



Northern
Ireland
Office

Consultation Document

Draft Guidance on Public
Protection Arrangements
Northern Ireland

May 2008

INTRODUCTION

This Consultation Document has been prepared by the Northern Ireland Office to enable us to canvass views on draft guidance by the Secretary of State under Article 50 of the Criminal Justice (Northern Ireland) Order 2008. The agencies to whom the guidance will apply are listed in Article 49 of the same Order and in the introduction section of this draft guidance.

Following recommendations by the Criminal Justice Inspector, Kit Chivers, in his report on the risk management of sex offenders in March 2005, the then Criminal Justice Minister, David Hanson, agreed in principle that the current non statutory Multi Agency Sex offender Risk Assessment and Management (MASRAM) arrangements for managing the risk posed by sex offenders after release from custody should be placed on a statutory footing and their remit extended to include violent offenders. This was legislated for in Articles 49 – 52 of the Criminal Justice (Northern Ireland) Order 2008.

GUIDANCE ISSUED BY THE SECRETARY OF STATE

Article 50 of the Order enables the Secretary of State to issue guidance to agencies “*on the discharge of any of their functions which contribute to the more effective assessment and management of the risks posed by persons of a specified description*”.

This draft guidance, which has been prepared in consultation with the agencies listed in the Order, creates a duty on criminal justice agencies (police, probation, prisons and Youth Justice Agency), social services and others to work together and share information to more effectively assess and manage the risk posed by certain sexual and violent offenders, and potentially dangerous persons in the community, where that risk is considered to be at a level amenable to a multi agency risk management approach. The guidance does not give any additional powers to individual agencies or cut across existing statutory roles, but seeks to assist in maximising the effectiveness of the public protection arrangements by requiring information sharing and multi agency working.

The guidance is divided into 12 sections and covers the arrangements in practice, information and disclosure, risk assessment and risk management, Local Area Public Protection Panel meetings, good practice standards, strategic oversight, Lay Advisers, cooperation between agencies, and performance and standards. The guidance draws extensively on revised guidance issued to agencies under the Multi Agency Public

Protection Arrangements (MAPPA) in England Wales, which is available at:

<http://www.probation.homeoffice.gov.uk/files/pdf/MAPPA%20Guidance%202007%20v2.0.pdf>.

Agencies have agreed that the new risk managements which will be established by the guidance should be known as Public Protection Arrangements Northern Ireland (PPANI). This is to ensure that the focus is firmly placed on public protection and to stress that what is involved is the operation of a set of arrangements by the criminal justice agencies and others, not the setting up of a risk management body.

HOW TO RESPOND

Comments are invited on any aspect of the draft guidance on Public Protection Arrangements Northern Ireland. Please send your response to in writing to:-

**Sexual Crime Unit
Criminal Justice Directorate
Northern Ireland Office
Massey House
Stoney Road
BELFAST
BT4 3SX**

Or by email to:

cjd.public@nio.x.gsi.gov.uk

Tel: 028 90527511

Fax: 08290527507

Views are also welcome on the implications of implementation of the draft guidance on equality of opportunity for all groups under Section 75 of the Northern Ireland Act 1998.

Written comments should be submitted by post, fax or e-mail to arrive no later than 15 August 2008.

Supporting equality screening documentation is also available on the NIO website: www.nio.gov.uk under Public Consultation.

These documents which are only being published on the NIO website can be made available in different formats, for those individuals with particular needs, on request. A text phone facility is also available by phoning: 028 90527668.

The Northern Ireland Office is committed to publishing a list of those organisations that comment on the draft guidance and making available, to anyone who asks for it, a copy of the comments and our response to them.

If you do not wish your comments to be published in this way, you must make this clear in any response you submit.

If you have any questions concerning the documentation or the consultation process, you should contact the Northern Ireland Office's consultation co-ordinator, Donna Knowles, on 028 90527015, or email at donna.knowles@nio.x.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

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Draft Guidance

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1. Introduction

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1.1 Status of the Guidance

This Guidance is issued by the Secretary of State under Article 50 of the Criminal Justice (Northern Ireland) Order 2008. This Guidance is therefore statutory. All “Agencies” listed in Article 49 of the Criminal Justice (Northern Ireland) Order 2008, being public bodies, have a duty imposed by public law to have regard to this Guidance in exercising their functions which contribute to the more effective assessment and management of the risks posed by certain sexual and violent offenders, and potentially dangerous persons.

Agencies which choose to depart from the Guidance will need to demonstrate, and record, good reasons for doing so.

1.2 Outline of the arrangements

Public Protection Arrangements Northern Ireland (PPANI) refers to the arrangements established for the risk management of sexual and violent offenders, and certain potentially dangerous persons whose assessed risks require multi agency input to the delivery of individual risk management plans. PPANI is not a statutory body in itself but a set of arrangements through which agencies can work together and share information, in discharging their statutory responsibilities, to better protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations. The three criminal justice agencies (Police Service of Northern Ireland, Probation Board for Northern Ireland and the Northern Ireland Prison Service) and social services clearly have a greater public protection role than the other agencies listed and this is reflected throughout this Guidance.

1.3 Decision Making

Agencies need to be mindful of both their statutory obligations and wider responsibilities to public protection. They need to ensure that these are not compromised by PPANI.

Agreement between agencies is a goal rather than a requirement. However, differences of opinion in respect of either the risk assessment or risk management plan must be fully documented in the minutes. No agency should feel pressured to agree to a course of action which, they consider is in conflict with their statutory obligations and wider responsibility to public protection.

1.4 Revision of the Guidance

The Guidance has been developed through extensive consultation with Agencies and with other interested parties through public consultation. The Guidance is designed to be comprehensive. It will be revised, as required, to take account of changes in practice, in legislation and other developments in public protection.

This guidance is consistent with the:

- Prison Service's Public Protection Policies and Instructions;
- Probation Board for Northern Ireland Practice Standards and Risk of Harm Policy;
- ACPO (2007) – Guidance on Protecting the Public: Managing Sexual and Violent Offenders;
- ViSOR (Violent and Sex Offender Register) National Standards; and
- Safeguarding Children procedures and guidance.

1.5 Legislation

Criminal Justice (Northern Ireland) Order 2008 (extract)

Part 3 - Risk assessment and management

Interpretation

Article 49.—(1) *In this Part—*

“agencies”¹ means—

- (a) the Police Service of Northern Ireland;*
- (b) the Probation Board for Northern Ireland;*
- (c) the Department of Education;*
- (d) the Department for Employment and Learning;*
- (e) the Department of Health, Social Services and Public Safety;*
- (f) the Department for Social Development;*
- (g) HSS Boards and HSS trusts;*
- (h) Education and Library Boards;*
- (i) the Northern Ireland Housing Executive;*
- (j) the National Society for the Prevention of Cruelty to Children;*

“serious harm” means death or serious personal injury, whether physical or psychological;

“specified” means specified in guidance under Article 50.

(2) *The Secretary of State may by order amend the definition of “agencies” in paragraph (1).*

¹ Northern Ireland Prison Service and Youth Justice Agency are included in the Legislation under the term 'Secretary of State'.

Guidance to agencies on assessing and managing certain risks to the public

50.—(1) *The Secretary of State may issue guidance to agencies on the discharge of any of their functions which contribute to the more effective assessment and management of the risks posed by persons of a specified description.*

(2) *Guidance under this Article may contain provisions for the purpose of facilitating co-operation between agencies, including—*

(a) provisions requiring agencies to maintain arrangements for that purpose and to draw up a memorandum of co-operation; and

(b) provisions regarding the exchange of information among them.

(3) *Paragraph (2) does not affect the generality of paragraph (1).*

(4) *Agencies shall give effect to guidance under this Article.*

(5) *The Secretary of State shall consult the agencies before issuing guidance under this Article.*

(6) *The Secretary of State shall not specify a description of persons in guidance under this Article unless, whether by reason of offences committed by them (in Northern Ireland or elsewhere) or otherwise, the Secretary of State has reason to believe that persons of that description may cause serious harm to the public.*

Review of arrangements and report on functions

51.—(1) *The agencies shall, in consultation with the lay advisers appointed under paragraph (2), keep any arrangements mentioned in Article 50(2)(a) under review with a view to monitoring the effectiveness of the arrangements and making any changes which appear to be necessary or expedient.*

(2) *The Secretary of State shall appoint 2 lay advisers and pay to or in respect of them such allowances as the Secretary of State may determine.*

(3) *As soon as practicable after the end of each financial year, the agencies shall jointly prepare and publish a report on the discharge during that period of —*

(a) their functions connected with assessing and managing risks posed by persons of a specified description; and

(b) their duty under paragraph (1).

(4) *The report must include—*

(a) details of any arrangements mentioned in Article 50(2)(a), and

(b) information of such descriptions as the Secretary of State may determine.

2. PPANI in practice

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2.1 Introduction

This section describes the core functions of PPANI and clarifies the arrangements for assessing and managing risk. It:

- Gives a brief overview of Public Protection Arrangements Northern Ireland;
- Describes what is meant by PPANI Co-ordination;
- Sets out how victims must be considered and involved within PPANI;
- Describes the offender's role in PPANI.

The effectiveness of PPANI depends largely on close working relationships between the police, prisons, probation and social services, and their relationship with the other agencies. It is also vitally important that PPANI agencies develop links with other local multi-agency forums including local Area Child Protection Panels, Children's Services and Safeguarding Board.

Agencies must ensure that the core functions of PPANI are established across the agencies and procedures are in place to:

- Identify relevant offenders/potentially dangerous persons (pdps);
- Share information safely and securely;
- Risk assess offenders/pdps; and
- Manage offender risks with the most suitable risk management plans.

2.2 The arrangements

Multi-agency public protection arrangements are often understood as co-operation between police and probation focused almost exclusively on the assessment and management of risk posed by offenders/pdps in the community. In fact PPANI are much broader and more complex than this. While much of their strength depends upon local police/probation joint working, PPANI form the basis of public protection through a genuinely multi-agency partnership.

Public safety considerations are an increasingly important aspect of sentencing undertaken by courts and of sentence planning conducted by prisons and other custodial institutions, and the availability of criminal intelligence about offending behaviour has already provided assistance to the police in effecting early detection for serious sexual and violent offences. PPANI contribute significantly towards the integration of the work of a number of criminal justice agencies, together with social care agencies such as health, social services and housing, in order to reduce serious offending, minimise serious harm to the public and assist in the early detection of repeat offenders. This is the context in which PPANI should be understood.

The arrangements have been developed from best practice identified in the previous Multi Agency Sex Offender Risk Assessment and Management (MASRAM) arrangements in Northern Ireland and in close consultation with operational practitioners. The arrangements encapsulate the core functions of public protection and clarify the procedures for assessing and managing risk and provide the basis upon which consistent public protection practice can be developed within Northern Ireland.

The arrangements comprise four core functions:

- i. The identification of relevant offenders/pdps
- ii. The sharing of relevant information among agencies
- iii. The assessment of risk and;
- iv. The management of risk.

An essential feature of the arrangements is that its functions are dynamic and overlapping i.e. they complement and are an integral part of one another. Risk assessment, is not a 'one off activity' but one which ensures that whenever any new information, relevant to the risk posed by the offender, becomes known to an agency it is shared to update the risk assessment. Thus risk assessment is itself a dynamic process, which must be capable of responding to the changing circumstances of the offender or his environment. The integral and complementary nature of the arrangements' functions extends to the dynamic nature of the three categories of assessed risk. The work of the Local Area Public Protection Panels (LAPPPs) is not simply to meet in order to place individual offenders/pdps into categories and to then develop risk management plans in order to task a single agency to carry out identified tasks. The LAPPP must also ensure that the plans are effectively implemented and that they are subsequently reviewed and adjusted as necessary. While much of this activity may take place at formal meetings, the concept of PPANI recognises that a great deal of the practical work is done day-to-day, week-to-week through a range of other formal and informal contacts and actions.

So, far from being a bureaucratic prescription, the emphasis placed in this guidance on meetings is in recognition of the fact that effective inter-agency working is achieved face-to-face. In recognition of the importance of this element of PPANI, the Guidance places great emphasis upon the creation of an efficient administrative function, which is referred to as PPANI Co-ordination.

2.3 PPANI Co-ordination

The systematic co-ordination of PPANI activity is key to ensuring that the functions of PPANI are coherent and meaningfully contribute to public protection. The co-ordination role begins with ensuring that the identification and information sharing functions of the arrangements operate effectively. The role extends to oiling the wheels of the

administrative arrangements which support PPANI activity, critically in relation to those involving the highest levels of case management.

The co-ordination role also comprises the provision of data and support to the Strategic Management Board. In Northern Ireland the co-ordination role, will be carried out jointly between the office of the PPANI Strategy and Policy Co-ordinator and the police PPANI Administration Unit. It is therefore desirable that these should be accommodated on the same site and preferably within the same building as the Co-located Public Protection Team. This approach simplifies arrangements for promoting and sustaining joint working between agencies by providing a central point of reference, which pulls together the various streams of work and provides a source of advice. The PPANI co-ordination function will be rooted in the strategic plan of each individual partner agency. PPANI Co-ordination will also:

- a. Provide a single point of contact and advice on all aspects of PPANI;
- b. Receive details of all offenders/pdps who pose a significant risk of serious harm to others and for whom a multi agency risk management plan is necessary to manage that risk;
- c. Refer cases to the relevant meeting which they consider require risk management through the multi agency arrangements;
- d. Co-ordinate the meetings in respect of persons whose risks have been assessed at Category 2 and Category 3 risk of serious harm;
- e. Maintain case records, utilising relevant information systems;
- f. Receive risk management plans and minutes from all LAPPP meetings showing clearly the status of each offender and the agencies delivering components of the risk management plan;
- g. Provide robust quality assurance and audit; and
- h. Collate data in order to facilitate analysis on the operation of PPANI by the Strategic Management Board.

PPANI Co-ordination is a dedicated resource that aims to ensure that multi agency risk management is focussed on the right people in a timely and efficient manner. It helps ensure delivery of robust defensible plans, which address known indicators of serious harm to others.

2.4 Victim focus

Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the effective fulfilment of public protection through PPANI. The primary focus of PPANI is to manage the risk presented by an offender. However, specific and general victims' issues are also central to the effective operation of the arrangements. It is vital that agencies operating PPANI ensure decision-making is informed by an effective engagement with current victims and/or families/carers, where practicable and appropriate, with potential victims. Only by doing this can agencies be satisfied that the risk assessment and risk management plans properly reflect victim concerns and provide appropriate measures to protect them.

