

## MANAGING INDIVIDUALS WHO POSE A RISK OF HARM TO CHILDREN June 2011

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 YOS Risk To Children (add hyperlink)*

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## 1.1 INTRODUCTION

1.1.1 This section provides practice guidance and information about a range of mechanisms that are available when managing adults, or children and young people, who have been identified as presenting a risk, or potential risk, of harm to children. Areas covered include:

- collaborative working between organisations and agencies to identify and manage individuals who present a risk of harm to children;
- the Multi-Agency Public Protection Arrangements (MAPPA), which enable agencies to work together within a statutory framework for managing risk of harm to the public; and
- other processes and mechanisms for working with individuals who present a risk of harm to children.

## 1.2 Collaborative working

1.2.1 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 is 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.

1.2.2 This work, while 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 both suffering, or likely to suffer harm, and present a risk of harm to other children and young people.

## 1.3 Individuals who pose a risk

1.3.1 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 whether the offender may pose a future risk of harm to children.

1.3.2 **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 risk, or potential risk, of harm to children.

1.3.3 *Guidance on offences against children (Home Office Circular 16/2005)*<sup>263</sup>, explains how those people who present a risk, or 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 of harm.

1.3.4 Practitioners working in this area should use the new list of offences 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 or harm towards that child or other children. Where a child or young person (aged under 18 years) 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

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<sup>263</sup> See [www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2005/016-2005/index.html](http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2005/016-2005/index.html)

to other children and young people, but never losing 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.

1.3.5 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 an offender is given a community sentence, Offender Managers or Youth Offending Team (YOT) workers will monitor the individual's risk of harm to others and their behaviour, and liaise with partner agencies as appropriate.

1.3.6 In cases where an offender has been sentenced to a period of custody, prison establishments undertake a similar responsibility and, in addition, notify other 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.

## **2.1 NEW OFFENCES TARGETED AT THOSE WHO SEXUALLY EXPLOIT CHILDREN AND YOUNG PEOPLE**

2.1.1 The Sexual Offences Act 2003 introduced a number of new offences to deal with those who sexually exploit children and young people. 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; and
- controlling a child prostitute.

2.1.2 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 a victim of serious offences, the most serious charge that the evidence will support should always be used.

## **3.1 MULTI – AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)**

3.1.1 MAPPA provide a national framework in England and Wales for the assessment and management of the risk of serious harm posed by specified sexual and violent offenders, including offenders (including young people) who are considered to pose a risk, or potential risk, of serious harm to children. The arrangements are statutory. Sections 325–327 of the Criminal Justice Act 2003 require the police, prisons and probation services (the 'Responsible Authority') in each area to establish and monitor the arrangements. A number of other agencies – including children's and adult's social care services, health, housing, YOTs, Jobcentre Plus and electronic monitoring providers – are under a statutory duty to co-operate with the Responsible Authority in this work.

3.1.2 National MAPPA Guidance (2009)<sup>264</sup> further develops processes particularly with regard to young people who pose a risk and the role of YOTs.

3.1.3 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.

3.1.4 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

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<sup>264</sup> See [www.probation.homeoffice.gov.uk/output/page30.asp](http://www.probation.homeoffice.gov.uk/output/page30.asp)

risk management plan is implemented to protect the public.

3.1.5 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 advisers. It is the SMB's role to ensure that the MAPPA are working effectively and to establish and maintain working relationships with the Local Safeguarding Children Boards (LSCBs).

### 3.2 Identifying MAPPA eligible offenders

3.2.1 There are three categories of offender eligible for MAPPA:

- **registered sexual offenders** (Category 1) – sexual offenders who are required to notify the police of their name, address and other personal details and notify any changes subsequently;
- **violent offenders** (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 disqualified from working with children; and
- **other dangerous offenders** (Category 3) – offenders 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.

### 3.3 Sharing of relevant information

3.3.1 Exchange of information is essential for effective public protection. The MAPPA guidance<sup>265</sup> details how MAPPA agencies may/should exchange information among 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 risks posed by the offender.

### 3.4 ViSOR

3.4.1 ViSOR is a national database which currently carries details of MAPPA eligible offenders and other potentially dangerous individuals. The police have been using ViSOR since 2005 and probation and prisons have had access since 2008–09. The benefit is that, for the first time, all three responsible authority agencies can access the same IT system, thus improving the quality and timeliness of risk assessments and of interventions to prevent offending.

