

# MULTI-AGENCY PUBLIC PROTECTION PANEL FOR AVON AND SOMERSET

## Protocol for housing dangerous and potentially dangerous offenders



*Avon & Somerset*



**Avon and Somerset Constabulary and Avon and Somerset Probation Area  
working in partnership with:**

**Bath and North East Somerset Council  
Bristol City Council  
Mendip District Council  
North Somerset Council  
Sedgemoor District Council  
South Gloucestershire Council  
South Somerset District Council  
Taunton Deane District Council  
West Somerset District Council**

# **PROTOCOL FOR HOUSING DANGEROUS AND POTENTIALLY DANGEROUS OFFENDERS**

## **1.Introduction**

- 1.1 In the interests of public protection it is essential that the Police and the Probation Service (in particular) are able to control and monitor the behaviour and activities of dangerous and potentially dangerous offenders. It is clearly undesirable for either of these agencies and not in the interests of public protection if such offenders do not have a fixed address, or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.
- 1.2 This being so, Housing providers in all sectors have a vital role to play in assisting the lead agencies in the field of public protection.
- 1.3 Under the Criminal Justice and Court Services Act 2000 as amended (the Act), the Police, Probation and Prison services must work together to protect the public from the risk posed by dangerous offenders. They do this through risk conferences (MARC)s, which are also attended by other agencies relevant to any given case, for example Social Services, Housing providers, and mental health professionals amongst others.
- 1.4 The Public Protection Team (PPT) of the Probation Service and Avon & Somerset Constabulary and the Housing Authorities in Avon and Somerset are committed to working together to ensure the exchange of information and management of the risk posed by dangerous offenders.
- 1.5 This protocol is only for a specific offender group, and only covers referrals by the PPT. Any other referral from the Probation Service will be covered by the individual Housing provider's own internal policies.
- 1.6 Each agency will work in accordance with current legislation and local procedures and policies including confidentiality policies.
- 1.7 The aim of this protocol is to ensure inter-agency work which enables all relevant service providers to consider the needs of the offender and take account of the type and level of risk they may present to the community, with the long term aim of influencing the successful accommodation and resettlement of the offender thus minimising the risk of re-offending whilst protecting victims and potential victims. This process does not guarantee the provision of a tenancy.
- 1.8 In general the Probation Service will use private sector tenancies unless an initial assessment suggests to them that the offender in question is

likely to be in priority need of Housing and therefore someone to whom a Local Authority is likely to have a duty under Homelessness legislation.

- 1.9 The Homelessness Act 2002 requires Local Authorities to deal with Homelessness proactively and preventatively. This protocol is intended to assist them to do so by identifying cases in advance so that appropriate accommodation can be provided prior to release wherever possible.

## **2. Dangerous offenders**

- 2.1 Section 68 of the Act specifies that dangerous offenders are sexual offenders, violent offenders and other offenders likely to pose a risk of serious harm.

### Sexual offenders

- 2.2 This term covers a wide range of activity from possessing abusive child pornography to sexualised touching and rape.

### Violent offenders

- 2.3 A violent offender is someone who has committed “an offence which leads, or is intended or likely to lead to a person’s death or physical injury, and includes arson”.

### Other offenders likely to pose a risk of serious harm

- 2.4 An offender within this category is someone who presents a risk of “harm which is life-threatening or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible”.
- 2.5 In practice this definition relates only to a comparatively small number of people (in early 2003, only 167 people in the Avon & Somerset area fell into this category). A further 700 or so people were classified as “potentially dangerous”.
- 2.6 There are people who present other risks to the public but who are not classified as “dangerous” or “potentially dangerous”. They are not covered by the risk conference system and are not dealt with in this protocol.

### **3. Management of risk**

- 3.1 The Police and Probation services use highly developed risk assessment tools to assess the risks posed by each individual. It is not necessary for a housing provider to make a reassessment of this risk since no housing provider will have the sophisticated tools available to them to do so, and because the Public Protection Team (PPT) with the police will retain the responsibility for managing the risk the offender presents. Clearly the management of this risk by the PPT and the police is greatly assisted when the offender is provided with settled accommodation.

### **4. Housing's role**

- 4.1 Housing providers will contribute to the risk assessment process with specialist knowledge including:
- The availability of accommodation
  - Support and options
  - Local knowledge of particular areas and types of accommodation
  - Housing rights
  - Advice on anti-social behaviour and rent arrears policies
  - Advice on exclusions

### **5. Source of referrals**

- 5.1 Referrals may only come from two different sources – Probation or the Police.
- 5.2 The Probation Service will refer any offender:
- Who received a prison sentence or a community rehabilitation order; and
  - Whose order is held by Avon & Somerset Public Protection Team; and
  - Who has been assessed to have a need for accommodation and/or resettlement; and
  - Who is likely to be owed a homelessness duty by one or more local authorities (other cases will be accommodated in the private sector); and
  - Who is assessed as dangerous or potentially dangerous.