The victim focus of PPANI should include direct victim(s) of the offence and those who, whilst not directly involved with the offence itself, have been seriously affected by it – the family of a murder victim, for example. PPANI must also include new or potential victims, such as an offender's new partner. Risk assessment becomes an academic exercise unless those who are at risk are correctly identified. In some cases, new or potential victims may not be any named individual(s) but people who are vulnerable by virtue of their

location, age, gender, race, religion, sexual orientation, disability or other distinguishing characteristic.

The risks an offender may pose to some particularly vulnerable people, such as children, will require effective links between PPANI Strategic Management Board and other agencies, including Area Child Protection Committees/Safeguarding Board who have an interest and responsibility and therefore an important contribution to make. Effective links may be supported by written protocols and cross-referencing of respective business plans. Liaising with victims, particularly those who are most vulnerable, will be a sensitive matter requiring careful handling. The expertise of probation victim liaison officers and police family liaison officers can be complemented by the excellent work undertaken by agencies such as the NEXUS Institute and Victim Support.

There are three reasons, which underline the importance of the victim focus in PPANI:

1. Prior to the release of sexual and violent offenders (either temporary release or permanent release) efforts are made to ensure the protection of victims. Where the victim was a child, under child protection arrangements local social services will be consulted about the appropriateness of a prospective address, and its proximity to past or indeed potential victims. Past or potential victim issues will be addressed in the risk management plan.

Victims are offered the opportunity to register with the Prisoner Release Victim Information Scheme for an offender who is in custody and the Probation Victim Information Scheme for an offender who has or is due to be released. The schemes provide information on sentence type and length, and in the case of probation supervised sentences, the nature of any additional requirements and what is expected of the offender. Where there is non-compliance with supervision requirements and the offender is dealt with by court the victim can be notified of the outcome. Victims will also be signposted to support services where this is considered necessary.

2. Secondly, the agencies involved in operating PPANI owe a duty of care to existing victims and should take all reasonable steps to protect people from becoming the subject of re-victimisation.
3. Victims and/or families/carers can make an important practical contribution to the assessment and management of risk. As mentioned above, the victim or their family/carer may be the persons who best know the true nature of the risk posed by the offender. This is likely to be particularly relevant in cases in which the offender has been involved in an abusive relationship within the family or in other forms of domestic abuse.

It is the responsibility of the Designated Risk Manager to ensure that relevant information provided by victims and/or families/carers is made available for informing development of risk management plans. In cases where PPANI Strategic Management Board undertakes or commissions' case reviews, for example, in cases where serious further offences have been committed, communication with victims must be considered as part of the process.

Where the victim and/or families/carers want to be engaged, the challenge for agencies operating PPANI is to make their involvement more than passive (i.e. simply receiving information). However, it is important not to raise unrealistic expectations in the victim. Victims and/or families/carers can make an important contribution to risk assessment and may have a critical interest in the management of risk but while active and important, it is

not an executive role. The victim is central to the offence and may understand the risk the offender presents but they inform, rather than decide, the risk management plan because ultimately they are not responsible for delivering it.

2.5 The offender/potentially dangerous person's role

It is important to recognise the critical contribution that offenders/potentially dangerous person's (pdp) make to changing their behaviour. Measures which impose external controls and prohibitions such as: conditions in licences, including residence requirements; Sexual Offences Act (2003) civil order provisions such as Sexual Offences Prevention Orders and Risk of Sexual Harm Orders can provide the offender/pdp with a clear and partly self-policed set of behaviour boundaries. These boundaries can increase therapeutic benefits and enhance PPANI practice, for example, police and probation undertaking joint visits to offenders/pdps and working closely with prisons to establish suitable licence conditions for offenders prior to release.

As a general principle, it is important to be clear that the individual rights of offenders/pdps should never take priority over public protection. In particular, it is considered that the presence of an offender/pdp at a Local Area Public Protection Panel (LAPPP) risk management meeting could hinder the core business of sharing and analysing information objectively and making decisions accordingly. Agencies are not required routinely to include offenders/pdps at LAPPP meetings. However, they should always be allowed the opportunity to present written information to the LAPPP meeting through their Designated Risk Manager or for this person to provide information on their behalf.

Offenders/pdps and, in the case of young people under 18, their parents/carer/responsible adult should be included in the process of assessing and managing the risks they present. It is good practice for offenders/pdps to know that the assessed risks they present are being managed through PPANI, what the arrangements are and what this means for them, this responsibility should be discharged by the Designated Risk manager.

There are some cases where information about the risk management plan should be withheld from the offender/pdp on the grounds that it may increase their risk or compromise the effectiveness of the measures involved. Confidential information² will not be disclosed to the offender. Information from victims, some third parties and details of police operations are highly confidential and must be adequately protected by all agencies involved in the arrangements. The decision to withhold information from the offender/pdp must be agreed at a LAPPP meeting and the reasons clearly recorded in the minutes and the case record.

Engaging the offender/pdp in the reality of risk management can be very productive, although it will not be appropriate for every individual. Offenders/pdps can make a positive contribution to their own risk management and should not be viewed only as part of the problem. Agencies should ensure that there is a clearly stated mechanism for informing offenders/pdps, both before and after LAPPP meetings, and that the information to be shared is fully recorded in minutes and case records.

² Section 29 of the Data Protection Act (1998) enables personal data to be stored within a confidential section if it is necessary to prevent or detect crime or apprehend or prosecute offenders; and where disclosing information to the offender would be likely to prejudice these purposes.

2.6 Identification of relevant offenders/potentially dangerous persons with PPANI

Effective multi-agency public protection starts with accurate categorisation of relevant offenders/potentially dangerous persons (pdps). Prompt and accurate categorisation will allow agencies to gather and share relevant information and enable them to choose the appropriate risk management strategies. In the absence of this initial accuracy there are real dangers that important information will not be gathered and shared or that information will be shared inappropriately, and the energy of agencies will be diverted from those offenders/pdps posing the highest risk of serious harm. The population of relevant offenders/pdps falling within the remit of PPANI comprises the following:

(a) Relevant Sexual Offender

A person is a relevant sex offender if he/she:

- is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.
- has been convicted of a sexual offence or sexually motivated offence, is not subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, but about whom there are current grave concerns.

(b) Relevant Violent Offender

A person is a relevant violent offender if he/she:

- has from 1st October 2008 been convicted of a violent offence (including homicide) against a child or vulnerable adult; or who have a previous conviction for a violent offence against a child or vulnerable adult and about whom there are current grave concerns
- has from 1st April 2010 been convicted of a violent offence (including homicide) in domestic or family circumstances; or who have a previous conviction for a violent offence in domestic or family circumstances and about whom there are current grave concerns
- has from 1st April 2011 been convicted of a violent offence (including homicide) where the offence has been motivated by hate.

(c) Relevant other potentially dangerous person

A person is a relevant other potentially dangerous person if he/she:

- is subject to a Risk of Sexual Harm Order (RSHO).
- has been interviewed by police for an alleged or suspected sexual offence against a child or a serious sexual assault on an adult and is in the process of being reported with a view to prosecution.

- from 1st October 2008 has been interviewed by police for an alleged or suspected violent offence (including homicide) against a child or vulnerable adult and is in the process of being reported with a view to prosecution.
- from 1st October 2010 has been interviewed by police for an alleged or suspected violent offence (including homicide) in domestic or family circumstances and is in the process of being reported with a view to prosecution.
- from 1st October 2011 has been interviewed by police for an alleged or suspected violent offence (including homicide) where the offence has been motivated by and is in the process of being reported with a view to prosecution.

The PPANI Strategic Management Board may wish to consider at a future date the further development of PPANI to include the management of the risk of serious harm posed by those who:

- have been identified by social services through protection work as potentially dangerous to children; and
- have been identified by mental health and learning disability service providers as potentially dangerous.

For the purpose of this guidance vulnerable adult is defined as:

“A person aged 18 years or over, who is in receipt of or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

For the purpose of this guidance serious sexual assault is defined as:

- Rape.
- Indecent Assault involving oral sex (fellatio or cunnilingus).
- Vaginal or anal intrusion by the offender on the victim either digitally or with the use of a foreign object.
- The use of intentional/expressive violence over and above that required to control the victim or where the victim has been subjected to a level of violence, which has resulted in serious injuries requiring hospital treatment.
- Sexual assaults in circumstances where the victim has been abducted or imprisoned.
- The use of drugs or other substances by the offender on the victim during the commission of the assault (this should exclude the voluntary acceptance of alcohol by the victim – unless the drink is believed to have been spiked).

Note: Assessment of pdps is particularly problematic because many of the available risk assessment tools are only intended for use with convicted offenders. They are often complex and will require thorough information on previous behaviour from a range of multi-agency sources. The authority to retain and share such information lies in the positive obligations within the European Convention on Human Rights, Article 2 (right to life) and Article 3 (right to freedom from inhuman and degrading treatment). As in all cases where information is retained and shared, account must be taken of whether actions are

necessary and proportionate and whether any infringement of the ECHR Article 8 rights of the individual concerned is justifiable for the protection of life, the prevention and detection of crime or any other reason in ECHR Article 8(2).

Identification of relevant 'adult' offenders/pdps is primarily the responsibility of the police but any agency can refer an individual for risk assessment where the above criteria is fulfilled. Agencies such as probation, social services, including mental health and learning disability services will hold the most comprehensive information, and must liaise with local police regarding having cases scheduled for inclusion in Local Area public Protection Panel (LAPPP) meetings for risk assessment and consideration of the need for PPANI multi agency risk management.

For agencies or individuals that are not formally part of PPANI, concerns about individuals posing a risk of serious harm must be taken seriously and should be referred directly to the police who will determine whether such individuals pose a risk and what actions are necessary to address that risk.

2.7 Hospital and Guardianship Orders

Offenders who commit serious sexual and/or violent offences and who receive a hospital or guardianship order may be subject to PPANI. The hospitals where they are detained, therefore, have a responsibility to notify the PPANI Administration Unit when the offender is admitted to hospital (to ensure inclusion on ViSOR) and to notify the PPANI Administration Unit when the offender/patient is likely to return to the community as soon as the prospect of the patient's discharge is being considered. Notification must include an assessment of potential risks of serious harm, any identified victims and how these risks are to be managed.

2.8 Links to other multi agency forums

It is vital that the agencies involved in PPANI develop good links with other forums: Area Child Protection Committees/Safeguarding Board; the Domestic Abuse Forum and Sexual Violence Forum to ensure that identified risks are being effectively managed and that there is no duplication of effort, as this could reduce the effectiveness of risk management plans.

2.9 ViSOR

ViSOR is a database designed to hold details of all relevant offenders/pdps whose risks are being managed through a multi agency risk management plan. All cases within ViSOR are known as "nominals". It is the responsibility of PPANI Administration Unit to ensure that ViSOR contains all relevant information relating to relevant offenders/pdps and is maintained in accordance with ViSOR National Standards. It is currently available to the police service and, will eventually be made available to probation and the prison service. All nominals will remain in ViSOR until the person's 100th birthday. At this point the case will be reviewed with the expectation that the nominal record will be removed.

2.10 Categories of risk

The definition of risk assessment used in this guidance is:

“The collection, analysis and interpretation of the relevant available facts and information on a relevant sexual or violent offender or a person identified as a potentially dangerous person (pdp) in order to understand, assess and classify his/her behaviour with regard to his/her current likelihood to cause serious harm and the potential danger to victims should such harm be caused.”

Risk assessment procedures require accurate and detailed information. This information will include previous convictions, previous assessments where these are available, progress reports on offender programmes, witness and victim statements and details of interviews with the offender.

In order to ensure the integrity of PPANI and to provide clarity of meaning the risk category into which an individual is placed following a full and thorough risk assessment (which includes consideration of both static and dynamic risk factors) must be consistent with the following definitions:

Category 1 risk of serious harm

“Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present little evidence that they will cause serious harm through carrying out a contact sexual or violent offence.”

The risks presented by offenders/pdps assessed as Category 1 risk of serious harm will not be subject to a PPANI multi-agency risk management plan. However, agencies will continue to discharge their individual statutory responsibilities for public protection, which will be performed outside of PPANI as follows:

- Probation Board for Northern Ireland where the offender is either subject to a statutory court based probation supervision requirement or where the offender has voluntarily agreed to work with PBNI.
- Northern Ireland Prison Service where the offender is in prison.
- Youth Justice Agency where the offender is a young person under 18.
- Relevant Social Services Trust where an individual is subject to a Hospital Order, a Guardianship Order, is a resident in a Residential Care home or is an inpatient or outpatient receiving psychiatric treatment.
- Police Service of Northern Ireland in relation to offenders subject to notification requirements of the Sexual Offences Act 2003 and their general public protection duties.

The nature of risk management required for Category 1 risk of serious harm cases will be determined by the lead relevant agency. If an agency has a grave concern about the behaviour of an offender/pdp whose risk has been assessed as Category 1 risk of serious harm, they can refer the case through PPANI Administration Unit for further assessment by the Local Area Public Protection Panel (LAPPP).

Category 2 of serious harm

“Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present clear and identifiable evidence that they could cause serious harm through carrying out a contact sexual or violent offence.”

Offenders/pdps assessed as Category 2 risk of serious harm will be subject to an agreed PPANI multi-agency risk management plan, which will be delivered by agencies at a local practitioners level. Such cases will require the involvement of multi-agency co-operation, collaboration and support, within the bounds of each agencies statutory duty, to manage the risk.

In order to place an individual into Category 2 risk of serious harm it will be necessary to evidence behaviour giving rise to the clear concern that the person has the capacity to carry out a contact sexual offence or a qualifying violent offence.

As with any judicial process it is important that all decisions are based on evidence coupled with defensible decision-making. The desired outcome of placing an individual into Category 2 risk of serious harm must be effective risk management, which incorporates the use of both external and internal controls and not simply the placing of a label on the individual concerned. Risk management should be understood as harm reduction either through the reduction of the likelihood of risk occurring or the reduction of its impact should it occur. When an individual is placed in Category 2 risk of serious harm then this decision must be coupled with the putting in place of a risk management plan which addresses the specific risk factors presented by the individual. Actions should address both the likelihood of the risk occurring and the reduction of its impact should it occur.

Category 3 serious of harm

“Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present compelling evidence that they are highly likely to cause serious harm through carrying out a contact sexual or violent offence.”

Persons assessed as presenting this level of risk of serious harm (the critical few) will require a risk management plan involving a wide range of inter-agency support and high levels of resourcing. The desired outcome of placing an individual into Category 3 risk of serious harm must be the delivery of effective risk management, which incorporates the use of both external and internal controls and not simply the placing of a label on the individual concerned. When an individual is placed in Category 3 risk of serious harm then this decision must be coupled with the putting in place of a risk management plan which addresses the specific risk factors presented by the individual. Actions should address both the likelihood of the risk occurring and the reduction of its impact should it occur.

