

## **Understanding Sex Offender disclosure in Wales: Devolution, Context, and Partnership Networks**

**Seminar held on Friday 28<sup>th</sup> September 2012**

**Committee Rooms, Glamorgan Building (School of Social Sciences), Cardiff University.**

The Knowledge Exchange Network and Cardiff School of Social Sciences hosted a seminar event for policy-makers, academics, prison and probation service staff, social services staff, and third sector organisations to discuss the impact of the child sex offender disclosure scheme in Wales.

### **The purpose of the Welsh event was to:**

- Discuss the reality of sex offender disclosure in Wales, drawing specifically on cultural/social/economic differences in rural and urban contexts.
- Identify the disclosure schemes contribution to existing local network, partnerships and multi-agency public protection arrangements (MAPPA) throughout Wales.
- Share learning and best practice on access, targeting and marketing strategies.
- Address the impact of devolution and its links to 'shared' Criminal justice services.

The event consisted of a morning of presentations from academics, policy makers and practitioners in order to showcase current research and practice on sex offender disclosure and management in Wales.

Dr Sally Holland started the morning by talking specifically about her findings relating to 'collective parenting cultures' in Wales. Dr Kirsty Hudson then presented data collated from MAPPA area reports over a seven year period, across England and Wales. Information specific to the four Welsh MAPPA areas were examined, where possible, in order to discuss issues of consistency and the implications that this might hold for public disclosure. Jan Pickles OBE then explored how the disclosure scheme fits in with current child protection procedures and policies in Wales. These presentations were then followed by three presentations by those with firsthand experience of the disclosure scheme. DCI Kath Pritchard discussed disclosure from a police perspective; Janet Houton spoke about how disclosure worked within MAPPA; and finally Juliet Ennis explored the impact that disclosure has on those convicted of sexual offences through her work with Circles of Support and Accountability (COSA). All the presentations can be found on our website:

<http://www1.uwe.ac.uk/hls/research/sexoffenderpublicdisclosure.aspx>.

The afternoon provided delegates with the opportunity to develop key themes, exchange best practice, and consolidate outcomes on emerging areas in public disclosure within four workshop sessions. Each workshop ran twice, allowing delegates to attend two workshops throughout the course of the day. The themes and outcomes of these workshops are summarised below. These represent the views gathered from the two workshop sessions on each theme and do not necessarily represent the views of all present.

1. **Sex offender disclosure, added value to public protection?** Chaired by Jan Houton (Wales probation) and Marcella Leonard (PPANI)

The main aim of this workshop was to consider implications and ‘fit’ of the disclosure scheme with existing processes which seek to safeguard both children and adults. In short the disclosure scheme was seen to add value to public protection in the following ways:

- The scheme catches those people who may not be subject to MAPPA.
- The scheme improves intelligence and increases community confidence in their safety.

The main benefit was however seen to be that it allowed the public to ask.

The groups also recognised that professionals working within public protection were now more comfortable with the scheme, primarily because it has not proven to be the avalanche of queries which was predicted. This was put down to a lack of media interest, despite the initial media demand for the scheme. There was however also the sense that the public were still not aware that such a scheme was in place despite significant input into public awareness. This can be evidence in the relatively poor uptake. A key question was therefore raised: Is the low number of applications really an issue? (This was discussed at the end of the day and is commented on below).

In terms of the impact of the scheme on those convicted of a sexual offence, the scheme seemed to be managing their concerns very well, and had not negatively affected their reintegration into the community.

There was however some concern about the messages that the disclosure scheme could be seen to reinforce. This was particularly seen to be a concern in cases where no disclosure is made but where there is useful intelligence, or where the individual has convictions that fall outside the scheme. For example, if the individual has a conviction of a sexual offence against an adult, then a disclosure will

not be made through this scheme. It was recognised that this creates the assumption that an adult sex offender will not offend against a child and vice versa which is inaccurate and could put a child at risk. The workshops thus recognised that the disclosure scheme could contribute to public protection outside the realms of sexual violence against children, for example, Domestic Violence cases, or where the risk is not to a child but to a vulnerable adult or adult. Information sharing and the use of other legislation to allow disclosure was therefore recognised as paramount in the wider public protection issues.

**2. Access and targeting, sex offender disclosure and public engagement.** Chaired by Willie Manson (Stop It Now Scotland) and Jan Pickles (NSPCC)

A number of pertinent questions were addressed within this workshop and are summarised below:

*How are the public informed about the disclosure scheme in Wales? Is the labelling/branding of the scheme appropriate?*

Many of the participants in the workshops were unaware of how the scheme works pointing to a lack of public awareness and a lack of publicity in Wales about the scheme. It was also recognised that the disclosure scheme needed to be part of a bigger child protection agenda. Stop It Now Scotland are looking at ways of publicising a process when this should be part of a general child protection campaign, which may be of interest to those involved in public protection in Wales.

*What are the barriers to public engagement?*

There are barriers; people in some areas/communities don't want to talk about this subject matter. Similarly, some communities will not want to take responsibility for child protection and may be quite happy that the police and social services have this role. In some BME communities for example, there is resistance to allowing people from outside that community to come in particularly given the subject matter. The need to balance awareness raising whilst being careful not to cause panic was therefore seen to be vital to the schemes success.

Political influence and politics was also seen to be a potential barrier. The group argued that child protection should be a thread which runs throughout public life. In contrast they recognised that some politicians did not get this and/or did not see how it could fit within their area of responsibility. It was thus felt that the provision of accurate information to elected members may help to dispel

some of the myths that are perpetuated by these people. Presentations to local councillors were put forward as one possible way of achieving this.

