

NORTH EAST LINCOLNSHIRE SAFEGUARDING CHILDREN PARTNERSHIP

PERSON WHO POSE A RISK TO CHILDREN

CONTENTS

1. Introduction
2. Collaborative Working
3. Risk to Children
 - 3.1 Offences targeted at those who sexually exploit children and young people
4. Multi-Agency Public Protection Arrangements (MAPPA)
5. Identification of MAPPA Eligible Offenders
6. Sharing of Relevant Information
7. ViSOR
8. Assessment of the Risk of Serious Harm
9. Managing Risk of Serious Harm
10. Other Processes and Mechanisms
 - 10.1 Multi-Agency Risk Assessment Conference (MAPPA)
 - 10.2 Offending Behaviour Programmes
 - 10.3 Disclosure and Barring Service
 - 10.4 The Sex Offender Register
 - 10.5 Notification Order
 - 10.6 Sexual Harm Prevention Orders and Sexual Risk Orders
 - 10.7 Violent Offender Orders (VOOs)
11. Local MAPPA Contact List
 - 11.1 Area MAPPA Coordinator
 - 11.2 Local MAPPA Coordinators

1. INTRODUCTION

All allegations of Abuse of children by those who work with children must be taken seriously. Allegations against any person who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances.

This procedure should be applied when there is such an allegation or concern that a person who works with children, has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse (i.e. Physical, Sexual and Emotional Abuse and Neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 **Sexual Offences Act 2003**);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 **Sexual Offences Act 2003**);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc).
- Possession of indecent photographs / pseudo-photographs of children.

If concerns arise about the person's behaviour to her/his own children, the police and/or children's social care must consider informing the employer / organisation in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

All references in this document to 'staff or members of staff' should be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example foster carers, approved adopters and child minders. This chapter also applies to any person, who manages or

2. COLLABORATIVE WORKING

The Children Act 1989 recognised that the identification and investigation of child abuse together with the protection and support of victims and their families requires multi-agency collaboration. This has rightly focused on the child and the supporting parent/carer. As part of that protection, action has been taken, usually by the police and children's social care services to prosecute known offenders and/or control their access to vulnerable children.

This work, whilst successful in addressing the safety of particular victims has not always acknowledged the ongoing risk of harm that an individual perpetrator may present to other children in the future. Nor does it acknowledge that a young person may also be a perpetrator and that the same young person may simultaneously be suffering, or likely to suffer harm and present a risk of harm to other children and young people.

3. RISK TO CHILDREN

The terms 'Schedule One offender' and 'Schedule One offence' have been commonly used for anyone convicted of an offence against a child listed in Schedule One of the Children and Young Person's Act 1933. However, a conviction for an offence in Schedule One does not trigger any statutory requirement in relation to child protection issues and 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. It has been replaced with 'Risk to Children'. This clearly indicates that the person has been identified as presenting a current risk or potential risk of harm to children.

Guidance on offences against children (Home Office Circular 16/2005) * explains how those people who present risk, or a potential risk, of harm to children should be identified. The Circular explains that the present method of automatically identifying as a risk of harm to children an offender who has been convicted of an offence listed in Schedule One of the Children and Young Person's Act 1933 fails to focus on those who continue to present a risk.

The list of offences attached to that Circular carries no statutory requirements, but practitioners working in this area should use the list as a 'trigger' to a further assessment, including consideration of previous offences and behaviours, to determine if an offender should be regarded as presenting a continuing risk of harm to children. This allows agencies to focus resources on the correct group of individuals, and not include those who have been identified solely because a child was harmed during the offence, for example as in the case of a road traffic accident. An offender who has harmed a child might not continue to present a risk towards that child or other children. Where a child or young person (aged under 18years) offends against another child, a thorough and specialist assessment should be undertaken to establish the extent to which the young person who has offended continues to pose a risk of harm to other children and young people. They should be alert to the possibility that there may be little or no continuing risk of harm to other children or young people, but never lose sight of taking all possible

actions to ensure that children are adequately protected from any future harm. Practitioners should also assess and put in place services to respond to the - often complex - needs of the young person who has offended.

