

KNOWES HOUSING ASSOCIATION LTD

Policy Name	High Risk Offenders
Policy Category	Housing Management
Policy Number	HM16
Date to Housing Services Sub-Committee	October 2023 (signed)
Previous Review	November 2020
Next Review Date	October 2026
Links to other Policies & Procedures	HM04 Allocations Policy, Information Sharing Protocol, S16 Staff Safety Policy, S28 Lone Working Policy and Procedure
Consultation	Internal Consultation – Staff, Management Board.

1. INTRODUCTION

- 1.1 This Policy outlines the role that Knowes HA has in the housing and management of High Risk Offenders and has taken into account the Information Sharing Protocol agreed between West Dunbartonshire Council and RSLs in the local authority area. The Lone Working Policy and Procedure should be taken into account when using this document.
- 1.2 Although it is unlikely that WDC will refer such offenders to Registered Social Landlords (RSLs) for re-housing, it is acknowledged that a Policy and Procedure should be in place in case; (a) referrals are made to RSLs; or (b) an offender applies direct to an RSL for housing; or it transpires that (c) an RSL already has an offender living within one of its properties. The third scenario is the one, which will most likely affect RSLs.
- 1.3 Managing sexual offenders is primarily about minimising risk to the local community but should also be about how the Association minimises risks to its staff and contractors and have in place mechanisms to protect the health and well-being of staff and the Associations contractors while they are carrying out their duties.
- 1.4 There is a common public perception that sex offending usually means offences against children, however, there is no single sex offender 'type'. Sex offenders can be single people, parents, children, neighbours and people in positions of trust. In general, men do commit the majority of sex offences and the majority of victims are women and children. Not all sex offenders present the same level of risk to the community. In general terms, an offender can be defined as a person who causes significant harm or suffering of a physical, sexual or emotional nature on another, and who continues to pose a threat in the community.
- 1.5 The overarching principal that underpins the management of offenders is community and staff safety. This Policy is intended to ensure that relevant staff within an RSL are aware of and adhere to procedures in a consistent fashion so that risk is minimised through collaborative action between local RSLs, WDC and Police Scotland.
- 1.6 Where we use the term offender in this Policy we are referring to convicted sexual offenders.
- 1.7 This Policy deals with the Management of Registered Sex Offenders in our community. There are occasions where we may receive information from Police Scotland relating to other convicted offenders who live within our community that are deemed a High Risk due the nature of the offence in which they have been convicted. However, the Information Sharing Protocol that sits alongside this procedure deals with the partnership working between the Sex Offenders Liaison Officer, (SOLO), and RSLs. Other high risk offenders are not administered by the same legislation that covers sex offenders, therefore we have no risk management partnership agreement

between the WDC and the Association. Where we have information from the Police regarding a tenant who may be a risk to staff then we would manage this by using the No Lone Visit Procedure.

2. AIMS & OBJECTIVES

2.1 By having a High Risk Offenders Policy we aim to:

- Utilise the Information Sharing Protocol introduced between WDC and the Association
- Minimise risk to individuals and the local community
- Minimise risk to staff and contractors
- Maximise community safety;
- Provide appropriate training for staff and Committee members;
- Provide secure accommodation that will assist with the management and supervision of offenders;
- Address an offender's housing need in conjunction with WDC.
- Deal with applications from offenders as sensitively and objectively as possible and in accordance with our Allocations Policy;
- Treat information received in the strictest of confidence and in accordance with the Data Protection Act 1998.
- Manage information by following the General Data Protection Regulation, (GDPR), implemented on 25 May 2018.

4. RISK MANAGEMENT

4.1 By having a written detailed High Risk Offenders Policy & Procedure the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.

4.2 The risk of not having this Policy in place is rehousing high risk offenders or managing high risk offenders either without knowing, or without appropriate risk assessments taking place and therefore lacking the support of our partner agencies or “responsible authorities”. The net effect of this could be increased danger to staff and residents within the community, and very poor publicity, which will affect the Association’s reputation and the reputation of the community as a whole.

5. LEGAL BACKGROUND & COMPLIANCE

5.1 The key legislation influencing this Policy is the Management of Offenders (Scotland) Act 2005, the Housing (Scotland) Act 2001 and the Data Protection Act 1998. We will also take cognisance of the General Data Protection Regulation, (GDPR), implemented on 25 May 2018.