2.11 Risk of serious harm - definition

For the purpose of this guidance “serious harm” is defined and explained as follows:

“Harm (physical or psychological) which is life threatening and/or traumatic and from which recovery is usually difficult or incomplete”.

Risk of serious harm is the likelihood of this event happening. It should be recognised that the risk of serious harm is a dynamic (subject to change) concept and should be kept under review. In determining whether an individual's risk fits this definition a number of factors must be taken into consideration:

- (a) The nature of the persons previous offending and whether it resulted in serious harm being caused. For the purpose of this guidance previous offending involving the following characteristics will be viewed as having caused "serious harm":
- Homicide
 - Rape
 - Indecent Assault involving an oral act (fellatio or cunnilingus)
 - Vaginal or anal intrusion by the offender on the victim either digitally or with the use of a foreign object,
 - Assault involving the use of a weapon or instrument resulting in really serious physical harm
 - Coercion involving the use of a weapon or instrument.
 - The use of intentional/expressive violence over and above that required to control the victim or where the victim has been subjected to a level of violence, which has resulted in serious injuries requiring hospital treatment.
 - Assault in circumstances where the victim has been abducted or imprisoned,
 - The use of drugs or other substances by the offender on the victim during the commission of the assault (this should exclude the voluntary acceptance of alcohol by the victim – unless the drink is believed to have been spiked.
- (b) Whether there are identifiable indicators of the likelihood of serious harm being caused either imminently or at any time.
- (c) Whether evidence indicates that physical harm caused by the risk would be life threatening or so serious that any potential victim's recovery would be difficult or incomplete.
- (d) Whether evidence indicates that psychological harm caused by the risk would be life threatening or so serious that any potential victim's recovery would be difficult or incomplete.

Unless the indicators at (b) and the evidence at (c) or (d) can be identified and recorded then the determined level of risk should be assessed as no higher than Category 2 risk of serious harm.

Note: Local Area Public Protection Panels (LAPPPs) should apply the definitions consistently requiring evidence to support individuals assessed risk being placed in Category 2 or Category 3 risk of serious harm.

2.12 Young persons under 18

Young persons under the age of 18 who fall within the definition of relevant sexual or violent offender or potentially dangerous person should not be subject to PPANI risk management and will remain the responsibility of the present social services child protection and children in need arrangements as set out in current Area Child Protection Regional Policy and Procedures. However, exceptionally when either a social services trust, the Youth Justice Agency, the Northern Ireland Prison Service or the Probation Board for Northern Ireland are convinced that multi-agency risk assessment and risk management is necessary in respect of a young person under 18, who would if he/she were an adult fit the criteria of relevant offender/pdp, they should refer the young person to the PPANI Co-ordination Unit for consideration by a LAPPP. Identifying the level of risk presented by a young person can be particularly difficult given that they may have a limited criminal history and that patterns of behaviour can often change rapidly during adolescence. Therefore managing the assessed risks posed by young people under 18 through PPANI should only occur on an exceptional basis. However, all agencies involved need to be aware that there are a very small number of young people who present a serious risk to others which may require multi-agency intervention outside of the current normal child protection and children in need arrangements or youth diversion intervention.

3. Information sharing

3.1 Introduction

3.2 Information sharing between agencies within PPANI

3.3 Information sharing principles

3.4 Summary

3.1 Introduction

The effectiveness of PPANI depends upon the delivery of risk management plans devised by agencies to address the specific risk factors posed by individual offenders/pdps. Risk management plans are dependent upon the quality of the risk identification and assessment processes; and the quality of both the risk assessment and the risk management plan are heavily influenced by the effectiveness of information sharing arrangements. Unless all relevant information is available, in good time, to those making the assessments and drawing up risk management plans, public protection may be compromised. Agencies involved in PPANI must have effective arrangements in place for practicable information sharing with each other.

Given that the exchange of information is essential to effective public protection, this Guidance clarifies the principles upon which agencies may exchange information amongst themselves, and where a decision may be taken to disclose such information to other persons or organisations outside PPANI, for example to an employer, voluntary group organiser or church leader who has a position of responsibility/control over the offender and other persons who may be at risk from the offender.

This Guidance only applies to information that relates to individuals, i.e. personal information, as it is this type of information on which the law confers heightened protection. The principles contained in this Guidance on information sharing and disclosure take into account the common law duty of confidence, the Data Protection Act 1998 and the European Convention on Human Rights (as incorporated into domestic law by the Human Rights Act 1998).

3.2 Information sharing between agencies within PPANI

Some agencies have established information-sharing protocols as part of the development of the previous MASRAM arrangements. This Guidance simply sets out the basic principles upon which those protocols will have been drawn up, and will provide a useful checklist to help agencies establish a formal understanding about sharing information for the purposes of public protection. The principles outlined in this Guidance not only ensure compliance with the law, but are also aimed at promoting trust between agencies. That trust must be nurtured and sustained by professional integrity and by procedures, which ensure that the process of sharing information is safe and secure. To ensure that this is effectively achieved, the Strategic Management Board (SMB) must have in place an agreed information sharing protocol.

3.3 Information sharing principles

Information sharing must:

- Have lawful authority;
- Be necessary;
- Be proportionate; and done in ways which,
- Ensure the safety and security of the information shared and;
- Be accountable.

The meaning of each of these principles is explained below.

Lawful authority requirement (vires)

Each agency sharing information within PPANI must have either a prima facie statutory or common law power to do so. The police, probation, and prison services, in respect of their wider criminal justice responsibilities, social services in respect of their child protection responsibilities, have clearly recognised statutory duties, which will necessarily involve sharing information. The Criminal Justice (NI) Order 2008 also recognises that co operation between agencies in operating PPANI will also include the exchange of information thus requiring agencies to draw up a memorandum of co operation.

Therefore, due to the above, all agencies involved in PPANI have the prima facie legal power to exchange information within PPANI.

To identify the purpose of sharing information and to ensure the agencies' obligations to retain and use the information lawfully, the persons with whom the information is shared must know:

- Why they have been given it, i.e. the purpose for which the information has been given must be connected either to that person's authority and role as a representative of an agency involved in PPANI or because they are someone to whom disclosure is justified because of the exceptional risk posed to them by the offender;
- That it must remain confidential, be kept and shared safely and securely and retained for as long as necessary; and
- What they are expected to do with that information.

Necessity

Information should only be exchanged where it is necessary for the purpose of properly assessing and managing the risks posed by offenders/pdps within PPANI. The specific purposes of sharing information within PPANI are:

- To identify those offenders/pdps who present a serious risk of harm to the public;
- To ensure that the assessment of the risks they present are accurate; and
- To enable the most appropriate risk management plans to be drawn up and implemented to manage the assessed risks and thereby protect the public.

Proportionality in information sharing

In order to satisfy this criterion, it must be shown that the managing and assessing of the risk posed by the offender could not effectively be achieved other than by the sharing of the

information in question. Clearly, in almost all cases of identifying, assessing and managing risk within PPANI, this principle will easily be met.

Ensure the safety and security of the information shared

Good practice must ensure that all information about offenders/pdps is kept securely and is shared with and available only to those who have a legitimate interest in knowing it; that is, agencies and individuals involved in PPANI. Safeguards must be in place which, ensure that those who do not have a legitimate interest in the information cannot access it accidentally or deliberately.

Accountable information sharing

So that information is shared accountably the PPANI Strategic Management Board must ensure that the administrative procedures underpinning the efficient operation of meetings as part of PPANI have the confidence of participants. The importance of accurate, clear and timely record keeping is necessary to demonstrate that accountable information sharing occurs. Also, that safe and secure information storage and retrieval procedures are evident.

More broadly, issues arising from the sharing of information in PPANI process should be referred to the Strategic Management Board, the role and function of which is described in Section 9 below.

3.4 Summary

This Guidance issued by the Secretary of State under Article 50 of the Criminal Justice (Northern Ireland) Order 2008 provides a framework which supports and enables lawful, necessary, proportionate, secure and accountable information sharing, whilst the Data Protection Act (1998) puts controls on the data sharing so, together, they facilitate responsible information sharing between agencies for legitimate purposes.

The detailed sections within this guidance for multi agency meetings and case conferences provide answers to the questions of to whom, when, how and where the information about offenders/pdps should be shared within PPANI. Agencies must establish relevant information sharing protocols that provide a clear framework for data sharing and give confidence to all parties about what is expected of them, their roles and their responsibilities.

Compliance with this guidance should mean that few difficulties with sharing information will arise. This Guidance does not, however, prescribe how **all** cases involving information sharing will be dealt with. Whether information should be shared and if so, how much information and with whom, must be decided on a case-by-case basis.

4. Disclosure

- 4.1 Introduction**
- 4.2 Definition of disclosure**
- 4.3 Reasons for disclosure**
- 4.4 Disclosure to other third parties**
- 4.5 Decision to disclose information**
- 4.6 Disclosure of LAPPP meeting minutes to the public**
- 4.7 Summary**

4.1 Introduction

Effective risk management requires that the risk assessment process identifies those persons who may be at risk of serious harm from the offender/pdp. The risk management plan must identify how those risks will be managed. As part of this process, consideration must be given in each case as to whether disclosure of information about an offender to others should take place to protect victims, potential victims, staff and other persons in the community.

The purpose of disclosure of information is: to facilitate the risk management plan, to facilitate public protection and to reduce the risk of serious harm. It is preferable that the offender is aware that disclosure is taking place and, on occasion, they may make the disclosure themselves in the presence of the Designated Risk Manager (DRM) or the content of the disclosure would be confirmed/verified by the DRM subsequently. However, there will be cases where informing the offender that disclosure is taking place could increase the potential risks to the victim(s) and, in those cases, the offender will not be informed. Any decision to disclose information must be clearly recorded in the Local Area Public Protection Panel (LAPPP) meeting minutes. The expectation of those voluntary and private sector services, who engage with offenders on behalf of PPANI agencies and who are involved in the risk management of offenders, is that a Service Level Agreement (SLA) or formal contract will have been agreed with the statutory organisations for whom they are undertaking the sub-contracted work. This SLA/contract will address the issues of disclosure and confidentiality. If this is in place then PPANI agencies should treat such "intermediate" organisations in the same manner as they treat other statutory bodies. Where no such SLA/contract is in place, then consideration must be given as to their confidentiality status and what information should be disclosed. In such situations, the LAPPP should treat them as they would a member of the public and have appropriate safety considerations in place. The Strategic Management Board must ensure that it has in place a means to capture information relating to disclosure for offenders/pdps subject to PPANI multi agency risk management plans.

4.2 Definition of disclosure

"The communication to any party outside PPANI of any information that relates to an individual, whose risk is being managed by agencies through a multi agency risk management plan. The disclosure will be a component of the risk management plan for that identified individual."

4.3 Reasons for disclosure

PPANI agencies are responsible for maintaining confidentiality in respect of all cases. However, occasionally that duty to maintain confidentiality will be over ridden by a greater need to protect the public, or any individual or section of the community. This situation may arise when intelligence or information indicates that an individual may assault or cause serious harm to another. Disclosure may become justifiable where it is not possible to reduce the risk through other means.

It will be necessary to demonstrate how disclosure is likely to assist the containment or removal of the identified risk. There can be no general rule of disclosure; each case must be decided on its merits. The following points must be considered:

- The nature and the extent of the information to be disclosed;
- The person receiving the information;
- How the receiver will utilise the information.

The principles underpinning disclosure to third parties are the same as for information sharing, but inevitably involve greater sensitivities given that disclosure may be to individual members of the public as opposed to central or local government or law enforcement bodies. Because of this, great caution should be exercised before making any such disclosure: the issue of disclosure must always be considered and a record made of the reason for either making a disclosure or not making a disclosure. This guidance presumes that disclosure will not only be considered in each case but will be made where management of the assessed risk requires it. If such a course of action is required, it must be part of a risk management plan and be formally agreed.

Disclosure should be considered:

- When there is evidence that grooming behaviours may take place, for example, through leisure clubs, churches, employment;
- If there is a condition in a Sexual offences Prevention Order/licence excluding offenders from a specific location and/or having contact with named persons;
- Where others (including other service users) may be at risk, for example, in supportive accommodation. This may include other service users, but usually it will be staff and managers who are told in order to enable more appropriate placements and for greater vigilance to be exercised;
- Where there is a need to protect past or potential victims, in particular where offenders/pdps strike up new relationships with partners who have children or grandchildren. In some cases, this may include friends or neighbours who have children;
- To schools and colleges if grooming behaviours need to be prevented. In the case of young offenders, limited and controlled disclosure may be made to school or college staff;
- Where a person may be in a position to actively assist in the risk management of an offender by being familiarised with risk factors and scenarios.

The lawful authority and necessity requirements described in Section 3 (Information Sharing) will be met in cases where making the disclosure is for the purposes of managing the risk of offenders/pdps subject to PPANI multi agency risk management plans. The critical factor in determining if a disclosure is lawful is therefore likely to be the proportionality requirement. The following criteria should be met before disclosing information about an offender to a third party.

- (i) The offender presents **a risk of serious harm** to the person, or to those for whom the recipient of the information has responsibility (children, for example);
- (ii) **There is no other practicable, less intrusive means of protecting the individual(s), and failure to disclose would put them in danger.** Also, only that information which is necessary to prevent the harm may be disclosed, which will rarely be all the information available:
- (iii) **The risk to the offender should be considered although it should not outweigh the potential risk to others were disclosure not to be made.** The offender retains his rights (most importantly his Article 2 right to life) and consideration must be given to whether those rights are endangered as a consequence of the disclosure. It is partly in respect of such consideration that widespread disclosure of the identity and whereabouts of an offender is rarely advisable:
- (iv) The **disclosure is to the right person** and that they understand the confidential and sensitive nature of the information they have received. The right person will be the person who needs to know in order to avoid or prevent the risks:
- (v) The **involvement of the offender** (where risk factors allow) both in the decision regarding the need to disclose and in the actual disclosure itself. In some cases, the ideal situation is for the offender to give their consent and to undertake the disclosure themselves. This could be either in the presence of their DRM or for the content of the disclosure to be confirmed/verified by the DRM subsequently;
- (vi) **Preparation and discussion with those third parties** receiving the information. This includes: checking what they already know; that they understand the confidential and sensitive nature of the information they have received; that they know how to make use of the information, and what to do in the event of anything occurring which they need to report, and that they know whom to contact;

Disclosure of information will not abrogate agencies of any of their responsibilities. Disclosure of information to a third party must be viewed as only one component of a full risk management plan.

