

Public Protection Accommodation Protocol

Nottinghamshire Constabulary and National Probation Service, Nottingham working in partnership with:

Newark and Sherwood District Council

Gedling Borough Council

Bassetlaw District Council

Mansfield District Council

Ashfield District Council

Broxtowe Borough Council

Rushcliffe Borough Council













Mansfi

PROTOCOL FOR HOUSING DANGEROUS AND POTENTIALLY DANGEROUS INDIVIDUALS

1. Introduction

- 1.1 This Protocol focusses on the letting of homes to dangerous or potentially dangerous individuals across Nottinghamshire's Local Authority Council Housing Stock.
- 1.2 In the interests of public protection, it is essential that the Police and the Probation Service (in particular) can control and monitor the behaviour and activities of dangerous and potentially dangerous individuals. It is clearly undesirable for either of these agencies, and not in the interests of public protection if such individuals do not have a fixed address or are housed in situations that make it difficult for the agencies to monitor them appropriately. Housing providers 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 2003 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 multi-agency risk assessment meetings, which are also attended by other agencies relevant to any given case, for example Social Services, Housing Providers, Local Authorities, and mental health professionals amongst others.
- 1.4 Nottinghamshire Probation Service (City & County) and Nottinghamshire Police and MAPPA and all the named Councils are committed to working together to ensure the exchange of information and management of the risk posed by dangerous individuals.
- 1.5 This protocol is only for MAPPA nominals, and only covers referrals by Nottinghamshire Probation Service (City & County). 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 When an initial assessment, by the Probation Service, suggests to them that the individual in question is likely to be in priority need of Housing they will be referred to the Local Authority who will assess whether they owe them a duty under Homelessness legislation.
- 1.9 The Housing Act 1996 (as amended) requires Local Authorities to proactively prevent, or remedy homelessness. This protocol is intended to assist them to do so by identifying cases in advance so that appropriate accommodation solutions can be discussed, and where possible, secured prior to or in readiness for release.
- 1.10 It is important to note that demand for social housing in the region is extremely high and as such the quantum of offenders who can be housed under this protocol may be restricted
- 1.11 Given the ethos of the Housing Act 1996 is to prevent and relieve homelessness in a timely manner, the expectation is that referring agencies (Police, Mental Health, YOS and National Probation Service staff) make referrals at least 3 months prior to release from prison or 3 months prior to the client being homeless after prison release. There may be circumstances beyond the offender managers control, however, it is expected in most cases the release date/homeless date is known well in advance, and as such, the Local Authority would expect referrals to be made at the earliest opportunity.

2. Multi-Agency Public Protection Arrangements (MAPPA)

- 2.1 The Criminal Justice Act 2003 established Multi Agency Public Protection Arrangements in each of the 42 criminal justice areas in England and Wales. These are designed to protect the public, including previous victims of crime, from serious harm from sexual and/or violent offenders. They require local criminal justice agencies and other bodies working with offenders to work in partnership.
- 2.2 The statutory arrangements that underpin MAPPA direct that the Police and National Probation Service are designated as "Responsible Authorities", and Housing Authorities have a "Duty to Cooperate". The MAPPA protocol in Nottinghamshire has been agreed in recognition of the crucial role accommodation authorities play in the management of MAPPA eligible offenders and its purpose is to ensure that appropriate accommodation is made available as part of a comprehensive risk management plan, for MAPPA eligible offenders who present a risk of harm. The national MAPPA guidance recognises that Housing authorities do not necessarily have a specific responsibility to accommodate an offender, but the Protocol is a mechanism by which the probation service and the Police can request that housing authorities prioritise offenders for accommodation based on their risk of harm.

3. Dangerous individuals

3.1 Section 68 The Homelessness Act 2002 specifies that dangerous individuals are sexual offenders, violent offenders and other offenders likely to pose a risk of serious harm.

Category 1: Sexual offenders

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

<u>Category 2: Violent and other sex offenders (convicted of an offence in Part 2 of Sch.15 of the CJA 2003 and who has received a custodial sentence of 12 months or more, or has been made the subject of a Hospital Order)</u>

3.3 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".

Category 3: Other offenders likely to pose a risk of serious harm, who have been identified as a serious risk of harm by a Responsible Authority and have a previous conviction or formal caution.

