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Child Sex Offender Public Disclosure Scheme: The views of applicants using the English pilot disclosure scheme

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Abstract  A limited Child Sexual Offender Disclosure Scheme was launched in England and Wales in 2009–10. Drawing upon data from an evaluation of the pilot scheme, this paper explores the views of applicants seeking a disclosure. In particular, the paper considers issues around the low take-up, perceptions of satisfaction and more broadly the role of the scheme in providing reassurance to the public about child sexual offenders in the community. Interestingly, while perceptions of satisfaction with the scheme were high, anxieties about child sexual offenders were not necessarily alleviated by the scheme, and in many instances were heightened.

Keywords  Sex offender; public disclosure; risk; applicant

Introduction

The Child Sex Offender Review (CSOR) by the Home Office in 2006–07 recommended a limited scheme to allow members of the public to make applications for disclosure (Home Office, 2007, action 4, p. 11). Subsequently, the Home Office carried out a pilot scheme to allow parents to “register a child-protection interest in a named individual with whom they have a personal relationship and who has regular unsupervised access to their child” (Home Office, 2008). In those cases where the offender has a conviction for child sexual offences and the risk justifies it, there is a presumption for disclosure to the applicant. The scheme was extended during the pilot to cover anyone who has a child protection concern about a named child. Following evaluation of the pilot, the scheme was extended nationally in March 2010, with a further 18 police force areas joining the scheme and all forces joining by August of that year.

This paper examines the views of applicants about the scheme (only partially covered in the evaluation report), and also considers potential reasons for the comparatively low take-up of the scheme by the public. The volume of enquiries and subsequent applications made under the pilot was less than half of the expected volume (a total of 315 from an expected number of 600+). This is in contrast to the perceived media clamour for a “Sarah’s Law” (News of the World, 2000a,b, 2001), and the presumed public appetite for public disclosure.
However, research to establish the extent of public demand for disclosure has been both limited and somewhat ambiguous (McCartan, 2004). In comparing a Northern Irish and English sample, McCartan found that while 64% of the Northern Irish sample supported public disclosure, only 37% of the English sample did (2004). Critcher also found some disjunctive between media claims and campaigns for public disclosure and public support (2003). In addition, it should be noted that the media view of public disclosure is far from uniform, with the tabloids and broadsheets taking broadly different views with coverage ranging from presenting the current debate to supporting a particular line (see, for example: Do we need a “Sarah’s Law?” (www.bbc.co.uk/news, 13 December 2001) versus News of the World, Sign here for Sarah, 30 July, 2000, p. 1).

Examining the views of applicants who did use the scheme is therefore important for a number of reasons. A better understanding of why people use the scheme may enable corrective action to increase take-up. In addition, as actual disclosures are low (in the pilot they numbered just 21\textsuperscript{2}), it is important to determine how applicants view the outcome of using the scheme. Applicants’ views can help us to identify actual and potential barriers to engaging the public in such a scheme and whether we are correct to presume that the public “wants to know”. While this exploration is limited by a lack of comparison to members of the public who did not use the scheme\textsuperscript{3}, a detailed exploration of applicant views still has much to tell us. Before exploring these views, some background to public disclosure and an overview of the scheme is presented.

Background and overview of the Child Sex Offender Public Disclosure Scheme

Child sexual abuse attracts high levels of political and media attention (Kitzinger, 2004; Silverman & Wilson, 2002), and at times has attained the status of a “moral panic” (Thomas, 2005). In recent years the United Kingdom, particularly England and Wales, has seen a series of policy and legislative changes increasing the control, surveillance and regulation of sex offenders (these are summarised in The Child Sex Offender Review; Home Office, 2007). These changes were driven in large part by media debates (Kitzinger, 2004), the inception of the BBC Childwatch programme and the impact of Child Line (Kitzinger, 1999), and the News of the World support for the campaign for a “Sarah’s Law” by Sara Payne, following the murder of her daughter Sarah by Roy Whiting, a known paedophile, in 2000 (Bell, 2002; News of the World 2000a,b, 2001). The role of Sara Payne was particularly significant, culminating in her appointment as the Victims’ Champion in January 2009 by the then Justice Minister, Jack Straw (see: Sara Payne New Victims’ Champion; http://news.bbc.co.uk/1/hi/uk/7850785.stm).

