involved, or where a discussion/referral to Children's Social Care is triggered by immediate concerns.

In specific circumstances, for example, where there are particular concerns relating to a child subject to a Child Protection Plan, consideration should be given to planning joint home visits with Children's Social Care staff and/or the Police as appropriate.

6. Allocation, Supervision and Accountability

- (i) All cases with a current assessment of medium, high or very high RoSH to children, must be allocated to a Probation Officer Offender Manager. This will apply immediately in respect of new commencements where risk to children cases are currently managed by PSO OMs trans-hand arrangements will apply. See Gateway
- (ii) It is the responsibility of the Offender Manager to ensure that all those involved in delivery of the Sentence Plan are aware of the issues relating to potential risk. As the sentence progresses, it is the responsibility of interventions, hostel and prison seconded staff to ensure any risk concerns are communicated to the Offender Manager.
- (iii) All cases in the community identified as Child Protection cases (i.e. the case involves children subject to a Child Protection Plan) must be pro-actively reviewed in supervision with the line manager every two months. This can be assisted by the use of the Supervision pro-forma. The discussion must be recorded on the Delius offender record by the line manager using the relevant Delius code and should include any actions/decisions taken.

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- (iv) Where an offender is managed at MAPPA Level 2/3, the risk to children should form part of the considerations and the outcome recorded in the minutes. Should child protection concerns arise, and a referral to Children Social Care has not already occurred, this should be completed and forwarded, as part of the Risk Management Plan.

Within MAPPA there is a clear expectation that the relevant Social Care worker will attend Level 2 and Level 3 meetings in addition to Children's Social Care Departments having Core Panel representatives. The focus of the meeting should be on the assessment and management of all types of risk of harm identified and developing an effective Risk Management Plan to manage the offender and should not focus solely on child protection planning, which will remain the main priority of Children's Social Care.

The Offender Manager must also ensure that relevant updates are made to those cases on the ViSOR database.

Detailed MAPPA procedures are included in Derbyshire Probation Trust's Public Protection Policy and Procedures on EPIC.

- (v) When the offender is serving a custodial sentence, Offender Managers must ensure the respective prison is informed that the offender poses a 'risk to children' including the specific identity of any children at risk. This is to enable monitoring to occur e.g. with mail, visits, phone calls, should this be deemed necessary to protect children.

When the offender is due for release, assessment, referral and notification should be undertaken in accordance with these procedures, as necessary.

7. Child Protection Conferences

- i. The Offender Manager should attend Child Protection (Initial and Review) Conferences which relate to offenders they are currently supervising in the community and/or are about to be released from custody on licence. Written reports should be provided to the Chair of the Conference at least **2 working days** before the Conference. Social Care should be informed of any ongoing contact with the Victim Contact Team.
- ii. If, for unavoidable reasons, the Offender Manager is unable to attend, the OM must consider whether arranging attendance by a colleague or line SPO is necessary.

A written report **must** be made available to the Conference. Information should be summarised and relevant to the Child Protection Plan. Care must be taken to distinguish between fact, observation and opinion. Comment on the future management of the case should be included.

It should be remembered that all attendees at the Conference, including the family, will normally see all reports. The OM is responsible for ensuring that a copy of their report is shared with the offender prior to the Conference.

The written report must also be copied to the SPO.

- iii. The Offender Manager should ensure that the following information is known to the Conference:
- Analysis of previous convictions, cautions, outstanding charges;
 - Contextual information about offending behaviour;

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- Risk assessment and management of the offender, including risk management options available which, if appropriate, may become part of the plan to protect the child(ren).
- iv. Dissent – disagreement with a decision or recommendation, should be notified to the Chair of the Conference at the time. Where it is believed that a decision has left a child at risk of **significant harm**, the arrangements for resolving professional disputes should be invoked. LSCB escalation procedures are on EPIC and also covered in DPT Public Protection Policy and Procedures on EPIC. If it is believed that risk to the child is imminent, line management must be informed immediately and representations made to Children’s Social Care without delay.
- v. The Offender Manager must attend Core Groups, if included in Core Group membership following a Conference.

8. Re-Assessment and Termination in Cases previously subject to RtCNI Referral/ Notification

The Notification Form (RtCN2) which is available in IWP, must be used when there is a re-assessment of the risk posed to a child/children and when terminating a case previously identified as posing a risk to children. Selecting the purpose of the form will determine completion of the relevant sections. If there is a re-assessment of risk to children at the termination stage, both should be selected as the purpose for raising the notification and all sections completed.