3.4 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".

Category 4: TACT offenders (those who have been convicted of a terrorist offence).

- 3.5 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.
- 3.6 A full list of offences is detailed in Appendix 1 and 2

4. Management of risk

- 4.1 The Police and Probation services use highly developed risk assessment tools to assess the risks posed by each individual.
- 4.2 It is not necessary for Nottinghamshire's Local Authorities to make a reassessment of this risk. This is because no housing provider will have the sophisticated tools available to them to do so, and because the probation practitioner with the police will retain the responsibility for managing the risk the individual presents. Clearly the management of this risk by the probation practitioner and the police is greatly assisted when the individual is provided with settled accommodation.

5. The role of Local Authority Housing

- 5.1 Nottinghamshire's Local Authorities will contribute to the risk assessment process with specialist knowledge including:
 - The availability of accommodation
 - Support and options
 - Local knowledge of areas and types of accommodation
 - Housing rights
 - Advice on anti-social behaviour and rent arrears policies
 - Advice on exclusions
 - Knowledge of who occupies other accommodation owned and managed by Nottinghamshire's Local Authorities.

6. Source of referrals

- 6.1 Referrals may only come from two different sources Probation or the Police.
- 6.2 The Probation Service will refer any individual:
 - Who received a prison sentence or a community sentence; and
 - Whose order is held by Nottinghamshire probation Service; 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.
- 6.3 The Police will refer any individual:
 - 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.

7. Single Point of Contact

7.1 Nottinghamshire's Local Authorities will nominate a manager with Housing Needs responsibilities to be responsible for receiving referrals under this protocol.

8. Local connection

8.1 In order to protect victims, it is often necessary to ensure that dangerous individuals do not return to their original locality. In such cases
Nottinghamshire's Local Authorities should not insist upon a local connection before accepting the referral.

- 8.2 In cases where the offender has no local connection anywhere (other than the locality of their original offence to which they cannot return), Nottinghamshire's Local Authorities will not insist upon a local connection before accepting the referral.
- 8.3 As far as possible in other cases each of Nottinghamshire's Local Authorities will interpret any local connection with its 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.
- 8.4 Where there is a local connection elsewhere and none locally, the Local Authority in question will not enforce the local connection rules if there is a reasonable argument for the offender being relocated in a specific area.

9. Priority Need

- 9.1 Any case referred to a Local Authority will have been initially assessed by the relevant team as likely to be in Priority Need.
- 9.2 Each Local Authority will formally determine priority need and make such other enquiries as are necessary to establish whether a homelessness duty exists.

10. Institutionalisation

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

11. Intentionality

11.1 Each Local Authority has a statutory duty to consider whether an applicant has made themselves intentionally homeless because of their actions. If such a decision is made, or the Local Authority's rules exclude consideration from its own housing register, the Housing Needs Service will work to find an alternative housing solution in the private sector or elsewhere.

12. Risk to the Authority

12.1 The Probation Service, the Police or both will monitor all dangerous individuals 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 Probation

Practitioner, and this should usually trigger another multi-agency risk conference meeting to decide how to manage the risk in the future.

12.2 The Probation Practitioners have a responsibility to respond to the concerns raised by housing providers in a timely manner and supply relevant information in order to safeguard communities, including recall timescales and to inform tenancy considerations.

13. Safeguarding

- 13.1 To establish an environment which safeguards existing and future residents, Local Authority staff, contractors and third-party agencies will:
 - Ensure staff dealing with issues relating to housing of known or alleged individuals considered or known to be high risk sex and/ or violent ex-offenders receive training and support to fulfil their responsibilities.
 - Ensure staff allocating a property to incoming tenants and residents are aware of their responsibilities should someone disclose an offence at any stage of the process.
 - Develop and maintain a culture of co-operation with partner agencies, with a clear information sharing protocol which sets out processes, roles and responsibilities of staff internally and externally.
 - Ensure when a person with a conviction which suggests they may be high risk is nominated for housing, a multi-agency risk assessment is carried out. It is the role of the Police, Probation service, Prison service and Adult Services to undertake this risk assessment and each Local Authority will work with them to ensure that the nomination is to a suitable property.
 - Risk assessments for Level 2 and Level 3 offenders (the categories used by MAPPA) sits with Housing Service Leads or immediate deputies.
 - Ensure information on residents who are ex-offenders shared internally is on a 'need to know' basis in line with each Local Authority's Data Protection Policy.