Government reactions to calls for a public disclosure scheme were, however, ambiguous (McCartan, 2004, 2010), with New Labour at times persuaded by the media pressure (Assinder, 2006; Thomas, 2005) and at other times rejecting it on the grounds that public protection would be eroded by “offenders going underground” (Dodd, 2000, p. 1; Thomas, 2005). The critical factor against public disclosure appears to have been the practical difficulties foreseen by the Home Office (see the report by Plotnikoff & Wolfson, 2000), with fears that sex offenders would merely move, become more transient and avoid registration (see Beverley Hughes; www.bbc.co.uk/news, 13 December 2001). Additional concerns that public disclosure would merely become a “vigilante’s charter” were also raised (bbc.co.uk/news, 19 June 2006). The UK government also resisted calls for public disclosure on the grounds that the US-style community notification had not found a reduction in sexual offences (Fitch, 2006), and the use of a US-style “Megan’s Law” was thus rejected (Travis, 2007).
However, the “leniency debate” of 2006 sparked by the sentencing of Craig Sweeney to a life imprisonment tariff term of 5 years and 108 days for the abduction and sexual assault of a three-year-old girl provoked negative media comment and public disquiet (see: Call for stiffer sentence for attacker of girl, 3; www.news.bbc.co.uk; accessed 5 October 2010). This fuelled continued demands for public disclosure (Kemshall, 2008).

The Multi-Agency Public Protection Arrangements (MAPPA) Guidance of 2003 (Home Office, 2003) and further guidance (Home Office, 2004, paras 93–95; and Ministry of Justice, 2007) allowed for MAPPA disclosure to third parties where justified by risk and the needs of public or victim protection (Cann, 2007). This was paralleled by the inclusion of “lay advisers” to the multi-agency public protection panels as a controlled and minimal way of allowing public access to sex offender regulation (Kemshall, 2008). From 2006 a limited use of public disclosure has been used to find high-risk sex offenders who have “gone missing”. This has been through the Child Exploitation and Online Protection Centre’s (CEOP) “Most Wanted” list, with some announcements on TV and radio (www.crimestoppers-uk.org/ceop/; accessed 5 October 2010). This has been restricted to a few cases per year and has had some success in locating missing offenders, and is justified by the risk of significant harm to the public from such offenders. Importantly, these initiatives opened the door to the concept of limited and controlled disclosure.

The parameters of the current public disclosure scheme are tightly drawn. Initially only parents, carers or guardians living in the police force area could make an enquiry, and then only where there was unsupervised access to a child (this was extended to anyone who had a concern in March 2009). Applications are then checked rigorously (see report for full details) before moving on to four possible decision outcomes:

1. Subject not known and no concerns
2. Subject not known and concerns
3. Subject known and concerns
4. Subject known and no concerns

Subsequent disclosure to applicants (in cases 2 and 3) is also carefully managed in terms of when and how this is conducted, and also within clear confidentiality parameters placed on the applicants (see report for full details: http://rds.homeoffice.gov.uk/rds/pdfs10/horr32c.pdf, pp. 34–35 for more information).

The Disclosure Scheme and engaging the public

Several stakeholders within the police environment commented upon the pilot’s potential for developing new participatory ways of working with the public. This move towards greater community engagement in the management of child sexual offenders reflects the increasing emphasis upon re-integrative approaches (see McAlinden, 2006 for a full discussion). More recent debates have highlighted the self-defeating impact of methods rooted in overly restrictive methods (Blandford & Beech, 2011; Her Majesty’s Inspectorate of Probation, 2010; Kemshall, 2008). More recent trends have highlighted the potential usefulness of approaches rooted in the public health paradigm with a greater role for public involvement and shared responsibility in the management of risk (Kemshall, 2008; Kemshall & Wood, 2007).

In this context, the Disclosure Pilots can be viewed alongside other initiatives aimed at engaging the public more actively, including public representation on formal bodies (for example, within MAPPA), direct work with offenders (Circles of Support), help and advice
for victims ("Stop it Now!") and public education pilot projects intended to complement the disclosure scheme (Collins, 2009).

