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PD 596 Child Sex Offender Disclosure Scheme
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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	22/3/11	T/Insp Ian Williams	MAPPA Policy & Strategy Officer	National Guidance (new procedure)

SECTION 2 BACKGROUND

In 2007, the Review of the Protection of Children from Sex Offenders, recommended that a police led Disclosure Scheme should be introduced in four areas, to pilot a new approach in dealing with the disclosure of information relating to child sexual offences.

A subsequent independent evaluation found that the scheme had been a success and a decision was made to roll out the scheme nationally.

The key changes are that any person can now make an application about anybody that has contact with a child and there is no requirement to demonstrate existing concern to justify an application.

Disclosure will only be made after multi-agency consideration and then only to persons in a position to use that information to protect a child.

The amount of information disclosed will be restricted to the minimum required for the protection of the child. Specific details of offences will not be disclosed unless exceptional circumstances apply and only where such disclosure is necessary, relevant and proportionate to the protection of a child.

SECTION 3 AIMS / OBJECTIVES

- To reduce sexual offending against children;
- To provide parents, carers and guardians with information that will enable them to better safeguard their children; and
- To improve public confidence.

SECTION 4 DETAILS

Disclosure will only be made after multi-agency consideration and then only to persons in a position to use that information to protect a child. Any disclosure under the scheme must only be made in accordance with this procedure and only by those authorised to disclose such information. Officers and staff must not make any disclosure outside this process. All disclosure enquiries must be processed in accordance with this procedure. Disclosure will only be made after multi-agency consideration and then only to persons in a position to use that information to protect a child. Accordingly, anonymous applications will not be deemed to meet this requirement and such applications will be rejected. An applicant may express a wish to not have their contact details disclosed at the time of the application. Whilst we cannot guarantee anonymity, such a request for anonymity may be considered.

Each stage of the process will require the completion of different forms. A suite of forms G1074 (A) – (G) have been created for this purpose. These forms are all located on NCForms in the CSOD tab and may be obtained using the Word>File>New search process.

4.1.1 DEFINITIONS USED IN THIS PROCEDURE

Child - an individual under the age of 18 years, with whom the subject has some form of contact, or potential contact.

Subject – the person whom the applicant is seeking information about.

Applicant – the person making the application.

Application – those enquiries that go on to be processed as formal Child Sex Offender Disclosure (CSOD) applications.

Receiving Force – The area where the applicant lodges their enquiry (this may or may not be the same area where they reside).

Coordinating Force – The Police Force where the applicant resides is responsible for managing and coordinating all stages from application to final conclusion.

Responding Force – Where the Child(ren) reside, the subject resides, or other place of interest (e.g. school, college, club etc).

Specialist Officer – a trained public protection officer, employed by the police.

4.1.2 PRIMARY ROLES AND RESPONSIBILITIES

Due to nature of responsibilities under the scheme, there may on occasions be a complicated arrangement of responsibilities depending upon where the applicant lives, to which force the application is initially made, where the subject of the disclosure lives and where the child or children relating to application live.

The Police force where the **applicant is resident** will have the primary role in the coordination of the CSOD application, even where the **subject** of the application, or the child or children concerned, is living in another force area.

Children's Social Care will retain the primary responsibility for the welfare of any child that resides in their area.

Where there are multiple children/locations, it may require the engagement of more than one team or local authority, If more than one local authority is involved, each authority will be responsible for those children residing in their area.

4.1.3 POLICE CROSS BORDER ISSUES

The CSOD process is applied in a number of distinct stages. The application of each stage will depend upon a number of factors. Details about the application of each stage are provided in **Section 4.2 onwards**.

4.1.4 Applicant lives in Nottinghamshire and application is made to another force

Where the enquiry is made in another force area, but the applicant resides in Nottinghamshire, the FCID DPMU (see [CONTACTS](#)) will be the point of contact for the [Receiving Force](#) and will take receipt of the Stage 1 form and coordinate as though it had been received in Nottinghamshire.

4.1.5 Application made to Nottinghamshire Police, but applicant lives in another force area

Where the enquiry is in Nottinghamshire but the applicant resides in another force area, the FCID DPMU will also make contact with the relevant [Coordinating Force](#) and make arrangements for them to take the lead.