4.4 Disclosure to other third parties

When necessary, representatives from other agencies and from outside Northern Ireland may be invited to participate in a Local Area Public Protection Panel (LAPPP), to contribute to the assessment and management of risk posed by offenders/pdps. Such representatives will be required to sign a confidentiality agreement and will be required only to share such information as is required for the purpose of contributing to the assessment and management of risk posed by a particular offender and which is compliant with current legislation. It is against this background of sharing information that the issue of disclosing information by agencies to the public arises.

There may be some cases where the management of an offender's risk in the community cannot be carried out without the disclosure of some information to a third party. For example, risk management may be improved through disclosure to an employer, voluntary group organiser or church leader who has a position of responsibility/control over the offender and other persons who may be at risk from the offender. Such disclosures must be made on the basis of clear justification and be supported by all of the agencies involved.

4.5 Decision to disclose information to the public

Any decision to disclose information to the public has wide ranging implications. Consequently a full discussion must take place at a regular LAPPP meeting or at an extraordinary LAPPP meeting. If following this discussion the LAPPP has agreed that disclosure of information is both necessary and appropriate a recommendation will be made to the Assistant Chief Constable, Criminal Justice Department via the Police PPANI Administration Unit who will exercise the final responsibility for the decision to disclose personal or confidential information about an individual. Where it has not been practicable or possible to convene a full LAPPP meeting to consider the issue of disclosure reasonable effort will be made to convene an emergency LAPPP meeting with key members who have experience or knowledge of the particular case in attendance. In very urgent cases where no meeting is possible, efforts should be made to consult with the other agencies. A full record must be made of all discussions, actions and decisions taken. Where disclosure is to take place, the reason for the decision must be recorded stating what information is to be disclosed; to whom; by whom and within what timescale. In cases where a decision to make application for disclosure has been taken outside a full LAPPP meeting the case will be referred to the next meeting for endorsement.

The PPANI Strategic Management Board must monitor all applications for and decisions to disclose to ensure both consistency in practice and that good practice is implemented.

4.6 Disclosure of LAPPP meeting minutes

In working with offenders/pdps, victims and other members of the public, all agencies have agreed boundaries of confidentiality. The information contained in the LAPPP meeting minutes respects those boundaries of confidentiality and is distributed under a shared understanding that the meeting is called in circumstances where it is felt that the risk presented by the offender is so great that issues of public or individual safety outweigh those rights of confidentiality.

These minutes are likely to include personal, confidential third party (including victim) and operationally sensitive information and are, therefore, not suitable for disclosure under one or more of these exemptions of the Freedom of Information Act (2000):

- Investigations and proceedings by Public Authorities (section 30(1)(B));
- Health and safety (section 38);
- Personal information (section 40); and
- Information provided in confidence (section 41).

There may also be restrictions on disclosing this information to others under the Data Protection Act (1988) and the Human Rights Act (1998) and related European case law.

There may be increased requests for copies of LAPPP meeting minutes from courts, Parole Commissioners, from offenders and other third parties. A full copy of the LAPPP meeting minutes should not be provided. Instead, redacted minutes should be completed by the LAPPP Chairperson.

The redacted version of the minutes will include:

- The offender's name and personal details;
- The reason the case was referred for consideration under PPANI
- The assessed category of risk of serious harm and index offence;
- The risk management plan, which will include:
 - 1) How the meeting reached its decision on the Category of risk of serious harm;
 - 2) What information this was based on;
 - 3) Where it does not jeopardise an individual's safety, identification of specific risks to others and what those risks are; and
 - 4) The appointed Designated Risk Manager.

Each request for disclosure must be referred to the Chair of the most recent LAPPP meeting held on that offender. All requests from the courts, Parole Commissioners and offenders/pdps for LAPPP meeting minutes must be responded to. All requests and decisions relating to disclosure of the LAPPP meeting minutes must be recorded on case risk management records and ViSOR (see Section 7.7).

Where the court or Parole Commissioners are asking for agency-specific information, for example, specific information which fed into the risk assessment process, then the request should generally be sent to that agency. Most, if not all, of the information provided to LAPPP meetings is derived from information stored on the individual agency's database(s) and the provision of that information to third parties is the responsibility of that agency and **not** the Chair of the LAPPP meeting.

4.8 Summary

This guidance identifies the principles to be followed in the decision making process where, for the purpose of public protection, disclosure of personal and confidential information to any party outside PPANI is to be considered. Each PPANI agency should work to a Corporate Agreement on Information Sharing and Confidentiality within PPANI. The purpose of an identified process will lead to clarity as to when disclosure is justifiable, and will also provide evidence of objectivity and proportionality in the event the decision is challenged.

5. Risk Assessment

- 5.1 Introduction**
- 5.2 Static risk assessment**
- 5.3 Dynamic risk assessment**
- 5.4 Other forms of risk assessment**
- 5.5 Summary**

5.1 Introduction

The assessment of risk posed by an offender/pdp, and the identification of the factors that have contributed to the offending are the starting points for all work with offenders/pdps. Risk assessment in PPANI consists of two stages – a static risk assessment and a dynamic risk assessment. For sexual and violent offenders/pdps, the approved assessment tools for use in PPANI at the point of development of this guidance are: for adults, Risk Matrix 2000, Stable and Acute Dynamic Assessment 2007 and for young people under 18, Assess Implement and Monitor (AIM) and Risk of Serious Harm (ROSH).

Where agencies use other validated risk assessment tools such as Assessment Case Management and Evaluation (ACE) it is essential that this information is made available to the Local Area Public Protection Panel (LAPPP) to inform the two stages of PPANI risk assessment.

There must be a professional discussion and agreement regarding the level of risk of serious harm that will be recorded in ViSOR and the type of risk management required.

5.2 Static risk assessment

Risk Matrix 2000 is a specialist assessment tool for sexual and violent adult offenders that provides a high degree of accuracy with regard to re-conviction rates within a two-year period. Risk Matrix 2000 places offenders into four levels of risk: low, medium, high and very high risk.

5.3 Dynamic risk assessment

All relevant offenders/pdps and potentially dangerous persons (PDP's), following static risk assessment, will be referred to a LAPPP for dynamic risk assessment. This assessment looks at a number of factors in the individual's life which may indicate current dangers of offending. These include the individual's attitude to, and co-operation with, the agencies involved in PPANI, their current behaviour, employment and housing. The assessment will also consider any positive factors in the individual's life such as employment and stable relationships that might impact on risk.

Following static and dynamic risk assessments the actual level of risk posed by an individual offender/pdp is determined as Category 1, Category 2 or Category 3 risk of serious harm. This assessed level of risk of serious harm will then determine the nature of risk management intervention required.

5.4 Other forms of risk assessment

Other systems of risk assessment may also be used in addition to Risk Matrix 2000, Stable and Acute Dynamic Assessment 2007 and for young people under 18, AIM and ROSH. This is not to suggest that any risk assessment tool can be used. Hazel Kemshall³, a leading academic in the field of risk assessment, has identified the following criteria as essential in choosing a risk assessment tool. It should:

- Be validated against a relevant offender group;
- Be empirically grounded in the risk factors with a proved track record in the research literature;
- Differentiate risk categories;
- Have inter-rater reliability; and
- Have been validated using a UK population.

Agencies involved in PPANI may therefore use other assessment tools. One of the benefits of closer working relationships with the other agencies in PPANI, is that access to other forms of needs assessment are made available which can complement formal risk assessment. These assessments will be of particular importance in assessing offenders/pdps with, for example, mental health problems or learning difficulties. Needs assessments made by colleagues in other agencies, including those in health, education, housing and social services, can critically inform the assessment of the risk of serious harm. The key principle for agencies involved in PPANI is that risk assessments, undertaken by individuals within agencies, should be based on the use of tools and procedures currently approved for use within that agency. Agency protocols and procedures must be carefully adhered to and current guidance on the use of the respective tools must be followed.

5.5 Summary

The assessment of risk of serious harm posed by an offender/pdp, and the identification of the factors that have contributed to the offending form the key building blocks of offender/pdp risk management. Formal risk assessments inform and underpin defensible decision making. As further risk assessment tools are developed and validated the Strategic Management Board may wish to consider review and revision of the risk assessment instruments used.

³ Kemshall H. The Community Management of High-Risk Offenders: a consideration of best practice MAPPA. Prison Service Journal, March 2003.

6. Risk Management

- 6.1 Introduction**
- 6.2 Effective strategies**
- 6.3 Types of risk management**
- 6.4 Single agency led risk management**
- 6.5 PPANI risk management**
- 6.6 Delivery of risk management plans**

6.1 Introduction

While the risk management of Category 3 risk of serious harm offenders/pdps is both complex and difficult it is central to the purposes of PPANI. Therefore where an offender has been identified as coming within the remit of PPANI and a risk assessment has been undertaken, the agencies have a duty to ensure that the assessed risk of serious harm is managed. In practice this means that agencies must seek to ensure that strategies to address the risks are identified and a risk management plan (RMP) is developed, delivered and reviewed on a regular basis.

Risk management is the process of addressing the identified risks of serious harm being caused by putting an appropriate RMP in place. Risk management is not an exact science and it is not possible to eliminate risk entirely. It is therefore critical that: the decisions made are defensible; that the risk management plan is implemented and monitored through regular reviews and that adjustments to the plan are made, as necessary.

RMPs must include action to monitor the behaviour and attitudes of the offender and when necessary intervene in the individual's life in order to minimise the risk of serious harm to others. It is important the RMPs relate not only to the risk situation as it is now but are also capable of addressing risk as it may develop in the future, drawing upon information from all agencies within PPANI.

The effective management of risk requires the continuity of risk assessment. However, the ability of PPANI to deliver risk management will depend on a number of factors. Case specific details such as the nature and severity of the risk posed and the factors that may trigger re-offending behaviour, the attitude of the offender/pdp and whether any statutory powers exist to modify or contain behaviour are all highly relevant in determining what risk management options are appropriate. So too is the engagement of a range of agencies that are able to make a specific contribution to the development of appropriate strategies and to directly deliver elements of the risk management plan.

Effective risk management is the core purpose of PPANI and requires all agencies sharing relevant information to ensure that it can be achieved.

6.2 Effective strategies

The strategies proven to be effective in achieving a reduction of re-offending behaviour or minimising the risk of serious harm were identified by Hazel Kemshall (2001) and may be summarised as:

- cognitive-behavioural programmes, which address the causes of offending behaviour;

- interventions that emphasise and motivate self management and which promote the use of internal controls over the longer term;
- appropriate external controls (as contained within licence conditions, Sexual Offences Prevention Orders, etc);
- interventions which combine intensive supervision (including surveillance and electronic monitoring) with the appropriate use of sanctions and enforcement for non-compliance;
- contingency plans in case of risk management failure and rapid response arrangements to changing situations or deterioration in the circumstances/behaviours; and
- supportive and integrative approaches where risk assessments indicate their usefulness (such as family, views of victims and 'Circles of Support and Accountability').

6.3 Types of risk management

To enable strategies based upon these features to be drawn up, PPANI identifies two separate but connected types of risk management:

- Single agency led risk management; and
- PPANI risk management;

This structure of risk management is intended to enable resources to be deployed to manage identified risk in the most efficient and effective manner. 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**. Oversight of delivery of PPANI risk management will be carried out by Local Area Public Protection Panels (LAPPPs).

6.4 Single agency led risk management

Single agency led risk management should be used where the combined static and dynamic risk assessment has assessed the risk posed by the individual as Category 1 risk of serious harm (See section 5). Generally the risk posed by Category 1 risk of serious harm individuals can be managed by a single agency without actively or significantly involving other agencies. Category 1 risk of serious harm cases can be referred at any stage to the LAPPP for further assessment where significant concerns arise. It is therefore essential that good information sharing takes place to enable any concerns to be identified in a timely manner. Single agency led risk management will primarily be delivered by probation, police, youth justice or the Prison Service. In practice, a large proportion of risk management will be delivered at this level.

6.5 PPANI risk management

PPANI risk management should be used where the combined static and dynamic risk assessment has assessed the risk posed by the individual as Category 2 or Category 3 risk of serious harm. In such cases the active involvement of more than one agency will usually be required to deliver the RMP. Cases may be referred for consideration of PPANI risk management after having been managed at single agency led risk management where an agency has information which gives rise to grave concerns about an increase in the risk

posed by the individual. Agencies must remain alert to the fact that just as risk can and will change, so the means of managing risk should change. PPANI provides the framework within which changes in risk management can be effectively and consistently managed within the overriding principle that cases should be managed at the lowest appropriate level, determined by defensible decision making.

The LAPPP, through PPANI Co-ordination, will manage the PPANI risk management arrangements. Good practice suggests that the following agencies should routinely play an active role in PPANI risk management:

- police
- probation
- prison service
- social services;

Representation from the above agencies should be supplemented by other agencies, such as the Northern Ireland Housing Executive or Youth Justice Agency, depending on the particular circumstances of each case, to ensure full information sharing and engagement of other service providers in the delivery of the risk management plan.

PPANI risk management will have a significant caseload that will require active management and review by the LAPPPs. To achieve this, LAPPPs must be effectively managed and supported. The frequency of LAPPP meetings is a matter for the agencies themselves to decide, and will largely depend on the number and complexity of the caseload. However, interagency risk management plans should be reviewed at least every 12 weeks in the case of Category 2 risk of serious harm and at least every 4 weeks in the case of Category 3 risk of serious harm to ensure that the plan is effective and that identified actions have been progressed.

Agencies should not expect that cases will be managed at PPANI risk management indefinitely and, once an effective risk management plan is firmly established, the management of risk could be reduced to single agency led risk management. Should the assessed risk increase or the risk management plan require revision, the type of risk management can always be revised.

6.6 Delivery of risk management plans

The delivery of actions set out in the RMP for Category 2 risk of serious harm PPANI risk management is the responsibility of the individual agencies at a local level under the oversight of the relevant LAPPP. There is a clear expectation that agencies will discharge actions falling to them as part of the risk management plan, for which they have a statutory responsibility, in an expedient manner and report on delivery in an open fashion at the LAPPP.

The delivery of actions set out in the RMP for Category 3 risk of serious harm PPANI risk management is also the responsibility of the individual agencies. However, rather than discharge this responsibility at a local level, agencies may choose to do so through the establishment of a collocated public protection team under the oversight of the relevant LAPPP. The collocated public protection team would be tasked with the delivery at an operational level of the risk management plan for all Category 3 risk of serious harm cases. While the collocated public protection team would provide a dedicated and specialist resource to agencies in the delivery of risk management plans at this level, it is vitally

important that this is not at the expense of, but complimentary to, continued local agency involvement in the management of risk.