Re-assessment of Risk to Child/Children

- a. Re-assessment of the Risk to Children should trigger the completion of RtCN2: ‘Risk to Children Notification’. Select ‘Outcome of Re-Assessment’ and where the risk to a child/children is reviewed upwards, the referral notification procedure should be followed in accordance with the revised level of risk identified (see Section 2 and 3 above).
- b. Where the risk to children is re-assessed to a lower threshold, for example, from Very High/High to Medium or Medium to Low, a copy the RtCN2 should be forwarded to the SPO for signature.
- c. All City RtCN2 should be forwarded to the allocated worker or to c&ypsafeguarding@derby.gov.uk.cjism.net. In the County, if the case is open to Children’s Social Care the RtCN2 should be forwarded to the keyworker at the relevant local office. If there is no open case the RtCN2 should be sent to natalie.gee@derbyshire.gcsx.gov.uk.
- d. The outcome of re-assessment should be recorded in Delius highlighting the purpose of entry e.g. ‘re-assessment’ and the reason for the re-assessment.

9. Termination of Case

All terminations of ‘risk to children’ cases should be notified to Children’s Social Care by using the RtCN2. If the case is open to Children’s Social Care the RtCN2 should be sent to the keyworker at the relevant local office. If there is no open case the RtCN2 should be sent to:

City - c&ypsafeguarding@derby.gov.uk.cjism.net

County - natalie.gee@derbyshire.gcsx.gov.uk

10. File/Record Retention Policy

To be undertaken in accordance with existing Derbyshire Probation Trust Policy.

Appendix 1

Risk to Children Notification
RtCN1

PERSON POSING RISK TO CHILDREN
INFORMATION REQUIRED FOR REFERRAL AND NOTIFICATION

(Derby City Cases)
This form is to be used to refer a person who poses a risk to children. Where there is an identified child at risk, details must be entered for an assessment to be undertaken (process outlined in Appendix 3).
Where there is no identified child, this referral is for information only. When completed the forms should be sent to C&YPSafeguarding@derby.gov.uk.cjism.net.

County (including South Derbyshire Cases)
This form is to be used to refer a person who poses a risk to children. Where there is an identified child at risk, details must be entered for an assessment to be undertaken (process outlined in Appendix 4).
Where there is no identified child, this referral is for information only. When completed the forms should be sent to Natalie.Gee@derbyshire.qcsx.gov.uk.

PLEASE SELECT			
INFORMATION ONLY	<input type="checkbox"/>	ASSESSMENT ACTION REQUEST (SECTION 47 ENQUIRY)	<input type="checkbox"/>
OFFENDER'S CONSENT OBTAINED	<input type="checkbox"/>		

DETAILS OF PERSON PRESENTING RISK			
FAMILY NAME	SURNAME	FIRST NAMES	First,Second
ADDRESS AT TIME OF CONVICTION			
POST CODE		DOB	
GENDER		ETHNICITY	

CURRENT / PROPOSED COMMUNITY ADDRESS	
TYPE OF ADDRESS	
ADDRESS	OFFENDERADDRESS

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DETAILS OF ALL KNOWN PERSONS (ADULTS & CHILDREN) RESIDING AT THE ABOVE ADDRESS

NAME	DOB	Relationship to subject

DETAIL OF RELEVANT OFFENCE(S) CONCERNING RISK TO CHILDREN, INCLUDING IDENTIFYING PERIODS OF STATUTORY INVOLVEMENT

--

DATE AND DETAIL OF SENTENCE IN RELATION TO THIS OFFENCE

DATE		SENTENCE	

DETAILS OF KNOWN VICTIMS

NAME	DOB/AGE	ADDRESS	RELATIONSHIP

DETAILS OF ANY CHILD WITH WHOM CONTACT IS CURRENT / INTENDED OR LIKELY

NAME	DOB/AGE	ADDRESS (IDENTIFY AS CONFIDENTIAL FROM OFFENDER IF NECESSARY)	RELATIONSHIP	NAME OF PARENT

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PROVIDE DETAILS OF CONTACT PLAN IF KNOWN I.E. VISITS / RESIDENCE / HOME VISITS

--

ANY OTHER INFORMATION RELEVANT TO A RISK TO CHILD(REN) ASSESSMENT INC OASys (Offender Assessment System) RISK ASSESSMENT

	Low*	Medium*	High/Very High*
Current Assessment of Risk to Children (OASys):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Definitions:

Very High: Risk of Harm to child(ren) is imminent and impact likely to be serious

High: Identifiable indicators of serious harm and event could happen at any time

Medium: Identifiable indicators of risk of serious harm and offender has potential to cause serious harm but is unlikely to do so unless there is a change in circumstances

Low: Current evidence does not indicate likelihood of serious harm

Information relevant to risk assessment:

--

IS THIS A MAPPA CASE?