Once an individual has been sentenced and identified as presenting a risk of harm 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 in **the National Probation Service - North East**, the Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company (HLNY CRC) and the Youth Offending Service will monitor the individual's risk of harm to others and their behaviour and liaise with partner agencies as appropriate. It should be noted that under case allocation guidelines for probation services, any individuals posing a high risk of harm to children will be managed by the National Probation Service.

In cases where the offender has been sentenced to a period of custody, prison establishments undertake a similar responsibility and, in addition, notify agencies prior to any period of release. Similarly, for offenders released on licence into the community who are assessed as potentially presenting a risk of harm to children, consideration will be given to including licence conditions which seek to prevent the offender's contact with children.

Home Office Circular 16/2005 gives detailed guidance on offences against children.

The Children and Young Persons Act 1933 and subsequent legislative updates offers information on the legal aspects and a list of offences.

3.1 OFFENCES TARGETED AT THOSE WHO SEXUALLY EXPLOIT CHILDREN AND YOUNG PEOPLE

The Sexual Offences Act 2003 introduced a number of new offences to deal with those who abuse and exploit children in this way. The offences protect children up to the age of 18 and can attract tough penalties. They include:

- Paying for the sexual services of a child
- Causing or inciting child prostitution
- Arranging or facilitating child prostitution
- Controlling a child prostitute

These are not the only charges that may be brought against those who sexually exploit children or young people. Abusers and coercers often physically, sexually and emotionally abuse these children, and may effectively imprison them. If a child is victim of serious offences, the most serious charge that the evidence will support should always be used.

4. MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)

Multi-Agency Public Protection Arrangements (MAPPA) provide a national framework in England and Wales for the assessment and management of risk posed by specified sexual and violent offenders, including offenders (young people) who are considered to pose a risk, or potential risk, of serious harm to children. These arrangements are statutory requirements. Sections 325 - 327 of the Criminal Justice Act 2003 (effective from 5th April 2004) require the police, prisons and Probation Providers (the "Responsible Authority") in each area to establish and monitor these arrangements. A number of other agencies - including children's and adult's social care services, health, housing, YOS, Jobcentre Plus and electronic monitoring providers - are under a statutory duty to co-operate with the Responsible Authority in this work. The National *MAPPA Guidance v4.2 (2012)* further develops processes particularly with regard to young people who pose a risk and the role of YOS. Current National Guidelines on implementing MAPPA were introduced in April 2004 and updated guidelines were issued *in November 2017*.

Each area has a MAPPA Strategic Management Board (SMB) attended by senior representatives of each of the responsible authority and duty to co-operate agencies, plus two lay advisors. It is the role of the SMBs to ensure that the MAPPA are working effectively and to establish and maintain working relationships with the Local

Safeguarding Children's Partnerships (LSCPs). To provide consistency and a central awareness a Humberside Area Strategic Management Board is in place and comprises of lead officers from Police, Probation and Prison, representatives from a number of agencies with a "duty to Co-operate" and Lay Advisors.

MAPPA's focus is on specified sexual and violent offenders in, and returning to the community, and its aims are to:

- Ensure more comprehensive risk assessments are completed, taking advantage of co-ordinated information sharing across the agencies; and
- Share information, assess and manage risk and direct the available resources to best protect the public from serious harm.

Offenders eligible for MAPPA are identified and information is gathered / shared about them across relevant agencies. The extent to which they pose a risk of serious harm is assessed and a risk management plan is implemented to protect the public.

National Probation Service Local Delivery Units of North and North East Lincolnshire and Hull and East Riding have a MAPPA Chair and one Area MAPPA Co-Ordinator and four local administrative co-ordinators based in the field probation offices in Hull, Grimsby & Scunthorpe. There is also a Detective Sergeant who is the police's policy lead for MAPPA based within the *Protecting Vulnerable People Management Support Unit*. The Area MAPPA Co-ordinator, supported by local *administrative* co-ordinators in probation field offices works closely with the police **Management of Sexual & Violent Offender (MOSOVO)** Officers based within the police's protecting vulnerable persons units and can be contacted directly or via any of the local coordinators (contact details can be found at the end of this section) or police Risk Management Officers. Referrals to MAPPA or any queries in regard to the appropriateness of referrals should be made to any of the above contacts.