All these mechanisms for involving members of the public stop short of meeting a perceived demand for open public access to information, and of fully transferring responsibility for risk management onto individuals or communities. The vigilante events in Paulsgrove in 2000 may have reinforced the belief of policy makers and practitioners that access to information does not necessarily enable adults to act responsibly (Nash, 2006). Therefore, the current disclosure scheme is based upon the managed sharing of information within the carefully designed parameters described above. In seeking to involve members of the community, organisations such as the police are often concerned with creating new relationships between citizens, communities and the agencies of crime control. These relationships are based on trust and public confidence (Gilling, 2010; Hohl, Bradford, & Stanko, 2010). In relation to policing, engagement with the public has been directed largely at informing the public, gathering views and involving the public in limited decision-making. For example, all police forces have community engagement strategies (Myhill, Yarrow, Dalgleish, & Docking, 2004). The nature of the relationship can shift, depending upon the purpose of involving communities, e.g.:

- mobilising community resources to support the reintegration of offenders into the community (Fox, 2010; Weaver & McNeill, 2010);
- contributing, from local experience, to the decision-making process, shaping policy/practice (Chinery, Raikes, & Hedge, 2006; Farrow & Prior, 2006; Mistry, 2007);
- working with offenders restoratively [Circles of Support and Accountability (COSA)/Referral Orders]; and
- informing and supporting the public (e.g. the Lucy Faithfull Foundation public awareness pilots in 2008–09; Collins, 2009).

To date, policing and engagement with the public has tended to emphasise consultation about, rather than actively shared, responsibility for managing the risks associated with crime.

However, both national and local police stakeholders viewed the Disclosure scheme as a step towards not only informing individuals about risks to their children, but also as a mechanism to help them take personal responsibility for managing that risk. To assist this, disclosure officers both gave advice as part of the disclosure and also left information packs, including material from the Lucy Faithfull Foundation. Within this broader context of engagement it is important to consider possible explanations for the perceived under-take-up of the scheme against projected use, and the extent to which applicants were satisfied with the scheme and their subsequent perceptions of satisfaction. Consideration of the applicant group appears to suggest that the Disclosure scheme was limited in its reach, with particular groups under-represented and with an overall low take-up rate. Furthermore, the process is orientated individually and, by virtue of its emphasis on confidentiality, limits decision-making opportunities for individuals disclosed to and thereby excludes the wider community. On a broader level, it may also resonate with victim studies which indicate that victims want a voice, literally, to be heard but do not necessarily want to take more active responsibility (Wemmers & Cyr, 2006). Examination of who applied under the scheme and whether they were satisfied with the process can give some indication of how far this level of managed communication promotes public engagement and enhance individuals’ capacity to understand and manage their own risk.
Profile of the applicants

A total of 159 applications were reviewed by the research team. Of these, 87% of applicants (133) were parents, guardians or carers of the child(ren) named in the application form. More than half (55%, 67) of applicants were female and 45% (54) were male. A high proportion of forms did not record information relating to the applicant’s gender (38). The ethnicity breakdown reveals that the applicant profile is overwhelmingly white (98%) and the first language of most applicants is English (98%), largely similar to population data from the 2010 census. Most applicants (91%, 123), were registering concerns about men, of mainly white ethnic origin, although applications were made about 12 women and gender was not recorded in 24 cases. Applications were prompted by a range of factors, but “rumours” or third-party information about a person (for example a neighbour), entering a new relationship, or observing the subject’s behaviour were significant prompts.

Ethnicity

Data relating to the ethnicity breakdown of the applicant group (the majority being white English-speakers) needs to be placed within a wider context. For example, the limited statistics relating to the prevalence of child sex offending among minority ethnic groups suggest that only a very small minority of this sexual offending is related to children (see figures quoted in Cowburn, 2008). There are also indications that the disclosure of sexual abuse for individuals in certain communities with strong family social bonds may be particularly difficult (Gilligan & Akhtar, 2006; NSPCC, 2010; Owen & Statham, 2009). This echoes the findings of Prior et al. (2006), who argue that the nature of some communities makes a difference to their perceptions of the police and to how they resolve difficulties. They point out that the large and concentrated nature of South Asian communities in British cities allows them to perpetuate cultural identities and makes them strongly bonded as a community, but with weak ties with those in power and authority outside the community. Additionally, there may be other explanations relating to how communities respond more generally to authorities, including different expectations regarding behaviour towards others; ways of dealing with behaviour within the community; poor knowledge about to whom to complain; and lower levels of trust in the agencies to whom the complaint would be made (Prior et al., 2006; SCIE, 2008). Such issues may also affect other vulnerable or disempowered communities. Finally, there may be something about the nature of the enquiry—its intimate focus, for example—which could deter some individuals (existing partners) from making applications (this is discussed in more detail below).