Yes

No

If yes provide details, including offender category, MAPPA level at which managed and agencies involved.

--

CURRENT CHILDREN'S SOCIAL CARE INVOLVEMENT

If yes, please note the name of the Social Care Worker and office base here:

--

SIGNATURE – Please sign and date this form

Signature		Name		Date	
<i>Offender Manager</i>					

Risk to Children Notification
RtCN2

PERSON POSING RISK TO CHILDREN: RE ASSESSMENT AND/OR TERMINATION OF CASE

This form is to be used when a person posing a risk to child(ren) has been re-assessed and/or when a case terminates, or both.

Derby City
 All notifications should be emailed to C&YPSafeguarding@derby.gov.uk.cjism.net.

County (including South Derbyshire cases)
 If the case is 'open' to Children's Social Care the form should be sent to the relevant local office. If the case is not 'open' to Children's Social Care the form should be emailed to Natalie.Gee@derbyshire.gcsx.gov.uk.

OUTCOME OF RE-ASSESSMENT	<input type="checkbox"/>
CASE TERMINATION	<input type="checkbox"/>

DETAILS OF PERSON PRESENTING RISK			
FAMILY NAME	SURNAME	FIRST NAMES	First, SECOND
ADDRESS	OFFENDERADDRESS	DOB	DOB
GENDER		ETHNICITY	

DETAILS OF RELEVANT OFFENCE

DETAILS OF TERMINATION (IF APPLICABLE)	
DATE CASE TERMINATED	
REASON	
COMMENTS	

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AGENCIES CONSULTED (provide names of workers consulted)

Agency	Worker(s)

FACTORS INDICATING CONTINUED OR REDUCED RISK TO CHILDREN, INCLUDING CURRENT OASys RISK ASSESSMENT

DECISION – RISK POSED TO CHILDREN, INCLUDING OASys RISK ASSESSMENT

	Low*	Medium*	High/ Very High*
<ul style="list-style-type: none"> • Current Assessment of Risk to Children (OASys): 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Risk at last assessment: 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The above named person continues to pose a risk to children	<input type="checkbox"/>		
Based on the information known to date the above named no longer poses a risk to children	<input type="checkbox"/>		

*Definitions:

Very High: Risk of Harm to child(ren) is imminent and impact likely to be serious

High: Identifiable indicators of serious harm and event could happen at any time

Medium: Identifiable indicators of risk of serious harm and offender has potential to cause serious harm but is unlikely to do so unless there is a change in circumstances

Low: Current evidence does not indicate likelihood of serious harm

CURRENT CHILDREN'S SOCIAL CARE INVOLVEMENT

If yes, please note the name of the Social Care Worker and office base here:

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SIGNATURE – Please sign and date this form

Signature

Name

Date

Offender Manager



WHEN AND HOW TO MAKE A REFERRAL TO CHILDREN'S SOCIAL CARE

Step 1 – Consider whether the child is or could be at risk of harm. This could be through physical, emotional or sexual abuse or through neglect. If you are unsure discuss with your line manager and record this discussion in Delius.

You should ALWAYS make referrals in the following circumstances; child is living with or in contact with a perpetrator of domestic abuse, a sex offender, or an offender convicted of crimes against children OR if you have other concerns about the home situation of the child, or the adults they are in contact with.

Step 2 – Consider whether you should inform the parent you are making the referral. You should do so unless you feel that this could cause additional harm to the child.

Step 3 – Initially you should refer your concerns by making a telephone call to the appropriate office. For Derby cases the telephone number is 01332 641172 and for Swadlincote cases the number is 01283 238000. For out of hours concerns the telephone number is 01332 711250 (5pm to 9am) Clarify the nature of your concerns with the person who takes your call. They should discuss further action and timescales with you. Make sure you make a record of any discussion in Delius.

