

## Individuals That Pose a Risk to Children – Flagging Procedure

### Introduction

The term 'Schedule One Offender' is no longer in use and has been replaced by 'individuals that pose a risk to children'. In order to support the effective safeguarding of children and young people in Kingston, who come into contact with the Directorate of Safeguarding and Children's Services a system is being introduced for flagging individuals that pose a risk to children. There are 3 categories of flagging. These are;

- Category 1 - Hazards*
- Category 2 - Individuals against whom there are unresolved allegations of child abuse*
- Category 3 - Individuals known to pose a risk to children*

This procedure outlines the process of flagging individuals.

### Definitions of Terms

#### Hazards

These are individuals, households or circumstances which may pose a risk to any professional having contact with or visiting a service user. The group includes:

- Persons known to be violent
- A household with a dangerous dog
- A property in an unsafe condition

#### Persons against whom there are unresolved allegations of abuse against a child or young person

This group includes:

- A person against whom there is an allegation of child abuse
- A person who is the subject of an investigation under Section 47 of the Children Act 1989
- A person whom a child protection conference believes may pose a risk to children
- A person who has been the subject of a Multi Agency Protection Panel assessment / discussion

#### Persons known to pose a risk to children

This category primarily includes individuals that have committed an offence against a child.

The conclusion that an individual poses a 'Risk to Children' should be based on all available information including that provided by relevant agencies, such as assessments of risk made by Probation, Police, Health, whether individually or via the Multi-Agency Public Protection Arrangements (MAPPA).

A person defined as a known risk to children is notified to the Local Authority by the Police, Probation or Prison Service.

Annex A contains a consolidated list of offences which might be committed against children. The list identifies the major offences against children currently on the statute.

When using the list of offences please note, however, the following important points:

- The list at annex A carries with it no statutory requirements. It is simply a list of the major offences that might be committed against children. Schedule One of the Children and Young Persons Act has not actually been repealed or amended
- It is not an exhaustive list. There are also other types of offences on the statute where the child may be an intended victim but the primary offence is not a child specific offence (i.e. Telecommunications offences – obscene text messages; harassment etc.). In addition, new offences may be created by new legislation. Practitioners need to exercise their professional judgement in all instances.
- Some of the offences may only indicate a risk to children in certain circumstances. Again, practitioners need to exercise their professional judgement in these instances.
- Not all convicted/cautioned individuals will pose a risk to children. Also there will be cases where a person without a conviction may pose a risk to children.
- This is not a new directive. There are no changes to existing inter-agency procedures and child protection procedures, which should be followed as before.
- The prison service will continue to notify the police, probation and social services prior to the release of an identified offender. The present process will remain unchanged.
- The list includes both current and repealed offences. This is due to the fact that many offenders will have been convicted prior to the introduction of new legislation, such as the Sexual Offences Act 2003.

**Operational Procedure for all Categories:**

<b>Step</b>	<b>Action</b>	<b>Responsibility</b>
Person identified	Agree the categorization of the hazard with Team Manager and inform CP Administrator.	Social Worker
Complete CP1	All hazards recorded must have an associated CP1 (unless Category 3 – see below)	Social Worker
Update IT system	Flag hazard against any associated person/s and addresses.	CP Administrator
Review status of person every 6 months.	When the alert is received by the CP Administrator they should contact the associated professional and ask them to confirm the current status.	CP Administrator & Associated Professional

Alongside the operational procedure outlined above, further steps must be taken when dealing with persons defined under Categories 2 and 3.

**Category 2 – Persons against whom there are unresolved allegations of abuse against a child or young person**

- To include a person/s in this group, the decision at the point the CP1 is completed must be agreed with a Team Manager
- The decision must be reviewed at each stage of the child protection process

*Note: the decision to end a child protection process should not automatically remove a person from this group*

**Category 3 – Persons known to pose a ‘Risk to Children’**

- A person defined as a known risk to children is notified to the Local Authority by the Police, Probation or Prison service
- Any person/s to be included in this group must be the subject of a completed CP1 where there is a current associated child/ren. Where there is no current associated child/ren the person’s name and address must be recorded with a specified category

## **General**

When search for a child the IT system will alert you to any people with associated Category 1, 2 or 3 flags.

The data inputter for all of the above information will be the CP administrator, and the authoriser will be the Safeguarding Service Manager and the Child Protection Service Manager.

## **Management Information:**

Reports – The IT system can produce reports of all flagged persons by;

- i. Category
- ii. Date of Initial Recording
- iii. Review due date
- iv. Notifications.