### 3.5 Assessment of the risk of serious harm

3.5.1 The National Offender Management Service (NOMS) 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 uses ASSET for under-18-year-olds. The levels of risk are as follows:

- **low**: current evidence does not indicate likelihood of causing serious harm;
- **medium**: 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 in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse;
- **high**: identifiable indicators of risk of serious harm. The potential event could happen at any time, and the impact would be serious; and
- **very high**: an imminent risk of serious harm. The potential event is more likely than not to happen imminently, and the impact to be serious.

3.5.2 Risk is categorised by reference to the potential subject of the harm. This includes children who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional

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<sup>265</sup> See [www.probation.homeoffice.gov.uk/output/page30.asp](http://www.probation.homeoffice.gov.uk/output/page30.asp)

harm or neglect. In this context, MAPPA works closely with LSCBs to ensure the best local joint arrangements can be made for any individual child being considered by either setting.

### 3.6 Managing risk of serious harm

3.6.1 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 who are not on a licence to probation, and probation for violent offenders and those on a licence, but YOTs will lead with young offenders and Mental Health Services with those on hospital orders. A number of offenders, though, require active multi-agency management and their risk management plans will be formulated and monitored via multi-agency public protection (MAPP) meetings attended by various agencies

3.6.2 There are 3 levels of management within the MAPPA framework, which are based upon the level of multi-agency co-operation required to implement the risk management plan effectively:

- **Level 1 – Ordinary Management.** These offenders are subject to the usual management arrangements applied by whichever agency is supervising them. But this does not rule out information sharing between agencies, via ViSOR and other routes;
- **Level 2 – Active Multi-Agency Management.** The risk management plans for these offenders require the active involvement of several agencies via regular MAPP meetings; and
- **Level 3 – Active Multi-Agency Management.** As with level 2 but these cases additionally require the involvement of senior officers to authorise the use of special resources, such as police surveillance or specialised accommodation, and/or to provide ongoing senior management oversight. Offenders will be moved up and down levels as appropriate.

3.6.3 YOTs have 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 offender 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.

3.6.4 The national MAPPA guidance sets out the framework in full. The guidance and the area annual reports, which describe how the arrangements are working locally, are available on the National Probation Service website<sup>266</sup>.

## 4.1 OTHER PROCESSES AND MECHANISMS

### 4.1.1 Multi-Agency Risk Assessment Conference (MARAC)

4.1.1 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 tool<sup>267</sup>, 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.

4.1.2 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.

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<sup>266</sup> [www.probation.homeoffice.gov.uk/output/page30.asp](http://www.probation.homeoffice.gov.uk/output/page30.asp)

<sup>267</sup> See [www.caada.org.uk/Practitioner\\_resources/Quick%20Start%20Guidance%20&%20RIC%2009062009.doc](http://www.caada.org.uk/Practitioner_resources/Quick%20Start%20Guidance%20&%20RIC%2009062009.doc)

4.1.3 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 multiagency action plan being put into place to support the victim and to make links with other public protection procedures, particularly safeguarding children, vulnerable adults and, of course, the management of perpetrators.

4.1.4 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.

4.1.5 Where an offender is being managed at MAPPA Level 2 or Level 3, to avoid duplication of effort and resources, the MAPP 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.

## **4.2 Offending behaviour programmes**

4.2.1 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 NOMS, 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

## **5.1 THE VETTING AND BARRING SCHEME**

5.1.1 The Vetting and Barring Scheme (VBS) 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 Independent Safeguarding Authority (ISA). One list comprises persons barred from working with children, and the other is for persons barred from working with vulnerable adults. 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 Vulnerable Adults 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<sup>268</sup>.

5.1.2 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 ISA. The circumstances where a referral must be made are where:

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

5.1.3 The duties to refer and to provide information to the ISA on request are placed on regulated activity providers and certain other bodies, including local authorities in their children's services and

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<sup>268</sup> [www.isa.gov.org.uk](http://www.isa.gov.org.uk)

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 ISA's website<sup>269</sup>.

5.1.4 'Relevant conduct' is defined as:

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

5.1.5 Full guidance on referrals and the VBS can be found on the ISA's website. The Secretary of State has issued guidance on what constitutes 'inappropriate' in 12.35(d) and 12.35(e) above. This guidance is available on the ISA's website.