Step 4 – You must follow this referral up with a written referral form asap and within 48 hours maximum. The referral form can be found in IWP (RtCN1). For Derby cases this form should be emailed to ashmail@derby.gov.uk.cjcm.net. For Swadlincote cases the fax number is 01283 238100. Record that this form has been sent in Delius.

Step 5 – Children's Social Care should acknowledge your written referral within 1 day. If you have not received acknowledgement it is your responsibility to contact them again after 3 days to chase this up.

Step 6 – Children's Social Care should then decide on their action (or to take no action) within a further working day. They should inform you of this but you also have a responsibility to ask if they don't.

Step 7 – If you are not happy with the outcome of your referral you should contact the Social Care worker involved to discuss in the first instance. If you are unable to do this or your concerns are not resolved please contact your own line manager or Lois Gell (Safeguarding Lead SPO) or if necessary Operations Manager so that this can be escalated to the appropriate Social Care managers.



County LDU Instruction

WHEN AND HOW TO MAKE A REFERRAL TO CHILDRENS SOCIAL CARE

STEP 1

Consider whether the child is or could be at risk of harm. This could be through physical, emotional or sexual abuse or through neglect. If you are unsure discuss with you line manager and record this discussion in Delius.

You should ALWAYS make referrals in the following circumstances; child is living or in contact with a perpetrator of domestic abuse, a sex offender, or an offender convicted of crimes against children OR if you have other concerns about the home situation of the child, or the adults they are in contact with.

STEP 2

Consider whether you should inform the parent you are making the referral. You should do so unless you feel that this could cause additional harm to the child.

STEP 3

Initially you should refer your concerns by telephoning as below:-

- **Derbyshire** cases need to be directed through Call Derbyshire on 08456 058058 (Select Children's Option) or 01629 533190
- **Derby** cases the telephone number is 01332 641172

Clarify the nature of your concerns with the person who takes your call.

They should discuss further action and timescales and you need to provide as much information as possible. Make sure you make a record of any discussion within Delius.

STEP 4

You must follow this referral up with a written referral form asap and within 48 hours maximum. The referral form (RtCN1) can be found in IWP. It should be sent to the relevant local office as agreed with Call Derbyshire. Record that this form has been sent in Delius.

STEP 5

Children's Social Care should acknowledge your written referral within 1 day. If you have not received acknowledgement it is your responsibility to contact them again after 3 days to chase this up.

STEP 6

Children's Social Care should then decide on their action (or to take no action) within a further working day. They should inform you of this but you also have a responsibility to ask if they don't.