7. Local area public protection panel meetings

- 7.1 Introduction
- 7.2 Purpose of meetings
- 7.3 Agency representation
- 7.4 Conducting meetings
- 7.5 Chairing
- 7.6 Proposed standing agenda for LAPPP meetings
- 7.7 Record of meetings
- 7.8 Importance of PPANI links in custody
- 7.9 Identifying LAPPP responsibility
- 7.10 Transferring cases between LAPPPs

7.1 Introduction

The importance of holding effective Local Area Public Protection Panel (LAPPP) meetings, to share information on cases within PPANI to support risk assessment and formulate risk management plans, in order to protect victims and communities, cannot be over emphasised.

An effective meeting requires:

- Good identification of and representation by those agencies which need to be present;
- The right people in attendance who have the capability and authority to make the necessary decisions;
- All the pertinent information being available;
- Good organisation and management of the meeting; and
- Proper record keeping.

7.2 Purpose of meetings

The purpose of the meeting is for agencies to share information which:

- Is pertinent to undertaking a multi agency risk management assessment;
- Identifies the likelihood of re-offending;
- Identifies serious risk of harm issues and their imminence; and
- Is critical to delivering an effective risk management plan.

7.3 Agency representation

Key to the effectiveness of LAPPP meetings is multi-agency involvement and representation. In determining the level of the representation, and the nature of each agency's involvement, three factors must be considered:

1. The representatives must have the authority to make decisions committing their agency's involvement. If decisions have to be deferred, due to the inability of agency representatives to take decisions and/or commit resources, then the effectiveness of the multi-agency operation will be weakened and may compromise the risk management plan.

2. The representative must have relevant experience of risk/needs assessment and management and the analytical and team-working skills to inform discussions. Such experience and skills can usefully contribute both to specific case risk management and in providing advice on risk management more generally.
3. Continuity of personnel. The effectiveness of LAPPP meetings is dependent upon establishing good working relationships across agencies. Multi-agency work is often complex and benefits greatly from the continuity of personnel and their professional engagement.

It is expected that agency representation at LAPPP meetings involving the risk management of a Category 3 risk of serious harm case will have representation at senior level by personnel who understand the strategies for minimising or reducing the risk of serious harm and have the authority to implement appropriate strategies agreed by the LAPPP, on behalf of their agency. Given the imminence of serious harm associated with Category 3 cases, the resource implications of these strategies may be significant and occur at short-notice. In addition, there is likely to be a considerably higher media profile to many of the cases considered and the LAPPP, together with PPANI Head of Communications, will need to address media handling issues as a regular part of the risk management/contingency plans.

Multi agency risk management is an expensive resource and should only be used where it is necessary to manage the risk of serious harm in a collaborative and co-ordinated manner. Involvement of agencies, when they have no information or advice to offer and no services for the offender, wastes agency time and may undermine involvement in other relevant cases. As referrals to LAPPPs increase, it is essential that a flexible and focussed approach is taken to ensure that the right agencies attend to develop the right risk management plans for the right cases. Where agencies fail to attend or provide information, and this affects the ability of the meeting to construct an effective risk management plan, the Chair of the LAPPP meeting will initially follow this up locally with the agency. If this is not successful, then the Chair of the Strategic Management Board (SMB) should address this with the agency representative on the SMB.

7.4 Conducting meetings

It is important that LAPPP meetings are well organised and allow sufficient time to discuss the case properly. Accurate records must be made using an agreed format. These records must be written in a way which allows those not present at the meeting to understand the nature of the discussion. The records must also demonstrate defensible decision making.

7.5 Chairing

The SMB (see section 9) is responsible for the efficient and effective operation of PPANI. The three criminal justice agencies (police, probation and prisons) and social services clearly have a more significant role in the day to day operation of PPANI. For this reason it is important that the LAPPP meetings are chaired by a representative of one these agencies. Agencies have agreed that this role will be carried out by probation area managers. The Chair should be someone who has the necessary skills and ability required to fulfil the role. All new Chairs should receive induction, which provides access to an experienced Chair for advice and guidance. They should also receive appropriate training.

Chairing LAPPP meetings is essentially one of combining the roles of facilitator and leader. The task is to ensure that the business of the meeting i.e. the identification of risks, with the production and appropriate review of the risk management plan, is conducted in an effective and efficient manner. It is expected that the chair will ensure that:

- The agenda is followed and all items are fully discussed;
- Meetings are properly recorded and minutes are circulated within the specified timescales;
- Meetings run to the time allocated to them but the time allowed should be sufficient to address the issues;
- Practice guidelines are adhered to; and
- Where agencies fail to attend meetings, and this affects the ability of the meeting to fully assess the potential risks of harm and establish an effective risk management plan, or where agencies have not undertaken agreed tasks, that this is followed up with the respective agency locally.

This will involve:

- Enabling appropriate contributions from all participants;
- Summarising key points;
- Testing for consensus; and
- Suggesting options for moving forward.

7.6 Proposed standing agenda for LAPPP meetings

The SMB should draw up a 'standing agenda' for use in all LAPPP meetings. The following issues should be reflected in the 'standing agenda'. The record of every meeting must clarify whether it is an initial or a review meeting in every case.

I. Statement of confidentiality

Those attending should be asked to sign a statement of confidentiality to remind and reassure of the sensitive nature of some of the information shared at the meetings.

II. Human Rights

Those attending the meeting should be advised that they must at all times have due regard to human rights (ECHR) principles. This must include consideration, not only of the rights of the subject of the meeting but also of the rights of the public, including previous victims.

III. Information sharing, preparation and consideration:

- All the written information relevant to the purpose of the meeting should be distributed as soon as practicable before the meeting so that the discussion focuses on the actual assessment of risk and plans to manage that risk.
- Updating and clarifying: the meeting will need to ensure that the information to hand is up to date and any unclear information or issues clarified.
- Validating: identify whether all those who need to inform the discussion and decision-making are represented or have at least shared the information they have.
- Diversity issues: identify and give due consideration to diversity issues –whether, in respect of either the offender/pdp or the actual or potential victim. Agencies must be careful to avoid discrimination on the basis of gender, age, sexuality, racial, religious, disability or any other issues which could potentially affect the assessment and the management of risks.

IV. Assessment of Risks

- Identify the risks: their seriousness, likelihood and imminence and the relevant offending-related factors.
- Identify who is or might be at risk – it is recommended that victim issues are specifically considered and noted.
- Identify the compliance and motivation of the offender and what may promote and diminish these.

V. Planning Risk Management

- Emphasis here is placed upon making explicit the links between the conclusion reached in parts III and IV and this section. Risk management plans cannot merely be generally informed by the consideration of the information shared and the assessment of risks but, to ensure defensibility of decision-making, must be explicitly connected to them.
- Relating risk management to risk assessment: each feature of the risk management plan must relate directly to the features of the risks identified in the assessment of risks. It must link agreed actions to risk and/or the factors associated with risk.
- Involving the offender: consideration can be given here to involving the offender in risk management.
- The risk management plan must be specific, measurable, achievable, realistic and time limited.
- Accountability: the responsibility for each agreed action, with the contributory roles of other individuals/agencies, must be clearly identified.
- Key contacts: this follows from the accountability principle –the Designated Risk Manager, must be informed when new information or changes in any of the variables which affect risk and its management occurs.

VI. Consideration of case-related issues

- It is good practice to include at every LAPPP meeting time to consider issues, which may have arisen from the cases specifically considered, but which have a wider significance for the operation of PPANI.
- This part of the agenda may also be used to address issues arising from the SMB or which require referral to the SMB such as where difficulties occur with the local provision of services to assist in the management of risk.

7.7 Record of meetings

The record of LAPPP meetings should be produced within agreed timescales and sent to agency representatives through an agreed point of contact. Agencies must determine how they will store the minutes securely (they are always a “restricted” and, occasionally, a “confidential” document under the Government Protective Marking Scheme) and how they can be accessed in the event of an emergency by other agency personnel. Updated details of the risk management plan must be stored on ViSOR, which is a confidential database. The record of a LAPPP meeting must not be shared without the prior approval of the Chair of the LAPPP meeting. Where there is a request for a copy of the LAPPP meeting record from a third party, for example, from the offender, the Parole Commission, or a court, this must be referred to the LAPPP Chair. All formal requests for disclosure from the courts and the Parole Commission must be responded to.

All requests and decisions relating to disclosure of LAPPP meeting records must be recorded on case management records and on ViSOR.

7.8 Importance of PPANI links in custody

PPANI agencies have a significant role to play in informing the Life Sentence Review Commission/Parole Commission in making decisions on offender release and licence conditions. It is therefore important that the prison service works closely with the other PPANI agencies to ensure that all relevant information on individual offenders regarding their management of assessed risk in the community is shared in good time for it to be properly considered by the Commissioners.

The timing of that information exchange will vary according to the sentence length and circumstances (for example if they are a lifer or someone on extended supervision who has been recalled) of the offender. However, as a rule, the LAPPP should first carry out an assessment of the level of risk posed by the offender within three months of the point of his entry into prison. Where the length of sentence allows, the LAPPP will plan the release of offenders who are to be risk managed through PPANI at least three months – and usually six months where practicable – before that release. It is recognised that even with early planning, the actual release date can vary. Early liaison with the prison establishment should enable the likelihood of these variables to be identified well in advance and to be anticipated.

For offenders sentenced to periods of custody, where the combined static and dynamic risk assessment has assessed the risk posed as either Category 2 or Category 3 risk of serious harm, there are distinct advantages in formally determining the LAPPP who will be responsible for their case at the point of sentence rather than the point of release into the community. This will ensure that the LAPPP is informed of and can be involved in aspects of sentence planning and treatment whilst the offender is in custody and that subsequent release plans properly integrate custodial and community concerns. Therefore where a court imposes a sentence on an offender and the combined static and dynamic risk assessment has assessed the risk posed by the individual as either Category 2 or Category 3 risk of serious harm, the probation officer who prepares the pre sentence report (PSR) or, in the event of no PSR being prepared, the officer that would have been responsible for its preparation, will provide any relevant information to the relevant LAPPP. The offender will remain the responsibility of the assigned LAPPP unless subsequently transferred to another LAPPPs area of responsibility.

7.9 Identifying LAPPP responsibility

For the vast majority of PPANI cases in the community, identification of the relevant LAPPP is easily determined by place of residence. Aspects of public protection, such as sex offender notification and licence supervision, with conditions of residence, clarify place of residence so that there is clarity as to which LAPPP is responsible for each case. However, in a small number of cases offenders/pdps may have no fixed residence or there may be some other grounds for questioning which LAPPP has responsibility. In these cases agencies will need to negotiate by reference to other factors such as previous statutory responsibility, knowledge of past offending or the current provision of services. Should agreement not be possible the SMB will determine the lead.

7.10 Transferring cases between LAPPPs

It is not uncommon for offenders/pdps to move from one LAPPP responsibility area to another. The responsibility for arranging the transfer all the relevant information to the new LAPPP lies with the LAPPP from whom the case is being transferred. The transferring LAPPP must liaise with the receiving LAPPP, via the chairperson and the police PPANI Administration Unit, to ensure the smooth transfer of delivery of, and accountability for, the risk management plan in the new area in which the offender/pdp now resides.

8. Good practice standards

- 8.1 Introduction
- 8.2 The four features of good practice
- 8.3 Defensible decision making
- 8.4 Rigorous risk assessment
- 8.5 Risk management
- 8.6 Evaluating performance

8.1 Introduction

Previous experience, research and the continual review and development of multi agency risk assessment and management arrangements in Northern Ireland and Great Britain have all improved our understanding of what works best in the effective risk management of offenders/pdps. The challenge is not only to match current practice with what we already know but also to respond rapidly to new learning.

8.2 The four features of good practice

Professor Hazel Kemshall (2003)⁴ in her research into the community management of high-risk offenders in England and Wales clarified that public protection depends upon:

- Defensible decisions;
- Rigorous risk assessments;
- The delivery of risk management plans which match the identified risk factors; and
- The evaluation of performance to improve delivery.

8.3 Defensible decision making

Although PPANI represents a significant strengthening of public protection, the arrangements cannot provide absolute protection. Research⁵ has shown that 32% of first-time murderers and 36% of serious sexual offenders have no previous convictions. Risk assessment is not an infallible science. As Hazel Kemshall has commented on similar multi agency arrangements in England and Wales known as MAPPA:

“The desirable outcome of MAPPA is effective risk management. However, this should not be understood as “zero risk” as this position can never be achieved. Risk management should be understood as harm reduction either through the reduction of the likelihood of a risk occurring or the reduction of its impact should it occur.”⁶

In many cases, the decision making involved in the assessment of risk and its management can, and indeed often does, prevent re-offending but it is not infallible. Even the most diligent efforts by agencies cannot always prevent serious harm. In place of infallibility great emphasis must be put on defensibility; making the most reasonable decisions based on the information available at the time and carrying them out professionally.

⁴ Kemshall, H. (2003) The Community Management of High-Risk Offenders, Prison Service Journal, March 2003

⁵ Soothill, K, Francis, B., Ackerley, E, and Fligelstone, R. (2002) Murder and Serious Sexual Assault: What criminal histories can reveal about future serious offending. Police Research Series Paper 144

⁶ Kemshall, H. (2003) *ibid*

The idea of defensible decisions is not about being defensive, rather it is making sure that decisions are transparent and can be easily understood. It is intended to embed risk assessment with rigour and risk management with robustness. Kemshall⁷ summarised its criteria as:

- All reasonable steps have been taken; reliable assessment methods have been used;
- Information has been collected and thoroughly evaluated;
- Decisions are recorded (and subsequently carried out);
- Policies and procedures have been followed; and
- Practitioners and their managers adopt an investigative approach and are proactive.

8.4 Rigorous risk assessment

No risk assessment tool can be 100% predicative. Good risk assessment practice is dependant upon those undertaking it having all the relevant information and time to consider it. For this reason, this Guidance places great emphasis upon the identification of risk and information sharing to assess risk. Once risk has been identified, and after information has been shared, it is the skills of practitioners, enhanced by the involvement of other professionals, which make the procedure meaningful. We know, for example, that while an offender's past convictions and other "static" factors are reliable indicators of risk, the risk assessment skill often lies in discerning the "dynamic" risk factors and, more importantly, in drawing up the risk management plan.

It is important to include the victim perspective in PPANI. The victim is central to the offence and the risks to the victim must be properly assessed and managed. In addition, with proper care and support, victims can provide vital information for the assessment and management processes. Indeed, the victim may be the person who best knows the true risk posed by the offender.

