



Policy Title: Child Sexual Offender Disclosure Scheme

1. Rationale

This document sets out Thames Valley Police's (TVP's) framework and methodology in relation to the 'Child Sexual Offender Disclosure Scheme'. The principal aim of the scheme is to provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare

2. Intention

- 2.1. This scheme intends to raise public confidence and increase the protection of children. It builds on existing procedures and will provide a clear access route for the public to raise child protection concerns and be confident that action will follow.
- 2.2. The overall intention and principal of the scheme is it allows any person to formally request information from the police about a named individual who has contact with children. If that person has convictions for child sexual offences there is a presumption that the information will be disclosed to the person best able to protect the child/children in question

3. Child Sexual Offender Scheme Objectives

- 3.1. The objective of this scheme is to introduce the principle of '2-way' disclosure that invites people to ask about the history of a person who has some form of contact or connection with a child or children. It shall enhance previous arrangements whereby disclosure occurred largely in a reactive way. It shall encourage individuals to take responsibility for the safety of their children and provides a way of receiving intelligence on Registered Sex Offenders and other individuals who pose a risk to children.

4. Child Sexual Offender Disclosure Policy

- 4.1. Where a subject has convictions for child sexual offences, 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. For the purposes of this scheme a child sexual offence will be defined as any offence listed under Schedule 34A of the Criminal Justice Act 2003. (Convictions includes cautions, reprimands and final

warnings).

- 4.2. It is important to recognise that many sexual offences against children are committed by people who are not Registered Sex Offenders. There are often links between sexual and violent offending. To restrict disclosure to information regarding convicted child sexual offenders would severely limit the effectiveness of the scheme and ignore significant issues regarding offences committed against children. Therefore, the scheme shall include routes for managed access to information regarding individuals who are not convicted child sexual offenders but who pose a risk of harm to children. This shall include:
- People who are convicted of other offences for example, serious domestic violence and
 - People who are un-convicted but whom the police or other agency holds intelligence on indicating that they pose a risk of harm to children.
- 4.3. The scheme shall build on existing disclosure procedures (as outlined below) and will provide a clear access route for the public to raise child protection concerns and be confident that action will follow:
- Multi Agency Public Protection Arrangements (MAPPA) Guidance 2009.
 - Working Together to Safeguard Children (2010).
- 4.4. There is a general presumption that details about a person's convictions are confidential. TVP shall only disclose convictions or intelligence lawfully under the scheme if it passes the following 3 stage test:
- Is there a power to disclose the information? If we are relying on our common law powers, we must be able to show that it is reasonable to conclude that such disclosure is necessary to protect the public from crime. In the context of this scheme we would have to conclude that disclosure is necessary to protect a child from being the victim of a crime (most probably, sexual abuse committed by the subject).
 - Is there a pressing need for such disclosure? and
 - Does it interfere with the rights of the subject (under Article 8 of the European Convention of Human Rights) to have information about their convictions kept confidential? Is it necessary and proportionate for the prevention of crime (or in the interests of public safety or for the protection of morals or the rights and freedoms of others)? This involves considering the consequences for the offender if their details are disclosed, against the nature and extent of the risk that they pose to the child or children. We must also consider the risk of driving the subject to become non-compliant and therefore posing a greater risk. Consider the extent of information which needs to be disclosed e.g. you may not need to tell the parent the precise details of the offence for them to be able to take steps to protect the child.