14. The referral process

- 14.1 Where the Probation Service assesses that a Local Authority or a Registered Social Landlord can best meet the accommodation need, a referral will be made to that Local Authority. The Probation Service or Police will invite that Local Authority to the multi-agency risk meeting relating to that case.
- 14.2 The Probation Service or the multi-agency risk meeting will specify the type of accommodation that should be considered and what restrictions should be placed on location, if any.

- 14.3 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 usually be in line with each Local Authority's Allocations Policy.
- 14.4 From this point onward the Probation Service and the Local Authority will maintain regular contact about the progress of the referral.
- 14.5 The Single Point of Contact at the Local Authority will accept the risk assessment from the Probation Service or the multi-agency risk meeting 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 Probation Service or the multi-agency risk meeting.
- 14.6 There will be a continuing dialogue between the Local Authority, Probation Service and the Police and about the availability of property and about any potential specific offers of accommodation before they are made.

All referrals

- 14.7 Once a referral is received the Local Authority will within 5 days:
 - a. Check the Housing Register for any existing Housing application from the individual.
 - b. Create a record that the application is pending.
 - c. Record any special precautions staff should take when interviewing or visiting the applicant and note that any offers must be made via the Probation Service, who **must approve** prospective properties.
- 14.8 The Local Authority will send the formal homelessness decision letter to the applicant, where appropriate to do so, as well as the Probation Service and any or police/prison liaison officer who is involved with a case.

15. Onward referral to RSLs

15.1 Where the Local Authority refers a case on to a Registered Social Landlord 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 Probation Service or the multi-agency risk meeting.

15.2 A representative from the Registered Social Landlord will be invited to any further multi-agency risk meeting relating to the case.

16. Making offers

16.1 All offers should be made via the Probation Service and any or police/prison liaison officer and not direct to the individual/applicant. This will enable appropriate final checks to be made before the offer is passed on to the individual.

17. Confidentiality

- 17.1 Disclosure of information about the individual must only be made to those people who absolutely need to know about their history. Where a multi-agency risk meeting has been convened, the meeting will decide the extent of disclosure.
- 17.2 All agencies involved must take steps to keep details of the individual's background in secure filing and must ensure that staff do not accidentally or intentionally disclose information inappropriately.
- 17.3 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 the multi-agency risk meeting will decide whether to recommend that a senior officer authorises disclosure.
- 17.4 No disclosure of the name, address or details of any individual case to Councillors is permitted unless specifically authorised by the multi-agency risk meeting.
- 17.5 All agencies must be signatories to the relevant information exchange protocol.

AGREEMENT TO THE PROTOCOL

This protocol was agreed on (date) :

Between: (name)	Of (Council)
Signed:	
And	
(name): Nottinghamshire Constabulary	Of
Signed:	

And

(name): Of Nottinghamshire Probation Area

Signed:

Glossary

MARACMulti-Agency Risk Assessment ConferenceNOTTINGHAMSHIRE PROBATION SERVICE (CITY & COUNTY)Public Protection TeamRSLRegistered Social Landlord (Housing Association)The ActThe Criminal Justice and Court Services Act 2000

Appendix 1

List of Sexual Offences Criminal offences which come within the definition of sexual offences are:

- Sexual Offences Act 1956
 - Section 1 Rape of a woman or man
 - Section 2 Procurement of women by threats
 - Section 3 Procurement of women by false pretences
 - Section 4 Administering drugs to obtain or facilitate intercourse
 - Section 5 Intercourse with girl under 13
 - \circ Section 6 Intercourse with girl under 16
 - \circ Section 7 Intercourse with defective
 - \circ Section 9 Procurement of defective
 - Section 10 Incest by a man
 - Section 11 Incest by a woman
 - Section 12 Buggery
 - Section 13 Indecency between men
 - Section 14 Indecent assault on a woman
 - Section 15 Indecent assault on a man
 - Section 16 Assault with intent to commit buggery
 - $\circ~$ Section 17 Abduction of women by force or for the sake of her property
 - Section 19 Abduction of unmarried girl under eighteen from parent or guardian
 - Section 20 Abduction of unmarried girl under sixteen from parent or guardian
 - Section 21 Abduction of defective from parent or guardian
 - Section 22 Causing prostitution of women
 - Section 23 Procurement of girl under 21
 - Section 24 Detention of women in brothel or other premises
 - \circ Section 25 Permitting girl under 13 to use premises for intercourse
 - Section 26 Permitting girl under 16 to use premises for intercourse
 - \circ Section 27 Permitting defective to use premises for intercourse
 - Section 28 Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16
 - Section 29 Causing or encouraging prostitution of defective
 - Section 32 Solicitation by men
- Section 128 of the Mental Health Act 1959
 - Section 128 Sexual Intercourse with patients
- Indecency with Children Act 1960
 - Section 1 Indecent conduct towards young children (includes gross indecency with or towards a child, under the age of 16, or someone who incites a child under that age to such an act with him or another)
- Theft Act 1968
 - Section 9 Burglary with intent to commit rape