It is precisely because risk assessment can never become formulaic, and because there will always be a place for using discretion, agencies must ensure that risk assessment is a dynamic and continuous process. It must never become a "one off event", especially with offenders/pdps who present the highest risk.

8.5 Risk Management

Risk management begins with planning how the assessed risks are to be managed by meeting criminogenic need and matching risk with lawful, necessary and proportionate responses to protect the public. The implementation of the risk management plan, like risk assessment, is dynamic. It must respond to changes in risk and in the circumstances likely to affect risk. This should be supported by drawing up the plan using clear objectives for the offender and for those managing the risk.⁸

This Guidance does not detail various risk management strategies and specific means of achieving objectives but highlights the principles of good practice in managing the higher risks. These are as follows:

⁷ Kemshall, H (2003) *ibid.*

⁸ Kemshall, H. (2001 and 2002) suggests these objectives are best defined using the SMART criteria: Specific, Measurable, Achievable, Realistic and Timely

1. By co-ordinating how each agency fulfils its respective responsibilities, PPANI ensures the co-ordinated outcome is greater than the sum of its individual parts. This principle is of particular significance when PPANI engages with agencies less familiar and confident about focussed public protection work.
2. Integration of the measures used to promote the offender's self management (sometimes referred to as the "internal controls") with those which are designed principally to constrain risk (sometimes referred to us as the "external controls"). Very few risk management plans are constructed with only one or other of these measures as internal and external controls are rarely mutually exclusive.
3. Each case is managed at the lowest appropriate level that is consistent with providing a defensible risk management plan. The principles of good defensible decision-making will ensure that this is achieved and that the "inflation" of low risk cases, with the consequent inappropriate use of resources, is avoided. Integral to this principle is the need for appropriate contingency plans in the event of a breakdown in risk management arrangements.

8.6 Evaluating performance

While nothing can detract from the importance of high quality risk assessment and management, good and better practice is contingent upon the virtuous circle of planning, enacting, reviewing, evaluating and planning, which lead to better public protection.

The Strategic Management Board (SMB) of PPANI, on behalf of the agencies, discharges the formal responsibility for the statutory duty to review, monitor and to make necessary changes to the risk assessment and management arrangements. As Kemshall states⁹:

"The absence of disaster is not enough as an evaluation strategy."

Evaluating performance is not only the preserve of the SMB; evaluation is part of good professional practice. Whether through formal supervision or in the continuous process of reconsidering risk and its management, evaluation is one of the core skills of PPANI practitioners. Finally, evaluation is important because it helps identify more sharply where resources are best deployed and where additional resources are most needed.

⁹ Kemshall, H. (2003) *ibid*

9. Strategic oversight of PPANI

- 9.1 Introduction
- 9.2 Membership of the SMB
- 9.3 Meetings of the SMB
- 9.4 Monitoring and evaluation
- 9.5 Independent serious case reviews.
- 9.6 Links with other public protection arrangements
- 9.7 Communication
- 9.8 Annual report
- 9.9 Training
- 9.10 Sub-groups of the SMB
- 9.12 PPANI development

9.1 Introduction

The Strategic Management Board (SMB) is the means by which agencies fulfil their duties under Article 51 (1) of the Criminal Justice (Northern Ireland) Order 2008, which states that:

“The agencies shall, in consultation with the lay advisers appointed under paragraph (2), keep any arrangements mentioned in Article 50(2)(a) under review with a view to monitoring the effectiveness of the arrangements and making any changes which appear to be necessary or expedient.”

The SMB has responsibility for shaping the development of PPANI. This involves agreeing the role and representation of different agencies within the SMB and brokering the protocols and memoranda of understanding which formalise those roles.

The following are the core responsibilities of the SMB:

- Monitoring (on at least a quarterly basis) and evaluating the operation of PPANI, particularly Category 3 risk of serious harm risk management plans;
- Establishing connections which support effective operational work with other public protection arrangements, such as Area Child Protection Committees/Safeguarding Board, Community Safety Partnerships and District Policing Partnerships;
- Preparing and publishing an Annual Report
- Promoting understanding of PPANI and;
- Planning the longer-term development of PPANI in the light of regular (at least annual) reviews of the arrangements, having regard to legislative and wider criminal justice changes;
- Identifying and planning how to meet common training and developmental needs of agency staff involved in PPANI;
- Producing and implementing a media strategy and annual communication plan; and
- Producing and implementing an annual business plan and the formation of sub-groups to achieve that plan.

9.2 Membership of the SMB

In order for the SMB to carry out its duties and functions in reviewing PPANI effectively, SMB meetings must include senior representation from the three criminal justice agencies (police, prisons and probation) and social services. These agencies, in consultation with the remaining agencies listed, should determine the precise composition of the SMB. Whilst it might be preferred that membership of the SMB should reflect the full diversity of multi-agency involvement in the risk assessment and management arrangements, it is recognised that some of the agencies have a greater role in the arrangements than others.

Membership of and attendance at the SMB meetings should reflect the level of responsibility and contribution made by each agency to PPANI. While this should not exclude any agency from contributing to the development, decision-making and operational functions of PPANI it should facilitate engagement at a level which reflects their statutory responsibility.

The general principle as to the level of seniority required is that the person has the necessary authority to enable them to:

- contribute to developing and maintaining strong and effective inter-agency public protection procedures and protocols on behalf of their agency; and
- address the practical and resource implications of PPANI.

Where they are representing a particular sector, such as with housing, then they should have the confidence of colleagues to represent their interests and relay decisions taken.

The membership of the SMB should include as a minimum:

- **Police Service** – at Assistant Chief Constable rank;
- **Probation Board** – at Deputy Chief Probation Officer;
- **Prison Service** – Deputy Director;
- **Social Services** – whilst the primary focus of PPANI engagement is frequently child protection and therefore Children’s Services, its remit is much broader and encompasses the whole range of those to whom social care is provided, for example vulnerable adults or those who have mental health problems. Representation on the SMB should therefore be from a Senior Manager who is able to communicate with the wider spheres of social services provision. It would be advantageous to have separate representation from a Children’s Services Senior Manager and a Mental Health Services Senior Manager;
- **PPANI Strategy and Policy Co-ordinator** – to provide operational context, management information and secretariat;
- **PPANI Head of Communications** – to provide a media and communications perspective;
- **Lay Advisers** – two Lay Advisers, appointed by the Secretary of State, should be full members.
- **Housing** – representation from the Northern Ireland Housing Executive. This representative should represent and disseminate information within the wider housing sector.
- **Youth Justice Agency** – at Senior Manager level.

The SMB should make appropriate arrangements to involve others in its work as needed. This may involve co-opting or even full membership where there is a significant and sustained engagement with PPANI, although in most instances it will be sufficient for the SMB to ensure there is effective dialogue and each agency is aware of PPANI and

pertinent public protection issues. It is important that a mixture of statutory and voluntary representation brings a victims perspective that will help shape the strategic development of PPANI.

Those with a relevant interest may include:

- Department of Education NI
- Department of Social Development NI
- Department for Employment and Learning NI
- Department of Health, Social Services and Public Safety
- NSPCC
- NEXUS Institute
- Ministry of Defence
- Housing Associations
- Treatment providers
- Other relevant voluntary organisations

9.3 Meetings of the SMB

i. Chairperson

The SMB can be chaired by an independent chairperson or a representative from police, probation, prisons or social services. The role of Chair can be shared although it is important that this does not affect consistency or the development of good practice. Whoever performs the role should have sufficient standing to command the respect and support of agencies, and have a firm grasp of operational and strategic issues.

ii. Frequency

The frequency and structure of the meetings will be a matter for the SMB and will reflect how the SMB chooses to organise itself. However, full SMB meetings should be no less frequent than quarterly to enable it to effectively monitor the operation of PPANI.

9.4 Monitoring and evaluation

The monitoring and evaluation activities of the SMB will contribute to the annual report and provide the means of reviewing PPANI's effectiveness. The SMB will be provided with the data it requires by the PPANI co-ordination function. The SMB should analyse this data on at least a quarterly basis to allow some bench marking and the opportunity for timely intervention where issues are identified. The statistical information concerning offenders/pdps provided in the annual report should include: offender totals, a more detailed breakdown of those assessed as Category 3 risk of serious harm, civil orders obtained under the Sexual Offences Act 2003, enforcement action taken and details of those who have been charged with further serious sexual or violent offences.

In addition to considering this quantitative data, the SMB must consider qualitative information, which can best be sourced from a review of individual cases. These reviews will help establish good practice and identify and address operational and organisational difficulties.

9.5 Independent serious case reviews.

If an offender/pdp whose risk of serious harm is being managed through a PPANI risk management plan is charged with a serious sexual or violent offence or other serious offence e.g., murder, or any inchoate crime, (e.g. Aiding and Abetting), or where a significant failure occurs in the risk management of any Category 2 or Category 3 risk of serious harm case, the relevant LAPPP Chairperson should notify, in writing, the chair of the SMB via the PPANI Strategy and Policy Coordinator.

The SMB chairperson may, following consultation with the SMB, commission an Independent Serious Case Review of the management of any case to be carried out.

The purposes of a Serious Case Review are:

1. To look at whether agencies involved in the management of risk posed by the individual did all that could reasonably be expected of them to manage the assessed risks; and
2. Whether there are lessons to be learned about the effectiveness of PPANI.

Independent Serious case reviews should have two levels:

1. Internal Agency Review and
2. An Independent Serious Case Review

Where it is deemed necessary to commission an Independent Serious Case Review the following steps must be taken:

1. An independent person should be commissioned to undertake a Serious Case Review and to chair a Serious Case Review Panel.
2. Each agency should appoint a representative to conduct an internal agency review and to provide a report to the chairperson.
3. Each agency should appoint a representative at appropriate level to represent his/her agency on the Serious Case Review Panel.
4. The independent chairperson should convene meetings of the Serious Case Review Panel as considered necessary and, produce a report on findings and recommendations.

Any report produced following a Serious Case Review will be the property of PPANI SMB who will make all decisions in relation to its circulation and use.

Where a LAPPP has concerns about the risk management of any case, which does not fit the criteria for an Independent Serious Case Review, they should refer the case to the SMB for consideration and advice.

9.6 Links with other public protection arrangements

The SMB has a duty to develop effective links with other multi agency forums such as Area Child Protection Committees/Safeguarding Board and Panels, Community Safety Partnerships and the Domestic Abuse Forum. The purpose of this communication is to ensure recognition of the commonality of some of the public protection issues being faced and to establish effective mechanisms for jointly addressing them. This is particularly relevant as a number of the same agencies are involved in each multi agency forum though not always with the same personnel.

9.7 Communication

Two challenges facing agencies involved in PPANI are how to effectively manage public expectations and how to handle media interest. The SMB will develop a full PPANI communications strategy which will include engagement with the media, public and political representatives, both proactively and in response to specific issues concerning risk assessment and risk management of offenders/pdps.

9.8 Annual report

The preparation and publication of the PPANI annual report is an important part of the function of the SMB, and a statutory requirement. The annual report provides a valuable mechanism for raising public awareness and understanding of public protection issues and explaining the multi-agency work that is undertaken through PPANI to increase public safety.

A critical aspect of the annual report is the presentation of detailed statistics for the number of cases subject to PPANI risk management combined with an explanation of the data and examples of how cases are risk managed. This often complex information about how the effectiveness of risk assessment and risk management plans have contributed towards reducing offending and minimising further serious harm will continue to provoke high levels of media interest.

The challenge for the SMB is to reflect in annual reports the development of PPANI in the coming years.

9.9 Training

Whilst agencies within PPANI have a responsibility for the training and supervision of their own members of staff, the development of PPANI creates a more complex environment in which staff will undertake their functions. Work with offenders/pdps who pose a high risk of serious harm is recognised as being challenging and demanding and staff should be sustained and supported in this through proper training and supervision arrangements.

It is therefore in the interests of the SMB and the other agencies to consider the implications of PPANI for their staff and how training needs might best be addressed on a joint agency basis.

The SMB has a duty to ensure that all members of the SMB and the PPANI Policy and Strategy Co-ordinator, Head of Communications and PPANI administrators receive the training they need.

9.10 Sub-groups of the SMB

The SMB will establish a number of sub-groups to assist it in undertaking its work, for example, performance monitoring, communication and training.

9.13 PPANI development

The Secretary of State retains the power to issue guidance to agencies on the discharge of their functions under PPANI. However, the longer-term development and improvement of PPANI is a matter for the SMB.

10. Lay Advisers

- 10.1 Introduction**
- 10.2 Role of the Lay Adviser**
- 10.3 Appointment of Lay Advisers**
- 10.4 Short-listing and selection process**
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- 10.6 Confidentiality**
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- 10.8 Expenses**
- 10.9 Induction, training and support for Lay Advisers**
- 10.10 Change in circumstances**
- 10.11 Termination of appointment**

10.1 Introduction

Article 51 (2) of the Criminal Justice (Northern Ireland) Order 2008 requires the Secretary of State to appoint two Lay Advisers. The Order makes clear that the Lay Advisers will be appointed to assist in the review and reporting functions and not operational decision making. Lay Advisers will operate as full members of the Strategic Management Board (SMB) and may participate in relevant sub-groups, for example, the communication sub-group.

10.2 Role of the Lay Adviser

The Lay Adviser role is a voluntary and unpaid one. It is expected that they will attend each of the SMB meetings – at least four a year – and undertake such familiarisation and reading as necessary to enable them to understand and to contribute to those meetings. They are not expected to become experts; their value is as informed observers and to provide a questioning function which the professionals closely involved in the work might not necessarily think of asking. As such, the role is invaluable as they can provide a challenge to the professionals by acting as a "critical friend". Their role is not akin to that of an independent auditor nor is it as a representative of the local community in the same way as an elected councillor. They bring to the SMB their understanding and perspective of the community but they have no role in reporting or briefing the community, except as part of the SMB's communication strategy.

Lay Advisers should:

- Be able to provide up to eight hours a month to the SMB but should not be expected to provide more than 16 hours per month;
- Contribute to the monitoring and evaluation of the operation of PPANI;
- Attend a LAPPP meeting quarterly, as an observer, to assist them in understanding the processes involved in the operation of PPANI to enable them to contribute effectively to the SMB responsibility to monitor and evaluate PPANI;
- Ensure that the SMB has created effective links with other multi-agency forums, for example, Safeguarding Board;
- Assist in the preparation of the annual report which includes ensuring that there is a section from the Lay Advisers;
- Participate in the SMB sub-groups;
- Review the SMB business plans and broader communication strategy;

- Review and question PPANI statistics; and
- Attend relevant conferences or training events with the agreement of the SMB.