5.1.6 The new barred lists will in time replace the regime of disqualification orders imposed by the courts under the Criminal Justice and Court Services Act 2000 (CJCSA), as amended by the Criminal Justice Act 2003. Until the VBS is fully phased in, individuals working with children could be either barred or subject to disqualification orders. Either way, they must be removed from such work and commit an offence if they carry out such work.

## **5.2 Criminal Records Bureau (CRB)**

5.2.1 The Criminal Records Bureau (CRB) is an executive agency of the Home Office. The CRB's Disclosure Service aims to help employers make safer recruitment decisions by identifying candidates who may be unsuitable for certain types of work. In some cases, employers must ask successful candidates to apply to the CRB for a Standard or Enhanced Disclosure, depending on the duties of the particular position or job involved.

In other cases, employers are eligible to ask for disclosures. Relevant sectoral guidance sets out the requirements and eligibility in detail.

5.2.2 In addition to information about a person's criminal record, enhanced disclosures supplied in connection with work with children contain details of whether a person is registered with the ISA, or barred. It should be noted that barred status is no longer shown on a standard disclosure.

Enhanced disclosures may contain details of acquittals or other non-conviction information held on local police records, relevant to the position or post for which the person has been selected, and the police may also provide additional information to employers in a separate letter. Further information, including details of how to apply for disclosures, is available on the CRB website<sup>270</sup>.

The Government is shortly to consult on proposals to amend its requirements for CRB disclosures once individuals have been ISA registered.

## **6.1 THE SEX OFFENDERS REGISTER**

6.1.1 The notification requirements of Part 2 of the Sexual Offences Act 2003 (known as the Sex Offenders Register) are an automatic requirement on offenders, including young people who have offended, 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. The notification requirements do not bar offenders from certain types of employment or from being alone with children.

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<sup>269</sup> At the time of writing, the guidance on the ISA's website should be read alongside information about Sir Roger Singleton's recommendations relating to regulated activity, also available on the ISA website. These recommendations will be incorporated into the ISA guidance in due course.

<sup>270</sup> [www.crb.gov.uk](http://www.crb.gov.uk)

6.1.2 Offenders must notify the police of certain personal details within three days of their conviction or caution for a relevant sexual offence (or, if they are in prison on this date, within three days of their release).

6.1.3 Such an offender must then notify the police, within three days, of any change to the notified details and whenever they spend seven days or more at another address.

6.1.4 All offenders must reconfirm their details at least once every twelve months, and notify the police seven days in advance of any travel overseas for a period of three days or more.

6.1.5 The period of time for which 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.

6.1.6 Failure to comply with these requirements is a criminal offence, with a maximum penalty of five years' imprisonment. The police should be contacted if such an offence is committed.

## **7.1 CHILD SEX OFFENDER REVIEW DISCLOSURE PROCESS**

7.1.1 In June 2007, the Government published the *Review of the Protection of Children from Sex Offenders*. Action 4 of the Review created a process which allows members of the public to register a child protection interest in an identified individual who has access to, or a connection with, a particular child or children.

7.1.2 If an individual is found to have convictions for sexual offences against children and poses a risk of causing serious harm, there is a presumption that this information will be disclosed to the person who is best placed to protect the child or children, where it is necessary to do so for this purpose.

7.1.3 It should be noted that, under the scope of the Disclosure Process, the presumption for disclosure will only exist in cases where the individual has convictions for child sexual offences. However, it is felt that to restrict access to information regarding convicted child sexual offenders would severely limit the effectiveness of the process and ignore significant issues regarding offences committed against children.

7.1.4 The Disclosure Process will therefore 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 may include:

- persons who are convicted of other offences for example, serious domestic violence; and
- persons who are unconvicted but about whom the police, or any other agency, holds intelligence indicating that they pose a risk of harm to children. There would not however be a presumption to disclose such information.

7.1.5 It is important that the disclosure of information about previous convictions, for offences which are not child sex offences, is able to continue as it is not the intention of the Disclosure Process to make access to information concerning safeguarding children more restricted

7.1.6 It should be stressed that the Disclosure Process will build on existing procedures such as MAPPA and will provide a clear access route for the public to raise child protection concerns and be confident that action will follow.

