

# Managing of Individuals who Pose a Risk of Harm to Children

## 1. Identification of Individuals who Pose a Risk to Children.

In 2005, the [UK Home Office circular 16 / 2005: Guidance on offences against children](#) was published, instructing agencies that the term Schedule One Offender should be discontinued and replaced with '**a person identified as presenting a risk or potential risk to children**'.

Whilst the terminology Schedule One Offender has been widely used by agencies to describe those persons who present a risk to children, it is a label that historically has caused confusion and has elicited inconsistent responses from agencies. Persons with a Schedule One conviction regardless of the age when they were convicted, have remain labelled as Schedule One Offenders throughout their lives.

Whilst some persons with a Schedule One Offence may always present a risk to children, others may never present a future risk, for example a 15 year old being involved in a physical fight in a playground who injures another 15 year old young person, may never assault or harm another child, nevertheless could still be labelled as a risk to children.

The move away from using the terminology Schedule One Offender within the UK and on the Isle of Man was therefore intended to ensure that a wider focus is given to identifying persons who present a risk to children. Legislation such as the Human Rights Act 2001, Freedom of Information 2000 Act, Data Protection Act 1998 will also ensure that information held on persons presenting a risk/potential risk to children is held lawfully and is subject to review.

The decision whether to disclose information to the public about an individual who poses a risk to children in the UK (under Sarah's Law ) is a decision for the police in the UK - they disclose information whenever it is deemed necessary however Sarah's Law is not applicable in the Isle of Man.

The Isle of Man Constabulary Multi-agency Public Protection Unit work proactively to reduce the risk of harm from offenders and those who pose a risk to children. Sex Offenders are closely monitored and thoroughly risk assessed when they reside in the community after conviction and sentence. This is done in conjunction with the Prison and Probation Service along with the collaboration of other statutory agencies working together and sharing information which is essential to keeping children safe.

The approach to risk management and disclosure on the Isle of Man is based on multiagency working and collaboration to ensure that all known risks are considered when dealing with an individual. Where there is a specific risk to a child or vulnerable person, the Police, Probation Officers, and often other key partners will work together to manage the risk. This may involve providing information to people who may be exposed

to risk, or be responsible for a person who may be exposed to risk, where relevant and with suitable safeguards in place.

The Prison and Probation Service manage the custodial element of an offender's sentence and any subsequent licence period or community sentence are managed by the Probation Team within the community. This management can include directing where an offender can live, restrictions on who and where they can visit and restrictions on specific locations such as schools, play grounds, swimming pools etc. Restrictions have to be proportionate and relevant to the risk posed by individuals. Blanket restrictions are not applied

It is usually a requirement that a Probation Officer must be permitted access to an offender's home for both planned and unannounced visits. In circumstances where offenders are known to pose particular risks to vulnerable groups in the community, license conditions are often imposed to reflect a joint approach to managing an individual between the Police and the Prison service. Offenders on licence can be recalled to custody following a revocation of their licence due to breaching conditions.

The legislation on the Isle of Man which covers sexual offences is the Sexual Offences Act 1992. All convicted sex offenders on the Isle of Man are made subject to the Multi-agency Public Protection Arrangements.

### **Management of Individuals who Pose a Risk of Harm to Children**

[The Safeguarding Together Guidance 2019](#) stipulates that all agencies and organisations on the Isle of Man have a responsibility to work together to manage individuals who pose a risk to children to ensure that there is effective pro-active monitoring and information sharing based on local intelligence whilst embracing close ties within communities of the island to enable a targeted response where situations of risk arise.

Effective arrangement of risk has to be based in Inter agency working. A number of agencies have responsibility for the supervision of such individuals. These include the Probation Service, the Isle of Man Prison, the Police and the Youth Justice Team, Children and Families Division. Staff within those agencies should ensure that they communicate all relevant information about the risk posed by individuals, where they live and the children with whom they have contact with. Children and Families Division are responsible for assessing the information available to them and responding to protect children.

Other arrangements exist alongside the Child Protection process to prevent children and young people from being harmed by individuals who pose a risk to them.