Lay Advisers should not:

- Work on a full time basis for the SMB. Any additional time worked must be agreed with the SMB through the PPANI Policy and Strategy Co-ordinator;
- When attending LAPPP meetings, participate in the decision making of the risk assessment and subsequent risk management plan;
- Have an involvement in operational activity;
- Audit meetings;
- Devise strategy; or
- Attend media or public engagements alone.

10.3 Appointment of Lay Advisers

Lay Advisers are appointed by the Secretary of State for a period of three years. Lay Advisers can serve for a further period of three years should they wish to and if the SMB supports their reappointment. This decision should be based upon an annual review meeting with the Lay Adviser and a nominated SMB member. Where the SMB is proposing that the Lay Adviser should continue in post, the Chair must write to the Secretary of State confirming that this is supported by the SMB. The Secretary of State will confirm the continuation of the Lay Adviser in post and will write to this effect to the SMB and the Lay Adviser.

All Lay Advisers must be cleared through vetting procedures at an enhanced level. The SMB will ensure this check is carried out. In addition, two personal references must be obtained, and verified by the SMB, as to the suitability of the person to become a Lay Adviser.

The specification for a Lay Adviser is as follows:

- No formal educational qualifications are necessary but they must be able to understand complex information in written and numerical form;
- Be interested in community and social issues, preferably with a history of involvement in them;
- Be able to make decisions based on and supported by available information;
- Capacity for emotional resilience, retaining sensitivity whilst dealing with tragic or painful human situations. In particular, this includes an ability to understand the needs and feelings of victims;
- Be able to understand the complexity of human behaviour;
- Good social skills, able to work effectively with people in groups and informal meetings;
- Have an awareness of, and commitment to, equality and diversity;
- Be able to challenge constructively the views and assumptions of senior professionals; and
- Be able to maintain confidentiality.

In order to preserve the “lay” status of those who are appointed to the role, there are certain categories of people who are **ineligible** for appointment due to their current or previous experience. These comprise:

- Members of Parliament or the NI Assembly;
- Local Councillors;
- Civil Servants at the Northern Ireland Office;

- Members of staff from any Criminal Justice Agency (and within eight years of leaving such employment); and
- Anyone whose paid employment involves working with offenders that fall within the remit of PPANI. A similar exclusion may apply to voluntary work where the primary focus is with PPANI offenders, such as sexual offenders.

In order to attract suitable candidates for selection, the SMB must consider how they reach out to communities in order to stimulate people's interest in the work of PPANI locally and the role of the Lay Adviser. The SMB may wish to advertise in the local press, local radio, libraries, and agency websites.

10.4 Short-listing and selection process

Given the demanding nature of any selection process, it is important that the SMB attract sufficient candidates to enable it to effectively short-list suitable candidates. Good practice principles must apply to all short-listing and selection processes. All papers must be retained until the Lay Advisers are appointed by the Secretary of State.

The selection process is intended to be demanding and has two main components that will help identify individuals who are able and suitable to undertake the role of Lay Adviser.

i. Interview

There is a structured interview, part of which makes reference to a case study, which will allow further examination of skills and motivation. The interview should be of approximately 45 minutes duration with 15 minutes preparation time. The panel should consist of three people, who adequately represent the interests of the SMB (including the SMB Chair), incorporating the specialist public protection skills associated with PPANI.

ii. Psychometric Test

The purpose of the Psychometric Test is to assess ability and personality and needs to be administered by an Occupational Psychologist.

In setting up the selection centre, an Occupational Psychologist will be required to administer the tests.

10.5 Appointment by the Secretary of State

Once the SMB has reached a decision to nominate a Lay Adviser to the Secretary of State as being suitable for appointment, it should write to the Secretary of State. This letter should include the proposed Lay Adviser's full personal details and a biographical pen-picture as this detail is required for the written submission regarding appointment of the Lay Adviser to the Secretary of State.

Once the Secretary of State has agreed an appointment, he will write directly to the Lay Adviser and to the SMB informing them of that decision.

10.6 Confidentiality

Lay Advisers must not disclose information given to them in confidence as members of the SMB or information acquired by them in that role, which they believe to be of a confidential nature, without the consent of a person authorised to give it or unless required to do so by law.

10.7 Diversity

Lay Advisers must recognise and value diversity by ensuring inclusiveness, equality and fairness in the treatment of people and the discharge of their duties. They must ensure that they do not discriminate against individuals because of their gender, race, ethnicity, religious beliefs, age, disability, sexual orientation or for any other reason.

10.8 Expenses

The Lay Adviser's role is unpaid although there is an entitlement to legitimate expenses such as travel and refreshments. The level of payment will be in line with Lay Advisers appointed to the Multi Agency Public Protection Arrangements (MAPPA) in England and Wales. Compensation for loss of earnings or child care expenses should also be available, by prior agreement with the SMB, who will meet these expenses and these issues should be addressed during the induction process.

10.9 Induction, training and support for Lay Advisers

All newly appointed Lay Advisers must, following their appointment, be provided with appropriate induction. The PPANI Policy and Strategy Co-ordinator will provide ongoing support and guidance to the Lay Adviser and will facilitate their induction.

The shape and duration of this induction period will vary between individuals but it is essential that it equips the Lay Adviser to undertake their role within the SMB. The Lay Adviser should be provided with an opportunity to be informed of the basic structure of the criminal justice system, as well as the roles of each agency involved in PPANI. The following should be a part of their induction programme:

Within the first three months, they should be provided with:

- PPANI Guidance;
- The SMB Business Plan including the Communication Plan;
- Previous SMB minutes;
- Any other relevant information including recent serious case reviews of PPANI offenders/pdps; and
- An opportunity to attend a LAPPP meeting with sufficient time to meet and discuss with the LAPPP Chair and other members of the panel.

Visits should also be arranged for the Lay Advisers to provide them with a broad understanding of the work of the agencies:

- A local Probation Office and, if possible, to observe a Pre-Sentence report interview and/or a supervision session with a PPANI offender;
- A local Police Station and, if possible, to include a visit to the Custody Suite;

- A Prison where they should meet with relevant Designated Risk Managers and, if possible, observe a sentence planning meeting;
- Observe a youth conference and have access to the Youth Justice Agency; and
- A Hostel to understand the role they play in the accommodation and risk management of offenders.

Within six months, the Lay Adviser should be provided with further information on: public protection covering victim work and meet with the those responsible for victim liaison; accredited programmes, particularly cognitive behavioural programmes such as the sex offender treatment programmes, enhanced thinking skills, domestic abuse programmes and Youth Justice Agency restorative justice programmes.

The SMB should also arrange opportunities to engage with Lay Advisers performing a similar role throughout the UK under similar multi agency public protection arrangements.

The PPANI Policy and Strategy Co-ordinator will provide Lay Advisers with ongoing support and guidance and will meet with them on at least a quarterly basis.

10.10 Change of circumstances

Lay Advisers must notify the Chair of the SMB of any change in circumstances that could affect their suitability to undertake their role. This would certainly involve being charged or summonsed for any criminal offence. It would also include any circumstances, where a member of the public having knowledge of the relevant facts could reasonably regard it as so significant as to compromise the Lay Adviser's ability to discharge their responsibilities. The Chair of the SMB, in conjunction with SMB colleagues, will determine what action is appropriate.

10.11 Termination of appointment

The Secretary of State retains the right to terminate the appointment of a Lay Adviser whose conduct or performance is not felt to be of the required standard. Misconduct will encompass such matters as lack of commitment, conviction for a criminal offence or abusing their position as a Lay Adviser. Recommendation for the termination of an appointment will require the endorsement of the SMB.

A letter should be sent from the SMB to the Secretary of State, who will consider the recommendation for termination of appointment. If the Secretary of State considers that the recommendation meets the necessary criteria for termination of appointment, a letter from the Secretary of State will be sent to the Lay Adviser and copied to the SMB notifying of the termination of appointment.

11. PPANI Cooperation

- 11.1 Introduction
- 11.2 The nature of cooperation
- 11.3 The principles of cooperation
- 11.4 The practicalities of cooperation
- 11.5 PPANI agencies
- 11.6 Other agencies
- 11.7 Memorandum of cooperation

11.1 Introduction

Article 50 of the Criminal Justice (NI) Order 2008, the “Order”, enables the Secretary of State to issue guidance to agencies on the discharge of any of their functions which contribute to the more effective assessment and management of the risks posed by persons of a specified description. The agencies covered by this guidance are:

- the Police Service of Northern Ireland
- the Probation Board for Northern Ireland
- the Northern Ireland Prison Service
- the Youth Justice Agency
- the Department of Education
- the Department for Employment and Learning
- the Department of Health, Social Services and Public Safety
- the Department for Social Development
- Health and Social Services Boards
- Health and Social Services Trusts
- Education and Library Boards
- the Northern Ireland Housing Executive
- the National Society for the Prevention of Cruelty to children

The three Criminal Justice Agencies: the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Northern Ireland Prison Service, and the Health and Social Services Boards and Trusts have a well defined and widely recognised lead role to play in protecting the public. These agencies, in consultation with the remaining agencies, should take the lead in the development of a memorandum setting out the ways cooperation within PPANI will take place.

This Section of the guidance:

- Defines the nature of cooperation between agencies and explains what it can involve in practice.
- Sets out the principles of cooperation.
- Explains the key practicalities of cooperation
- Outlines the role of each PPANI agency listed in Article 49 of the Order and the type of involvement each may have in PPANI; and

- Provides advice about the ‘memorandum of cooperation’ required under Article 50 of the Order.

11.2 The nature of cooperation

The Order requires agencies to cooperate with each other in assessing and managing the risks posed by PPANI offenders/pdps. It does not define the activities cooperation between agencies involves. Rather it requires that what cooperation is to mean is determined through a memorandum drawn up by agencies.

The purpose of the memorandum is to enable the practicalities of cooperation to be agreed. This makes good sense because it allows due account to be taken of the variations in the structure and relationships between all the agencies concerned.

Agencies are required to cooperate only in so far as this is compatible with their existing statutory responsibilities. Therefore, cooperation does not require agencies to do anything other than what they are already required to do under their existing functions. However, it does require that they discharge their functions, where these relate to PPANI offenders/pdps, collaboratively with the other agencies.

The requirement to cooperate in accordance with this guidance is imposed only on those agencies identified in Article 49 of the Order which can only be varied by order of the Secretary of State for Northern Ireland. Agencies cannot decide to exclude those stipulated in Article 49 from the arrangements and any agency listed cannot opt out of cooperating with the arrangements.

11.3 The principles of cooperation

Respect for role: Co-operation depends upon respecting the different role each agency performs and the boundaries, which define it. Unless clarity on authority is maintained, responsibility and accountability will become clouded and agencies may misunderstand the basis upon which they co-operate. In turn, this may cause representatives of those agencies to feel disempowered or professionally compromised – a result, which PPANI cooperation is explicitly intended to prevent. Without this clarity, agencies may assume that a referral of a case for assessment and risk management under PPANI somehow diminishes or even absolves them of any continuing responsibility, which is not the case.

Co-ordination not conglomeration: PPANI are a means of enabling different agencies to work together. PPANI is not a legal entity in itself but is a set of administrative arrangements. Authority rests with each of the agencies involved. While consensus may be reached and joint action agreed, that consensus and action remain the responsibility of each agency. PPANI cooperation does not aggregate the responsibility and authority of the agencies involved, it clarifies the roles each agency is to play.

PPANI cooperation is based on the integrity of each agency’s existing statutory role and responsibilities. It must be based upon informing and influencing partners. Cooperation cannot be based on the command and control of one agency by another.

11.4 The practicalities of cooperation

Engaging an agency's co-operation is therefore dependent upon:

- Identifying that an agency has a legitimate interest or specific responsibility.
- Advising about how best it can become involved and helping it to co-ordinate its involvement with that of other agencies.

The memorandum agencies must draw up should describe the ways in which they agree to cooperate. The specific activities involved in co-operation will however be determined by the circumstances of each case. The type of activities co-operation will involve can be broken down into four areas:

- Providing a point of contact for other agencies. While much of the formal business of co-operation will be conducted at LAPP meetings co-operation will also entail informal contact. To enable that informal contact and to channel the more formal engagement, it is important that each agency provides a point of contact, someone who can at least signpost the direction to take if not help smooth the way by brokering introductions and other arrangements.
- Providing general advice about an agency's role and the type of services it provides. This can helpfully involve advice about how those services can be accessed.
- Providing specific advice about the assessment and/or the management of the risks a particular case poses.
- Co-ordination: this key partnership function requires each agency to perform its role and to carry out its responsibilities in ways which at best complements the work of other agencies, or at the least does not frustrate or compromise their work.

Determining what these activities are and how they can best be organised can be established by adopting the following three-step approach:

1. Clarify what it is you would like an agency to do;
2. Ask the agency whether that falls within the scope of its role i.e. whether it is legitimate for it to do it; and
3. If it is, then ask: how would you do it? This will help clarify what the practical information required actually is and who within the agency will be responsible for cooperating with PPANI.

11.5 PPANI agencies

This part of the Guidance sets out the PPANI agencies listed in article 49 of the Order and briefly outlines the type of role each can perform within PPANI.

Police Service of Northern Ireland

The mission of the Police Service of Northern Ireland (PSNI) is to make Northern Ireland safer. Working together in partnership, the PSNI shares a commitment to ensure the continued delivery of high quality policing to all the communities in Northern Ireland. PSNI is committed to providing the reassurance demanded by the people of Northern Ireland.

The PSNI has a key role to play in protecting the public from those sex offenders and violent offenders and potentially dangerous persons who pose a risk of serious harm. The

delivery of this high profile area of core business is essential in maintaining public confidence in the work of the police service.

The police PPANI Administration Unit is responsible for completing static risk assessments on PPANI cases and coordinating meetings of and providing administrative support to Local Area Public Protection Panels. Police officers also fulfill the role of Designated Risk Manager for those offenders/pdps whose risk management is the lead responsibility of the PSNI.

The PSNI are responsible for ensuring all PPANI cases are entered on to ViSOR. They will ensure that all offenders subject to the notification requirements of the Sexual Offences Act 2003:

- Register, as required, and that all breaches of the notification requirements are promptly followed up and appropriate action taken;
- Are assessed using RM2000;
- Are reviewed regularly and the ViSOR records are maintained in accordance with the national standards.

The PSNI will be represented at senior manager level, Assistant Chief Constable, at Strategic Management Board (SMB) meetings.

Probation Board for Northern Ireland

The aim of the Probation Board for Northern Ireland (PBNI) is to help reduce crime and the harm it causes. PBNI is committed to working effectively, in partnership with a number of voluntary, private and statutory organisations.

PBNI will assess, manage and supervise offenders who have been made subject to various legislative Orders and Licences to help protect the public from harm and reduce re-offending.