The **National MAPPA Guidance** and area annual MAPPA Reports, which describe how the arrangements are working locally and include examples of case studies, can be found **on Her Majesty's Prison and Probation website**.

5. IDENTIFICATION OF MAPPA ELIGIBLE OFFENDERS

Not all offenders are eligible for the Multi Agency Public Protection Arrangements so effective multi-agency public protection needs to start with the efficient identification of those relevant offenders. Prompt and accurate identification then allows all agencies to gather and share relevant information and choose the appropriate risk management strategies.

MAPPA applies to certain categories of individuals who are currently being dealt with for a specified sexual or violent offence. In the main these offenders are registered sex offenders, i.e. those convicted or cautioned for certain sexual offences who are required to register with the police, or violent and other sex offenders who generally have received a sentence of imprisonment of 12 months or more and will be supervised in the community by the Probation Provider or the youth offending service teams.

These offenders fall into *three* categories formally defined as:

- Category 1: registered sexual offenders, i.e. sexual offenders who are required to notify the police of their name, address and other personal details and notify any changes subsequently.
- Category 2: offenders sentenced to imprisonment/detention for 12 months or more or detained under hospital orders (in relation to murder or offences specified in schedule 15 of the Criminal Justice Act 2003). This category also includes a small number of sexual offenders who do not qualify for registration and offenders barred from working with children.

In addition, the MAPPA applies to those individuals who do not qualify under categories 1 or 2 but who currently pose a risk of serious harm. There is a link between the offending and the risk posed and they require active multi-agency management. Referrals in regard to this type of offender can and do arise from any of the agencies involved in MAPPA.

This group of offenders are defined as:

- Category 3: The inclusion of these offenders under MAPPA is based on two considerations. First it must be established that the individual has a conviction for a Schedule 15 Criminal Justice Act 2003 offence (mostly violent and sexual offences) and information indicates they are capable of causing serious harm to the public. Secondly it must be reasonably considered that they may pose a current risk of serious harm to the public.

6. SHARING OF RELEVANT INFORMATION

Exchange of information is essential for effective public protection. The MAPPA guidance details how MAPPA agencies may/should exchange information amongst themselves to better manage offenders. It also explains why and how information may be disclosed to those not involved in the MAPPA management of the offender. The expectation is that information on offenders will be disclosed to others - for example, partners, employers, schools - where this is required to manage the risk posed by the offender. Under case allocation guidelines for probation providers, all MAPPA eligible offenders are managed by the National Probation Service. The Community Rehabilitation Companies have a duty to cooperate through prompt risk escalation of those offenders who begin to present a high risk of serious harm and may become MAPPA eligible as a consequence.

7. ViSOR

ViSOR (Violent Offender and Sex Offender Register) is a national database which currently carries details of MAPPA eligible offenders and other potentially dangerous individuals. The police have been using it since 2005 and Probation Providers and prisons have had access since 2008-2009. The benefit is that, for the first time, all three responsible authority agencies (Probation, Prison and Police) can access the same IT system, thus improving the quality and timeliness of risk assessments and of interventions to prevent offending. **All registered sex offenders are recorded on ViSOR, violent offenders are recorded if they have been discussed at level 2 or level 3 MAPPA meetings.**

8. ASSESSMENT OF THE RISK OF SERIOUS HARM

Her Majesty's Prison and Probation Service (HMPPS) assesses risk of serious harm using the Offender Assessment System (OASys) supplemented by additional assessment procedures, depending on the nature of the offending and the specific risks identified. The Youth Justice Board use ASSET for under eighteen year olds. The levels of risk are as follows:

- Low: Current evidence does not indicate a likelihood of causing serious harm.
- Medium: There are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change of circumstances (e.g. failure to take medication, loss of accommodation, relationship breakdown, and drug or alcohol misuse).
- High: There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.
- Very high: There is an imminent risk of harm. The potential event is more likely than not to happen imminently and the impact would be serious.

Risk is categorised by reference to the potential subject of that harm. This includes children who may be vulnerable to harm of various kinds, including violent or sexual behaviour, Emotional Harm or Neglect. In this context, MAPPA will work closely with LSCPs to ensure the best, local joint arrangements can be made for any individual child being considered by either setting. Initial risk assessments are completed by the National Probation Service who remain responsible for delivery of all court work and assessment. Community Rehabilitation Companies also assess risk of harm post sentence using the OASys assessment. Where there is evidence risk may have increased to high a Risk Escalation request is submitted to the National Probation Service in order for the case to be transferred.