- Protection of Children Act 1978
 - Section 1 Indecent photographs of children
- Sexual Offences (Amendment) Act 2000
 - \circ Section 3 Abuse of a position of trust
- Criminal Law Act 1977
 - o Section 54 Inciting girl under sixteen to have incestuous sexual intercourse

Aiding, abetting counselling or procuring any of the above offences

- Criminal Law Act 1977
 - $\circ~$ Section 1 Conspiracy to commit any of the offences above
- Criminal Attempts Act 1981
 - Section 1 Attempting to commit any of the above sexual offences
- Common Law
 - Inciting another to commit any of these sexual offences

Offences subject to the notification requirement under Part I of the Sex Offenders Act 1997 (other than those mentioned above) Customs and Excise Management Act 1979

Section 170 – penalty for fraudulent evasion of duty etc. in relation to goods prohibited to be imported under Section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions) – registration require only if the photographs included indecent photographs of those under 16

- Criminal Justice Act 1988
 - Section 160 Possession of indecent photographs of children under 16

In addition: Any attempt, conspiracy or incitement to commit these offences. Aiding and abetting, counselling or procuring the commission of any offence mentioned in schedule 1 of the 1997 Act.

An offence against a child within the meaning of Part II of the Criminal Justice and Courts Act 2000 (other than those mentioned above where they are committed against a child)

- Children and Young Persons Act 1933
 - \circ Section 1 Cruelty to children
- Child Abduction Act 1984
 - \circ Section 1 abduction of child by parent
- Offences against the Persons Act 1861 (not covered above)
 - $\circ~$ Section 16 Threats to kill a child

- Sexual Offences Act 1967
 - $\circ~$ Section 4 procuring a child to commit an act of buggery with any person or a child
 - $\circ~$ Section 5 living wholly or in part on the earning of prostitution of a child
- Misuse of Drugs Act 1971
 - Section 4(3) supplying or offering to supply Class A drugs to a child, being concerned in the supply of such a drug to a child or being concerned in the making to a child of an offer to supply such a drug.

Appendix B List of Violent Offences

- Common Law
 - o Murder
 - Manslaughter
 - Common Assault (only to the extent where there was also a battery leading/likely or intended to lead to bodily injury)
 - Battery Where the offence led to or was intended or likely to lead to physical injury
- Infanticide Act 1938
 - Section 1 Infanticide
- Offences against the Person Act 1861
 - Section 18 wounding with intent to cause grievous bodily harm
 - Section 20 malicious wounding
 - Section 47 assault occasioning actual bodily harm
 - \circ Section 21 attempting to choke, suffocate or strangle
 - Section 22 administering chloroform, etc. where either the administering of the chloroform or the indictable offence committed leads or was intended or likely to lead to death or physical injury
 - Section 23 administering poison, etc.
 - Section 28 causing bodily injury by explosives
 - Section 29 using explosives etc. with intent to do grievous bodily harm
 - Section 30 placing explosives with intent to do bodily harm
 - Section 31 setting spring guns etc. with intent to do grievous bodily harm Section 32 – endangering the safety of railway passengers
 - Section 35 causing bodily harm by wanton and furious driving
 - Section 37 assaults on officers saving wreck
 - Section 38 assault with intent to resist arrest
- Robbery where the manner of the offence involves death or physical injury to someone or was intended or likely to do so
- Aggravated Burglary where the manner of the offence involves death or physical injury to someone or was intended or likely to do so.
- Police Act 1996
 - \circ Section 89 assaulting a constable in the execution of his duty
- Road Traffic Act 1988
 - Section 1 causing death by dangerous driving
 - Section 3A causing death by careless driving while under the influence of drink or drugs
- Theft Act 1968
 - o Section 12a causing death by aggravated vehicle taking
- Criminal Damage Act 1971
 - Section 1 Arson