4.1.6 Applicant lives in Nottinghamshire, but children live in different force area

Where the applicant resides in Nottinghamshire but the child(ren), subject, or other place of interest is in another force area, it will be for the Nottinghamshire Divisional PPU, allocated to

Stage 2, to coordinate the [Responding Forces](#). It might well be that stages 5 to 6 are completed by a 'Responding Force' but the coordinating Division must retain coordination responsibilities.

In all cases the MAPPA Unit must be kept updated, including where the responsibility for coordination is reallocated to another PPU officer.

4.2 STAGE 1: INITIAL ENQUIRY

At the time of launch, applicants will be encouraged to make enquiries to the police in person. Only the police can process enquiries made under the scheme.

4.2.1 Written applications

Written applications received by the police should be forwarded to Force Crime & Intelligence Directorate (FCID) Dangerous Persons Management Unit (DPMU) for consideration.

4.2.2 Applications not made in writing

Applicants making an enquiry with another agency must be sign posted to the police control room via 0300 300 9999. Only trained control room staff will be able to process non-written applications for disclosure. Control Room Staff will not make any disclosure under the scheme and will only be responsible for processing initial application.

To ensure 24-hour consistency of approach, applicants making contact in person with the police via means other than the control room (e.g. front counter, or officer on patrol), must be directed to the control room. Wherever possible, police officer or member of police staff should facilitate that contact without delay.

Trained control room staff will assess whether the enquiry meets the threshold to proceed to **Stage 2**.

4.2.1 Examples of enquiries not treated as formal applications

Examples that do not amount to a formal application under the scheme include:

1. Report of a crime;
2. Criminal Records Bureau (CRB) checks, Subject Access Requests (SAR), Freedom of Information (FOI) Requests, or media requests;
3. Enquiry from another agency;
4. Anonymous enquiry (however, a person providing contact details but asking that their details are not disclosed would be advised that anonymity cannot be guaranteed but would be considered under the scheme); and
5. The subject has no known actual or potential contact with children.

4.2.2 Processing of non-formal applications

In circumstances outlined in 1 to 3 above in **Section 4.2.1**, the control room will create an incident and deal with the enquiry outside the CSOD scheme. They will also send an email to the CSOD joint mailbox, outlining that an enquiry was received and provide the incident number.

Circumstances outlined in 4 and 5 above **Section 4.2.1** are more subjective. Although early indications are that they do not meet the threshold, from a control room perspective, they will proceed as though they were a full application for further scrutiny by specialist officers.

On receipt of an enquiry (excluding 1 to 3 above) the control room operator will obtain relevant details from the applicant and complete Section 1-7 of the form **G1074 (A) CSOD Stage 1 - Initial Contact Form**. They will also obtain safe contact details and a preferred time for a follow up meeting with a specialist officer.

Once the form has been completed it must be immediately emailed to the duty force control room (FCR) Inspector.

On receipt, the duty force control room (FCR) Inspector officer will assess whether there is an immediate or imminent risk of harm to a child. Where there is such a risk, immediate action will be taken, as it would have been prior to the implementation of the CSOD scheme. Regardless of whether any immediate action is taken the FCR Inspector will complete Section 8 of the **G1074 (A) CSOD Stage 1 - Initial Contact Form** and using the automated routing buttons in the form, email it the CSOD joint mailbox.

This stage must be completed as soon as possible and no later than 24 hours from initial enquiry.

4.3 STAGE 2 - INITIAL COORDINATION

The FCID DPMU will monitor the CSOD joint mailbox and also consider any direct written enquiries. They will first ensure that the threshold has been met and where they are satisfied that it has, they will contact the most appropriate Divisional Public Protection Unit (PPU) supervisor to identify a specialist officer for **Stage 2** allocation.

They will also notify the Multi Agency Public Protection Arrangements (MAPPA) Unit with the contact details of the supervisory officer that will be allocating the enquiry.

4.3.1 FACE TO FACE MEETING WITH APPLICANT

The PPU supervisor will allocate an officer to deal and update the MAPPA Unit.