9. MANAGING RISK OF SERIOUS HARM

Through MAPPA the Responsible Authority seeks to ensure that strategies to address risk are identified and plans developed, implemented and reviewed on a regular basis. Those plans include action to monitor the behaviour and attitudes of the offender and to intervene in to address risk are identified and plans developed, implemented and reviewed on a regular basis. Those plans include action to monitor the behaviour and attitudes of the offender and to intervene in their life in order to control and minimise the risk of serious harm to others.

In most cases a MAPPA eligible offender will be managed without recourse to MAPPA meetings under the ordinary arrangements applied by the agency or agencies with supervisory responsibility. This will generally be the police for registered sexual offenders (category 1) who are not on a licence to probation, and probation for sexual and violent offenders (categories 1 and 2) who are on licence. The Youth Offending Service will lead with young offenders and Mental Health Services with those on hospital orders.

Under the MAPPA framework there are three levels at which relevant offenders are managed, to enable resources to be deployed in the most efficient and effective manner. Offenders will be moved up and down levels as appropriate. Although generally the higher the assessed level of risk the higher the level of management required this need not always be the case. The risk management structure is based on the principle that cases should be managed at the lowest level consistent with providing a defensible risk management plan.

The three levels are:

□ *Level 1: Ordinary Agency Management (Category 1 and 2 only)*

This is when the offenders are subject to the usual management arrangements applied by whichever agency is supervising them. It does not rule out information sharing between agencies, via VISOR and other routes. The majority of offenders supervised by the police or the Probation Providers or the Youth Offending Service will be managed at this level.

□ *Level 2: Active Multi-Agency Management (Category 1, 2 and 3)*

This is when the risk management plan for the offender requires the active involvement of several agencies via regular meetings. Locally these are known as Local Risk Management Meetings (LRMM) which take place every month. They are attended by core members from the police, National Probation Service and several "duty to co-operate" agencies: e.g. Children and Family Services, Community Forensic Mental Health team. In addition, representatives from agencies relevant to the offender and the risk of serious harm s/he presents are invited to share information and, where possible, contribute to the risk management plan.

□ *Level 3: Active Multi-Agency Management (Category 1,2 and 3)*

This level deals with those "critical few" cases which are assessed as being a high or very high risk of causing serious harm; AND they present risks that can only be managed by a plan which requires close co-operation at a senior level due to the complexity of the case and/or because of the unusual resource commitments required. Meetings at this level are held four weekly at the relevant probation offices.

Additionally, cases which may not be assessed at high or very high risk can also be managed at level 3. These are exceptional because of the high likelihood of media scrutiny and/or public interest in the management of the case and there is a need to ensure that public confidence in the criminal justice system is maintained.

The two levels of meetings held under MAPPA result in clear actions which feed into the risk management plans laying down specific objectives for the management of the risk the offender presents. Responsibilities and tasks are clearly defined and firm timetables established. The plan needs to be able to deal with changing circumstances of the case and should ensure that all appropriate restraints on the offender are put in place.

The Youth Offending Service has a duty to identify cases that meet MAPPA criteria and make appropriate referrals. However, the 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 offenders as well as to protect others from harm. Children's Social Care services should always be represented at MAPPA meetings when a young person is being discussed.

10. OTHER PROCESSES AND MECHANISMS

10.1 MULTI AGENCY RISK ASSESSMENT CONFERENCE (MARAC)

A **MARAC** is a multi-agency meeting which has the safety of high risk victims of domestic abuse as its focus. The identification of high risk victims has been made possible by the use of a risk identification tool²⁶⁶, for use across a wide range of agencies. This has permitted practitioners, both within and outside of the criminal justice system, to identify high risk victims of domestic abuse. As a result, many more high risk victims are being identified and, in response, the MARAC is being rolled out across England and Wales with a view to meeting this need.