Role of applicant and gender

Just over half (55%, 67) of applicants were female and 45% (54) were male. This broad gender balance might reflect the fact that women tend to take more of the child care responsibilities than men, both in single- and two-parent households. Generally, men also tend to be less involved in safeguarding/child protection activities than do women (Scourfield, 2006). However, the discrepancy between the two groups is not so great as to suggest that men are significantly disengaged from the services offered.

More interesting, perhaps, is to look at the different reasons why applications were made and consider whether there is any correlation between motivation and gender or role of the individual. Ninety-one per cent (123) of applicants registered concerns about men, of mainly
white ethnic origin. Just under half of applications (48%) were made about ex-partners’ new partners (27, 17%), neighbours (25, 16%) or family members/friends of family members (25, 16%). If, for example, the 17% enquiring about ex-partners’ new partners were predominantly male (separated fathers), this might raise questions about how the scheme was viewed by individuals, dependent upon their gender and the context of their relationship with the child concerned.

Motivations and barriers to using the Disclosure Scheme

The influence of communal expectations, experience with public authorities and confidence that they will be treated fairly are all likely to influence the take-up of services. The detail of interviews suggests that the response and levels of satisfaction with both the process and its outcome was associated with what applicants themselves brought to the process in terms of their expectations and prior knowledge. Take-up of the scheme requires a motivation to enquire/apply rooted in a complex interaction between the concerns the individual has and their perception of the risk; the perceived benefits of an application; and the barriers or obstacles that are placed in their way. While the evaluation did not compare those who applied with those who could have applied but did not, the interview transcripts provide a rich source of data. These data about applicants’ understanding of the pilot, how they found out about it and accounts of their experiences as they went through the process allow some preliminary inferences to be drawn about potential barriers, concerns and motivations to engage with the disclosure scheme. A number of key themes can be identified:

- the practicalities of making an enquiry/application, including applicants’ initial understanding of the scheme from marketing material;
- the process itself, including their prior knowledge and expectation of the scheme and how they experienced initial contact with the police about their local scheme;
- the support and advice they received from significant others to make the application;
- the individual motivations they had for using the Disclosure Scheme;
- specific concerns that individuals had, but also the role of generalised concerns about sexual offenders and a “generalised anxiety” about paedophiles; and
- feelings of confidence or anxiety about using the scheme.

The majority of applicants heard about the pilot through local radio and newspapers, one through a letter home from school and others only found out about the scheme when they contacted their local police station for advice. For some applicants the media did not provide sufficient practical information, such as telephone numbers, and they had to take additional steps to find this out. A website was mentioned by some applicants and, once they were aware of it, they found it helpful, sometimes to make an initial e-mail enquiry but often just to provide contact details. However, dependence on web-based materials is likely to further disadvantage “socially disadvantaged” groups without routine access to the internet. Some people also found access to the scheme via local police stations a daunting proposition, and the initial response of police officers could either assist an applicant to continue with their application: “When the lady first answered the telephone she did say I was one of the first to ring … But she knew what to do … it was helpful”, or be experienced as discouraging: “talking to the police it was kind of spooky and it freaked me out quite a lot”. The ease of the process was clearly crucial for some applicants in allowing them to proceed, including how they were treated initially by police personnel (discussed above). Practical information is also
clearly important; it makes the process more straightforward to negotiate and avoids placing additional obstacles for those who are already worried.

The interviews indicate that, while significant, the media should not be the only source of information. Indeed, one applicant mentioned a lack of trust in the media as a source of unbiased information, and clearly it was more difficult for media sources such as radio to communicate sufficient practical details. Hohl et al. (2010) found that a newsletter about local policing in an area was helpful in building public confidence and trust in the police more generally, at least in the short term. In the future, information about the scheme could be included in such initiatives. One applicant suggested that publicity in places such as schools and doctors’ surgeries would be more helpful, based upon greater trust in those sources, even though in this case she was prompted to call by a radio piece. Given the importance of trusted advisers for some (discussed further below), the role of those working in key jobs in schools, health and personal social services as sources of information about the process may need further development.

