

Child Sex Offender Disclosure Scheme (CSODS)

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Policy Statement

Summary

Police forces are allowed to disclose information to the public and have a duty to protect members of the public from the potential risk posed by convicted sex offenders.

It is important to remember that the purpose of this scheme is to protect children from harm. Each request for information will be dealt with on a case-by-case basis and, while there may not be information that can be disclosed in accordance with the Child Sex Offender Disclosure Scheme (CSODS), disclosure of other relevant information may still be possible.

West Yorkshire Police has developed a policy procedure based on the national guidance on the CSODS (commonly known as Sarah's law) to assist police officers and police staff members when requests for this type of information are received.

The aim of this policy procedure is to provide details on:

- Processing child sex offender applications under CSODS, Right to Know and Right to Ask;
 - The role and responsibilities of Safeguarding Units (SGUs) and Public Protection Units (PPUs); and
 - How to make a decision on disclosure.
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Scope

This policy applies to all police officers and police staff.

Principles

Introduction

- Section 327A of the Criminal Justice Act 2003 places a duty on responsible authorities, i.e. police, probation and prison services (or MAPPA authority), in every case it manages regarding a convicted child sexual offender, to consider disclosure to particular members of the public of that offender's convictions for child sexual offences.
 - It creates a presumption that information about the offender's previous convictions will be disclosed where the responsible MAPPA authority has reason to believe that a child sexual offender poses a risk of causing serious harm to a particular child or children and the disclosure of information to a particular member of the public is necessary for the purpose of protecting that child(ren) from serious harm caused by that offender.
 - The revised Home Office guidance offers a Right to Know and a Right to Ask.
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- Criteria**
- CSODS allows:
 - The Force to disclose information about a potential perpetrator of child sex offences in certain circumstances; and
 - Anyone to register, with the Force, their child protection interest in an individual who has contact with a specific named child who they think may be at risk.
 - The applicant must be:
 - A parent, guardian or carer of a named child(ren) (i.e. the potential victim(s)); or
 - A third party who has some form of contact with a named child(ren) and who is concerned that they are at risk of harm, e.g. grandparent, neighbour or friend.
 - The third party making the application will not necessarily receive the disclosure, as it may be more appropriate for the parent, guardian or carer to receive it in respect of safeguarding the child.
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- Force undertaking**
- The Force will:
- Where appropriate provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare. If our enquiries reveal:
 - That the subject has convictions for child sex offences and is considered a threat, then we may pass this information onto the child's parents, guardians or carers via the CSODS process.
 - No such conviction but a threat to any child is evident, then disclosure must be considered under other child protection procedures and advice may be sought from a district detective inspector (DI).
- NB: While the CSODS is separate from a MAPPA authorised disclosure, the fact that a disclosure may be considered assists the police in discharging its MAPPA responsibilities.
- **Ensure that the scheme is administered by District Safeguarding Units/Public Protection Units (for RSOs) only and those who have received the relevant training.** It must be noted that other members of West Yorkshire Police **must not** undertake disclosure of information under the terms of this scheme.
 - If it is recommended that information about a sex offender should be disclosed, the proportionality/necessity to do so will be reviewed by the relevant Public Protection Unit.
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Responsibilities

Contact Management Centre (CMC) Staff

- Initial action** When an individual receives an application, they must first establish whether, in fact, any substantive offence is being alleged:

- If it is alleged that a crime has been committed, or it is apparent that the named child(ren) are currently being abused, then they must create the appropriate log and progress it as normal.
 - If it is apparent that no offence has been committed, then they must proceed as below.
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Public Enquiry Counter

If the applicant asks at a Public Enquiry Counter (PEC), the PEC Officer must obtain full details and create a Storm log.