- 5.3 The Police will refer any offender:
- Who has served their full sentence without parole; and
  - Who has been assessed to have a need for accommodation and/or resettlement; and
  - Who is assessed as dangerous.

## **6. Contact point**

- 6.1 Each Local Authority should nominate a manager with Housing Needs responsibilities to be responsible for receiving referrals under this protocol.

## **7. Local connection**

- 7.1 In order to protect victims it is often necessary to ensure that dangerous offenders do not return to their original locality. In such cases Local Authorities should not insist upon a local connection before accepting the referral.
- 7.2 In cases where the offender has no local connection anywhere (other than the locality of their original offence to which they cannot return), Local Authorities should not insist upon a local connection before accepting the referral.
- 7.3 As far as possible in other cases Local Authorities should interpret any local connection with the Avon & Somerset area as being sufficient to accept a referral, even if a stronger connection exists elsewhere. This is to assist the police and probation services avoid moving people around the country unnecessarily and complicating the risk management process.
- 7.4 Where there is a local connection elsewhere and none locally, the Council should not enforce the local connection rules. It should accept a referral by the PPT or the police onto its waiting list or common register, and consider awarding high priority status within its own internal policies wherever possible.

## **8. Priority Need**

- 8.1 Any case referred to a Council will have been initially assessed by the CSAO as likely to be in Priority Need.
- 8.2 The local authority will formally determine priority need and make such other enquiries as are necessary to establish whether a homelessness duty exists.

## **9. Institutionalisation**

- 9.1 Although on its own, institutionalisation does not create priority need for housing, many dangerous offenders will be vulnerable for other reasons, and Authorities will carefully consider whether as a result of institutionalisation together with these factors, a homelessness duty can be established.

## **10. Intentionality**

- 10.1 Local Authorities have a statutory duty to consider whether an applicant has made themselves intentionally homeless as a result of their actions. If such a decision is made, or the local authority rules exclude consideration from its own housing register, the local authority will actively work with the CSAO to find an alternative housing solution in the private sector or elsewhere.
- 10.2 Prison release referrals will not be turned down as intentionally homeless solely on the grounds that they have perpetrated acts that have caused them to be imprisoned.

## **11. Risk to the Authority**

- 11.1 The Probation Service, the police or both will monitor all dangerous offenders very closely. In no case will housing providers be left with a tenant who presents a risk to the public that is not being very carefully managed. It follows that any behaviour giving rise to concern must be immediately reported to the Public Protection Team, and this will usually trigger another MARC to decide how to manage the risk in the future.

## **12. The referral process**

### Probation referrals

- 12.1 The County Specialist Accommodation Officer (CSAO) in the Probation Service will consider cases at least 3 months before release from prison or the end of a hostel placement.
- 12.2 Where the CSAO assesses that a Local Authority or an RSL can best meet the accommodation need, a referral will be made to the most

- appropriate Local Authority. The police will simultaneously that Authority to the multi-agency risk conference (MARC) relating to that case.
- 12.3 The CSAO or the MARC will specify the type of accommodation that should be considered and what restrictions should be placed on location, if any. The referral will not generally be prescriptive in terms of the geographical areas to be offered (except to avoid victims, their relatives etc), but may restrict offers to ensure that, for example, a child sex offender is not offered a property adjacent to a school. It will also not generally be prescriptive about the size of accommodation since this will be in line with the Housing provider's own allocations policy.
- 12.4 From this point onward the CSAO and the Responsible Manager will maintain regular contact about the progress of the referral.
- 12.5 The Responsible Manager should accept the risk assessment from the CSAO or MARC and will not seek to impose additional safeguards by either refusing to house or restricting the range of offers more stringently than the recommendations of the CSAO or MARC.
- 12.6 There will be a continuing dialogue between the CSAO or the police and the Housing provider about the availability of property and about any potential specific offers of accommodation before they are made.

#### Police referrals

- 12.7 The appropriate police/prison liaison officer will work on the same basis as the CSAO, but with at least a 2-month notice period.

#### All referrals

- 12.8 Once a referral is received the Housing provider will within 3 days:
- a. Check the Housing Register for any existing Housing application from the offender;
  - b. Create a record that the application is pending;
  - c. Record any special precautions staff should take when interviewing or visiting the applicant at home, and note that any offers must be made via the CSAO (or in the case of police referrals, via the police/prison liaison officer).
- 12.9 The Local Authority should send the formal homelessness decision letter to the CSAO or police/prison liaison officer and not direct to the offender.