Applicants had varying levels of prior knowledge and understanding about what the process would entail. Interestingly, they also varied in their opinions about this. Some saw low prior knowledge as unproblematic. In essence, they are not then “put off” by knowing about the extent of the background checks on them and the amount of “paperwork” that is required, although they commented on this retrospectively in the interviews as being more burdensome and off-putting than expected. A minority were making an application because of their professional responsibilities; for example, the manager of a community centre. At least one of those applicants felt clear about what they might achieve from an application, but less so about the process itself. One of the “professional” applicants mentioned her guilt at making an enquiry about someone she did not know, although this was overridden by her sense of responsibility to the children and parents with whom she worked. In these circumstances the disclosure scheme was seen as easier to use and access than existing child protection procedures. The quality of the initial contact with the scheme was crucial to applicant perceptions of police professionalism and satisfaction with the scheme, a finding supported by the Scottish pilot evaluation (Chan, Homes, Murray, & Treanor, 2010).

Several applicants made contact with the support or advice of others. Some were informed about the scheme through personal contacts, friends and relatives, some of whom had some particular knowledge (for example, one was a special constable). Where this personal support was a factor it seems to have been of significance in both providing practical advice but also in helping applicants feel confident in their actions (a view supported by the research of Kitzinger [2004]). Others mentioned social workers, one suggesting that previous experience with social workers made it easier for her to make approaches to official bodies and therefore to go to the police station herself, indicating that the knowledge, conduct and attitudes of others outside the police can be of significance [see also Kitzinger (2004) on risk responses to paedophilia]. By contrast, another applicant felt that social services did not take her concerns seriously and compared this with the helpful approach of the disclosure team. Those making applications about current or ex-partners are particularly concerned about confidentiality and anonymity.

The motivations for applicants to use the scheme are varied and highly individualised, although a number of key strands are indicated here. For a minority, previous experiences of sexual abuse were mentioned. One applicant described the previous abuse of her elder daughter as making her hypervigilant. Other applicants clearly articulated understandings of their responsibilities—for example, one applicant concerned about a children’s sports club and another who was acting as an advocate for a child in court proceedings. The motivations of those making applications about neighbours were mixed. Some had a specific reason, for
example choosing a child minder, for others it related to a generalised anxiety about the
behaviour of a particular individual, such as approaching children at a playground. The
scheme allowed them an outlet for those worries, thus validating their “right” to be anxious.
We have already highlighted the relatively high proportion of applicants enquiring about their
ex-partners. These interviews were often characterised by a sense of heightened emotion
which makes it harder to be sure about individual motivations, although one father was very
clear that he had to overcome what he saw as initially negative responses from the police
because, “as my son’s father”, he had to see it through.

A broader generalised anxiety about sex offenders, particularly paedophiles, formed the
backdrop to the applicant interviews, and when asked for their views applicants expressed
general concerns and anxieties about sex offenders, including the difficulty of identifying who
they might be and the risks they might pose. This more generalised anxiety might suggest that
the project should not stand alone but should be part of wider approaches, increasing real
understandings of sex offender risks within the community (see also Blandford & Beech,
2011; Kemshall, 2008). This was a view taken by several stakeholders interviewed during the
evaluation and informed the public education pilot scheme. The low level of take-up,
recorded in relation to activities designed to inform and raise public awareness (Collins,
2009), suggests that to raise and sustain generalised public knowledge about child sexual
abuse may continue to be a challenge, especially in relation to the ongoing marketing of the
disclosure scheme.

The “conversion rate” serves as a limited indicator of this generalised anxiety, but also of
the potential resource cost if left unchecked. The conversion rate is the number of enquiries
that subsequently become a valid application under the scheme’s criteria, and then how many
applications become disclosures. Both of these varied significantly between pilot police
areas10. For the future, a challenge will be to generate enquiries that are more likely to meet
the criteria and be progressed as an application, leading to a disclosure. This indicates the
importance of applicants who understand the process, but who can also channel their
generalised anxiety appropriately.

The interview transcripts indicate that while some applicants were clear and confident at
the outset, others found the process a worrying one. Worries were generally linked to:

- the anonymity or confidentiality of the application;
- what contact with the police might entail;
- the potential for social services to become involved, especially in the case of
  applications about family members and partners; and
- the potential repercussions for the applicant.

We do not know whether similar worries deterred other potential applicants and whether
among those deterred were applications where disclosure would have resulted. In our sample,
worries were outweighed by a number of factors including:

- a sense of responsibility and/or concern for child(ren);
- a greater worry about a potential risk; or
- support from other family members or friends.