## Appendix 1

**List of offences (chronological)**

<b>Offence</b>	<b>Section</b>	<b>Act</b>
Murder	Common Law	
Manslaughter	Common Law	
Infanticide	Common Law	
Kidnapping	Common Law	
False Imprisonment	Common Law	
Assault or battery	Common Law	
Indecent exposure	Section 4	Vagrancy Act 1824
Indecent exposure	Section 28	Town Police Clauses Act 1847
Conspiring or soliciting to commit murder	Section 4	Offences Against the Person Act 1861
Administering poison, or wounding, with intent to murder	Section 11	Offences Against the Person Act 1861
Threats to kill	Section 16	Offences Against the Person Act 1861
Wounding and causing grievous bodily harm: Wounding with intent	Section 18	Offences Against the Person Act 1861
Wounding and causing grievous bodily harm: Inflicting bodily injury	Section 20	Offences Against the Person Act 1861
Maliciously administering poison	Section 23	Offences Against the Person Act 1861
Abandonment of children under two	Section 27	Offences Against the Person Act 1861
Assault occasioning actual bodily harm	Section 47	Offences Against the Person Act 1861
Child stealing	Section 56	Offences Against the Person Act 1861
Drunk in charge of a child under 7 years	Section 2	Licensing Act 1902
Cruelty to children	Section 1	Children and Young Persons Act 1933
Allowing persons under 16 to be in brothels	Section 3	Children and Young Persons Act 1933
Causing or allowing persons under 16 to be used for begging	Section 4	Children and Young Persons Act 1933
Give / cause to be given intoxicating liquor to a child under 5 years	Section 5	Children and Young Persons Act 1933
Exposing children under seven to risk of burning	Section 11	Children and Young Persons Act 1933
Prohibition against persons under 16 taking part in performances endangering life and limb	Section 23	Children and Young Persons Act 1933
Infanticide	Section 1	Infanticide Act 1938
Rape	Section 1	Sexual Offences Act 1956
Procurement of a woman by threats	Section 2	Sexual Offences Act 1956
Procurement of a woman by false pretences	Section 3	Sexual Offences Act 1956
Administering drugs to obtain or facilitate intercourse	Section 4	Sexual Offences Act 1956
Intercourse with a girl under 13	Section 5	Sexual Offences Act 1956
Intercourse with a girl under 16	Section 6	Sexual Offences Act 1956
Intercourse with defective	Section 7	Sexual Offences Act 1956

Procurement of defective	Section 9	Sexual Offences Act 1956
Incest by a man	Section 10	Sexual Offences Act 1956
Incest by a woman	Section 11	Sexual Offences Act 1956
Buggery where the victim is under 16*	Section 12	Sexual Offences Act 1956
Indecency between men (gross indecency)	Section 13	Sexual Offences Act 1956
Indecent assault on a woman	Section 14	Sexual Offences Act 1956
Indecent assault on a man	Section 15	Sexual Offences Act 1956
Assault with intent to commit buggery	Section 16	Sexual Offences Act 1956
Abduction of a woman by force or for the sake of her property	Section 17	Sexual Offences Act 1956
Abduction of unmarried girl under 18 from parent or guardian	Section 19	Sexual Offences Act 1956
Abduction of unmarried girl under 16 from parent or guardian	Section 20	Sexual Offences Act 1956
Abduction of defective from parent or guardian	Section 21	Sexual Offences Act 1956
Causing prostitution of women	Section 22	Sexual Offences Act 1956
Procurance of girl under 21	Section 23	Sexual Offences Act 1956
Detention of a woman in a brothel or other premises	Section 24	Sexual Offences Act 1956
Permitting a girl under 13 to use premises for intercourse	Section 25	Sexual Offences Act 1956
Permitting a girl between 13 and 16 to use premises for intercourse	Section 26	Sexual Offences Act 1956
Permitting defective to use premises for intercourse	Section 27	Sexual Offences Act 1956
Causing or encouraging prostitution of, or intercourse with, or indecent assault on, girl under 16	Section 28	Sexual Offences Act 1956
Causing or encouraging prostitution of defective	Section 29	Sexual Offences Act 1956
Man living on earnings of prostitution	Section 30	Sexual Offences Act 1956
Women exercising control over prostitute	Section 31	Sexual Offences Act 1956
Sexual intercourse with patients	Section 128	Mental Health Act 1959
Indecent conduct towards young child	Section 1	Indecency with Children Act 1960
Aiding, abetting, counselling or procuring the suicide of a child or young person.	Section 2	Suicide Act 1961
Procuring others to commit homosexual acts (by procuring a child to commit an act of buggery with any person, or procuring any person to commit an act of buggery with a child)	Section 4	Sexual Offences Act 1967
Living on earnings of male prostitution	Section 5	Sexual Offences Act 1967
Burglary (by entering a building or part of a building with intent to rape a child)	Section 9	Theft Act 1968
Supplying or offering to supply a Class A drug to a child, being concerned in the supplying of such a drug to a child, or being concerned in the making to a child of an offer to	Section 4	Misuse of Drugs Act 1971