STEP 7

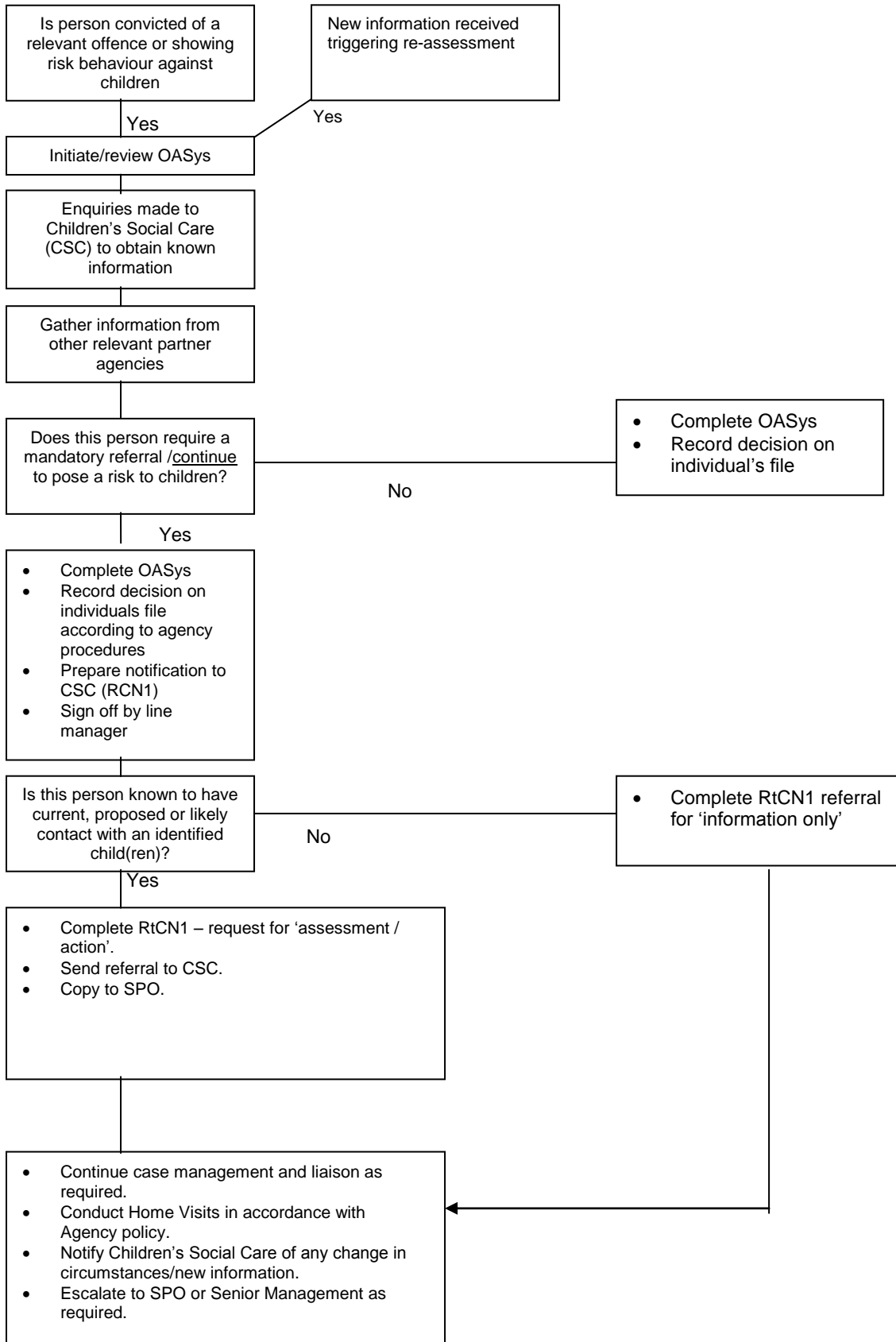
If you are not happy with the outcome of your referral you should contact the Social Care worker involved to discuss in the first instance. If you are unable to do this or your concerns are not resolved please contact your line manager. This can be escalated by an SPO or Operations Manager.

NB – IF YOU HAVE ANY URGENT/HIGH LEVEL immediate concerns please contact the District Office.

If urgent and after hours (i.e. after 5pm) contact can be made through Social Care 'Out of Hours' Team by dialling 01629 532600

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Process Chart for the management of persons in the community who pose a risk to children



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Offence	Section	Act
Murder	Common Law	
Manslaughter	Common Law	
Infanticide	Common Law	
Kidnapping	Common Law	
False Imprisonment	Common Law	
Assault or battery	Common Law	
Indecent exposure	Section 4	Vagrancy Act 1824
Indecent exposure	Section 28	Town Police Clauses Act 1847
Conspiring or soliciting to commit murder	Section 4	Offences Against the Person Act 1861
Administering poison, or wounding, with intent to murder	Section 11	Offences Against the Person Act 1861
Threats to kill	Section 16	Offences Against the Person Act 1861
Wounding and causing grievous bodily harm: Wounding with intent	Section 18	Offences Against the Person Act 1861
Wounding and causing grievous bodily harm: Inflicting bodily injury	Section 20	Offences Against the Person Act 1861
Maliciously administering poison	Section 23	Offences Against the Person Act 1861
Abandonment of children under two	Section 27	Offences Against the Person Act 1861
Assault occasioning actual bodily harm	Section 47	Offences Against the Person Act 1861
Child stealing	Section 56	Offences Against the Person Act 1861
Drunk in charge of a child under 7 years	Section 2	Licensing Act 1902
Cruelty to children	Section 1	Children and Young Persons Act 1933
Allowing persons under 16 to be in brothels	Section 3	Children and Young Persons Act 1933
Causing or allowing persons under 16 to be used for begging	Section 4	Children and Young Persons Act 1933
Give / cause to be given intoxicating liquor to a child under 5 years	Section 5	Children and Young Persons Act 1933
Exposing children under seven to risk of burning	Section 11	Children and Young Persons Act 1933
Prohibition against persons under 16 taking part in performances endangering life and limb	Section 23	Children and Young Persons Act 1933
Infanticide	Section 1	Infanticide Act 1938
Rape	Section 1	Sexual Offences Act 1956
Procurement of a woman by threats	Section 2	Sexual Offences Act 1956
Procurement of a woman by false pretences	Section 3	Sexual Offences Act 1956