Probation officers also fulfill the role of Designated Risk Manager for those offenders whose risk management is the lead responsibility of PBNI. PBNI Area Managers also chair the Local Area Public Protection Panels (LAPPPs).

PBNI will ensure that all offenders are managed according to Northern Ireland Probation Standards. The standards provide a framework for the effective assessment, management and supervision of offenders as well as provision of reports to courts and Parole Commissioners. Supervision may include a condition of residence in approved premises.

PBNI will be represented at senior manager level, Deputy Chief Probation Officer, at SMB meetings.

Northern Ireland Prison Service

The Northern Ireland Prison Service (NIPS) plays an important role in protecting the public by keeping offenders in custody, enabling them to address the causes of their offending behaviour and by undertaking work to assist their successful resettlement.

While in custody, offenders are able to access a range of interventions aimed at addressing offending behaviour. This includes cognitive behavioural programmes, such as sex

offender treatment programmes, alcohol and substance programmes, as well as a wide range of resettlement activities related to accommodation, employment and education.

The NIPS will:

- Provide information to the LAPPPs through regular monitoring of the behaviour of offenders in custody;
- When the offender is still in custody, participate in LAPPP meetings; and
- Advise PPANI colleagues about prison systems and procedures such as transfer between establishments and regime programmes.

NIPS will be represented at senior operational level, Deputy Director, at SMB meetings.

Health and Social Services Boards and Trusts

Health and Social Services Boards and Trusts have responsibility for providing a range of services including:

- Mental Health Services
- Physical Disability Services
- Learning Disability Services
- Primary Care Services
- Older People Services
- Family and Childcare Services

The links between the responsibilities of Health and Social Services Trusts' (HSSTs) responsibilities and PPANI will principally be in the area of child protection and safeguarding. However, the involvement of Health and Social Services Trusts is also essential when dealing with offenders/pdps who have learning difficulties or mental health problems.

PPANI social services representatives at SMB are likely to be members of the Area Child Protection Committees and when established the Safeguarding Board for Northern Ireland.

Youth Justice Agency

The YJA will cooperate with PPANI for those young persons under 18 years of age whose risks to the community are to be addressed within PPANI.

The Youth Justice Agency should be represented on the SMB at Senior Manager level.

Department of Health, Social Services and Public Safety

The Department of Health, Social Services and Public Safety (DHSSPS) aims to improve the health and well being of people in Northern Ireland. The Department works closely with other government departments and agencies in response to meeting the needs of the population of Northern Ireland.

DHSSPS will cooperate with PPANI and provide advice on policy, guidance and legislative developments which relate specifically to protecting children and vulnerable adults. In cooperating with PPANI, DHSSPS helps to ensure that Ministers are kept fully apprised of ongoing developments in the field of risk assessment and risk management. This improves communication between a wider range of key stakeholders and provides a more holistic

approach to managing offender risks and protecting the more vulnerable members of society.

DHSSPS representation at SMB meetings should be at a senior level from within the Child Care Policy Directorate.

Department for Employment and Learning

To promote learning and skills, prepare people for work and to support the economy the Department for Employment and Learning (DEL) works with two main groups of customers:

- Individuals who are seeking to improve their levels of skills and qualifications or who require support and guidance to progress towards employment, including self-employment; and
- Businesses in both the public and private sectors.

DEL operates a network of 35 Jobs & Benefits offices and Job Centres, offering a range of services for job seeker or job changers. Employment opportunities are available on line for Jobseekers, and Employers can use the internet to advertise and manage their vacancies.

The SMB will engage with DEL through the PPANI Strategy and Policy Coordinator.

Department of Education for Northern Ireland

The vision of the education system is 'to educate and develop all young people to the highest possible standards providing equality of access to all'. Realising this vision requires co-ordination across the education sector and a recognition that for young people to achieve their potential requires that they be educated in a safe and caring environment where they are respected and receive the support they need.

There is a legal duty on the Board of Governors of all grant-aided schools to safeguard and promote the welfare of pupils. In addition all schools are required by law to have a child protection policy, which takes account of guidance issued by the Department of Education (DE). All schools should have a named Designated Teacher for child protection and a named Deputy Designated Teacher. The Designated Teacher acts as a focal point for child protection within the school through providing advice and support to staff and by liaising with agencies outside the school as appropriate.

Child protection within a school comprises three strands:

- Developing pupils' capacity to be responsible for their actions and have strategies to keep safe;
- Preventing unsuitable people from working with children through the use of sound recruitment, selection and vetting practices; and
- Responding appropriately to concerns that a pupil may be suffering abuse.

Schools' staff, particularly principals and Designated Teachers, are supported by the Child Protection Support Service for Schools (CPSSS) based with the Education and Library Boards. The support offered includes:

- a telephone helpline for advice and guidance around child protection matters;
- training for designated schools' staff and school governors; and
- professional support to Designated Teachers and their Deputies.

The education service, particularly schools, can assist the work of PPANI in the appropriate circumstances, as:-

- pupils are encouraged to develop strategies to stay safe and this can be re-enforced at times when there is a particular local risk;
- staff are well placed to be alert and aware of activities within a locality that could be a treat to pupils' safety;
- in particular situations, and with the authorisation of the police, schools are in a position to warn individuals, groups of pupils, staff or parents of possible danger;
- schools can provide a safe environment for children and young people during school hours; and
- the local school is often the first 'port of call' for parents who have concerns about worrying activities in their area.

The SMB will engage with DE through the PPANI Strategy and Policy Coordinator.

Department for Social Development

The Department for Social Development (DSD) contributes to the social functioning and well-being of Northern Ireland society through its Mission, "Together, tackling disadvantage and building communities". Three high level citizen outcomes provide for reducing poverty and disadvantage amongst vulnerable groups, access to decent energy efficient housing, primarily for those in housing stress and regenerated urban areas and strong communities.

Three strategic objectives provide the focus for DSD's business. These are:

- (i) to tackle disadvantage by encouraging stronger leadership and building cohesive communities that embrace diversity and social inclusion;
- (ii) to encourage self-sufficient people and communities, reducing dependence on welfare benefits whilst supporting individuals and families in need and delivering public services that tackle disadvantage, and
- (iii) to improve the physical and social environment where people live and create prosperous and sustainable urban centres that encourage the economic participation of socially excluded individuals and communities.

The Department delivers its business through the Social Security Agency, its Resources, Housing and Social Security Group; its Urban Regeneration and Community Development Group and the Child Maintenance and Enforcement Division.

The sharing of information about social security benefit and child maintenance details will greatly assist the police in locating offenders/pdps who fail to comply with risk management plans.

The SMB will engage with DSD through the PPANI Strategy and Policy Coordinator.

Northern Ireland Housing Executive

The Northern Ireland Housing Executive (NIHE) has two main housing functions that are relevant to the resettlement of offenders.

HOMELESSNESS ASSISTANCE

The Housing (NI) Order 1988 (the 1988 Order) gave the NIHE statutory responsibility for responding to homelessness from April 1989. The Housing (NI) Order 2003 (the 2003 Order) amended the provisions of the primary legislation i.e. the 1988 Order, by inserting additional provisions.

The Housing (NI) Order 1988 - the 1988 Order established the definitions and the duties surrounding homelessness (homelessness & threatened homelessness, priority need, intentionality), making enquiries and temporary accommodation.

The Housing (NI) Order 2003 - the 2003 Order introduced changes to the definition of homelessness and to the provisions regarding becoming homeless intentionally, and introduced the additional requirement on the NIHE to assess an applicant's eligibility for housing (homeless) assistance.

Priority Need

In relation to priority need, the legislation specifies certain categories of persons who have a priority need for accommodation. The legislation envisages that vulnerability can arise because of factors that are not expressly provided for in statute i.e. a person may be vulnerable for another "special reason". In this regard, applicants who have served a prison sentence *may* be vulnerable for another "special reason".

Accommodation duties

Under the above legislation, the NIHE may have to provide temporary accommodation in certain circumstance for applicants who are homeless, and permanent accommodation in circumstances where applicants are eligible for assistance, in priority need and have become homeless through no fault of their own.

COMMON HOUSING SELECTION SCHEME

The Housing (NI) Order 1981 requires the NIHE to allocate permanent accommodation in accordance with a scheme approved by the Department for Social Development. A Common Selection Scheme was approved for this purpose in 2001 whereby all permanent social housing whether owned by the NIHE or housing associations is allocated on the basis of a common assessment of need and allocations policy. All applicants, including offenders are assessed in accordance with the rules of the approved Scheme.

Research has shown how having stable accommodation can have a positive impact on reducing the likelihood of an offender re-offending. The co-operation of both social and private housing providers is essential in the delivery of individual risk management plans and controlled information exchange is therefore vital. Given the importance of accommodation in the resettlement of offenders and hence in the assessment and management of risk, NIHE representatives can make an important contribution to PPANI. As indicated above this will not necessarily mean that they have a specific duty to accommodate an offender but their advice about accommodation and the procedures by

which it is allocated and the suitability of particular accommodation, will provide a valuable contribution.

NIHE representation at SMB meetings should be at a senior level capable of representing the organisation and disseminating information within the wider housing sector.

The National Society for the Prevention of Cruelty to children

The NSPCC, as the lead voluntary child protection agency in Northern Ireland, has powers under the Children (NI) Order 1995 and Royal Charter. Its members work with victims of abuse in Northern Ireland through three therapeutic teams; provide help to witnesses through the Young Witness Service; and have a specialist team that works with young people who get involved in sexually harmful behaviour.

The NSPCC representation should ensure there is an independent child protection viewpoint to the work of the SMB.

11.6 Other agencies

The SMB may develop more informal relationships with other agencies which are not listed in the Order but which it is considered will be of benefit to the operation of PPANI. For example, the Ministry of Defence through the Service Police hold information relating to offenders and victims which may need to be disclosed to PPANI. The Service Police Crime Bureau (SPCB) operates ViSOR and manages registered offenders in partnership with the Home Office Police Forces in the United Kingdom and manages the relevant registered offenders overseas. The SPCB is the single point of contact for all issues relating to violent and sex offenders connected to the Army.

The principles covering cooperation with PPANI will be in line with MOD practice in England, Wales and Scotland and the information sharing principles set out in this guidance.

11.7 Memorandum of cooperation

Article 50(2)(a) of the Order requires agencies to draw up a Memorandum of cooperation. The purpose of this requirement is to enable the practicalities of cooperation to be determined.

The Memorandum should make clear the purpose of cooperation; the principles upon which co-operation will take place; the activities involved in cooperating and the systems and procedures which support them; and the partners to the agreement. The memorandum should be based on the structure outlined below.

Purpose and Basis of Co-operation

- Statutory basis: Criminal Justice (NI) Order 2008 and possible reference to other local protocols and agreements.
- Local statement of the broad purpose or objectives outlining the value of PPANI multi agency joint working, which may, for example, highlight the particular significance the Memorandum has in cementing the relationships and arrangements

underpinning other protection work such as safeguarding children and domestic abuse work.

- Principles: as outlined in 11.3 above and the general principles underpinning PPANI as covered throughout this Guidance. For example, defensible decision making and prioritising the use of resources to where they are most needed.

Scope and Practice

- Identify PPANI caseload;
- Outline the levels of PPANI assessment and risk management;
- How information sharing takes place;
- How the annual report is going to be prepared;
- How the media and public interest enquiries will be handled; and
- How and when the memorandum will be reviewed.

Partners

- Identify the agencies party to the agreement of the Memorandum;
- Identify principal point of contact for operational/case-related matters as well as the 'senior officer' underwriting the agreement on behalf of the agency; and
- Set out the role of each agency, level of commitment that is practicable and appropriate.

Cooperation is not new and implementing PPANI may in several respects confirm existing good practice arrangements already in place. It may therefore be helpful if the process of agreeing the memorandum also involves the identification of those other public protection arrangements involving some or all of the PPANI agencies. Such arrangements include those established for domestic abuse, child protection and vulnerable adults.

12. Performance and Standards

12.1 Performance

12.2 Quantitative data

12.3 Qualitative data

12.4 Key performance indicators

12.1 Performance

The Strategic Management Board (SMB) needs to be satisfied that PPANI are working well and that cases risk managed within PPANI meet the defensibility test. The defensibility test is:

“Was everything that could reasonably have been done to prevent offenders/pdps from re-offending actually done?”

This applies to how each individual agency fulfils their legal obligation and how the agencies work together in achieving comprehensive risk management. The SMB needs to be able to demonstrate this empirically through its monitoring and evaluation of its performance.

The monitoring and evaluation activities of the SMB contribute to the annual report, drive the business planning process and provide the means of reviewing the effectiveness of PPANI. It involves the collection and analysis of both quantitative and qualitative data.

The SMB should analyse this data on at least a quarterly basis to allow some bench marking and the opportunity for timely intervention where issues are identified.

12.2 Quantitative data

The SMB must have arrangements in place to collect data and monitor the following:

- The PPANI risk management caseload by category of risk of serious harm;
- New PPANI cases by category of risk of serious harm in a specific time period;
- The number of "wanted/missing" sexual and violent offenders/pdps subject to PPANI risk management;
- The number of PPANI cases by category of risk of serious harm who commit a further offence which necessitates the commissioning of an independent serious case review as set out in 9.5 of this guidance;
- Disclosure (excluding self disclosure) – decisions regarding limited/full public disclosure for all PPANI risk management cases detailing where disclosure has taken place, to whom and by whom and those cases where it has not;
- Civil orders which have been applied for – the number granted, the number refused and the number made by the court at point of criminal conviction – Sexual Offences Prevention Orders (SOPOs), Notification Orders, Foreign Travel Orders and Risk of Sexual Harm Orders;
- The number of breaches of SOPO and action taken; and
- Number of PPANI risk management cases where a breach of licence has resulted in a recall to custody.

12.3 Qualitative data

Qualitative data to determine how effectively PPANI have operated should be obtained from:

- Case audit;
- Serious case reviews, and
- Policy reviews and inspections

The SMB should undertake a case audit of PPANI risk management cases at least annually.

12.4 Key performance indicators

The following key performance indicators will measure the effectiveness of PPANI:

- 100% of Category 3 risk of serious harm cases reviewed (see Section 6.5) no less than once every four weeks;
- 100% of Category 2 risk of serious harm cases reviewed (see Section 6.5) no less than once every 12 weeks;
- Disclosure to be considered by the LAPPP in 100% of PPANI cases;
- 75% attendance by each agency at an appropriate level of seniority at SMB meetings over each calendar year.
- 100% attendance by each agency at an appropriate level of seniority at LAPPP meetings over each calendar year.