CMC staff are responsible for:

- Creating a log on Storm using the appropriate opening code '*125 Sarah's Law*' and completing the required question set (refer to the supporting information);
 - Informing the applicant that:
 - The CSODS does not replace existing procedures that are in place for Criminal Records Bureau (CRB) or Disclosure and Barring Service checks, or Subject Access (Data Protection Act) or Freedom of Information Act requests;
 - A disclosure will only be made to the person who is in the best position to safeguard the child(ren) from harm, i.e. the parent, guardian or carer if a third party applicant;
 - Initial checks will be completed as soon as possible and, in any case, within 24 hours to assess whether the disclosure application should be progressed and whether there is an immediate or imminent risk of harm to the child(ren) from the subject; and
 - The applicant will receive a face-to-face visit within 10 days from a SGU/PPU officer to verify their identity and relationship to the child, complete the remainder of the CSOD1 (face-to-face interview), gather any other intelligence and give them an information pack about the disclosure scheme; and
 - Passing the log to the CMC Supervisor via Storm.
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Contact Management Centre (CMC) Supervisor

Responsibilities

CMC Supervisors are responsible for:

- Contacting the district SGU supervisor (where the applicant resides) by telephone and notifying SGU about the log; and
- Endorsing the log with the SGU staff member spoken with. A copy of the log will also be sent via email and they will action as below.

If there is no SGU supervisor on duty, e.g. out of hours/weekends, individuals must contact the relevant district cadre detective inspector (DI) or Duty Safeguarding detective sergeant (DS).

Safeguarding/PPU Officer

- Responsibilities** Safeguarding/PPU officers are responsible for:
- Reviewing the log;
 - Ensuring the 'contact' criteria is met;
 - Tasking a staff member to conduct the initial checks;
 - Undertaking a risk assessment;
 - Starting a CSOD1 and presenting a full and accurate assessment of the relevant information for the DI;
 - Tasking a staff member to undertake a face-to-face visit and provide the applicant with information about the disclosure scheme (Empowerment Pack); and
 - Adding whether this is a Right to Know or Right to Ask in the summary box on Niche.

NB: This must be completed within 24 hours of the enquiry being received by the CMC.

Full risk assessment

- On receipt of the task, the Safeguarding/PPU officer is responsible for:
- Reviewing the circumstances which have prompted the enquiry;
 - Quality assuring that the CSOD1 is fully complete and all research has been carried out including PNC and PND checks and all information is accurate and clearly presented as a full picture for consideration by the DI;
 - Reviewing the information relating to the antecedent histories of the applicant, child(ren) and subject;
 - Reviewing any additional partner information and determining whether it indicates a risk of harm to the child(ren);
 - Conducting a full risk assessment to determine if a disclosure may be necessary and considering:
 - Does the subject have convictions or out of court disposals for child related offending?
 - Is other information held about the subject which may reasonably lead the individual to believe that the subject poses a risk of harm to the child(ren)?
 - What is the subject's child sex offending history, including where no formal action was required?;
 - Determining if the available information suggests that the subject poses a serious risk and that, by passing on the information, it will protect the named child(ren) from serious harm and, if so, initiating immediate action to mitigate the risk; and
 - Endorsing the OEL accordingly and tasking the occurrence to the SGU DI for review.

In cases where the subject is a Registered Sex Offender, then the application must be dealt with and reviewed by the relevant PPU. ViSOR must be updated with details of any disclosure added to the Disclosure attachment.

Safeguarding/PPU Officer – Tasked to Deal with Enquiry

Initial checks (within 24 hours)

Safeguarding/PPU Officers are responsible for:

- Creating/pushing a Niche non-crime occurrence for CSODS;
 - Endorsing the log that SGU are now dealing and close;
 - Checking systems (PNC, PND, ViSOR, Corvus and Niche) and Interpol enquiry regarding foreign convictions regarding the applicant, child(ren) and subject, unless already shown on the log. This must be done as soon as possible to identify any immediate risk but in any event within 24 hours; and
 - Endorsing the occurrence with the result of the research.
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Face to face meeting (within 10 working days from initial contact)