The MARAC is a process involving the participation of all the key statutory and voluntary agencies who might be involved in supporting a victim of domestic abuse. This includes those from the criminal justice system, those supporting children, those from the health service, the local authority, housing, substance misuse and, critically, specialist domestic violence services most frequently in the form of an Independent Domestic Violence Advisor (IDVA). The IDVA is a specialist caseworker who receives accredited training to work with high risk victims of domestic abuse from the point of crisis and whose focus is very much on the MARAC.

Locally MARACs are co-ordinated by North East Lincolnshire's domestic abuse co-ordinator and an MARAC administrator.

At a typical MARAC meeting 15 to 20 high risk cases are discussed in half a day with a very brief and focused information sharing process followed by a simple multi-agency action plan being put into place to support the victim and to make links with other public protection procedures, particularly safeguarding children, Adults at Risk and, of course, the management of perpetrators.

It is important to understand the MARAC meeting as part of a wider process which hinges on the early involvement and support from an IDVA and continued specialist case management, both before and after the meeting. The MARAC should combine the best of specialist support together with the co-ordination of the generic agencies whose resources and involvement will be needed to keep victims and their children safe.

Where an offender is being managed at MAPPA Level 2 or Level 3, to avoid duplication of effort and resources, the MAPPA meeting should take the lead over the MARAC. The reason for this is that the MAPPA is a statutory set of arrangements and therefore it takes precedence over the MARAC.

10.2 OFFENDING BEHAVIOUR PROGRAMMES

Rehabilitation of offenders is the best guarantee of long-term public protection. A range of independently accredited treatment programmes which have been developed or commissioned by **HMPPS**, have been 'tried and

tested' at a national level. Examples include sex offender treatment programmes, programmes for offenders convicted of internet-related sexual offences, and programmes for perpetrators of domestic abuse. Delivery of sex offender treatment programmes remains the responsibility of the National Probation Service. All other accredited programmes, including the Building Better Relationships programme are delivered by the HLNy CRC.

10.3 DISCLOSURE AND BARRING SERVICE

The Disclosure and Barring Service aims to ensure that unsuitable people do not work with children, whether in paid employment or on a voluntary basis. The scheme comprises:

Two barred lists, maintained by the Disclosure and Barring Service (DBS)

- One list comprises persons barred from working with children, and the other is for persons barred from working with Adults at Risk. From 12 October 2009 these lists replaced the list held under section 142 of the Education Act 2002 known as 'List 99', the list held under the Protection of Children Act 1999 and the list held under the Protection of Adults at Risk Scheme. It is a criminal offence for a barred person to engage in 'regulated activity' (see below) or for an employer knowingly to engage a barred person to carry out such work; and
- A register of those wishing to work with vulnerable groups. Except where there is a specific exception, from November 2010 all new entrants to the children's workforce will be required to register with the Scheme before being allowed to engage in any relevant duties. From this date, it will be a criminal offence for anyone entering the sector to work in regulated activity or for an organisation to allow a non-registered individual to do so. Registration for existing workers will be phased in over the period 2011-2015, and employers will be expected to facilitate the registration, at the appropriate time, of staff that carry out regulated activity. Guidance on the coverage of the scheme, on the exceptions from registration and on phasing will be made available on the ISA website.

Since October 2009, the duties to refer concerns regarding individuals under List 99 and the Protection of Children Act 1999 were replaced with a duty to refer information to the DBS. The circumstances where a referral must be made are where:

- An individual has been removed from 'regulated activity' (or would or might have been removed if they had not already left); and
- The employer/volunteer manager thinks that 'relevant conduct' has occurred, or the individual poses a risk of harm.

On 1 December 2012 the Independent Safeguarding Authority (ISA) and the Criminal Records Bureau (CRB) merged to form a new organisation, the Disclosure and Barring Service (DBS). The legal duty to make referrals remains, however referrals should now be addressed to the DBS. **The DBS website** provides a range of materials to help you to consider or make a referral. This includes a Referral Form, Referral Guidance, FAQs and a series of Fact Sheets.

The duties to refer and to provide information to the DBS on request are placed on regulated activity providers and certain other bodies, including local authorities in their children's services and adult social care capacities. Failure by regulated activity providers to carry out the duty is a criminal offence. Compliance by local authorities is

subject to local government performance management systems. 'Regulated activity' is defined in guidance on the DBS website.