The allocated specialist officer will make safe contact with the applicant as soon as is practicable. They will obtain further details and complete the form **G 1074 (B) CSOD STAGE 2 – Face-To- Face Interview Record**.

4.3.2 Confirming Identity of Applicant

The applicant will be required to verify information provided at **Stage 1 Initial Application** and also to provide credible proof of identity. Acceptable forms may include:

- Passport;
- Driving licence;
- Other trusted form of photo identification;
- Birth certificate;
- Household utility bill (electricity, gas, council tax, water);
- Bank statement; or

- Child or other benefit book.

Recommended best practice is that photo identification with confirmation of date of birth and address is required. However, it is accepted that some of the vulnerable individuals who may make applications may not have the above forms of identification. In these cases it may be possible to refer to another agency to confirm the individual's identity (e.g. social worker, health visitor).

In the event that the applicant's identity cannot be verified, checks should be made on the information given about the subject. It will not be possible to make disclosure under the terms of the scheme without verification of identity, but if concerns are identified by the checks then the referral may result in an intelligence submission or use of existing child protection procedures to address the concerns.

4.3.3 Investigating and Assessing Application

The officer will explain that if there is no relevant information they will receive a **G1074 (G) CSOD Non-Disclosure Letter** as soon as practicable but that they should remain vigilant, as although the subject might not be known to the police, that is not a guarantee that there is no risk. The applicant should be advised that this notice must be delivered by hand or collected from a police station by arrangement and **Photographic proof of identity will be required before handing over the notice.**

In depth police checks will then be carried out on all parties, including the subject and applicant. Archived PNC information may contain hidden information relating to previous child sex offences. However, there is a financial implication of searching archived information. Before applying for a microfiche record, the relevant Detective Chief Inspector must be consulted.

The officer will also request subject checks by relevant partner agencies. As a minimum this will include Children's Social Care for the area where the subject resides and where the subject has previous convictions, the relevant Probation Trust, or for subjects under the age of 18, the relevant Youth Offending Service. Other agencies should be considered depending on other information obtained.

It is anticipated that in the majority of circumstances, applications will relate to contact between the subject and a child in the context of a family or social context. Where the contact is via a working relationship (paid or unpaid), the specialist officer must liaise with the Local Authority Designated Officer (LADO) in the area where the subject is employed.

4.3.4 Assessing And Dealing With Risk

The specialist officer will then use all of the above information to make another assessment as to whether there is a significant risk of harm to a child requiring immediate action. This risk assessment must be endorsed by the PPU Detective Inspector, or in that officer's absence the PPU Detective Sergeant.

Where a risk of significant harm to a child is identified, a referral must immediately be made to the Children's Social Care responsible for the area/s where the child or children reside.

ONLY if where an imminent risk is identified, would a disclosure be considered at this stage and then only the minimum information be disclosed to ensure the protection of the child.

On completion of stage 2, a copy of the G1074 (B) CSOD STAGE 2 - Face-To-Face Interview Record must be forwarded to the MAPPA Unit.

4.4 STAGE 3: EMPOWERMENT & INFORMATION

At the conclusion of the Stage 2 face-to-face interview, the officer will provide the applicant with a form **G1074 (C) CSOD Empowerment Leaflet One** detailing the officer's contact details, a reference number and written information explaining the CSOD scheme. They will also be given a form **G1074 (D) CSOD Empowerment Leaflet Two** providing advice on how to keep a child safe.

4.5 UPDATING THE POLICE NATIONAL DATABASE (PND)

To ensure the effectiveness of the CSOD scheme across national boundaries, it is vital that any application, regardless of the outcome, is subject of an entry on the PND. To this end a drop down heading has been created on the Nottinghamshire Police Intelligence database Memex, this will in turn automatically update PND.

A Memex (Nottinghamshire Police Intelligence database) entry **must** be created by the specialist officer for every application at **stage 2**, with an updated entry to include final disposal, regardless of the outcome. The MAPPA Unit must be informed when these actions have been completed.

Both intelligence and PDN entries are the responsibility of the Coordinating Force.