Safeguarding/PPU Officers are responsible for:

- Arranging to meet the applicant face-to-face to:
 - Establish that the enquiry is genuine and not malicious;
 - Obtain more detail about the application in order to further assess risk and to inform a decision around disclosure;
 - Provide safety information and advice to safeguard the child(ren); and
 - Confirm the previously supplied details of the applicant, child(ren) and subject (as above);
- Completing the CSOD1;
- Obtaining details of any children in the household;
- Asking the applicant for proof of identity (refer to the supporting information);
- Before progressing enquiries on the application, supplying the applicant with a notice warning that:
 - If they wilfully or maliciously provide false information to us in order to try and get a disclosure they are not entitled to, they may risk prosecution, e.g. under Section 5(2) of the Criminal Law Act 1967 (wasting police time);
 - If they disclose evidence of an offence while registering a concern, it may not be possible to maintain their confidentiality;
 - Any information disclosed by us must only be used for the purpose for which it has been shared, i.e. in order to safeguard the child(ren); and
 - The application will be dealt with confidentially, but confidentiality can only be guaranteed pending the outcome of the process, as we must consider whether representations should be sought from the subject, if a disclosure is considered, and the subject should be informed that a disclosure has been made;

- Discussing and confirming the reason for the application, and history of relationship between the subject and child(ren), and endorsing these on the CSOD1;
- Informing the applicant that the person to whom the disclosure is made will be asked to sign an undertaking that they agree that the information is confidential, and they will not disclose this information further.
A warning must be given that legal proceedings could result if this confidentiality is breached and that it is a breach under Section 55 of the Data Protection Act 1998 for a person to knowingly or recklessly obtain or disclose personal data without the consent of the data controller (i.e. the agency holding the information that will be disclosed, which in most cases will be us).
This must be explained to the applicant and their signature obtained on this undertaking. If the applicant is not willing to sign the undertaking, then we will need to consider if disclosure should still take place; and
- Providing the applicant with an information pack explaining the Child Sex Offenders Disclosure Scheme and local leaflets that provide signposts to local support services.

Full risk assessment

Safeguarding/PPU Officers are responsible for:

- Revisiting the initial checks;
- Conducting further searches of police information systems;
- Notifying the local partners of receipt of the enquiry and asking them to:
 - Review information held by their agency in relation to the parties involved; and
 - Notify the SGU within three working days of any relevant information held by them which may indicate a risk of harm to the child(ren); and
- After three working days, endorsing the occurrence with any relevant information received from the local partners and tasking the occurrence to a supervisor for a review.

No concerns – non disclosure

If a ‘no concerns – non disclosure’ decision is reached, then the Safeguarding/PPU Officer is responsible for:

- Completing a CSOD3 (Non-disclosure letter);
- Visiting the applicant in person (**this must not be posted as any posted correspondence has the potential to put the child(ren) at more risk**);
- Advising the applicant that there is no information to disclose given the information/details they provided, and the result of checks made on these details;
- Informing the applicant that the lack of information to disclose does not mean that there is no risk of harm and the applicant should remain vigilant and report any future concerns. If appropriate, the applicant must be signposted to safeguarding information and relevant support services;
- Advising the applicant that the subject will not be notified as no disclosure has been made;

- Endorsing the occurrence OEL with all action that has been taken and attaching a copy of the CSOD3 and other relevant documents to Niche;
- Ensuring the application is retrievable on PND (NB whatever appears in the summary box on niche will be available on PND); and
- Tasking the occurrence to a supervisor for finalisation.