'Relevant conduct' is defined as:

- Conduct which endangers a child or is likely to endanger a child.
- Conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him.
- Conduct involving sexual material relating to children (including possession of such material).
- Conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to the DBS that the conduct is inappropriate; or
- Conduct of a sexual nature involving a child, if it appears to the ISA that the conduct is inappropriate.

The Disclosure and Barring Service aims to help employers make safer recruitment decisions by identifying candidates who may be unsuitable for certain types of work, by way of criminal records checks. 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 recorded as barred from working with children or Adults at Risk; this is not so with a standard disclosure.

There is also an optional Disclosure and Barring Service Update Service. Instead of a new criminal records / Barred Lists check being necessary whenever an individual applies for a new paid or voluntary role working with Adults at Risk, individuals can opt to subscribe to the online Update Service. This will allow them to keep their criminal record certificate up to date, so that they can take it with them from role to role, within the same workforce.

Employers do not need to register, but can carry out free, instant, online status checks of a registered individual's status. A new DBS check will only be necessary if the status check indicates a change in the individual's status (because new information has been added).

10.4 THE SEX OFFENDER REGISTER

The notification requirements of Part 2 of the Sexual Offences Act 2003 (known as the Sex Offenders Register) are an automatic requirement on offenders who receive a conviction or caution for certain sexual offences. The notification requirements are intended to ensure that the police are informed of the whereabouts of offenders in the community. Some Registered Sex Offenders are eligible for a Disqualification Order barring offenders from certain types of employment or voluntary work.

Offenders must notify the police of certain personal details within three days of their requirement to register or release from custody or detention e.g. all financial information, passport and National Insurance.

Such an offender must then notify the police, within three days, of any change to the notified details and whenever they spend 7 days or more at another address within a 12 month period. They must also notify any address they are staying at for more than 12 hours where there is an under 18 year old present.

All offenders must reconfirm their details at least once every twelve months and notify the police, 7 days in advance of any travel overseas.

The period of time that an offender must comply with these requirements depends on whether they received a conviction or caution for their offence and, where appropriate, the sentence they received. This can be a minimum of the duration of a conditional discharge, 2 years for a caution up to a maximum of life (but the offender can now request to be removed from the register after a period of 15 years).

Failure to comply with these requirements is a criminal offence with a maximum penalty of 5 year's imprisonment. The police should be contacted if such an offence is committed.

10.5 NOTIFICATION ORDER

Notification Orders are intended to ensure that British citizens or residents, as well as foreign nationals, can be made subject to the notification requirements (the Sex Offenders Register) in the UK if they receive relevant convictions or cautions for sexual offences overseas.

Notification Orders are made on application from the police to a Magistrates' Court. Therefore, if an offender is identified who has received a conviction or caution for a sexual offence overseas the case should be referred to the local police for action.

If a Notification Order is in force then the offender becomes subject to the requirements of Sex Offender Registration

For example: a Notification Order could ensure that the notification requirements will apply to a British man who, while on holiday in South East Asia, received a caution for a sexual offence on a child.

Any information that an individual has received a conviction or caution for a sexual offence overseas should, where appropriate, be shared with the police.

10.6 SEXUAL HARM PREVENTION ORDERS AND SEXUAL RISK ORDERS

These orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They replace the previous Sexual Offences Prevention Order, Risk of Sexual Harm Orders and Foreign Travel Orders which were introduced by the Sexual Offences Act 2003.

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 from the defendant; or protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

The Orders prohibit the defendant from doing anything described in the order and can include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003).

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

SEXUAL HARM PREVENTION ORDERS

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

A prohibition contained in a Sexual Harm 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.

The new sexual harm prevention order (SHPO) replace the sexual offences prevention order and foreign travel order and may be made in relation to a person who has been convicted of or cautioned for a sexual or violent offence (including equivalent offences committed overseas) and who poses a risk of sexual harm to the public.

The SHPO may be made by a court on conviction for a sexual or violent offence, or by the magistrates' court on application by the police or NCA. A court may impose an order for the purposes of protecting the public in the UK and/or children or vulnerable adults abroad from sexual harm.

An order may prohibit the person from doing anything described in it – this includes preventing travel overseas. Any prohibition must be necessary for protecting the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.

An SHPO will make the person subject to the notification requirements for registered sex offenders for the duration of the order (that is, it puts them on the 'sex offenders' register'), if they are not already.