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Administering drugs to obtain or facilitate intercourse	Section 4	Sexual Offences Act 1956
Intercourse with a girl under 13	Section 5	Sexual Offences Act 1956
Intercourse with a girl under 16	Section 6	Sexual Offences Act 1956
Intercourse with defective	Section 7	Sexual Offences Act 1956
Intercourse of defective	Section 9	Sexual Offences Act 1956
Incest by a man	Section 10	Sexual Offences Act 1956
Incest by a woman	Section 11	Sexual Offences Act 1956
Buggery where the victim is under 16*	Section 12	Sexual Offences Act 1956
Indecency between men (gross indecency)	Section 13	Sexual Offences Act 1956
Indecent assault on a woman	Section 14	Sexual Offences Act 1956
Indecent assault on a man	Section 15	Sexual Offences Act 1956
Assault with intent to commit buggery	Section 16	Sexual Offences Act 1956
Abduction of a woman by force or for the sake of her property	Section 17	Sexual Offences Act 1956
Abduction of unmarried girl under 18 from parent or guardian	Section 19	Sexual Offences Act 1956
Abduction of unmarried girl under 16 from parent or guardian	Section 20	Sexual Offences Act 1956
Abduction of defective from parent or guardian	Section 21	Sexual Offences Act 1956
Causing prostitution of women	Section 22	Sexual Offences Act 1956
Procurement of girl under 21	Section 23	Sexual Offences Act 1956
Detention of a women in a brothel or other premises	Section 24	Sexual Offences Act 1956
Permitting a girl under 13 to use premises for intercourse	Section 25	Sexual Offences Act 1956
Permitting a girl between 13 and 16 to use premises for intercourse	Section 26	Sexual Offences Act 1956
Permitting defective to use premises for intercourse	Section 27	Sexual Offences Act 1956
Causing or encouraging prostitution of, or intercourse with, or indecent assault on, girl under 16	Section 28	Sexual Offences Act 1956
Causing or encouraging prostitution of defective	Section 29	Sexual Offences Act 1956
Man living on earnings of prostitution	Section 30	Sexual Offences Act 1956
Women exercising control over prostitute	Section 31	Sexual Offences Act 1956
Sexual intercourse with patients	Section 128	Mental Health Act 1959
Indecent conduct towards young child	Section 1	Indecency with Children Act 1960
Aiding, abetting, counselling or procuring the suicide of a child or young person	Section 2	Suicide Act 1961
Procuring others to commit homosexual acts (by procuring a child to commit an act of buggery with any person, or procuring any person to commit an act of bugger with a child)	Section 4	Sexual Offences Act 1967

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Living on earnings of male prostitution	Section 5	Sexual Offences Act 1967
Burglary (by entering a building or part of a building with intent to rape a child)	Section 9	Theft Act 1968
Supplying or offering to supply a Class A drug to a child, being concerned in the supplying of such a drug to a child, or being concerned in the making to a child of an offer to supply such a drug	Section 4	Misuse of Drugs Act 1971
Inciting girl under 16 to have incestuous sexual intercourse	Section 54	Criminal Law Act 1977
Indecent photographs of children	Section 1	Protection of Children Act 1978
Offence of abduction of a child by parent	Section 1	Child Abduction Act 1984
Offence of abduction of child by other persons	Section 2	Child Abduction Act 1984
Possession of indecent photographs of children	Section 160	Criminal Justice Act 1988
Abduction of Child in Care / Police Protection – take away/induce away/ assist to run away/keep away	Section 49	Children Act 1989
Recovery of missing or unlawfully held children	Section 50	Children Act 1989
Abuse of Trust	Section 3	Sexual Offences (Amendment) Act 2000
Traffic in prostitution	Section 145	Nationality, Immigration and Asylum Act 2002
Rape	Section 1	Sexual Offences Act 2003
Assault by penetration	Section 2	Sexual Offences Act 2003
Sexual assault	Section 3	Sexual Offences Act 2003
Causing a person to engage in sexual activity without consent	Section 4	Sexual Offences Act 2003
Rape of a child under 13	Section 5	Sexual Offences Act 2003
Assault of a child under 13 by penetration	Section 6	Sexual Offences Act 2003
Sexual assault of a child under 13	Section 7	Sexual Offences Act 2003
Causing or inciting a child under 13 to engage in sexual activity	Section 8	Sexual Offences Act 2003
Sexual Activity with a child	Section 9	Sexual Offences Act 2003
Causing or inciting a child to engage in sexual activity	Section 10	Sexual Offences Act 2003
Engaging in sexual activity in the presence of a child	Section 11	Sexual Offences Act 2003
Causing a child to watch a sexual act	Section 12	Sexual Offences Act 2003
Child sex offences committed by a child or young persons	Section 13	Sexual Offences Act 2003
Arranging or facilitating commission of a child sex offence	Section 14	Sexual Offences Act 2003
Meeting a child following sexual grooming etc	Section 15	Sexual Offences Act 2003
Abuse of position of trust: sexual activity with a child	Section 16	Sexual Offences Act 2003

