

Sex Offender Community Disclosure Scheme

Briefing Note

Introduction

In June 2007 the Government published the Review of the Protection of Children from Sex Offenders. As a result the Disclosure Scheme was introduced in four English Police forces to pilot a new approach to dealing with the disclosure of information relating to child sexual offences. The disclosure Scheme aimed to fulfil action 4 of the review, which stated that the Government would:

'Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sex offences and is considered a risk, there is a presumption that this information will be disclosed to the relevant member of the public.'

In parallel to the developments in England, the Scottish Government – working closely with the Association of Police Officers in Scotland (ACPOS) and the Association of Directors of Social Work (ADSW) – decided to pilot a similar disclosure scheme. The pilot was conducted between September 2009 and May 2010 in the Tayside Police force area.

Both the Westminster and Scottish Governments have now approved the scheme and it is being launched nationwide. The scheme will 'go live' in Grampian on 31 January 2011.

The principal aim of this scheme is to provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare. It is not an aim of this scheme to introduce a US-style Megan's Law or automatic disclosure of child sexual offender details to the general public, which could encourage offenders to go missing and therefore put children at greater risk of harm.

Under the Disclosure Scheme anyone can make an application to the Police about a person (subject) who has some form of contact with a child or children. This could include any third party such as a grandparent, neighbour or friend. This is to ensure any safeguarding concerns are thoroughly investigated. A third party making an application would not necessarily receive disclosure as a more appropriate person to receive disclosure would be the parent, guardian or carer of the child. In the event that the subject has convictions for sexual offences against children, poses a risk of causing harm to the child concerned and disclosure is necessary to protect the child, there is a presumption that this information will be disclosed.

This scheme will not replace existing arrangements for Disclosure (Scotland) checks, Subject Access or Freedom of Information (FOI).

Procedures

If it is identified that urgent action is required due to immediate/imminent risk of harm to a child then ACTION MUST BE TAKEN IMMEDIATELY and existing child protection procedures should be followed.

The Disclosure Scheme is focussed on disclosure and risk management where the subject is identified as being convicted of child sexual offences. In practical terms however the Disclosure Scheme will be broader and will include routes for managed access to information regarding individuals who are not convicted child sex offenders but who pose a risk of harm to children. This may include

- Persons who are convicted of other offences for example, serious domestic violence
- Persons who are not convicted but on whom intelligence is held by the police or any other agency indicating that they pose a risk of harm to children.

For the purpose of the scheme the application must be concerning a child or children who may be put at risk of serious harm by a subject who can be named or identified.

If notifications are made to the Police from partner agencies raising concerns about harm to a child, normal child protection procedures for this type of information should apply. This does not fit into the remit of the scheme. However, if it is an enquiry under the Disclosure Scheme then the applicant should be referred to the Police. Agencies should not advise this as a route to report child abuse or make a referral.

Upon receipt of an application a set of procedures must be adhered to within strict time limits. Further information in this regard will be provided by the Police to partners in due course.

The decision whether to make a disclosure should be a multi-agency one. This would ordinarily be in a MAPPA meeting for those subjects who meet the MAPPA criteria. For those subjects who do not meet MAPPA criteria then this would ordinarily be via a child protection meeting.

Tayside Pilot

Overall there were 53 enquiries made to the scheme over the course of the 36 week pilot. 52 enquiries resulted in an initial call back from the Police and of that 52, 43 enquiries resulted in a face to face interview. 11 enquiries resulted in Disclosure.