7.1.7 It is of paramount importance to all involved in delivering this process that we ensure that children are being protected from harm. By making a request for disclosure, a parent, guardian or carer will often also be registering their concerns about possible risks to the safety of their child or children. For that reason, it is essential to this process that police forces, local authority children's social care and LSCBs work closely together to ensure that any possible risks of harm to the child or children are fully assessed and managed.

7.1.8 This process is due to be rolled-out nationally from August 2010. The roll-out will be regionally staggered and full details of progress and national and local contact details can be found on the Home Office website<sup>271</sup>.

7.1.9 For full guidance on this process please see *ACPO Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders*. Prior to this visit the Home Office Circular website<sup>272</sup>.

## **7.2 Notification Orders**

7.2.1 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 convictions or cautions for sexual offences overseas. The provisions also apply to young people who have offended.

7.2.2 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.

7.2.3 If a Notification Order is in force, the offender becomes subject to the requirements of the Sex Offenders Registration.

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

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

## **7.3 Sexual Offences Prevention Orders (SOPOs)**

7.3.1 Introduced by the Sexual Offences Act 2003, SOPOs are civil preventative orders designed to protect the public from serious sexual harm. A court may make a SOPO when it deals with an offender, including a young person who has offended, who has received a conviction for an offence listed at Schedule 3 (sexual offences) or Schedule 5 (violent and other offences) to the Act and is assessed as posing a risk of serious sexual harm. The police can also apply for a SOPO to a magistrates' court in respect of an offender who has a previous conviction or caution for a Schedule 3 or 5 offence and who poses a risk of serious sexual harm.

7.3.2 SOPOs include such prohibitions as the court considers appropriate. For example, a sex offender who poses a risk of serious sexual harm to children could be prohibited from loitering near schools or playgrounds. The offender will also, if s/he is not already, become subject to the notification requirements for the duration of the order.

7.3.5 SOPOs can be particularly helpful in the management of sex offenders who are assessed as continuing to pose a high risk of harm, but are no longer subject to statutory supervision.

7.3.3 SOPOs can be made on application from the police, so any violent or sex offender who poses a risk of serious sexual harm should be referred to MAPPA agencies, and the police in particular. In an application for an order, the police can set out the prohibitions they would like the court to consider.

7.3.4 Breach of any of the prohibitions in a SOPO is a criminal offence, with a maximum punishment of five years imprisonment. Therefore the police should be contacted whenever a SOPO is breached.

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<sup>271</sup> [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

<sup>272</sup> [www.homeoffice.gov.uk/about-us/publications/home-office-circulars/](http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/)

## **7.4 Risk of Sexual Harm Orders (RSHOs)**

7.4.1 Introduced by the Sexual Offences Act 2003, RSHOs are civil preventative orders. They cannot be applied to young people under the age of 18. They are used to protect children from the risks of harm posed by individuals who do not necessarily have a previous conviction for a sexual or violent offence but who have, on at least two occasions, engaged in sexually explicit conduct or communication with a child or children, and who pose a risk of further such harm. For a RSHO to be made, it is not necessary for there to be a risk that the defendant will commit a sexual offence against a child – the risk may be that s/he intends to communicate with children in a sexually explicit way. The RSHO can contain such prohibitions as the court considers necessary. For example, in the case of an adult found regularly communicating with young children in a sexual way in internet chat rooms, a RSHO could be used to prohibit the person from using the internet in order to stop him/her from such harmful activity.

7.4.2 RSHOs are made on application from the police, so any person who is thought to pose a risk of sexual harm to children should be referred to the police. In an application for an order, the police can set out the prohibitions they would like the court to consider.

7.4.3 Breach of any of the prohibitions in a RSHO is a criminal offence, with a maximum punishment of five years imprisonment. It is also an offence that makes the offender subject to the notification requirements. The police should be contacted whenever a RSHO is breached.

## **7.5 Violent Offender Orders (VOOs)**

7.5.1 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). VOOs 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.

7.5.2 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.

7.5.3 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.

7.5.4 Full guidance on VOOs is available on the Home Office's Crime Reduction website<sup>273</sup>.

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<sup>273</sup> [www.crimereduction.homeoffice.gov.uk/violence/violence027.htm](http://www.crimereduction.homeoffice.gov.uk/violence/violence027.htm)