- Section 1 Arson with intent to endanger life
- Section 1 Arson being reckless as to whether life would be endangered Aiding, abetting, counselling or procuring any of the above offences
- Criminal Law Act 1977
 - \circ Section 1 Conspiracy to commit any of the offences above
- Criminal Attempts Act 1981
 - Section 1 Attempting to commit any of the above offences

Appendix 3

DANGEROUS AND POTENTIAL DANGEROUS INDIVIDUALS

REFERRAL TO LOCAL AUTHORITY

PART 1

To be completed by the referring Probation Officer

CASE DETAILS		Date of Referral:
Name		DOB
Race/Ethnicity		Male/Female
Contact Address and Telephone N	lumber Re	estrictions on
availability for interview.		
Placement Date Required By/On:		
Officer Name:-		Contact Details:-
Type of Supervision ACR EXPIRY D	DATE:	
RISK MANAGEMENT STATUS		INFORMATION
Dangerous Offender	Y/N	
Schedule One		
PDO		
Life		
Sex Offenders Register		
RISK:		
Low		
Medium		
High		

TO BE COMPLETED BY The Probation Officer PUBLIC PROTECTION TEAM.

RISK ASSESSMENT FOR PLACEMENT

LEVEL OF RISK	HIGH	MEDIUM	LOW
SELF-HARM			
TO STAFF/PROVIDER			
TO OTHER RESIDENTS			
TO PUBLIC			
TO CHILDREN			

NATURE OF RISK: please give details:	
SELF HARM	(e.g. overdose, suicidal, cutting
STAFF/PROVIDER PROPERTY	(e.g. violence, verbal aggression, sexual harassment, criminal damage, racism, homophobia, anti- authority, destroys/smashes property, arson)
SPECIFIC CAUTIONS TO NONE NO LONE VISITS NO WOMEN TO VISIT NO HOME VISITS	BE TAKEN WHEN INTERVIEWING
RESIDENTS	(e.g. as above plus bullying, drug dealing, influence, vulnerable, victims)
PUBLIC	(e.g. offences against the person, robbery, domestic burglary, sexual offences, victim issues)
CHILDREN	(e.g. intra/extra familial, predatory, stranger victims, age range, gender)

ACCOMMODATION NEED

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

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 PROBATION SERVICE

SOCIAL HOUSING ELIGIBILITY	PREVIOUS LOCAL AUTHORITY TENANT YES/NO
Is the offender currently registered on LA Housing Waiting List? If yes, which one?	If YES, please explain where/when
If YES ascertain current status/points score If NO answer the following questions:	Based on the information, does the Probation Service believe that Nottinghamshire's Local Authorities Housing Departments in receipt of this referral, under the terms of the protocol for the housing of Dangerous or Potential Dangerous Individuals, have a responsibility to house this case?
Resident over 6 months	
Dependent Children	PRIORITY NEED UNDER PART V11 OF THE HOUSING
Local Connection	ACT 1996
Fleeing Threats/Violence Vulnerability	
Cannot return to previous area because of victim proximity	GENERAL WAITING LIST
INCOME Amount per week/mth Source NI Number ACCOMMODATION SOUGHT	ADDITIONAL INFORMATION If under 22 have they ever been in the care of, or accommodated by, the Local Authority/Social Services? Yes/No Staying access with their children? Yes/No Any Pets? Yes/No If YES what type and how many? Previous Accommodation Failures and Reasons:

Hostel/Voluntary Project	Preferred Areas
Supported Shared Housing	
Bedsit	Unsuitable Areas
Flat	
House	

ASSESSMENT

Based on the information contained within this form, and any supplementary information, briefly outline the type of Accommodation which would best suit this applicant.

ACCOMMODATION:

OUTCOMES

Private Sector Approved Hostel Sector Voluntary Sector Local Authority/RSL Refused

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