supply such a drug.		
Inciting girl under 16 to have incestuous sexual intercourse	Section 54	Criminal Law Act 1977
Indecent photographs of children	Section 1	Protection of Children Act 1978
Offence of abduction of a child by parent	Section 1	Child Abduction Act 1984
Offence of abduction of child by other persons	Section 2	Child Abduction Act 1984
Possession of indecent photographs of children	Section 160	Criminal Justice Act 1988
Abduction of Child in Care/ Police Protection .. take away/induce away/assist to run away/ keep away	Section 49	Children Act 1989
Recovery of missing or unlawfully held children	Section 50	Children Act 1989
Abuse of Trust	Section 3	Sexual Offences (Amendment) Act 2000
Traffic in prostitution	Section 145	Nationality, Immigration and Asylum Act 2002
Rape	Section 1	Sexual Offences Act 2003
Assault by penetration	Section 2	Sexual Offences Act 2003
Sexual assault	Section 3	Sexual Offences Act 2003
Causing a person to engage in sexual activity without consent.	Section 4	Sexual Offences Act 2003
Rape of a child under 13	Section 5	Sexual Offences Act 2003
Assault of a child under 13 by penetration	Section 6	Sexual Offences Act 2003
Sexual assault of a child under 13	Section 7	Sexual Offences Act 2003
Causing or inciting a child under 13 to engage in sexual activity	Section 8	Sexual Offences Act 2003
Sexual Activity with a Child	Section 9	Sexual Offences Act 2003
Causing or inciting a child to engage in sexual activity	Section 10	Sexual Offences Act 2003
Engaging in sexual activity in the presence of a child	Section 11	Sexual Offences Act 2003
Causing a child to watch a sexual act	Section 12	Sexual Offences Act 2003
Child sex offences committed by a children or young persons	Section 13	Sexual Offences Act 2003
Arranging or facilitating commission of a child sex offence	Section 14	Sexual Offences Act 2003
Meeting a child following sexual grooming etc.	Section 15	Sexual Offences Act 2003
Abuse of position of trust: sexual activity with a child	Section 16	Sexual Offences Act 2003
Abuse of position of trust: causing or inciting a child to engage in sexual activity	Section 17	Sexual Offences Act 2003
Abuse of position of trust: sexual activity in the presence of a child	Section 18	Sexual Offences Act 2003
Abuse of position of trust: causing a child to watch a sexual act	Section 19	Sexual Offences Act 2003
Sexual activity with a child family member	Section 25	Sexual Offences Act 2003

Inciting a child family member to engage in sexual activity	Section 26	Sexual Offences Act 2003
Sexual activity with a person with a mental disorder impeding choice	Section 30	Sexual Offences Act 2003
Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity	Section 31	Sexual Offences Act 2003
Engaging in sexual activity in the presence of a person with a mental disorder impeding choice	Section 32	Sexual Offences Act 2003
Causing a person, with a mental disorder impeding choice, to watch a sexual act	Section 33	Sexual Offences Act 2003
Inducement, threat or deception to procure sexual activity with a person with a mental disorder	Section 34	Sexual Offences Act 2003
Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception	Section 35	Sexual Offences Act 2003
Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder	Section 36	Sexual Offences Act 2003
Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception	Section 37	Sexual Offences Act 2003
Care workers: sexual activity with a person with a mental disorder	Section 38	Sexual Offences Act 2003
Care workers: causing or inciting sexual activity	Section 39	Sexual Offences Act 2003
Care workers: sexual activity in the presence of a person with a mental disorder	Section 40	Sexual Offences Act 2003
Care workers: causing a person with a mental disorder to watch a sexual act	Section 41	Sexual Offences Act 2003
Paying for the sexual services of a child	Section 47	Sexual Offences Act 2003
Causing or inciting child prostitution or pornography	Section 48	Sexual Offences Act 2003
Controlling a child prostitute or a child involved in pornography	Section 49	Sexual Offences Act 2003
Arranging or facilitating child prostitution or pornography	Section 50	Sexual Offences Act 2003
Causing or inciting prostitution for gain	Section 52	Sexual Offences Act 2003
Controlling prostitution for gain	Section 53	Sexual Offences Act 2003
Trafficking into the UK for sexual exploitation	Section 57	Sexual Offences Act 2003
Trafficking within the UK for sexual exploitation	Section 58	Sexual Offences Act 2003
Trafficking out of the UK for sexual exploitation	Section 59	Sexual Offences Act 2003
Administering a substance with intent	Section 61	Sexual Offences Act 2003
Committing an offence with intent to commit a sexual offence (in a case where the intended offence was an	Section 62	Sexual Offences Act 2003

offence against a child)		
Trespass with intent to commit a sexual offence (in a case where the intended offence was an offence against a child)	Section 63	Sexual Offences Act 2003
Exposure	Section 66	Sexual Offences Act 2003
Voyeurism	Section 67	Sexual Offences Act 2003
Trafficking people for exploitation	Section 4	Asylum and Immigration (Treatment of Claimants, etc)

**A reference to an offence in this list includes:**

**a reference to an attempt, conspiracy or incitement to commit that offence, and a reference to aiding, abetting, counselling or procuring the commission of that offence.**

**Unless stated otherwise, the victim of the offences listed above will be under 18**