**2.14 Persons posing a risk to children**

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**Definition**

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

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

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**Risks**

Probation providers and the Prison Service assess the risk of harm and the Youth Justice Board assesses the risk for under 18 year olds. There are four levels of risk used to determine the level serious harm than an individual poses :

* **Low:** current evidence does not indicate likelihood of causing serious harm.
* **Medium:** identifiable indicators of risk of serious harm. The offender has potential to cause serious harm but is unlikely to do so unless there is a change in circumstances.
* **High:** identifiable indicators of risk of serious harm. The potential event could occur at any time and would be serious.
* **Very high:** an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious.

Risk is categorised by reference to the potential subject of the harm. The potential subjects may be children, who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional harm or [neglect](http://westmidlands.procedures.org.uk/page/glossary?term=Neglect&g=zcjN#gl7). In this context Multi-Agency Public Protection Arrangements (MAPPA) works closely with local safeguarding partners to ensure the best local joint arrangements can be made for any individual child.

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

* The nature of the behaviour giving rise to concern and any pattern associated with this behaviour. Of potential relevance to this would be associates, previous complaints to the police and informal warnings.
* The nature and extent of the potential harm.
* An assessment of the accuracy and currency of the information about the individual (including an assessment of the status of those expressing concern and their reasons for doing so).
* The current circumstances of a potential subject and how these might change including employment, training, housing, who he lives with and where, any addictions, health problems etc.
* The relevance of any previous convictions, cautions, reprimands, or final warnings.
* Compliance or otherwise with any previous sentences, court orders or supervision arrangements (this does not necessarily have to be in relation to a sexual offence).
* Compliance or otherwise with therapeutic help and its outcome.

The analysis of risk is dependent on the good inter-agency and multi-agency information-sharing arrangements.

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**Indicators**

Home Office guidance ([Guidance on offences against Children, Home Office Circular 16/2005](http://webarchive.nationalarchives.gov.uk/%2B/http%3A/www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2005/016-2005/)) explains how those who present a risk to children should be identified. The previous circular explains that the present method of automatically identifying as a risk to children an offender who has been convicted of a Schedule One offence fails to focus on those who continue to present a risk.

The list of offences contained in the circular should operate as a trigger to a further assessment to determine if an offender should be regarded as presenting a continuing risk of harm to children.

It is also important to remember that an individual without a conviction for any of the offences listed in the circular could also present a risk of harm to a child due to their behaviour, lifestyle or mental illness.

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**Protection and action to be taken**

Once an individual has been sentenced and identified as presenting a risk to children, agencies have a responsibility to work collaboratively to monitor and manage the risk of harm to others. Where the offender is given a community sentence, offender managers monitor the individual’s risk to others and their behaviour, and liaise with partner agencies as necessary.

Where such an offender is known to be, or is suspected of being, in contact with a child or children now, or in the immediate future, a referral should be made to children’s social care in accordance with the [Referrals procedure](http://westmidlands.procedures.org.uk/ykpqp/statutory-child-protection-procedures/referrals). For cases open to offender managers, they should ensure that a flag is created on the relevant case management system to indicate that the individual poses a risk to children

Where a child or young person (under 18 years of age) offends against another child a thorough and specialist assessment should be undertaken to determine the extent to which they continue to pose a risk of harm to other children and young people. An assessment should also be undertaken to deliver services to respond to the needs of the young person who has offended. Work with children and young people who abuse others should recognise that such children are likely to have considerable needs themselves, and also that they may pose a significant risk of harm to other children or adults. It is important that the needs of the victim are responded to by the relevant agencies in their safeguarding role in order to ensure the safety, welfare, engagement, and continued support of the victim.

Multi-agency Public Protection Arrangements (MAPPA) provide a statutory national framework in England and Wales for the assessment and management of the risk of serious harm posed by specified sexual and violent offenders (including young people) who are considered to pose a risk, or potential risk, of serious harm to children.

Under the Criminal Justice Act 2003 police, prisons and Probation Providers are required to establish and monitor arrangements in their area. Other agencies, including children’s and adult care services, health, housing, YOT’S, Jobcentre Plus and electronic monitoring services are under a statutory duty to co-operate with this task. For these arrangements to be effective, staff should be confident in their role and responsibilities in terms of MAPPA and understand the importance of sharing information in order to inform future risk management and to inform plans for risk reduction.

All agencies should ensure that their staff are familiar with how to make a [referral to MAPPA](http://westmidlands.procedures.org.uk/local-content/1AzN/multi-agency-public-protection-arrangements-mappa/?b=) and the possibility of seeking advice and consultation with the MAPPA coordinators if they require it.

MAPPA’s focus is on specified sexual and violent offenders in, and returning to the community. It aims to ensure comprehensive risk assessments using co-ordinated information sharing and through this sharing of information, assess and manage risk and direct available resources in the best way to protect the public from serious harm.

Each area MAPPA has a Strategic Management Board (SMB) whose role is to ensure that the arrangements are working effectively and to establish and maintain working relationships with the local safeguarding partners.

There are three categories of offenders eligible for MAPPA:

* Registered sexual offenders (Category 1)
* Violent offenders (Category 2)
* Other dangerous offenders (Category 3)

In most cases, a MAPPA eligible offender will be managed without recourse to MAPPA meetings being managed under the ordinary arrangements by the relevant agency; the police for registered sexual offenders who are not on licence to probation, probation for violent offenders and those on a licence. Youth Offending Teams will lead with young offenders and Mental Health Services with those on hospital orders. A number of offenders require active multi-agency management and monitoring via multi-agency public protection (MAPP) meetings attended by various agencies.

The levels of management within the MAPPA framework are based on the level of multi-agency co-operation required to implement the risk management plan effectively:

* **Level 1 – Ordinary Management.** These offenders are subject to the usual management arrangements applied by whichever agency is supervising them. This does not rule out the sharing of information.
* **Level 2 – Active Multi-Agency Management.** The risk management plans for these offenders require the active involvement of several agencies via regular MAPPA meetings
* **Level 3 – Active Multi-Agency Management.** As with Level 2 but these cases require the involvement of senior officers to authorise the use of special resources and/or to provide ongoing senior management oversight.

Offenders will be moved up and down levels as appropriate.

Youth Offending Teams have a duty to identify cases that meet the MAPPA criteria and make appropriate referrals. Guidance emphasises that young people should be assessed and managed differently from adults, using age-appropriate assessment tools and always bearing in mind the need to safeguard the welfare of the young offender as well as protect others from harm. Children’s social care services should **always** be represented at MAPPA meetings when a young person is being discussed. The needs of the victim also need to be fully considered and they should be kept informed of the procedures and processes that affect them.

All offenders managed at MAPPA Level 2 and 3 will have a risk management plan and a range of tools exist to support partner agencies to manage the risk an individual present e.g. Violent Offender Order and Sexual Harm Prevention Orders. In addition, licence conditions can be imposed for any individual who is released from Prison to manage the risk that s/he presents.

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**Child Sex Offender Disclosure Scheme**

**We agreed it would be helpful to insert on the Scheme – to promote the scheme and equip communities with the knowledge to make checks o individuals**

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**Further information**

* [MAPPA Guidance](https://mappa.justice.gov.uk/connect.ti/MAPPA/view?objectId=271411)
* [Sexual Offences Act 2003](http://www.legislation.gov.uk/ukpga/2003/42/contents)