### **13. Onward referral to RSLs**

- 13.1 Where a Local Authority refers a case on to an RSL either through a common register, a nomination agreement, or because they do not have any stock of their own they will pass on to the receiving housing provider the CSAO or MARC risk assessment.
- 13.2 The RSL will be invited to any further MARC meetings relating to the case.

### **14. Making offers**

- 14.1 All offers should be made via the CSAO (or in the case of police referrals, via the police/prison liaison officer) and not direct to the offender. This will enable appropriate final checks to be made before the offer is passed on to the offender.

### **15. Confidentiality**

- 15.1 Disclosure of information about the offender must only be made to those people who absolutely need to know about their history. Where a MARC has been convened, the meeting will decide the extent of disclosure.
- 15.2 All agencies involved must take steps to keep details of the offenders background in secure filing and must ensure that staff do not accidentally or intentionally disclose information inappropriately.
- 15.3 No disclosure may be made to the public whatsoever. If this appears necessary for public protection reasons, it is a decision that can only be taken by a senior police officer. The police should be informed of the reasons for concern and a MARC meeting will decide whether to recommend that a senior officer authorises disclosure.
- 15.4 No disclosure of the name, address or details of any individual case to Councillors is permitted unless specifically authorised by the MARC.
- 15.5 All agencies must be signatories to the relevant information exchange protocol.

### **16. Likely rates of referral**

16.1 This table is provided as an indication of the likely numbers of referrals per annum per authority. However, it cannot be entirely accurate, and should be used only as a guide.

Authority	Population <sup>1</sup>	% of Avon and Somerset population	Expected number of referrals <sup>2</sup>
B&NES	169,040	11.4%	5
Bristol	380,615	25.7%	12
North Somerset	188,564	12.7%	6
South Gloucestershire	245,641	16.6%	7
Mendip	103,869	7%	3
Sedgemoor	105,881	7.1%	3
South Somerset	150,969	10.2%	5
Taunton Deane	102,299	6.9%	3
West Somerset	35,075	2.4%	1

Notes:

1. Source = Census 2001, ONS data.
2. Based on total referrals of 45 per year.

16.2 The location of Probation Service hostels in certain areas will distort the predicted figures for those area, and the likely outcome will be an increased number of referrals to those Authorities.

## 17 Review

17.1 This protocol will be reviewed with each partner annually.

# AGREEMENT TO THE PROTOCOL

This protocol was agreed on (date) .....

Between (name) .....

Of (Council) .....

Signed .....

And

(name) .....

Of Avon and Somerset Constabulary

Signed .....

And

(name) .....

Of Avon and Somerset Probation Area

Signed .....

## Glossary

CSAO	County Specialist Accommodation Officer
MARC	Multi-Agency Risk Conference
ONS	Office of National Statistics
PPT	Public Protection Team
RSL	Registered Social Landlord (Housing Association)
The Act	The Criminal Justice and Court Services Act 2000

Comments on this document to:

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**AVON & SOMERSET PROBATION AREA**  
**PUBLIC PROTECTION TEAM**  
**DANGEROUS AND POTENTIAL DANGEROUS**  
**OFFENDERS**

**REFERRAL TO LOCAL AUTHORITY HOUSING**  
**DEPARTMENT**

**PART 1** To be completed by the referring County Accommodation Officer or Police Officer- Public Protection Team. Please read agreed Protocol in conjunction.

<b>CASE DETAILS</b>		<b>Date of Referral:</b>
<b>Name</b>		<b>DOB</b>
<b>Race/Ethnicity</b>		<b>Male/Female M</b>
<b>Contact Address and Telephone Number</b>		
<b>Restrictions on availability for interview.</b>		
<b>Placement Date Required By/On:</b>		
<b>Officer Name:-</b>		<b>Probation Office:-</b>
<b>Police Officer Name:-</b>		<b>Police Station:-</b>
<b>Type of Supervision ACR EXPIRY DATE:</b>		
<b><u>RISK MANAGEMENT STATUS</u></b>		<b><u>INFORMATION</u></b>
Dangerous Offender	<input type="checkbox"/>	_____
Schedule One	<input type="checkbox"/>	
PDO	<input type="checkbox"/>	
Lifer	<input type="checkbox"/>	
Sex Offender Register	<input type="checkbox"/>	
<b>RISK</b>		
High	<input type="checkbox"/>	
Medium	<input type="checkbox"/>	
Low	<input type="checkbox"/>	