In this sense, applicants weighed up the costs and benefits of using the scheme, although
it could be argued that a process that has some difficulties will attract the most motivated.
They may also be those most likely to pursue an application and include those applicants
facing situations most likely to lead to disclosure. This presents some challenges for increasing
the representativeness of the scheme.

The analysis of the composition of applicants indicates some difficulties with representa-
tion, and some of the potential reasons have already been explored. Because these interviews
were with applicants who had pursued their enquiry they provide few data to take this further,
although one applicant raised a concern that the complexity of the process would
disadvantage less capable citizens; for example, those with learning difficulties. This is an
important consideration, not just for this project (see, for example, SCIE [2008] for similar
concerns about inclusive participation in social care). The under-representation of BME and
“socially disadvantaged” groups has already been discussed. The role and impact of anxiety
upon applicants approaching and using the scheme is discussed in more detail in the next
section.

Anxieties for applicants arising from using the Disclosure Scheme

In considering the barriers to the making of applications the anxiety of applicants was a critical
element, and it remained significant throughout their experience of the disclosure scheme
(Chan et al., 2010; Kemshall et al., 2010). Therefore, it is important to consider applicant
experiences not just in making an enquiry but throughout the process to its conclusion, and
the impact they can actually (and potentially) have on applicants’ levels of anxiety, their
perceptions of risk and on their sense of self-efficacy in managing risks. Does the emotional
response to the perceived threat represent an accurate perception of the extent and likelihood
of the threat? To what extent does the anxiety found here represent what Jackson and Gray
(2010) term “functional fear” that motivates appropriate action to reduce risk, or is it a
reflection of “generalised anxiety” about paedophilia?

The extant research literature on the perceptions and experiences of victims is helpful in
this context. Although applicants may not have been victims of any crime there are some
parallels, particularly on perceptions and responses to police service delivery. Wemmers and
Cyr (2006), in a study of victim–offender mediation, note the importance of fairness in
situations of uncertainty, and similar considerations have some substance here. Work with
victims suggests that satisfaction with the criminal justice system is not only about outcome,
i.e. the sentence given to the offender, but about the process and their part in it as victims.
That idea has some resonance with our findings. Given that the majority of the applications
did not result in a disclosure (only 21 were actually made from 315 applications processed),
applicants’ experiences of the process overall was satisfactory, so that even when applicants
remained in a condition of uncertainty after application many remained supportive of the
pilots. For these applicants it was the experience of the process itself that was important,
although applicants were left with a generalised anxiety about child sex offender risks. In
victim studies the following components have been found to be important for perceptions of
fairness: voice, respect, trust, neutrality and, possibly, time. These concepts can help to make
sense of some of the findings from applicants in this study.

The quality of treatment given to the applicants, including active listening, respect,
fairness and integrity of service delivery, were all key components in applicants’ perceptions of
satisfaction with the scheme. These qualities are associated by Rix, Joshua, Maguire, and
Morton (2009), with higher levels of satisfaction with the police more generally. Positive
comments are made about the police involved in the disclosure process; in particular, their
professionalism, availability and ability to reassure were important:
they said they would ring between 6 and 7 they rung between 6 and 7... They said they’d get back to us, if there was a worry they will be back to you as soon as possible, which it was, the next day they were back and they understood our concerns and they were sympathetic.

Where this was absent, it influenced applicants’ levels of anxiety; for example, one applicant could not get through on the telephone for additional reassurance, and in one situation where the process was not followed through an applicant concluded that:

...the police can’t be relied upon. You have to take responsibility yourself.

The time that officers were able to commit to the process was also significant; the knowledge that the police were available throughout, willingness to come and see someone again to discuss concerns and willingness to go over it as often as the applicant needed were all commented upon.

Applicants also valued their sense of involvement in a helpful process, particularly to manage their feelings of anxiety and uncertainty. The scheme also provided a route to challenge those anxieties into an enquiry, and provided direct communication from the police about the situation or person of concern. In this sense, the scheme gave individuals voice (albeit limited), although the extent to which the public are partners in a mutual exchange of information is a moot point. The current project is intended to increase the voice of individuals in the community, and in making an application they are sharing information with decision makers. However, the parameters of the scheme are limited, and professional information-sharing back to individuals and communities is controlled carefully. Notwithstanding this, the favourable responses from applicants about the pilot were rooted largely in an appreciation that this route is now available to them. It remains to be seen whether this perception continues once the scheme is no longer a pilot and if it becomes more of a routine expectation. However, as Gilling (2010, p. 1151) states, public confidence in the criminal justice may be “more dependent on perceptions of procedural fairness than it is upon crime control efficacy”.