Concerns disclosure

If a 'concerns – disclosure' decision is made, the Safeguarding/PPU Officer is responsible for:

- Making the disclosure **in person**;
- Explaining that the disclosure must only be used for the purpose for which it has been shared, i.e. in order to safeguard the child(ren);
- Asking them to sign an undertaking that they:
 - Agree that the information is confidential;
 - Will not disclose this information further; and
 - Understand that legal proceedings could result if this confidentiality is breached;
- If the applicant is not willing to sign it, explaining that we will need to consider if disclosure should still take place. The outcome must be recorded and considered in the risk assessment, decision making process and safety plan recorded on the Niche occurrence;
- Not, at any time, sending out or leaving written correspondence concerning the specifics of the disclosure consideration with them. There would be a potential risk to intelligence sources, victims and perpetrators should such written information get into the wrong hands;
- Using CSOD4 (Disclosure – Minimum standards of information) to convey a disclosure. What the person is told will be recorded verbatim on this form, signed and retained by us. **It must not be given to the person in any circumstances**;
- Giving them information to allow them to safeguard themselves and the child(ren) in the future. This must, as a minimum, be a leaflet to explain the Child Sex Offenders Disclosure Scheme (CSODS) and local leaflets that provide signposts to local support services. Individuals can also refer the applicant to the WYP internet site; and
- Recording and scanning all actions taken, decisions made and the completed CSOD4 on to the Niche occurrence.

Safeguarding Unit Sergeants

No concerns – non disclosure

On receipt of the task Safeguarding Unit Sergeants are responsible for:

- Reviewing the occurrence before finalisation to ensure that all safeguarding action in respect of the child(ren) and offenders have been considered and appropriately actioned.

Concerns disclosure

On receipt of the task Safeguarding Unit Sergeants are responsible for:

- Reviewing the occurrence, before finalisation, to ensure that all safeguarding action in respect of the child(ren) and offenders have been considered and appropriately actioned.

Safeguarding Detective Inspector

Decision making on disclosure

NB This must only be undertaken by DIs who have completed the West Yorkshire training package on CSODS.

On receipt of the task, Safeguarding detective inspectors are responsible for:

- Considering the information;
- Ensuring Contact criteria has been met;
- Identifying if there are any child safeguarding concerns;
- Completing a CSOD2 (Disclosure decision making guide) with the recommendation;
- Endorsing the OEL accordingly;
- Tasking an officer to make the disclosure providing instructions as to what will be disclosed and form of words to be used. These must include the need to fully update CSC and also whether to inform the subject that a CSODS disclosure is to be made;
- Seeking an undertaking from the applicant to limit onward processing; and
- Endorsing the Niche occurrence OEL with this information.

The whole process must not exceed 28 working days from initial contact.

Cross Border Applications

More than one Force involved

- There is the possibility that more than one force could be involved in any one application:
 - Force A – Receiving force
This is the area in which the applicant makes their enquiry. It may be where they reside but may be elsewhere (will only ever be one).
 - Force B – Co-ordinating force
This is the area where the applicant resides, if it is different to the above (and will only ever be one).
 - Force C – Responding force
This is the area where the named child(ren) reside. This could be several areas in those cases where families are estranged.
 - Force D – Responding force
This is the area where the subject resides. This could be several areas if the subject is itinerant or there are multiple subjects.
 - Force E – Responding force

This is the area where there is a place of interest and not a particular person resides, i.e. church, nursery, college etc.

- It is necessary for the receiving/co-ordinating and responding force(s), as well as any agencies involved, to work in close consultation to consider and address the risks posed on a case by case basis.
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Receiving Force

Principles

- If the applicant does not reside in the Force area but WYP are the receiving force, then we must:
 - Obtain the initial contact details;
 - Complete the initial checks;
 - Ascertain the risk; and
 - Pass to the force area where the applicant resides. This must be done via an incident log to the communications department/call centre of the coordinating force as soon as practicable.
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Co-ordinating Force