**TO BE COMPLETED BY THE Specialist County Accommodation Officer or responsible referring Police Officer- PUBLIC PROTECTION TEAM. Avon and Somerset Probation Area.**

## **RISK ASSESSMENT FOR PLACEMENT**

<b>LEVEL OF RISK</b>	<b>HIGH</b>	<b>MEDIUM</b>
<b>SELF-HARM</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TO STAFF/PROVIDER</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TO OTHER RESIDENTS</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TO PUBLIC</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TO CHILDREN</b>	<input type="checkbox"/>	<input type="checkbox"/>

**NATURE OF RISK : please give details:**

**SELF HARM** (eg overdose, suicidal, cutting etc)

**STAFF/PROVIDER PROPERTY** (eg violence, verbal aggression, sexual harassment, serious criminal damage, racism, homophobia, anti-authority, destroys/smashes property, arson)

**SPECIFIC CAUTIONS TO BE TAKEN WHEN INTERVIEWING**

**NONE**

**NO LONE VISITS**

**NO WOMEN TO VISIT**

**NO HOME VISITS**

**RESIDENTS** (eg as above plus bullying, drug dealing, influence, vulnerable, victims)

**PUBLIC** (eg offences against the person, robbery, domestic burglary, sexual offences, victim issues)

**CHILDREN**

(eg intra/extra familial, predatory, stranger victims, age range, gender)

**TO BE COMPLETED BY THE Specialist County Accommodation Officer or responsible referring Police Officer- PUBLIC PROTECTION TEAM - ASPA.**

## **ACCOMMODATION NEED**

<b>CURRENT HOUSING STATUS</b>	<b>REASON FOR REFERRAL</b>
<p>Roofless <input type="checkbox"/></p> <p>Floors <input type="checkbox"/></p> <p>Emergency <input type="checkbox"/></p> <p>Temporary <input type="checkbox"/></p> <p>Prison/Hostel</p> <p>Please give brief details of recent /relevant accommodation history</p>	<p>Homeless <input type="checkbox"/></p> <p>Soon to be homeless <input type="checkbox"/></p> <p>Planned move on <input type="checkbox"/></p> <p>Pregnancy/Birth of Child <input type="checkbox"/></p> <p>Unsuitable accommodation <input type="checkbox"/></p> <p>Release from prison <input type="checkbox"/></p> <p>Date of release</p> <p>Date of MARC</p>
<p><b>SPECIAL NEEDS</b></p> <p>Alcohol <input type="checkbox"/></p> <p>Drugs <input type="checkbox"/></p> <p>Mental Health/Personality Disorder <input type="checkbox"/></p> <p>Educational Support Needs <input type="checkbox"/></p> <p>Disability/Health Needs <input type="checkbox"/></p> <p>Violence <input type="checkbox"/></p> <p>Arson <input type="checkbox"/></p> <p>Gambling/Financial <input type="checkbox"/></p> <p>Social Skills <input type="checkbox"/></p>	<p>If you have ticked any of these boxes please give details where relevant to placement</p>

## **SUPPORT NEEDS**

Please provide information relating to the support needs of the offender (for example budgeting or need to be in accommodation with support or floating support provided).

## **ACCOMMODATION ASSESSMENT- to be completed by the County Specialist Accommodation Officer - Public Protection Team- ASPA.**

### **SOCIAL HOUSING ELIGIBILITY**

Is the offender currently registered on the LA Housing Waiting List? Yes

If YES ascertain current status/points score

If NO answer the following questions:

- Resident over 6 months
- Dependant Children
- Local Connection
- Fleeing Threats/Violence
- Vulnerability
- Cannot return to previous Area
- Because of victim proximity

### **PREVIOUS LA TENANT YES/NO**

If YES, please explain where/when

Based on the information, does the County Accommodation Officer believe that the LA Housing Department in receipt of this referral, under the terms of the protocol for the housing of Dangerous or Potential Dangerous Offenders have a responsibility to house this case?

- PRIORITY NEED UNDER PART V11 OF THE HOUSING ACT 1996
- GENERAL WAITING LIST



**FEEDBACK** ;- from the responsible Housing Needs Manager -  
**TO** the Specialist County Accommodation Officer or referring  
Police Officer - Public Protection Team. ASPA.

**Date:**

**THERE IS AN EXPECTATION THAT ALL RELEVANT  
AUTHORITIES WILL SHARE RELEVANT CONFIDENTIAL  
INFORMATION AS APPROPRIATE.**

***"When housing and criminal justice agencies work together to  
cut homelessness, they also are working together to cut crime".***

File:Q\tms\PPT.PDO /LA REF.Carol.Price  
Flaccommodation.