An SHPO lasts a minimum of five years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, must be renewed after five years.

In line with the existing position, breach of an order is a criminal offence punishable by a maximum of five years' imprisonment, the criminal standard of proof continues to apply, the person concerned is able to appeal against the making of the order, and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

SEXUAL RISK ORDERS

Sexual Risk Orders can be made where a person has done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for such an order to be made, even if they have never been convicted. They replace the previous Risk of Sexual Harm Orders.

A prohibition contained in a Sexual Risk Order has effect for a fixed period, specified in the order, of not less than 2 years, or until further order. The Order may specify different periods for different prohibitions.

THE SEXUAL RISK ORDER

The sexual risk order (SRO) replaces the risk of sexual harm order and may be made in relation to a person without a conviction for a sexual or violent offence (or any offence), but who poses a risk of sexual harm.

The SRO can be made by the magistrates' court on application by the police or NCA where an individual has done an act of a sexual nature and as a result poses a risk of harm to the public in the UK or adults or vulnerable children overseas.

An SRO prohibits the person from doing anything described in it – this includes preventing travel overseas. Any prohibition must be necessary for protecting the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.

An individual subject to a SRO is required to notify the police of their name and home address within three days of the order being made, and also to notify any changes to this information within three days.

A SRO lasts a minimum of two years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, last for a maximum of five years (but may be renewed).

As with the SHPO, breach of an order is a criminal offence punishable by a maximum of five years' imprisonment, the criminal standard of proof continues to apply, the person concerned is able to appeal against the making of the order, and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

10.7 VIOLENT OFFENDER ORDERS (VOOS)

Violent Offender Orders (VOOs) are civil preventative orders that came into effect on 3 August 2009 (contained in Part 7 of the Criminal Justice and Immigration Act 2008). VOO were developed as a tool to help the Police Service to manage those offenders who continue to pose a risk of serious violent harm to the public even after their release from prison or when their licence has ceased. Although not specifically designed as a tool to protect children, there may be circumstances where VOOs would be an appropriate mechanism to manage an individual who poses a serious risk of harm to children.

VOOs are designed to protect the public from serious violent harm and also impose restrictions on an offender by prohibiting their access to certain places, premises, events or people to whom they pose the highest risk. The offences on the basis of which a VOO can be obtained did not currently include murder committed overseas

NORTH EAST LINCOLNSHIRE SAFEGUARDING CHILDREN PARTNERSHIP

(murder was not originally included on the list of specified offences, because an individual convicted in the UK automatically becomes subject to licence conditions for life). Clause 106 of Anti-social Behaviour, Crime and Policing Bill 2014 adds the offence of murder overseas as an offence.

VOOs are available on application by a chief officer of police to a Magistrates' Court and, if granted, will contain such restrictions, prohibitions or conditions authorised by Section 102 of the Act as the court considers necessary to protect the public from the risk of serious violent harm caused by the offender. This may include prohibiting their access to certain places, premises, events or people to whom they pose the highest risk.

Breach of any of the prohibitions, restrictions or conditions contained in a VOO without reasonable excuse is a criminal offence, with a maximum punishment of five years' imprisonment.

11. LOCAL MAPPA CONTACT LIST

Contact Details	Number
11.1 Area MAPPA Coordinator	
Priory Road Police Station	Tel: 01482 578116 Tel: 07717 766466
11.2 Local MAPPA Coordinators	
Kingston-Upon-Hull NPS North East Barclay House Liberty Lane HU1 1RS	Tel: 01482 480041 Tel: 07799 010700 Fax: 01482 480003
East Riding of Yorkshire NPS North East St Johns Avenue Bridlington YO16 4NG	Tel: 01262 672512 Tel: 01262 426446 Fax: 01262 400336
North Lincolnshire <i>NPS – North East</i> Park Square Scunthorpe North Lincolnshire DN15 6JH	Tel: 01724 861222 Fax: 01724 289343
North East Lincolnshire <i>NPS - North East</i> Queen Street Grimsby North East Lincolnshire DN31 1QG	Tel: 01472 357454 Fax: 01472 355572
SMB/Level 3 Administrator Priory Road Police Station Hull	Tel: 01482 578302