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Abuse of position of trust: causing or inciting a child to engage in sexual activity	Section 17	Sexual Offences Act 2003
Abuse of position of trust: sexual activity in the presence of a child	Section 18	Sexual Offences Act 2003
Abuse of position of trust: causing a child to watch a sexual act	Section 19	Sexual Offences Act 2003
Sexual activity with a child family member	Section 25	Sexual Offences Act 2003
Inciting a child family member to engage in sexual activity	Section 26	Sexual Offences Act 2003
Sexual activity with a person with a mental disorder impeding choice	Section 30	Sexual Offences Act 2003
Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity	Section 31	Sexual Offences Act 2003
Engaging in sexual activity in the presence of a person with a mental disorder impeding choice	Section 32	Sexual Offences Act 2003
Causing a person, with a mental disorder impeding choice, to watch a sexual act	Section 33	Sexual Offences Act 2003
Inducement, threat or deception to procure sexual activity with a person with a mental disorder	Section 34	Sexual Offences Act 2003
Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception	Section 35	Sexual Offences Act 2003
Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder	Section 36	Sexual Offences Act 2003
Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception	Section 37	Sexual Offences Act 2003
Care workers: sexual activity with a person with a mental disorder	Section 38	Sexual Offences Act 2003
Care workers: causing or inciting sexual activity	Section 39	Sexual Offences Act 2003
Care workers: sexual activity in the presence of a person with a mental disorder	Section 40	Sexual Offences Act 2003
Care workers: causing a person with a mental disorder to watch a sexual act	Section 41	Sexual Offences Act 2003
Paying for the sexual services of a child	Section 47	Sexual Offences Act 2003
Causing or inciting child prostitution or pornography	Section 48	Sexual Offences Act 2003

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Controlling a child prostitute or a child involved in pornography	Section 49	Sexual Offences Act 2003
Arranging or facilitating child prostitution or pornography	Section 50	Sexual Offences Act 2003
Causing or inciting prostitution for gain	Section 52	Sexual Offences Act 2003
Controlling prostitution for gain	Section 53	Sexual Offences Act 2003
Trafficking into the UK for sexual exploitation	Section 57	Sexual Offences Act 2003
Trafficking within the UK for sexual exploitation	Section 58	Sexual Offences Act 2003
Trafficking out of the UK for sexual exploitation	Section 59	Sexual Offences Act 2003
Administering a substance with intent	Section 61	Sexual Offences Act 2003
Committing an offence with intent to commit a sexual offence (in case where the intended offence was an offence against	Section 62	Sexual Offences Act 2003
Trespass with intent to commit a sexual offence (in a case where the intended offence was an offence against a child)	Section 63	Sexual Offences Act 2003
Exposure	Section 66	Sexual Offences Act 2003
Voyeurism	Section 67	Sexual Offences Act 2003
Trafficking people for exploitation	Section 4	Asylum and immigration (Treatment of Claimants, etc) 2004
Causing or allowing the death of a child or vulnerable adult	Section 5	Domestic Violence, Crime and Victims Act 2004

A reference to an offence in this list includes:

A reference to an attempt, conspiracy or incitement to commit that offence, and

A reference to aiding, abetting, counselling or procuring the commission of that offence.

Unless stated otherwise, the victim of the offences listed above will be under 18

Cautions for the offences listed above will apply