*Does the scheme better inform the public about sex offending and sex offender management?*

The conclusions from the group were that the disclosure scheme does not really have much to do with the management of sex offenders and in fact reinforces the stereotype that strangers are a danger when in fact the real risk is within the family or from people the child knows. Education about the scheme and child protection was seen to be a responsibility of the police. The group therefore questioned why this was the case, when there are trained education professionals who would surely be better placed to deliver the messages?

*Does the scheme reduce public anxieties around sexual violence?*

The group pointed to the need for research into what kinds of behaviours cause people to apply to the scheme. For example, what kind of behaviours are displayed by adults which cause parents to be concerned enough to contact the police?

*Does the scheme help the public understand the management of sex offenders in the community?*

Does the scheme reduce public anxiety; the group accepted that this could go either way but concluded 'probably not'. Some government schemes were seen to perpetuate the stereotypical sex offender which was considered unhelpful. The groups therefore saw the need for proper public engagement to reduce public anxiety, where the scheme becomes a part of a general child protection message. An explanation of the benefits of Circles of Support and Accountability was recognised as a step in the right direction, but it was also accepted that COSA is not always politically acceptable. The point was made that it is very difficult to talk about sexual violence with members of the public. Despite this, the groups recognised the need for more public reassurance about risk.

### **3. Sex offender disclosure and the broader management of sex offenders.** Chaired by Hazel Kemshall (De Montfort University) and Juliet Ennis (Circles UK)

The groups noted that there had always been disclosure of some sort prior to the scheme, for example via MAPPA or by supervisors, or by self disclosure. Impact on compliance was seen as minimal, and that generally RSOs were a compliant group. The point was made that RSOs are largely self regulating whilst on licence or supervision, but that post licence disclosure could add value. It was also noted that disclosure had little impact on compliance.

An example of disclosure for under 18s applying to a college course was given, the disclosure is made and assessed by a panel, prior to the admissions interview and is kept separate from that to enable applicants access to a 'level playing field'. The stage at which you can leave your past behind, and when convictions are spent and disclosure would not be required was also discussed. The requirement to always disclose may itself work against desistance.

The participants also discussed accountability and support, and how these two roles are balanced by support workers and by volunteers.

The groups noted the misplaced anxiety by statutory workers about disclosure and legal rights. The outcome of the judicial review in October 2012 was seen as important.

Finally, the low take up of the disclosure scheme was noted, but there was a recognition that this might actually be appropriate and beneficial.

Key points from the workshops sessions:

- Under 18s are exempt at present, but when they become over 18 an application and a disclosure could be made on an historic offence.
- Different communities may react differently to disclosure, and 'tight' communities already know about and recognise strangers quickly, or know about other community members.
- There is still uncertainty about disclosure in statutory agencies who fear challenges under ECHR.
- If reintegration has been achieved is there potential for disclosure to unsettle or undermine this?
- Decisions to disclose have to be proportionate, justified, and recorded.

#### 4. **Policing disclosure in Wales.** Chaired by Kath Pritchard (South Wales Police) and Kieran McCartan (UWE)

These groups discussed the reality of policing public disclosure in Wales, and although the scheme does not have a great take up by the public there was a feeling that the scheme was well managed by the police. The participants felt that there was good information sharing between the four police

forces in Wales, as well as between the police and other relevant criminal justice agencies, which made the identification and community management of known sex offenders effective.

The participants were also interested in the low take up of the scheme in Wales, with three of the four police forces having low numbers of applicants and the remaining one having more applicants, but that this again was low. The participants discussed whether this was about public trust in the police, that the public were uninformed of the scheme or if they just saw the scheme as something to use if (and when) needed. The participants felt that the low take up, good police practice and the lack of trouble post disclosures meant that policing the scheme in Wales was effective.

## KEY QUESTIONS

A number of key questions came out of the day, some of which will be discussed in more detail below:

### ❖ **Is the low number of enquiries to the disclosure scheme an issue? Should we be concerned?**

The low take up for the disclosure scheme is often equated with failure of some form i.e. that the scheme it is not working, or not working as effectively as it could be. However throughout the course of the day a new question was asked: Does this matter? Is the low number of enquiries necessarily a sign that something is not working?

It was noted that the low take up of the disclosure scheme might actually be appropriate and beneficial (Workshop 3).

In terms of the added value that the scheme provides to public protection, there was an acceptance that the scheme was more likely to 'catch' individuals who may not be subject to MAPP (Workshop 1). It was noted that professionals working with offenders subject to MAPP *should* be aware of their circumstances; whether they are in a new relationship; or of any changes that might impact on their risk. It was also accepted that offenders subject to MAPP were more likely to self regulate. Consequently, the low take up could be seen as an indication that MAPP was working well. Perhaps then, better questions to ask are those that were raised in workshop 2: What kinds of behaviours cause people to apply to the scheme, and what kind of behaviours are displayed by adults which cause parents to be concerned enough to contact the police? Arguably more research into these questions may hold more insight into the effectiveness/ added value of the scheme as opposed to the rate of take up.

❖ **What 'more' can be done to integrate those convicted of sexual offences into communities?**

The answer put forward was more public engagement. The difficulties attached with talking to the public about sexual violence have already been discussed in the summary for workshop 2. Crucially the lack of policy backing, at least **publically** was seen as a barrier to improving public awareness about the issues surrounding sexual offenders, sexual offending, and the management of those convicted of such crime.

❖ **Who should be responsible for public education about the disclosure scheme and child protection?**

Following on from the previous question, it was felt that to increase the added value of the disclosure scheme it had to become part of a general child protection message and form a bigger child protection agenda. Some argued that this agenda needed to be embedded within a public health approach. Indeed, the point was made that *social control* needs to move to *social change*. The difficulty of accomplishing this within Wales, given that it does not have the opportunity to develop its own distinctive approach to criminal justice, was recognised as a potential barrier to change.