All convicted sex offenders on the Isle of Man are made subject to **Multi Agency Public Protection Arrangements (MAPPA)** which adheres to [Multi- Agency Protection Arrangements National Guidance](#):

- Individuals need to have committed such an offence covered by statutory criteria to be subject to MAPPA;
- Most individuals who have committed such an offence will not be assessed as posing sufficient risk, the nature of which requires either MAPPA Level 2

arrangements (management through formal cooperation of two or more agencies) or MAPPA level 3 (where the individual is identified as posing an immediate risk of serious harm and where an unusual level of agency resource is required to manage that risk).

- Only a small minority of people who pose a risk of harm to children will be covered by MAPPA. Not all MAPPA offenders pose any risk of harm to children.
- MAPPA will be involved with an individual who presents a risk for as long as it is assessed as being necessary. This may over time involve a number of potential or real victims;
- MAPPA is designed to protect the public/potential victims from the harm that could be caused by the registered MAPPA nominal. Any other risks identified will be passed to the relevant organisations, for example the Probation Service, Police and the Children and Families Division.

The MAPPA meeting must be chaired by the Police or Prison and Probation Service who should, prior to the meeting identify other statutory agencies and on occasions third sector organisations who have a role to play in managing risk and supporting victims.

The MAPPA process allows for categorisation of risk levels which police, Prison and Probation are required to jointly assess and subsequently manage.

The chair of the meeting must hold a position of seniority in their respective organisations and hold the meetings within a nationally recognised framework. The focus of the meeting must be on:

- Safeguarding Victims;
- Safeguarding the community;
- Managing the individual.

### **Other Mechanisms for Managing Risk**

Where an offender is subject to a community sentence or post release licence, the Probation Service has a series of powers and responsibilities in managing an individual who has been released from custody. This may include additional requirements on Community Orders and exclusion from certain areas.

Often an individual will have conditions of behaviour attached to a court order (The sexual offences Prevention Order (SOPO) to manage any risk they pose. The Isle of Man Constabulary have a dedicated officer whose role is to manage sexual and violent offenders.

Frequently, people who pose a significant risk are not subject to statutory supervision from a criminal court sentence. In these situations a number of legal mechanisms are available such as:

- Sex Offender Registration
- Criminal Records check with the Disclosure and barring Service/Disclosure and barred lists.

## 2. Criteria for Information Sharing with the Children and Families Division

Persons who pose a risk to children represent a serious threat to the well-being of children in society. Equally, however, it is important that agencies do not hold information on persons without due regard to legislation such as the Human Rights Act 1998, GDPR, Data Protection Act 2018, Freedom of Information Act 2000. With the above legislation in mind, the following criteria should be considered when making a decision to share information in respect of a person who presents a risk to children with the Children and Families Division.

The offences for which someone will be considered as a sex offender are on page 29 'scheduled offences' of the Criminal Justice Act 2003'  
[http://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPLE/2001-0004/CriminalJusticeAct2001\\_3.pdf](http://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPLE/2001-0004/CriminalJusticeAct2001_3.pdf)

Information on person's who meet the criteria as highlighted within the Criminal Justice Act 2003 who are deemed to present a risk to children should where necessary be disclosed to Children and Families Division.

Where there are concerns about a person who works with children (either in a paid or voluntary capacity), the Designated Officer should be contacted in the first instance. See [Allegations against Persons who work with Children \(including Staff, Carers and Volunteers\) \(MASM\) Procedure](#).

## 3. Who should Share Information with the Children and Families Division

All agencies have responsibility to safeguard and promote the welfare of children. Even where the core business of the agency is not child protection, the welfare of the child is paramount and information should always be shared if a child is deemed to be likely to suffer Significant Harm. See [Information Sharing and Confidentiality Protocol](#) for more information.

## 4. How to Share Information with the Children and Families Division

Information should in the first instance be passed to the Initial Response Team, Children and Families Division (or if the child is known to the service the referral should be made to the duty worker within the specified team, for example the Care Management Team), in accordance with the [Referrals Procedure](#). Information will only be accepted by submitting a multi-agency referral form (MARF). Telephone calls made to refer urgent circumstances should be followed up by sending a MARF.