Quality of treatment and professionalism in the process also contributed to applicants’ perceptions of trust, with applicants both trusting the aims of the scheme and the staff delivering it. One applicant felt reassured that she had “handed it over to the professionals”, and another talked about being reassured that the “police are doing something”. The quality of the interaction and the time given by the police were linked closely to the sense in which the applicants trusted the intentions behind the project. Interestingly, Rix et al. (2009) suggests that this may be equally true for the police, whose quality of delivery may be influenced by their belief in a scheme.

Where applicants felt that they were not responded to with sympathy or that the police had little time for them they were less confident in the process as a whole. One applicant who had wanted information about violence felt anxious that decisions were left with the police, whom he believed might have different thresholds of acceptability. Sometimes, the pilot staff’s behaviour was contrasted favourably to that of other police officers, with applicants mentioning negative responses from the local police. One applicant felt that the initial reaction from the police at the start of the application left him feeling a nuisance and worried that he was being paranoid. Where there was confusion between professionals dealing with the process, applicants found the process more worrying.

Fairness and respect engender trust, and professional conduct enhances confidence. Neutrality and impartiality have also been linked to trust, including the trust that the public
have in professionals managing and regulating risk (Slovic, 2000; Taylor-Gooby, 2000). The concept of neutrality relates to the sense that impartial decisions are being made based on the facts. However, where such decision-making lacks transparency, trust can be strained and the expertise of professionals can be doubted (Taylor-Gooby, 2000). One of the difficulties for this project was that in the majority of cases there was no disclosure, but applicants may not necessarily have been clear as how that non-disclosure was arrived at or lacked reassurance that no disclosure meant no risk. Part of the difficulty is the uncertainty that comes with judgements about risk, as it is not possible to prove in any absolute sense what might happen in the future, and disclosure officers did not (or could not) leave applicants with blanket messages that no disclosure meant there was no possibility of a future risk. This was compounded by the remit of the pilot, which could only ever offer partial reassurance. If an individual’s behaviour was causing concern, it was not necessarily removed by being told there was nothing to disclose. Applicants remained worried that all they had learnt was what was officially known, or they worried that some other form of behaviour not covered by the scheme (violence, for example) may be a factor. How these doubts and anxieties were handled by the police appeared to make a difference.

One applicant was told the result over the telephone and described the use of ambiguous language by the police officer, which seemed to hint that there was some cause for concern. This applicant found the “nothing to disclose” message and the attendant ambiguity hard to deal with. Another applicant, when presented with similar ambiguity, still felt that “something was not quite right” (there was evidence of a continuing concern about the subject of the enquiry) and felt that they should have been given more information, perhaps beyond the parameters of the scheme. Overall, there was a sense that once disclosure either had or had not resulted, the process ended. However, applicants, particularly those not offered a structured and specific response to risk, were left uncertain.

Where there was a disclosure it did not always reduce anxiety, particularly when personal relationships were involved. Disclosure to a centre manager and to the applicant from a children’s sports club was largely helpful in reducing anxiety because it allowed them to feel that there were clear courses of action they could follow. These actions were largely commensurate with their professional role. Disclosures in more personal scenarios could be more problematic. For applicants with a disclosure that had a fairly definite outcome that they could implement (i.e. ending access to children from partners they had met recently, or ending “grooming” relationships), applicants could feel reassured. Other individuals were left anxious about how to manage ongoing situations, for example about access to children from an ex-partner. This indicates that attention needs to be paid to the quality of implementation and to how applicants are supported to move on, whether or not there has been a disclosure, including help to identify constructive measures to manage the risk.

Concluding comments: The impact on applicants’ understanding of, and ability to, respond to risk?