- 4.5. Information about a person's convictions is also sensitive, personal data under the Data Protection Act 2018 and therefore shall only be disclosed in accordance with the eight principles set out in that the Data Protection Act 2018.
- 4.6. For the purpose of this scheme, the application shall be concerning a child or children who may be at risk of serious harm by a subject who can be named or identified. There does not need to be an evidenced concern to make an application. Therefore, the threshold for the enquiry is as low as possible.
- 4.7. No disclosures shall be made to members of the public without following all appropriate stages of the process (unless there is an immediate/imminent risk of harm) as detailed within the Child Sex Offender Disclosure Standard Operating Procedure (CSODS SOP).
- 4.8. This scheme shall not replace any existing arrangements Criminal Records Bureau Checks, Subject Access or Freedom of Information requests and the new Vetting and Barring scheme.
- 4.9. For the purpose of this scheme a disclosure shall only be made to a parent, guardian or carer. However, MAPPA guidance and supporting legislation under section 327A of the Criminal Justice Act 2003 is wider than this and caters for disclosure to third parties. It may be therefore that disclosures are made as a result of an application under this scheme but under existing arrangements.
- 4.10. In the event that the applicant's identity cannot be verified, checks shall be made on the information given about the subject. It will not be possible to make disclosure under the scheme but if concerns are identified then the referral shall result in an intelligence submission or use of existing child protection procedures to address the concerns.
- 4.11. If the informant wishes to remain anonymous they will not qualify for the scheme but the information given will be handled by way of an intelligence submission or via usual safeguarding children procedures if applicable.
- 4.12. The person to whom the disclosure is made shall be asked to sign an undertaking that they agree that the information is confidential and they will not disclose the information further. A warning shall be given that legal proceedings could result if this is breached. This shall be explained to the person and their signature obtained on this understanding. If the person is not willing to sign the undertaking then the decision to disclose shall be reconsidered.
- 4.13. It shall be explained that if the applicant/carers feels that further children are at risk and further disclosure is required they should contact the police so that they can make further decisions about whether the information needs to be disclosed to others.

5. **Challenges & Representations**

Any person affected by this policy may make representations in relation to this document, and / or any decision in consequence of it to:

Detective Chief Superintendent Crime
Support Thames Valley Police
Headquarters
Kidlington
Oxfordshire
OX5 2NX

A complaint against any member of Thames Valley Police should be progressed through the Complaints Procedure.

The areas covered by this policy are open to scrutiny by HM Inspector of Constabulary during official inspections.

6. **Child Sexual Offender Disclosure Scheme Framework Responsibilities**

Overall responsibility for the implementation and coordination of the Child Sexual Offender Disclosure Scheme shall be with the Protecting Vulnerable People Strategy Unit.

Day to day operation of the scheme shall be managed by the following departments listed below in line with the CSODS Standard Operating Procedure (SOP).

6.1. **Control Room & Enquiries Department:**

Control Room and Enquires Department shall ensure that:

- CRED Supervisors are familiar with the CSODS SOP.
- PEC Operators shall take the initial phone call.
- PEC shall conduct 'Initial Response Assessment' to allow the call to be effectively managed.
- PEC shall create CEDAR report.
- PEC shall forward call to the Information Research Bureau.

6.2. **Information Research Bureau**

The force Information Research Bureau shall ensure that:

- All IRB Operators and Supervisors are familiar with the CSODS SOP.
- IRB Operators complete CID31A – Initial Contact Form with the applicant over the telephone.
- IRB Operators Conduct initial checks and identify any immediate concerns.
- IRB Operators shall forward CID31A to the appropriate Public Protection Units (Within 24 hours).

6.3. **BCU Public Protection Units**

BCU Public Protection Units shall:

- Conduct Face to Face meeting with applicant.
- Conduct full checks on all parties.
- Conduct full risk assessment (reach this stage within 10 days of receiving application).
- Take disclosure decisions to relevant multi-agency setting.
- Make final decision to give disclosure or non-disclosure based on outcomes of the assessment etc. (whole process should be completed within 45 days).
- Liaise with other Police areas regarding cross border applications.

6.4. **Frontline Personnel - Police Officers, Station Duty Officers (not including Front Counter Volunteers) and Police Staff**

All Line Managers and Supervisors shall ensure that:

- They are familiar with CSODS SOP
- Their staff have completed the NCALT on line training package to aid General Awareness. (Optional for Front Counter Volunteers)
- Their staff complete 'Initial Response Assessment' and forward applicant to PEC.