4.6 STAGE 4: POLICE DECISION MAKING

A specialist officer will complete **Sections 1 & 2** of the **G1074 (E) CSOD STAGE 4 & 5 Decision Making Record** detailing whether or not there are sufficient concerns to proceed to **stage 5**. This decision must be endorsed by the PPU Detective Inspector, or in that officer's absence the PPU Detective Sergeant.

It should be noted that the purpose of this scheme is primarily to protect children from harm. Where as a result of checks made at **stages 1 & 2**, it is established that there is an identified risk to an adult, these risks should still be addressed, but outside of this scheme.

CONCERNS:

1. The subject has previous convictions or cautions for child sex offences – in which case there is a presumption that a disclosure will take place (although this will still need to be considered at **stage 5**);
2. The subject has other relevant convictions (e.g. domestic abuse where the safety of the child in question is at risk);
3. There is existing intelligence regarding the subject indicating a risk to a child (e.g. investigations but no prosecution, or previously subject of a CSOD application); or
4. There is current concerning behaviour indicating a risk to a child.

NO CONCERNS - The process does not proceed to **stage 5** and the applicant is provided with the **G1074 (G) CSOD Non-Disclosure Letter** outlined at **stage 2** above. After service, a copy of the notice must be forwarded to the MAPPA Unit.

This stage must be completed as soon as possible and in any case no later than 10 days from initial enquiry.

The subject should not be made aware of an application unless a decision is made to make a disclosure, or it is found to be a malicious enquiry and as a result there is an identified risk of

harm to the subject. The applicant should **not** be identified to the subject unless the applicant has been involved in a discussion and then only after careful consideration as to whether it is safe to do so.

Supervisory advice should always be sought before a decision is made to reveal the identity of the applicant.

4.7 STAGE 5: MULTI AGENCY DECISION MAKING

Utilising sections 3 and 4 of the Disclosure Decision Making Guide, a decision will be made as to whether a disclosure will take place. This decision should wherever possible be made at a multi-agency meeting and as a minimum will always involve the Police, or where open to Children's Social Care, the Allocated Team Manager **and** where the offender is under 18, the relevant Youth Offending Service.

Where there are multiple children, in various locations, covered by more than one service, all areas should be engaged in the decision making process.

If the subject is a MAPPA nominal, a MAPP meeting should be the favoured option to facilitate the decision making process. Alternatively, where the subject is not MAPPA eligible but there are existing and ongoing care proceedings, the Child Protection Conference could be considered.

Where a MAPP meeting or Child Protection Conference is not applicable, the police must convene and chair a multi-agency Risk Strategy Meeting.

Considerations will include:

- The nature and extent of the risk;
- Whether there are potentially other children at risk;
- Whether it is necessary for CSC to be present at the time of disclosure;
- How many people should receive disclosure;
- Whether a disclosure would be lawful, proportionate and necessary to protect a child from harm;
- The extent of the disclosure;
- A form of words for the disclosure notice;
- A [follow-on plan](#) see Section 4.11
- Whether to inform the subject that a disclosure will take place;
- Whether the subject should be told who made the application (this should only be considered where a disclosure will definitely take place, after discussion with the applicant and after carefully assessing whether it is safe to do so);
- Whether the subject should be given the opportunity to self disclose;
- The responsibility to safeguard and promote the welfare of a subject that is under 18 years of age;

- The risk of driving a registered sexual offender 'under ground' and to become non-compliant, where they may pose an even greater risk; and
- The subject's right to a private life.

It should be noted that the information disclosed should only be the minimum required for the protection of the child and in many cases this should not contain specific detail of individual offences.

Any decision to make a disclosure should be endorsed by the relevant Detective Chief Inspector, or in that officer's absence, the PPU Detective Inspector.

On completion, a copy of form **G1074(E) CSOD STAGE 4 & 5 Decision Making Record** must be forwarded to the MAPPA Unit.

This stage must be completed as soon as possible and in any case no later than 35 days from initial enquiry.