The disclosure scheme, while aimed at alleviating anxiety about child sexual offending risks, actually had the paradoxical effect of increasing anxiety about future risks. Where there was a disclosure, applicants were left feeling more aware of risks than previously but were not always well equipped to manage such risks. This resulted in slightly ambiguous and more anxious feelings than prior to the application. While applicants were generally more positive about the police, they were actually left more cautious and risk-averse. One applicant who was happy with the outcome of the disclosure was reassured by the scheme, but more aware of “just
normal-looking people” who might pose a risk to children. As already discussed, increased awareness must be accompanied by the ability to take concrete steps to manage risks, otherwise applicants may simply be left to worry more.

Where there was no disclosure, applicants at the outset felt reassured that the police were actively interested and “doing something”. However, at the end of the process applicants were left with their original concerns and were challenged by a sense of uncertainty and potential risk possibilities. One applicant, who was reassured initially by the time of the research interview, was again thinking of moving house because of a neighbour’s behaviour even though there was no disclosure. The experience did not appear to have helped most applicants develop a clear approach to weighing-up likelihood and potential harm. Anxieties had risen, but risk assessment knowledge and skills remained undeveloped. In Jackson and Gray’s (2010) terminology it did not necessarily raise levels of “functional fear”, albeit applicants were satisfied with their experience of the scheme and with the police officers with whom they dealt.

It was a minority of applicants, often those with a professional role or those involved with community groups, who seemed to have thought through the issues with some clarity beyond their own immediate situation, whether or not there was a disclosure; this may suggest that those applicants responding to risk in a professional capacity are the most able to deploy “functional fear”. Applicants with a clear course of action to follow were the most reassured. This indicates that further attention should be given to the advice and guidance given at the end of the process.

In this sense, public expectations of the scheme and the private reality were somewhat “at odds”, and the “rules” of the scheme, designed largely to control disclosure and reduce public anxiety, actually contributed to an increase in individual anxieties which, in many cases, did not produce clear risk management strategies for the applicant. The scheme did not necessarily reduce public anxieties so much as displace them to the individual realm, where they were more easily contained and managed. This raises important issues for politicians, policy makers and practitioners alike. How can public awareness be raised and sustained in a manner that results in practical and helpful risk management strategies rather than contributing to a “generalised anxiety”? In essence, how to create “functional fear” rather than a “dysfunctional anxiety”? This research indicates that such schemes must be constructed with care and contain clear messages and advice about how to respond to risk, whatever the disclosure outcome for the applicant. Schemes must enable individuals to be alert to, and to manage, risks in their own lives. Provision of an enquiry route and an information-giving service without this may only add to the “dysfunctional fear” of applicants over the long term. Disclosure schemes may also serve to disappoint, both in terms of targeting “at-risk” populations and in terms of engaging the public, but also in terms of broader public confidence, reassurance and “functional fear” in respect of child sexual offending risks.

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Notes

1. An applicant is a person eligible to make an application under the scheme, and whose enquiry meets the criteria and is justified in terms of immediate risk. A total of 315 applications were made overall, with 159 submitted to the
research team for detailed analysis. In addition, some 43 applicants were interviewed, including eight who had received a disclosure.

2. With a further 11 made as non-pilot disclosures; that is, involving information not relating to convictions for child sexual offences.


4. There are actually a number of forms of community notification or public disclosure in the United States (see Cohen & Jeglic, 2007, p. 374), a difference sometimes overlooked in critiques of the concept.

5. As would be expected, given the initial remit of the pilot to provide parents, carers or guardians with a formal mechanism to register concerns about individuals.

6. One area in particular, area B, did not record the gender of the applicant.

7. Although based only on 50% of completed forms, these figures are similar to 2001 census data for each of the areas, which shows that minority ethnic populations make up 5% (area A), 1% (area B), 6% (area C) and 10% (area D) of total populations.

8. Applications were made about 12 women and gender was not recorded in 24 cases (Kemshall et al., 2010).

9. This was methodologically unviable given the nature of the scheme and the evaluation, and detailed exploration of motivations were limited due to the nature, timing and coverage of the interviews—1 hour in length, with topic coverage informed primarily by the evaluation specification.

10. Area C achieved a 30% conversion rate of enquiries to applications, while Area D achieved 69%. Area C achieved a conversion rate of applications to disclosure of 12%, and Area D achieved a 4% conversion rate.

References


Her Majesty’s Inspectorate of Probation (HMIP) and Her Majesty’s Inspectorate of Constabulary (HMIC). (2010). *Restriction and rehabilitation: Getting the mix right.* London: Home Office.