## **5. Storing and Accessing Information on Persons who Present a Risk to Children**

The Isle of Man Constabulary obtains, holds, uses and discloses personal information for specific purposes established in law commonly referred to as the Policing Purpose which provide the legal basis for collecting, recording, evaluating, sharing and retaining police information.

The Department of Home Affairs, The Isle of Man Constabulary, and the Probation and Prison Service will hold information relating to offenders. Information will be provided to Children and Families Division wherever it is considered that an Individual is likely to pose a risk of harm to a child. It is also likely that a request will be made to the Isle of Man Constabulary/Probation Service by the Children and Families Division whenever enquiries are being made and investigations conducted.

Information received by Children and Families Division in respect of person(s) who present a risk to children will be stored:

- In electronic form on Protocol the Integrated Children's System within Children and Families Division;
- Any agency or organisation outside of the Children and Families Division wishing to access information on a person they believe may present a risk to children should contact the Initial Response Team, Children and Families Division detailing their concerns.

## **6. Logging Requests for Information on Persons who Present a Risk to Children**

All requests for information on persons who present a risk to children should be logged by the Children and Families Division.

The following details should be requested by the person receiving the contact:

- Name of person requesting information;
- Position within organisation and phone number;
- Name of person information requested on;
- Reason information is required/ name of child associated with;
- Date requested.

The name of the member of staff who gave the details and also the date information was shared should also be recorded.

## 7. Informing People that Information is Held on them/Reviewing Information on Persons who Present a Risk to Children

- Any person on whom Manx Care holds information has the right to request sight of information about them under the Freedom of Information Act 2000;
- Practitioners sharing information in respect of a person(s) who presents a risk to children **should** make the person aware that Manx Care will hold information on them and that the information will be subject to review;
- The referring agency is responsible for maintaining and updating their records (in accordance with their own internal procedures) and will inform the Children and Families Division and the person who presents a risk to children if there is any change in their status.

## 8. Sharing Information on Persons who Present a Risk to Children with Other Agencies/Members of the Public

There will be some instances when it will be necessary to share information with other agencies/members of the public in respect of those persons who present a risk to children. - see [Information Sharing and Confidentiality Protocol](#) for more information.

## 9. Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) is an agency within Home Affairs. The DBS aims to help employers make safer recruitment decisions by identifying candidates who may be unsuitable for certain types of work. These can be standard or enhanced disclosure depending on the duties of a particular position or job. In addition to information about a person's criminal record, an enhanced disclosure contains details of whether a person is registered with DBS or barred from working with children; this is not so with a standard disclosure. It is expected that anyone working in a practitioner or voluntary capacity with children and young people will have an initial DBS disclosure at the start of employment and then 3 yearly thereafter.

## 10. The Sex Offenders Register

The Sex Offenders register is a requirement on offenders, including young people, who have offended and who receive a conviction or caution for certain sexual offences on the Isle of Man. This is not an automatic requirement as such, but a person becomes subject to notification requirements if they are convicted of an offence as specified in the aforementioned schedule.

The notification requirements are intended to ensure that the police are informed of the whereabouts of offenders in the community. The notification requirements do not bar offenders from certain types of employment. They must inform the police of certain personal details within clear time-scales, of changes in these details. The length of time they remain under these arrangements depends on whether convicted or cautioned and the sentence that they received; failure to comply is a criminal offence.

## **11. Sexual Offences Prevention Orders (SOPO)**

### **Sexual Offences Prevention Orders**

Sexual Offences Prevention Orders can be applied to anyone convicted or cautioned of a sexual or violent offence, including where offences are committed overseas.

The court needs to be satisfied that the order is necessary for protecting the public, or any particular members of the public, from sexual harm, or protecting children from sexual harm from the defendant outside the Isle of Man.

The Orders prohibit the defendant from doing anything described in the order, and can include a prohibition on foreign travel.

A prohibition contained in a Sexual Offences Prevention Order has effect for a fixed period, specified in the order, of at least 5 years, or until further order. The Order may specify different periods for different prohibitions.

Failure to comply with a requirement imposed under an Order is an offence punishable by a fine and/or imprisonment.