4.8 LEGAL AUTHORITY FOR DISCLOSURE

The main legal gateways when considering disclosure are:

- Common Law – provides a power to the police to share information for a policing purpose to prevent or detect crime;
- S140 Criminal Justice & Immigration Act 2008 – outlines a presumption for disclosure where there is an identified risk of serious harm by a MAPPA eligible offender with previous convictions for Child Sex Offences; or
- Children's Act 1989 – provides a power for Children's Social Care to make disclosures where necessary to protect a child.

4.9 COMMUNITY IMPACT ASSESSMENT (CIA)

Where a decision is made to make a disclosure, or to inform a subject that an application has been made, the Local Area Commander for the area where the subject resides must be informed, to enable them to consider whether there is a need for a CIA.

4.10 STAGE 6: DISCLOSURE

Disclosure will only be made to persons in a position to use the information to safeguard a child.

Where disclosure is made to a person other than the applicant, the forms **G1074 (C) CSOD Empowerment Leaflet One** and **G1074 (D) CSOD Empowerment Leaflet One** should be provided to the person the information is being disclosed to.

Where a decision is made to allow the subject to self disclose. Strict and short timescales must be identified and the recipient seen to ensure that the self-disclosure has been sufficient.

Details of the disclosure are to be recorded on the form **G1074 (F) CSOD Stage 6 - Disclosure Record**. **This is a police record of the disclosure and is not to be given to the applicant or anyone else.**

The exact words to be used when disclosing are recorded at **Section 5** of this form. These words will be used to make the disclosure (or verify self disclosure). There are two sections of this form (**sections 4 and 6**) requiring the recipient's signature confirming that they will not disclose that information themselves to a third party. **You must ensure the recipient understands the declaration and the responsibilities it places on them.**

The form **G1074 (F) CSOD Stage 6 - Disclosure Record** will be retained by the police and forwarded to the MAPPA Unit for filing.

The recipient MUST NOT be given a copy.

The recipient will be provided with the contact details of the disclosing officer and advised that if they feel there is a third party that would benefit from further disclosure, in order to protect a child, they should contact the police without delay to facilitate that disclosure.

On completion, a copy of the disclosure notice must be forwarded to the MAPPA Unit.

This stage must be completed as soon as possible and in any case no later than 45 days from initial enquiry.

4.11 FOLLOW-ON PLAN

A follow-on plan should be agreed for the person receiving disclosure. This should give consideration to what action the person should be advised to take to safeguard their child or children.

Where applicable, the plan should note which agency is responsible for checking that the person follows advice to safeguard the child concerned; this may be the police, Children's Social Care or another appropriate agency.

4.12 PENALTIES FOR FALSE APPLICATIONS OR BREACH OF DISCLOSURE NOTICE

Providing false information to instigate a malicious application could result in prosecution for a number of offences, including wasting police time.

Further disclosure to a third party could again result in prosecution for a number of offences including, breach of data protection, harassment and inciting an offence.

4.13 QUALITY ASSURANCE AND NATIONAL RETURNS

The Nottinghamshire MAPPA Unit will maintain a spreadsheet to ensure that each stage of an application coordinated by Nottinghamshire is completed within specified time scales.

The MAPPA Unit will also be responsible for providing national returns.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act 2000, Data Protection, Freedom of Information Act, European Convention of Human Rights and other legislation relevant to the area of policing such as, Employment Act 2002, Disability Discrimination Act 1995, Sex Discrimination Act 1975 and Employment Relations Act 1999.

APPENDIX A - CONTACTS & GLOSSARY

CONTACTS:

Further advice is available via:

The Nottinghamshire MAPPA Unit:

0300 300 9999 Ext 817 1473 mappa@nottinghamshire.pnn.police.uk

FCID DPMU

0300 300 9999 Ext 817 1440 dpmu@nottinghamshire.pnn.police.uk

GLOSSARY

CSC - Children's Social Care

CSOD – Child Sex Offender Disclosure

DPMU - Dangerous Persons Management Unit

FCID - Force Crime & Intelligence Directorate

FCR – Force Control Room

LADO - Local Authority Designated Officer

MAPPA - Multi Agency Public Protection Arrangements

PPU – Public Protection Unit (Police)