5.2 Since April 2007, the Police, Scottish Prison Service (SPS) and the local authority (social work department) who are referred to in statute as “responsible authorities”, must establish joint arrangements for assessing and managing the risks posed by Sex Offenders. The new arrangements, known as Multi Agency Public Protection Arrangements (MAPPAs) put much more

emphasis on information sharing and practical management of the risks posed by sex offenders. These “responsible authorities” must act in co-operation with other key agencies that the new legislation puts under a “Duty to Co-operate”. The agencies with a duty to co-operate include local authority housing departments and housing associations.

- 5.3 An integral part of the MAPPA is the National Accommodation Strategy for Sex Offenders in Scotland (“NASSO”) which is currently the subject of training and consultation.
- 5.4 The NASSO says that extensive research, including the 2001 Cosgrove Report, shows clearly that stable housing arrangements and being able to monitor sex offenders are key to minimising the risks they pose. The studies say that if sex offenders “go underground” it becomes much more difficult to supervise and treat them, meaning that communities are at greater risk.
- 5.5 The NASSO also makes the point that blanket exclusions of sex offender from housing lists are illegal under allocations law.

6. CURRENT STRATEGIC POSITION WITHIN WEST DUNBARTONSHIRE

- 6.1 Every local authority area is part of a wider Community Justice Authority, where MAPPA Groups and MAPPA representatives report to and from. On a more local basis, WDC is working with other partner agencies in some of the key principles from the NASSO, this includes;
 - In West Dunbartonshire there is an established SOLO (Sex Offenders Liaison Officer) working with partners who will have a recognised Link Officer within RSLs. The Link Officer will be the main point of contact when information exchange is required to deal with cases. The Link Officer at Knowes HA is the Head of Housing.
 - There is an agreed Information Sharing Protocol between the “responsible authorities” and partners;
 - Joint working/training to ensure that there is a clear strategy and understanding of operational procedures which RSLs and “responsible partners” will comply with in order to successfully implement NASSO, the Information Sharing Protocol and our own “duty to co-operate”.
- 6.2 WDC has advised the Association who the SOLO for the area is. Furthermore the previous High Risk Offenders Policy indicated that WDC had no intention to move away from the position of rehousing offenders within their own stock, and therefore the implications of NASSO and MAPPA will not be significant within West Dunbartonshire. However the introduction of the Information Sharing Protocol gives no indication that this will continue, indeed the Protocol’s introduction gives an indicator that this position may well change. It is therefore paramount that RSLs understand the scope of the legislation and their new duties and responsibilities.

7. LINK PERSONS

The Head of Housing at Knowes HA is the first Link Person who will deal with incidents concerning the management of high risk offenders and the information surrounding these cases. The Director of Knowes HA is the named second Link Person, who will deal with these cases either with the Head of Housing, or in his absence.

8. INFORMATION SHARING & DATA PROTECTION

8.1 WDC and Knowes HA may be advised of an offender if a risk assessment is required to be carried out on the offender. Any information that is disclosed to an RSL must be bound by strict confidentiality. Disclosure of information about an offender will always be made by the Police. If there are child protection issues disclosure can be made by Social Work in consultation with the Police.

8.2 Any information managed or exchanged within Knowes HA or partner organisations should always be within the requirements of the Data Protection Act 1998.

8.3 As part of our agreed partnership working, it is important that RSLs follow the Information Sharing Protocol and advise the SOLO of any of the following issues regarding offenders they have housed:

- a. Any problems relating to the management of the tenancy.
- b. Changes in the clients household/family composition
- c. Receipt of termination of tenancy notice or requests to transfer to another house.
- d. Requests to change the tenancy i.e. succession, transfer or assignation
- e. Any future voids within the immediate vicinity

8.4 These issues are particularly important as they may result in changes to the initial risk assessment that was carried out by the Police. However, it should be emphasised that many offenders may pose little or no risk to other groups or individuals. Nevertheless, there is a need to ensure that information is exchanged within the partnership working process in the interests of community safety.

9. COMPLAINTS PROCEDURE

9.1 If a resident feels aggrieved by their treatment under this Policy they can ask for a copy of the Association's Complaints Policy, which is available at the Association's office.

9.2 Initially the Head of Housing or the Director of the Association will deal with a complaint, under the Complaints Procedure, however residents who are still not satisfied after this process can complain to the Scottish Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

10. LINKS TO OTHER POLICIES/REPORTS

10.1 This Policy should be read in conjunction with the following policies;

- Allocations Policy - HM04
- Homelessness Policy - HM18
- Neighbour Dispute Policy - HM11
- Information Sharing Protocol
- Lone Working Policy - S28
- Staff Safety Policy - S16
- Section 5 Protocol

11. EQUALITIES COMMITMENT

11.1 Knowes Housing Association Ltd is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

11.2 The Association seeks to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.