7. Communication

7.1. **Links to Police National Legal Database Other**

1. Schedule 34A of the Criminal Justice Act 2003.
2. Multi Agency Public Protection Arrangements (MAPPA) Guidance 2009.
3. Working Together to Safeguard Children (2010).

7.2. **Communications Strategy**

All officers and employees will be made aware of Child Sexual Offender Disclosure and their role within the policy. In order to achieve this, a communication strategy will be developed by the Protecting Vulnerable People Strategy Unit

The strategy shall ensure that:

- the Child Sexual Offender Disclosure Scheme is disseminated throughout the Force

- the Scheme is communicated to the appropriate partner agencies and interested stakeholders

8. Compliance and Certification

8.1. Human Rights Certification

(i) Legal Basis

(ii) Human Rights Articles Engaged

Article 2: Right to Life.

This article places a positive obligation on the organisation to take preventative measures to protect an individual whose life is at risk from the criminal acts of others.

Article 8: Right to Respect for Private and Family Life

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of public safety, the prevention of disorder or crime or for the protection of the rights and freedoms of others.

(iii) Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the convention. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard to natural justice and human rights.

8.2. Diversity Impact Assessment

This policy has been assessed against the six strands of diversity and has been assessed as being low impact

8.3. Data Protection

This policy shall require compliance with the Data Protection Act 2018.

8.4. Freedom of Information Act

This policy has been assessed against the requirements of the Act

and there is no reason why it should not be publicly available.

8.5. **Protective Markings**

This policy shall be marked as Official.

8.6. **Health & Safety at Work**

Actions required to comply with this policy shall be carried out in accordance with the Force Health & Safety Manual, as published on the intranet.

9. **Monitoring and Review**

9.1. **Links to Thames Valley Police Values and Objectives**

This policy is linked to the following Force Values and Strategic Objectives:

Values

- Engage, listen and respond

Strategic Objectives

- To improve the service to victims, witnesses and the public
- To use information and intelligence to be more effective

9.2. **Review Process**

This Policy shall be formally reviewed at least annually.

Monitoring, review and independent assurance of the effectiveness of the Child Sexual Offender Disclosure Scheme will be carried out by a designated member of the Protecting Vulnerable People Strategy Unit as nominated by the Head of the Unit

Appendix A

Glossary of Terms

Initial Contact – anyone who makes an enquiry with the Police with regard to making a disclosure application.

Application – those enquiries that go on to be processed as formal disclosure applications, excluding applications that are not ‘true’ disclosure scheme applications
i.e. vetting and barring, intelligence giving opportunities.

Applicant – the person making the application. The disclosure should only be made to a person who is in a position to use that information to safeguard the child(ren).

This will usually be the parent, guardian or carer of the child and may not always be the original applicant.

Subject – the person who the applicant is seeking information about who has some form of contact with a child or children.

Convicted of CSO, for the purposes of this scheme means anyone convicted of, or cautioned, reprimanded or warned for of an offence listed under Schedule 34A of the Criminal Justice Act 2003.

Child – the individual who is under 18 with whom the subject has contact or has the potential to have contact.

Contact – although the term 'contact' is used, actual 'contact' may not be confirmed. There may be sufficient access to or connection with the child by the subject to pose a real risk of harm and therefore justify disclosure. However, the agencies must consider whether the likelihood of actual contact is sufficient to satisfy the test for disclosure.

Disclosure – includes both the disclosure of information about the subject's convictions for CSO and any other relevant information deemed necessary to protect a child(ren) from harm i.e. serious domestic violence. The disclosure should only be made to the person who is in a position to use that information to safeguard the child(ren). This will usually be the parent, guardian or carer of the child and disclosure to anyone else will, in any event, fall outside this scheme. The recipient of the information may not always be the original applicant.