Principles

- If the applicant resides in our Force area, then we oversee the enquiry and act as co-ordinator for any other force areas involved.
- If the applicant also makes their application to us, then we are responsible for carrying out the actions listed above as well as:
 - Making contact with and initiating action in any other force area(s) involved, i.e. where the child(ren) and/or subject live.
If there is a potential risk then this must be done via an incident log to the communications department/call centre of the responding force(s) as soon as practicable or, if there is no potential immediate risk identified, via auditable means, i.e. incident log, e-mail, fax or ViSOR activity log and a response ensured; and
 - Liaising with the applicant and making such disclosures to them as are deemed appropriate.
- While it is accepted that primacy in any process will reside in a single force, there will nevertheless be a need for the other forces and agencies involved to fully engage with the process.
- They should, if necessary, send representatives or provide teleconferencing presence/other contribution to the decision-making conference, be it under the auspices of MAPPa or safeguarding children procedures.
- In all cases, the coordinating force is responsible for:
 - Oversight of the enquiry;
 - Co-ordinating its own actions as well as those of responding forces; and
 - Maintaining the anticipated level of service with the applicant.

Responding Force

Principles

- The force(s) (C, D and E) in which any party resides, other than the applicant, (i.e. child(ren), subject, premises), is responsible for the actions in relation to this party once informed about the enquiry by the coordinating force. That is:
 - Dealing with actions specific to this process as directed by the coordinating force; and/or
 - Actions relating to MAPPA or to existing safeguarding children procedures, as applicable.
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Agreement not reached

- In the unlikely event that an agreement cannot be reached, and there is a need for a final decision to be made, responsibility for making the decision is as follows.
 - If the subject of the enquiry is a MAPPA subject, then the MAPPA area that owns the subject has primacy as they are responsible for:
 - Minimising all risks associated with the subject, including the risk of offending against the named children; and
 - Hosting the final disclosure decision-making conference.
 - Primacy for social care should always rest with the social care team for the area in which the children principally reside. This will, on occasion, be different to the force that holds primacy, i.e. in MAPPA cases.

NB This process will not be used to refer individuals to MAPPA, other than where they are already MAPPA nominals or where the strict criteria is met.
 - If it is a non-MAPPA case the force that 'owns' the child(ren) named in the application has primacy as they are responsible for:
 - The child(ren)'s welfare; and
 - Hosting the final disclosure decision-making conference, which will come under the remit of local safeguarding children procedures.
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Disclosure to third party

- If, as a result of enquiries, it is decided to disclose information to a third party, e.g. to the parents of children who were referred by a concerned-but-not-related applicant, then the force where the third party resides is responsible for making the disclosure (as a responding force).
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Scotland – Process Variation

Application made in Scotland

- Where the application is made in a Scotland division and the child(ren) reside in West Yorkshire then:
- Scotland will be responsible for:

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- Obtaining the initial contact details;
 - Completing the initial checks and ascertaining the risks;
 - Creating an incident log on their command and control systems and transferring it immediately to West Yorkshire Police Force Communications; and
 - Undertaking the face-to-face application and empowerment stages (2 and 3), adhering to the timelines set out in the scheme.
 - West Yorkshire Police will be responsible for:
 - Taking ownership of the application and become the coordinating force (including capturing any information for the monthly data return);
 - Creating an incident log on the West Yorkshire command and control system;
 - Undertaking a full risk assessment;
 - Making a decision regarding potential disclosure;
 - Making any subsequent disclosure; and
 - Liaising with the force where the subject lives (if not West Yorkshire).
 - Where West Yorkshire Police receive an application and the child(ren) live in Scotland, the above roles will be reversed.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Criminal Justice and Immigration Act 2008 inserted section 327A into above the Criminal Justice Act 2003
 - HOC 007/2010 The Child Sex Offender (CSO) Disclosure Scheme
 - Working together to safeguard children
 - HM Government's Child sex offender disclosure scheme guidance
 - ACPO Child sex offender disclosure scheme – national roll out and cross border guidance
 - Multi Agency Public Protection Arrangements (MAPPA) Guidance
 - Data Protection Act 2018
 - Human Rights Act 1998
 - Sarah's Law
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Supporting Information

The supporting information for this policy can be accessed.
